

# Official Report (Hansard)

Monday 31 January 2011  
Volume 60, No 5



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Suggested amendments or corrections will be considered by the Editor.

They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: [simon.burrowes@niassembly.gov.uk](mailto:simon.burrowes@niassembly.gov.uk)

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# Northern Ireland Assembly

Monday 31 January 2011

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

*Members observed two minutes' silence.*

## Assembly Business

### Suspension of Standing Orders

**Mr Cobain:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 31 January 2011.*

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

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 31 January 2011.*

**Mr Speaker:** As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

## Ministerial Statement

### North/South Ministerial Council: Plenary Format

**Mr Speaker:** I have received notice from the First Minister and the deputy First Minister that the deputy First Minister wishes to make a statement to the House.

#### **The deputy First Minister (Mr M McGuinness):**

In compliance with section 52C(2) of the Northern Ireland Act 1998 we wish to make the following statement on the eleventh meeting of the North/South Ministerial Council (NSMC) in plenary format, which was held in the NSMC joint secretariat offices in Armagh on Friday 21 January 2011. The Executive Ministers who attended the meeting have approved this report, and we make it on their behalf.

Our delegation was led by the First Minister, Peter Robinson MLA and me, and we chaired the meeting. In addition, the following Executive Ministers were in attendance: Sammy Wilson, Minister of Finance and Personnel; Michelle Gildernew, Minister of Agriculture and Rural Development; Nelson McCausland, Minister of Culture, Arts and Leisure; Caitríona Ruane, Minister of Education; Danny Kennedy, Minister for Employment and Learning; Arlene Foster, Minister of Enterprise, Trade and Investment; David Ford, Minister of Justice; Conor Murphy, Minister for Regional Development; Alex Attwood, Minister for Social Development; and the junior Ministers in the Office of the First Minister and deputy First Minister (OFMDFM), Robin Newton and Gerry Kelly.

The Irish Government delegation was led by the Taoiseach, Brian Cowen TD. The following Irish Government Ministers were also in attendance: Mary Coughlan TD, Tánaiste and Minister for Education and Skills and Minister for Health and Children; Mary Hanafin TD, Minister for

Tourism, Culture and Sport and Minister for Enterprise, Trade and Innovation; Eamon Ryan TD, Minister for Communications, Energy and Natural Resources; Brendan Smith TD, Minister for Agriculture, Fisheries and Food and Minister for Justice and Law Reform; and Pat Carey TD, Minister for Community, Equality and Gaeltacht Affairs and Minister for Transport.

During the meeting, we discussed a range of common challenges and shared views on the economy, the banks and the National Asset Management Agency (NAMA). It was noted that some £3.35 billion of Northern assets have now been acquired by NAMA. The constraints on budgets in both jurisdictions were recognised, and we welcomed the ongoing discussions between the two Finance Ministers to identify potential cost savings through co-operation and sharing. There was a desire to maximise access to EU funding and resources.

The serious implications for local employment arising from problems in the Quinn Group were discussed. It was recognised that it will be important to maintain cross-party and cross-border co-operation on that issue.

Executive Ministers raised concerns that food quality marks and campaigns in the South to promote, in particular, dairy products could be perceived as protectionist and may adversely impact on cross-border trade.

We welcomed the continued commitment by the Irish Government to funding for the A5 and A8 road projects. The Council renewed its support for the development of a satellite radiotherapy service at Altnagelvin, and Ministers agreed to consider the possibility of further support for the City of Derry Airport.

In discussion on challenges posed by the weather, flooding and influenza, we agreed that it would be important to build on existing co-operation in emergency planning.

Ministers noted a progress report on the 10 NSMC meetings that have been held since the last plenary meeting in July 2010 and welcomed the mutually beneficial co-operation taken forward, some of which I will now outline.

At the trade and business development meeting in November 2010, the EU Commissioner for Research, Innovation and Science, Máire Geoghegan-Quinn, offered Ministers her

continuing support for their work in promoting the innovation agenda.

InterTradeIreland will dedicate resources specifically to increase cross-border collaborative participation in the seventh framework programme for research and technological development, FP7.

The new dual carriageway close to Newry was opened in July 2010, and development work has continued on the A5 — the north-west gateway to Aughnacloy — and the A8, from Belfast to Larne. Those developments, along with progress already made in the overall motorway network in Ireland, will ensure greater road connectivity across the island.

Provisional figures indicate significant reductions in the number of road deaths in both jurisdictions. Initiatives taken forward with the GAA and the Young Farmers' Clubs of Ulster have assisted in the delivery of road safety messages.

The innovative North/South child protection hub was launched in November 2010, and the child protection communication strategy and communiqué, which will promote public awareness and assist everyone in their duty to safeguard children, was also launched.

Progress has continued on the all-island action plan on suicide prevention, the establishment of the new media monitoring service here and the completion of the all-island evaluation of applied suicide intervention skills training. A new action, called "Suicide and the economic situation", has been included in the action plan.

The development of a new satellite radiotherapy centre at Altnagelvin Area Hospital, to which the Irish Government have agreed to provide a capital and revenue contribution, is continuing. Approximately one third of patients who will attend the Altnagelvin centre will be from Donegal and the surrounding areas. The Executive's Finance Minister, in his statement to the Assembly on the Executive's draft Budget, indicated that that key project will be able to proceed.

The Peace III programme has approved 126 projects, worth €207 million, and the INTERREG IVa programme has approved 49 projects, worth €153 million. Total expenditure on both programmes to date is €95.15 million, significantly above the cumulative target to the end of 2010.

A 2010-11 action plan for the all-island animal health and welfare strategy and a work programme to take a joint strategic approach to plant health and pesticides have been put in place. There has been ongoing co-operation in dealing with a number of outbreaks of disease in Japanese larch forests.

The rural enabler project, with approved funding of £2.7 million under the Peace III programme, was endorsed by Ministers.

A comprehensive and collaborative programme of work has been developed, focusing on the early and continuing professional development of Irish-medium teachers. Collaborative work is also continuing on literacy and numeracy. A joint report by the two education inspectorates entitled 'How to Promote Literacy and Numeracy in our Schools' was published in December 2010.

Illegally dumped waste at sites in Slattinagh in Fermanagh and Trillick in County Tyrone has been removed. Following an evaluation, work will commence on the remaining 15 sites. Joint concerted enforcement actions to target shipments of waste are ongoing. The Environmental Protection Agency and the NI Environment Agency are collaborating with a view to accessing funding for priority environmental research under the seventh framework, INTERREG and LIFE+ programmes. The restoration of the Royal canal to reconnect it to the Shannon has been completed. A preferred route for the Clones to upper Lough Erne section of the Ulster canal has also been identified.

In a discussion on child protection, there was an exchange of views and experience of dealing with historical institutional abuse. Collaboration in the risk assessment and management of sex offenders was discussed. The Council also noted that the joint secretariat had identified a number of potential new emerging cross-border mobility issues. The joint secretariat will examine those issues in greater depth in consultation with relevant Departments, agencies and other bodies. A progress report will be presented to the next NSMC institutional meeting. The Border People website has been linked to NI Direct and Citizens Information.

The Council noted progress to date on the A5 and A8 projects, approved the project milestones and payment schedule and agreed to consider a further progress report at the next NSMC plenary.

The Council noted that the consultation with relevant Ministers in both jurisdictions on all aspects of the St Andrews Agreement review is nearing completion. Taking account of the outcome of that consultation, the review group will prepare a report for consideration by the NSMC at its plenary meeting in June 2011.

The Council noted the background and recent developments on a North/South consultative forum and agreed to advance the issue at its June 2011 plenary. The NSMC noted the communiqué issued by the Speaker of the Northern Ireland Assembly and the Ceannt Comhairle of Dáil Éireann following a North/South parliamentary forum conference in Newcastle on 7 and 8 October 2010. The Council approved a schedule of future NSMC meetings.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott):** I thank the deputy First Minister for his statement. One of the significant employment matters in Northern Ireland and the Republic relates to the Quinn Insurance group. Was that discussed at the North/South meeting? If so, is there any information to report, particularly regarding the bids and proposals that are with the administrator? Have the Northern Ireland Executive made any political representation to the administrator?

**The deputy First Minister:** That subject came up in the course of the meeting. We are all acutely aware of the danger to jobs in the border areas, in both County Monaghan and County Fermanagh. We all absolutely agree that the loss of those jobs would be a devastating blow for the entire community in that area. The administrator is involved in ongoing discussions, and there is interest in the group from several sources. Our concern is to not to interfere in that process but, at the same time, to be involved in discussions with the Dublin Administration about how we can collectively face up to the challenges posed by a very real threat to the economy of that region.

The details of the administrator's ongoing work are sensitive. We do not wish to interfere in that work except to say that the issue is being given attention. We understand that, if the hugely significant employment in that region were lost, it would be pretty devastating to the region. It is a work in progress. Ongoing meetings are taking place, North and South, to try to get a



successful outcome. At this stage, I think that we are all of the view that there is going to be pain whatever the outcome. It is, therefore, a matter of how we can minimise job losses.

**12.15 pm**

**Mr Spratt:** I thank the deputy First Minister for his statement. Will he confirm that the Irish Government have proposed efficiency savings in excess of the cumulative 3% year-on-year savings agreed for the North/South implementation bodies? Will he indicate the level of the new cuts?

**The deputy First Minister:** At the NSMC plenary meeting, we recognised that there are constraints on the Budgets of both jurisdictions and that it is sensible to explore opportunities to save money through mutually beneficial co-operation. We welcome the ongoing discussions between Sammy Wilson and Brian Lenihan on the issue, and I understand that officials from the two Finance Departments will be working together to examine the potential for budgetary savings in greater detail. There will be further discussions about that at the plenary meeting in June.

On 23 July 2010, the Department of Finance and Personnel and the Department of Finance issued guidance to sponsored Departments to inform the preparation of the 2011-13 corporate plans and the 2011 business plans for the bodies. That guidance specified that further minimum cash-releasing efficiency savings of 3% in 2011, cumulating to 9% over the 2012-13 period, are required. It also included a proviso that there may be a review of those efficiency guidelines for 2012-13 to take account of the developing Budget process in both jurisdictions.

Following the Irish Government's 2011 Budget announcement, the Taoiseach wrote to us reiterating his Government's commitment to North/South co-operation. He stated that there may be scope for savings in excess of 3% in some areas and stressed the importance of making joint decisions about the bodies' budgets. We agree with the Taoiseach that the North/South bodies, like all other public bodies, must ensure efficiency. However, it will be important that they have sufficient resources to deliver on their mandates.

**Ms M Anderson:** Go raibh míle maith agat. I thank the Minister for his statement. I note that the Minister for Social Development is on record

as saying that he will canvass for the Irish Labour Party in the election in the Twenty-six Counties. Some members of his party oppose the building of the A5 linkage between Derry and Dublin. Will the Minister outline the status of the A5 project and of the radiotherapy unit at Altnagelvin, given that the Tory UUP Health Minister is refusing to fund its running costs?

**The deputy First Minister:** I know that the issue is very close to the heart of the Ulster Unionist Party leader, too. At the plenary meeting, we welcomed the very good progress that has been made on the A5 and the A8. The Taoiseach reaffirmed his commitment to those road projects and the related funding. The Council noted that development work has been continuing on the A5 project with the key milestone of the publication of draft Orders being met in November 2010. The Council agreed the A5 project milestones and payment schedule. Those road developments, along with the progress made in the overall motorway network in Ireland, will ensure greater road connectivity across the island.

The issue is also close to the hearts of many people in the north-west, particularly when we are hoping to attract inward investment and tourism. As we all know, there is a feeling in the north-west that the region's infrastructure has been neglected. It is vital that our roads are up to standard. That project is obviously very important not just for the north-west but for the road network throughout the island. Encouraging tourists to come here is hugely important. We go forward on the basis that the commitments made by the Irish Government, as represented by Brian Cowen at the NSMC meeting, will be kept by any incoming Administration, whatever their complexion.

The radiotherapy centre at Altnagelvin is a hugely important issue for people's health. I will not engage in controversy on the issue except to say that the Health Minister has to make decisions about the project in the time ahead. It is a key project for the North/South Ministerial Council and for the health of our people in Donegal, Derry and the surrounding areas, and it is very important that it goes ahead. Essentially, it represents a challenge for the Health Minister. There is not much point in building a centre if it is not going to be used. I am working on the basis that he will build the centre and that the revenue will be available to ensure that the health needs of our people are met.



**Mr Gallagher:** I welcome the Minister's statement, particularly on co-operation in relation to the Quinn Group. However, does he accept that Quinn Insurance, which is based at Enniskillen and Cavan, will have its future decided in the coming weeks, and will he assure the House that the two Governments, at prime ministerial level, will continue to do everything possible on a weekly basis to save those jobs and avoid the social and economic devastation that will happen to the region should job losses occur?

**The deputy First Minister:** I give that assurance. The matter was discussed at recent Executive meetings, and Ministers have engaged in debate about what more can be done to ensure the protection of those jobs, which are so vital to County Fermanagh and County Monaghan. There is no difficulty with our continuing to engage with the Irish Government to see what can be done. That item was also discussed at the meeting of the North/South Ministerial Council; so, given the fact that it has been discussed at recent Executive meetings and at the NSMC, I can give an assurance that we will continue to do our level best to protect those jobs.

People are conscious that we appear to be in a time of change in the political situation down South. There will be a general election within a couple of weeks, and a Government of whatever hue will be formed. I presume that the incoming Administration will regard the protection of jobs in Monaghan and Fermanagh as a vital issue for them.

**Dr Farry:** I thank the deputy First Minister for his statement. It must have been a very interesting meeting; it is surely noteworthy when the Northern Government are viewed as more stable than the Southern Government.

The Minister's statement referred to:

*"ongoing discussions between the two Finance Ministers to identify the potential cost savings through co-operation and sharing."*

Will the deputy First Minister expand on that and assure the House that those discussions will be more than simply lip service? Will he assure Members that there will be a genuine scoping exercise in both jurisdictions to see where we can do things on a shared basis and that we will try to factor any conclusions into our forthcoming Budget?

**The deputy First Minister:** The Finance Ministers North and South are committed to working together where there is mutual benefit. That is a very encouraging position. I do not think that it is sensible to go into the detail of those discussions as they are ongoing, but there is a responsibility on all of us to consider what more can be done.

There has been controversy about the fact that the Department of Health, Social Services and Public Safety has had possession of propositions and proposals that those who investigated shared services for health North and South felt would enhance health provision for people in those jurisdictions. That information has not been made public, which has to be a source of concern. The information would be of benefit to our Finance Minister and to the Finance Minister from Dublin in their ongoing discussions to ensure that we challenge ourselves, without danger to anybody's political aspirations or opinions, to see what could be done that is to the benefit of all our people, where there are real opportunities for cost savings. That goes right across the ambience of government, North and South. There are things that we can do that are to our mutual benefit without compromising anybody's political beliefs or aspirations.

**Mr Craig:** Will the deputy First Minister indicate how the interests of Northern Ireland are being protected when the Irish Government and NAMA are dealing with the debt levels in Northern Ireland?

**The deputy First Minister:** We are all very concerned about the economic situation, and the NAMA situation has been of tremendous concern to us. We are particularly concerned that there may be a fire sale, which would have a very destabilising effect on our economic circumstances in the North.

The main focus of discussion at the plenary meeting was on the economic challenges in both jurisdictions and the related issues of the banks and NAMA. We exchanged views on the potential for economic recovery and measures that we are taking to deal with the recession's effects. We emphasised that a strong economy is in all our interests. The Taoiseach recognised that banking restructuring may have implications for us, and he was sympathetic to our concerns that possible downsizing of the banks may lead to job losses. He advised us that some

£3.35 billion of Northern assets have now been acquired by NAMA but that figure may increase as the process rolls out.

In a discussion about the implications of NAMA, we outlined our concerns about employment, access to credit and communication difficulties with NAMA. The Taoiseach advised us that a Northern Ireland-based retired banker had been appointed to review credit refusals to ensure that those who sought credit got a fair hearing. He suggested that the Executive should meet NAMA to discuss those problems, and we intend to act on that suggestion.

The meeting recognised the important discussions on those matters that the two Finance Ministers have held, so we need to maintain our discussions and our co-operation with the Irish Government in these challenging times. No doubt we will have a further in-depth discussion at the next NSMC meeting in June.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. The most recent meeting of the Council noted potential new and emerging issues around cross-border mobility. Will the deputy First Minister provide greater detail on those discussions and how obstacles to cross-border mobility might be overcome, for example, in employment, finance and access to services?

**The deputy First Minister:** The plenary meeting considered a paper on cross-border mobility issues, and the joint secretariat has undertaken work. Arising from research and consultation, potential issues have been identified. Some of them are quite complex, and the joint secretariat has already had discussions about them with Departments, agencies and other relevant bodies.

A key area of concern appears to be taxation and welfare benefits in border areas. Although the Border People website is doing a good job of keeping people informed, there appears to be an issue with individuals accessing information that they need and with the processing of welfare benefit claims with a cross-border element. Concerns have also been raised about the quality and cost of the cross-border postal service, particularly by Consumer Focus Post. The postal service is not a devolved matter, so there is a limit to what we can do about that. However, as it has been raised as an issue with particular significance for consumers and cross-border trade, it is important for us to explore what can be done. The joint secretariat met

Consumer Focus Post and InterTradeIreland, and InterTradeIreland agreed to include questions on the issue in its January 2011 business monitor, which surveys 1,000 businesses.

Concerns have also been raised about the cost of transferring money and the use of debit cards across the border. Ministers had previously noted that discussions with the main banking groups had led to the publication, for the first time, on the Border People website of a detailed comparative table of typical cross-border transaction charges. That area of the website is extremely popular, second only to the social welfare area.

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

To ensure that cross-border banking information held on the website is up to date, a review was completed last spring.

## 12.30 pm

**Lord Browne:** I thank the deputy First Minister for his statement. I note that the plenary meeting was held in the NSMC secretariat's base in Armagh. Will the deputy First Minister confirm that the opening date for the BIC standing secretariat will be announced at the next British-Irish Council summit in June?

**The deputy First Minister:** The meeting was significant not only because it happened but because we officially opened the new NSMC building, which has been widely welcomed. At the plenary meeting, the First Minister and I, along with the Taoiseach, were pleased to open officially the new building in Armagh, and we all agreed that it was good that the joint secretariat now had a permanent base. The holding of the plenary meeting in the new building was an important milestone, and I pay tribute to all those involved in the project — some of whom are at the Assembly today — including the project team, the contractor, Armagh City and District Council and, of course, the NSMC joint secretariat staff.

The new accommodation has been fully operational since 19 April 2010, and, when practicable, NSMC meetings are held there. That represents a more cost-effective and efficient use of resources. Already, 13 NSMC meetings have been held there. The building is leased to the NSMC joint secretariat by Armagh City and District Council. Maintenance and running costs are the responsibility of the secretariat, and the

total cost of the lease and the running costs are shared, on a 50:50 basis, with the Irish Government.

The design reflects the highest environmental and energy-saving standards, and it complements the existing architecture of the area. The building received the top environmental rating in the Building Research Establishment environmental assessment method (BREEAM). Recently, the new offices received the coveted William Keown access award, which recognises the fact that it is barrier free and user-friendly for everyone, including people with disabilities. In a joint venture with the NSMC joint secretariat, Armagh City and District Council recently commissioned a new piece of art for the atrium wall, which should be in place by the end of June.

BIC meetings are also vital. We all benefit greatly from talking to colleagues from different jurisdictions and from recognising that mutual benefits can be gained for us all. The work of putting in place the BIC secretariat continues and will, I hope, be concluded shortly.

**Mrs D Kelly:** I welcome the introduction of the cross-border mobility website. I am sure that it will be of some use in assisting the newly created sheriff of Northstead to find out about benefit entitlements in the Republic of Ireland.

My question is on the St Andrews Agreement review, the North/South Consultative Forum and the North/South Parliamentary Forum. How exactly will those points be actioned, given that Sinn Féin and the DUP have yet to agree a paper, through the working group on the Hillsborough agreement, on actions that have not yet been implemented faithfully?

**The deputy First Minister:** We all know that all those issues are works in progress. At the July 2010 NSMC plenary meeting, it was agreed that the recommendations of the expert advisers on the efficiency and value for money of existing North/South implementation bodies and Tourism Ireland be forwarded to Ministers whose Departments sponsor those bodies for their information and to seek their views.

We also noted that Departments have been tasked to provide views on the second and third terms of reference of the review. It is anticipated that, on receipt of responses to that request, the review group will move rapidly to conclude its deliberations, and it was agreed that the NSMC will consider at a future meeting

the outcome of the consultation that is under way in both jurisdictions on the remaining terms of reference of the St Andrews Agreement review. At the plenary meeting on 21 January, we noted that the consultation with relevant Ministers in both jurisdictions on all aspects of the St Andrews Agreement review is near to completion.

Taking into account that consultation, the review group has been asked to prepare a report for consideration by the NSMC at its next plenary meeting in June 2011. All that is work in progress, and other Departments, not just the Office of the First Minister and deputy First Minister, are involved in it.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for the statement. In view of the number of tragic deaths from suicide, can the Minister provide more detail about the all-island action plan, particularly its parts about suicide and the economic situation?

**The deputy First Minister:** That question comes in the aftermath of some sad news in recent days about a terrible situation where people have taken their own lives. That is absolutely of concern to all politicians, North and South, and to everybody in the Assembly who has had to deal with those matters in the course of the past number of months.

The joint secretaries' progress report to the plenary outlined progress on the all-island action plan on suicide prevention. That action plan has been in place since 2005 and continues to develop as new actions are added and completed actions become embedded in mainstream practice. Progress to date includes the development of all-island public information campaigns, the extension of a delivered self-harm registry to sites in the North, and the evaluation of applied suicide intervention skills training. Recent achievements include the establishment of the new media monitoring service in the North, which incorporates learning from the headline service in Ireland.

The economic climate is leading to a rise in unemployment. That is of concern, as research indicates that unemployment is an increased risk factor for suicide and that a 1% increase in unemployment is met with a corresponding 0.8% increase in suicide rates. A new action on suicide and the economic situation has been added to the all-island action plan. Its aim is to ensure the sharing of information on

interventions, including evaluation of specific initiatives, designed to mitigate the impact of unemployment and the economic downturn on individuals.

**Mr T Clarke:** Can the deputy First Minister confirm that the agreement of this House is required to expand or to reduce the scope of the strand-two institutions?

**The deputy First Minister:** The rules and agreements are there and have been on display for quite some time, and as far back as 1998. It is very clear that, as we move forward with institutions of a North/South nature, the agreement of the Oireachtas and this House is required. Therefore, we all have to recognise that there are great benefits for all of us if we continue to work together and continue to challenge ourselves to put in place mutually beneficial processes that will bring benefits to all our people. For example, we have already seen the huge success of InterTradelreland and Tourism Ireland. Indeed, we all agree that where savings can be made by working through shared projects, we can do that without interference with anybody's political beliefs or aspirations.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the deputy First Minister for the statement.

An bhfuil an tAire ábalta geallúint do phobal iar-thuaisceart an oileáin seo go ndéanfar an bóthar A5 ag an stádas chéanna a bhí pleanáilte ariamh? Is the Minister able to give an assurance to the community in the north-west of the island that the A5 route will be brought forward at the same status and standard as has been planned heretofore?

**The deputy First Minister:** Go raibh maith agat. I have already said on a number of occasions in the course of my contribution this morning that that issue was discussed at the plenary meeting, where we welcomed the very good progress on the A5 and A8. The Taoiseach's recommitment, which, to be fair to him, has been consistent, to reaffirming that those road projects and related funding will go ahead was important to us, and we have not heard anything to indicate that there is any danger to the project under that Administration.

The Council noted that development work has been continuing on the A5 project, with the key milestone, the publication of draft orders, being

met in November 2010. The Council agreed the A5 project milestones and payments schedule, and those road developments, along with the progress that already has been made with the overall motorway network in Ireland, will ensure greater road connectivity across the island. Given that an SDLP Member has stated that that party intends to canvass for the Labour Party in the South, the SDLP can use its good offices with the Labour Party to get it to withdraw Joe Costello's statement that there is some doubt over whether those projects will go ahead.



## Executive Committee Business

### Dogs (Amendment) Bill: Further Consideration Stage

**Mr Deputy Speaker:** I call on the Minister of Agriculture and Rural Development to move the Further Consideration Stage of the Dogs (Amendment) Bill.

*Moved. — [The Minister of Agriculture and Rural Development (Mrs Gildernew).]*

**Mr Deputy Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the Speaker's provisional grouping of amendments selected list.

There is one group of amendments. The debate will be on amendment Nos 1 to 10, which deal with whether it is appropriate to allow a dog to attack a person or animal when they are trespassing; entry on to property to prevent or to end a dog attack on another animal; and a minor technical amendment.

Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we shall proceed.

#### Clause 6 (Setting on or urging dog to attack)

**Mr Deputy Speaker:** We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 10.

Members should note that, as amendment Nos 3 and 4 are mutually exclusive, should amendment No 3 be made, I will not call amendment No 4. Members should further note that, as amendment Nos 7 and 8 are mutually exclusive, should amendment No 7 be made, I will not call amendment No 8.

**Dr Farry:** I beg to move amendment No 1: In page 4, line 13, after “who” insert “without reasonable excuse”.

*The following amendments stood on the Marshalled List:*

No 2: In page 4, line 27, leave out

*“A person is not guilty of an offence”*

and insert

*“It may be a defence for a person”. — [Dr Farry.]*

No 3: In page 4, line 27, leave out paragraph (4). — *[Dr Farry.]*

No 4: In page 4, line 29, after “land” insert “without reasonable excuse”. — *[Dr Farry.]*

No 5: In clause 7, page 5, line 2, after “who” insert “without reasonable excuse”. — *[Dr Farry]*

No 6: In clause 7, page 5, line 24, leave out

*“A person is not guilty of an offence”*

and insert

*“It may be a defence for a person”. — [Dr Farry.]*

No 7: In clause 7, page 5, line 24, leave out paragraph (6). — *[Dr Farry.]*

No 8: In clause 7, page 5, line 26, after “land” insert “without reasonable excuse”. — *[Dr Farry]*

No 9: In clause 10, page 9, line 31, leave out “another dog” and insert

*“any other animal owned by a person other than the owner of the dog”. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 10: In schedule 1, page 12, line 13, at end insert

*“and for ‘the order under that sub-paragraph’ substitute ‘that order’.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]*

I thank the Bill Office for its co-operation and my party's staff for their work in getting us to this stage. The Alliance Party strongly welcomes the legislation, particularly the clauses that deal with attacks by dogs on other dogs, other animals and people. However, I am concerned that the balance of the Bill, as it is constituted, is not correct, particularly because there is no offence in the context of a trespasser or an animal on private land. Members will be familiar with the problem of attacks by dogs on people, other dogs and animals, and, indeed, many of us have been very frustrated by the impunity with which those attacks occur, given the absence of a proper legal framework. We have all heard complaints in our constituencies about that, and we have all shared that concern. I have come across a number of such cases.

As the Bill is drafted, however, it will not be capable of dealing with all the potential situations that we need to cater for. The Bill is, essentially, 90% sound in that respect, but given that we are updating the Dogs (Northern Ireland) Order 1983 almost 30 years on, it may be another generation before we get another opportunity to revise similar legislation. Even at the eleventh hour of Further Consideration Stage, we need to be mindful of trying to address a potential loophole in the legislation as it stands, and what today may seem to be reasonable and to pose little risk may, with the benefit of hindsight, turn out to be something that we should have addressed.

### 12.45 pm

The Bill's provisions cover public and private land, which is welcome. However, private land is excluded in the context of unauthorised entry — that is, in the context of a trespass. The Bill is explicit in that no offence is, or can be, committed in the context of a trespass. That sounds like a very black and white approach that does not take particular circumstances into account. Indeed, as Members will be aware, the law on trespass is broad and unambiguous and covers a range of different situations. Indeed, any unauthorised presence on private land could be considered a trespass. There is need for common sense to prevail, and, in particular, for specific circumstances to be taken into account. Although we could speculate on the circumstances in which a trespass could or does arise, it would be reckless of us to try to anticipate all the potential circumstances and to assure ourselves that the legislation, as it stands, is robust.

We must also bear a sense of proportionality in mind. An attack on a person, dog or other animal by another dog may, in practice, amount to much greater harm than the harm of the actual trespass. Ultimately, it will be for the courts to determine whether an offence has occurred, based on the balance of the evidence. It is also worth making the point that a person does not have an absolute right to do anything to another person, even if that person is trespassing on their land. The law takes proportionality into account in that respect. Therefore, I wonder why a different approach is being taken in this Bill, when we talk about a person's animal or a person trespassing and no offence occurring in the context where that person or animal is

attacked by a dog. Indeed, the trespass could be benign and harmless.

People will be aware that there is a lot of controversy around the law, even in situations involving a burglar in someone's house. The law on that matter is clear in that there must be a sense of proportionality. A householder does not have an absolute right to do anything to the burglar in self-defence. The court will want to take into account the degree of risk and threat proven. It is important that the householder shows common sense and a degree of proportionality in their response. That approach needs to be translated to the issue that we are talking about.

There could be a host of situations in which trespass occurs, the reason is relatively harmless and the person is not causing any harm to the land. For example, an animal may stray on to private land, which constitutes a trespass, but that animal may not pose any threat to a person or animal. If someone is using a right of way through the countryside and their dog innocently strays on to private land, the dog is still under the control of the person who is walking the dog. In that context, should the law not give some protection if that dog is mauled by another dog that happens to be on the land?

There could be a situation in which someone is deaf or hard of hearing. A landowner may shout a warning to them to get off the land, but the person may not hear, and a dog may attack or be set on that person. Under the draft legislation, if the person is trespassing, there is no legal remedy. A person who wanders on to land may have dementia and may not be aware of where they are. Again, they would not be causing any threat. There must be some protection in that type of situation.

Amendment Nos 1 to 4 apply to clause 6, which relates to attacks on livestock and certain other animals, and amendment Nos 5 to 8 apply to clause 7, which relates to attacks on persons. In essence, the two sets of amendments are identical, but, within their groups, they should be considered as separate pairs or options for addressing the problem. In essence, amendment Nos 1 and 3 work together and amendment Nos 2 and 4 work together. Similarly, in relation to clause 7, amendment Nos 5 and 7 should be seen together, and amendment Nos 6 and 8 should be seen as a different way of tackling the problem.

In essence, amendment Nos 1, 3, 5 and 7 add reasonableness to those clauses and remove subsections 6(4) and 7(4). The other approach, which is set out in amendments Nos 2, 4, 6 and 8, applies the reasonableness test with regard to trespassing. They also turn the statement that a person is not guilty of an offence on its head; rather, that it may be a defence for a person. That changes the balance of legal arguments.

I am certainly interested to hear the views of other Members on which approach they favour, if any. I have no doubt that some people will not favour either approach. My preference is the approach that is set out in amendment Nos 2, 4, 6 and 8. However, I am open-minded. Although my party welcomes the overall Bill, I stress the importance of the Assembly ensuring that it takes the correct approach. As the Bill stands, I fear that it contains a loophole. Trespass should not be regarded as an absolute. Some degree of proportionality needs to be taken into account, given the nature of particular circumstances. The Alliance Party's amendments will address those problems. My party is also happy to support amendment Nos 9 and 10, which have been proposed by the Minister.

**The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray):** It has not been possible to take the collective views of the Committee in respect of the amendments because it has not been able to meet to discuss them. In that case, therefore, I will repeat the Committee's position that was established at Committee Stage when this very issue was debated.

At that time, the Committee agreed that the priority with regard to trespass was to afford the farmer protection from prosecution should he use his dog legitimately to prevent trespass. In all cases, the farmer must have certainty that he is protected while he protects his family and property. The Committee is content that the Bill and the Dogs (Northern Ireland) Order 1983 afford that protection. It appears that the amendments to clauses 6 and 7 would dilute that protection and introduce sufficient confusion as to cause the farmer to be unsure of his rights when it comes to protecting his family. That dilution is effected by moving from a position in which no offence is being committed to one in which a defence might be available.

Although I appreciate and support Mr Farry's sentiments with regard to protecting

vulnerable people in society, as Chairperson of the Committee for Agriculture and Rural Development it would be remiss of me not to ensure that farmers' rights are protected. Let us not lose sight of the fact that we are talking about the deliberate act of trespass: a situation in which a farmer believes that his family and property are at risk. It is right and proper that he be allowed to offer that protection and counter that risk, safe in the knowledge that he can do so without fear of prosecution.

The proposed amendments to clauses 6 and 7, which relate to trespass, in the names of Dr Farry and Mr Lunn, are contrary to the position that was agreed by the Committee at Committee Stage. The amendment to clause 10, in the name of the Minister, extends a Committee recommendation that was agreed with the Department at Consideration Stage and applies it to the clause.

**Mr Molloy:** Go raibh maith agat. I welcome the fact that the Bill has reached Further Consideration Stage. I support the Committee's position, which is to oppose amendment Nos 1 to 8. There was a great deal of debate on the issue at Committee Stage. Members on all sides expressed concerns about the best way to protect farmers in circumstances in which they must protect their stock and land without giving anyone authority to set a dog upon another dog or a person without proper consideration.

I have concern with the term "reasonable excuse", which appears in a number of the amendments that have been proposed by Dr Farry and Mr Lunn. The result would be the farmer having to prove that he had reasonable cause. That reverses the impact of the Bill as it stands.

The Committee looked at various ideas for the wording of the legislation to ensure the protection of the farmer and the rights of the landowner in that situation. To change that around without any reason or cause, and to have what is basically a play on words, would endanger the Bill and the protection for the farmer, the stock, in particular, and other dogs, which the Committee was concerned about.

I support the Department's line in relation to amendment Nos 9 and 10. On a number of occasions during Committee meetings, the issue of other animals, such as cats, in such a situation was brought up. It does not relate solely to dogs. We know the problems that there have been in the past. Sometimes, cats, in



particular, have to make a speedy exit when dogs are about. The protection of cats and other animals is an important step to consider. On the basis of what we have, I oppose amendment Nos 1 to 8 and support amendment Nos 9 and 10.

**Mr Beggs:** I, too, oppose amendment Nos 1 to 8 and support amendment Nos 9 and 10. I declare an interest not only as an owner of a small farm of 25 acres of land, but as a householder, because the Bill will have implications for private land, private householders or anyone who has land and who, at some point, may feel threatened by a strange animal or by individuals who come onto their land. The Bill, therefore, has relevance beyond the farming community; it has wider implications.

It is clear that the proposal will weaken the protection that is given under the 1983 Order. There are dangers in changing from that. Under the proposed regulations, a householder or farmer who feels threatened by a dog, animal or trespasser who has come on to their property can seek the assistance of their dog in defending themselves and their property. If amendment Nos 1 to 8 are successful, the householder or farmer would have to be reliant on courts deeming such action to be reasonable. There will be considerable doubt in their minds as to whether they would be able to seek that assistance and, ultimately, be defended.

The media has reported on cases in which an innocent householder or farmer has found themselves to be under attack. On occasions, the law has sided with the criminal, who may have been burgling or attacking someone's property or animals. There would be doubt, therefore, as to what the outcome in any court would be. I suspect that with that doubt, there will be reluctance to take action. Such reluctance could endanger the individuals and animals on the private household property, farmland or business land, because the householder might not take appropriate action at an early enough stage or seek the assistance that might be available. Therefore, I am concerned about amendment Nos 1 to 8.

I am also concerned that given that the new legislation will largely reflect the 1983 Order, that issue did not appear to be raised during Committee Stage. My concern is that although that problem was not identified, a solution has been identified that may well create other problems. I accept that there has to be balance

in law, and deciding where to have that balance must be done carefully, but my concern is that the amendments may be moving that balance too far in the wrong direction. Most people are reasonable, and reasonable action should be taken. However, I am concerned that, on occasions, others might present conflicting evidence or inaccurate information, which could leave a court deciding that the action taken was not reasonable.

If those amendments are accepted, we will be leaving it to the judgement of a court. Unless there was an independent witness statement, there could easily be two conflicting views. There would be huge dangers, and there would be doubt in the minds of property owners and farmers, should they decide to drive a stray or dangerous animal off their land with the assistance of their dog. For that reason, I have concerns about the amendments, and I indicate my opposition to them.

#### 1.00 pm

The Bill will bring about many positive changes that will improve how dogs are administered and will improve the protections for householders and animals. However, it is important that we continue to get that balance, and I have concerns that the balance could be going too far in a direction that could have unintended consequences.

**Mr P J Bradley:** I oppose amendment Nos 1 to 8, and I am happy to support the Minister, as I always do, on amendment Nos 9 and 10. The Committee Chairman adequately represented the views of the Committee and my own views, and I thank him for that. I have heard nothing from the Members who have spoken so far that I cannot agree with. The Bill will update the Dogs (Northern Ireland) Order 1983. My understanding is that the Alliance Party's amendments will take us back to pre-1983, and I do not think we want to go that far.

We had lengthy debates, which other Members referred to. In fairness to Mr McCarthy, he only recently became a member of the Agriculture Committee, so he cannot be expected to know about the earlier debates. It will be interesting to hear his views. I am certainly happy to oppose amendment Nos 1 to 8 and to support amendment Nos 9 and 10.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I support the Chairperson's remarks,

and Sinn Féin will oppose amendment Nos 1 to 8 from the Alliance Party. However, I appreciate where Mr Farry is coming from with the amendments. They were discussed at length in Committee. A number of Committee members raised the issues he has spoken about, but the view of the Committee was that we could not punish ordinary people and put them in an impossible position, particularly people from rural areas.

Everybody felt strongly that an owner should have the right to let their dog off on an intruder. Common sense has to prevail. That current position has been in place for a considerable time — since 1983, to be exact — whereby the occupier of a property commits no offence when they set their dog on an intruder to remove them from their property. There cannot be the possibility for ordinary people to be prosecuted for setting their dog to chase off an intruder. That would not be acceptable to Sinn Féin. In Committee, the Department gave great comfort to a number of members on those issues. At Consideration Stage, it was Mr Farry's opinion that the issue was very generic or loose. I appreciate where he is coming from, but it is my position that it would be a legal minefield to open it up at this stage. As the Chairperson said, we did not even have an opportunity as a Committee to have a discussion.

At this late stage, I would not be happy to support the amendments because, legally, it would put the onus on the dog owner who set a dog on an intruder. It would put a great deal of strain on the ordinary person, so I will not support amendment Nos 1 to 8, but I will support amendment Nos 9 and 10.

#### **The Minister of Agriculture and Rural**

**Development:** Go raibh míle maith agat, a LeasCheann Comhairle. I tabled two minor technical amendments, which were agreed at Consideration Stage, and I will speak briefly about those in a moment, but first I thank Members for their comments today. I hope that that spirit of co-operation will extend to tomorrow, when we are discussing the Welfare of Animals Bill. I appreciate the comments that have been made today. Before I speak about amendment Nos 9 and 10, I will say a few words on amendment Nos 1 to 8.

I accept that the motivation for tabling the amendments is well intentioned, but I cannot support any of them. We need to be clear

about what the Bill says about dog attacks on trespassers. First, as Members have heard, it does not substantively change the relevant provisions of the 1983 Dogs Order, which simply states that the occupier of a property commits no offence when his or her dog attacks or is set on to remove a trespasser on their property. The Committee for Agriculture and Rural Development sought reassurance on that point at Committee Stage. It was felt strongly that legislation that allowed an owner to be prosecuted for setting his dog to chase off a burglar would not be acceptable. My officials reassured the Committee on that point and noted that the Bill's provisions on that issue simply restate the position under the 1983 Dogs Order.

Perhaps the Member holds too broad a concept of trespass. The law as it stands offers protection to people who are on private property on legitimate business or, as the amendments put it, with "a reasonable excuse". Setting a dog on such a person — someone who is not trespassing — is an offence. Amendment No 1, with respect to livestock and pets, and amendment No 5, with respect to attacks on people, allow that, if a person has "a reasonable excuse", he will not be guilty of an offence when he sets his dog on people, livestock or pets. Importantly, that would not just be the case when faced with a trespasser on his property but in any place, public or private.

Imagine a situation in which someone sets a dog on a passer-by in a street or on livestock in a field. Under current law and under the provisions of the Bill, he or she is guilty of a strict liability offence against which they can cite no defence if the facts are proven. Therefore, we would move from the existing provision, whereby, in one very specific context, it is lawful to set a dog on a person or animals, to a position where anyone anywhere could set a dog on people or animals if they had a reasonable excuse to do so. I do not believe that it is the wish of the Assembly to change and confuse the legislation in that way. Crucially, those amendments would also leave us in a paradoxical position where, if I am asleep in bed and my dog bites a burglar, I am automatically guilty of an offence. However, if I wake up and set the dog on the burglar, I have a defence of reasonable cause. For those reasons, I cannot support amendment Nos 1 or 5.

Amendment No 2 and the parallel amendment, No 6, propose that, although an offence is

committed, there may be a defence in court if the person or animal is trespassing on the dog owner's property. It may be, but it also may not be. Even if it were proven that a dog was set on a person who had no legal right to be on the property, a court might still decide to convict. That is not sensible. Either there is a defence in law, in which case proving that a person who was attacked was trespassing leads to acquittal, or there is not. To state that it "may be" means that the court can take that into account, but it gives no guidance on what weight the court should give to the facts and in what circumstances. That is too subjective and uncertain to form the basis of a criminal trial. Someone who is prosecuted for an offence has the right to know with certainty what factors he or she can rely on in their defence. For that reason, I cannot support amendment Nos 2 and 6.

Amendment Nos 3 and 7 remove entirely the defence that, when an attack has occurred on private land and the person or animal is trespassing, no offence has been committed. Again, that is a move from the existing position of certainty that the occupier of property is not guilty of an offence under the Dogs Order if he or she sets a dog on a person or livestock to remove them from their property to one where, when faced with an intruder in the home, the occupier could not be sure that he or she would not be prosecuted and found guilty of an offence punishable by a fine of up to £2,500 for using his or her dog to drive the intruder off. Therefore, I cannot support those amendments.

I turn to amendment No 4, which amends clause 6 on attacks on animals, and the parallel amendment, No 8, which amends clause 7 on attacks on people. The clauses as amended at Consideration Stage provide that the occupier of land will not be guilty of an offence if his or her dog attacks a trespasser or if he or she sets it on a trespasser. Amendment Nos 6 and 8 reverse that. As I said, I understand the motivation behind Dr Farry's amendments. I also stated that he may misunderstand what is meant by the concept of trespass. The law as it stands already offers protection to people who are on private property on legitimate business or, as the amendments put it, with "a reasonable excuse".

I also remind the Assembly that this is the last amending stage of a Bill. Any late, ill-considered changes that we accept today will be on the statute book and will have the potential to

cause real problems for dog owners, occupiers of property and those charged with enforcing the law. We have heard Members say today that the Bill is a good piece of legislation. I cannot, therefore, support amendment Nos 1 to 8.

There are a lot of very worthwhile provisions in the Dogs (Amendment) Bill. The two minor and largely technical amendments that I have tabled are necessary to tidy up the Bill and its impact on existing legislation. Amendment No 9 relates to clause 10. Members will recall that, at Consideration Stage, the so-called dog-on-dog offence was extended to cover attacks on all domestic animals. As a consequence of that change, the powers in clause 10 should also be extended to cover attacks on any domestic animal, not just dogs. Amendment No 10 is purely technical and corrects a reference in the Dogs (Amendment) Act 2001 to articles of the Dogs Order 1983 that the Bill amends.

As I said, those are minor, technical issues, and I ask Members to support amendment Nos 9 and 10.

**Dr Farry:** I thank everyone who took part in the debate. Perhaps, this debate has been the warm-up for a slightly longer debate tomorrow. I appreciate the views that were expressed. I realise that the amendments are coming forward at the eleventh hour, but they come from a genuine belief on my part that the legislation, as framed, is too black and white on the issue of trespass. While I accept that my amendments are unlikely to find favour with the House today, it is important that we air the issues and put it on record that there is a different point of view and that some of us are concerned about potential loopholes in the legislation.

I will respond to some of the points that were made. The Minister made a point on the law around trespass. I accept the point that she makes: trespass, in essence, refers only to the people who are on someone else's property on illegitimate business. There is a host of reasons for someone being on private property legitimately, whether it is the postman, someone making a delivery, a carer who is coming or someone who is not sure where he or she is going. The difficulty with that is that, even if someone is legitimately on someone else's property, the factors behind that in some circumstances may well be perfectly benign, but, in other circumstances, the factors will be

malign. It should be up to the householder or farmer to respond.

The way in which the law will be framed makes no distinction on the nature of a trespass, even if it is illegitimate. Mr Beggs made similar arguments. I respond by making the point that the legislation is essentially saying that, if someone is in a house or on a property without proper cause, as the law is framed, the owner or occupier has an absolute right to set an animal on that person, namely a dog. However, if the owner or occupier does not have a dog and uses a weapon instead, be that a knife or a gun, he or she does not have an absolute right to inflict violence on the trespasser. A court would want to take into account the proportionality of the response and the nature of the threat posed.

Obviously, there has been a lot of controversy around that issue, particularly in England and Wales. Common sense must prevail. We cannot grant people an unlimited right to inflict harm on other human beings or on the animals of those people because they are trespassing on their property. Factors that exist in each case have to be taken into account. While that may cause a degree of confusion for the people concerned, that is where we have to go to find a sense of balance.

In practice, most people know where the line is and not to cross it. However, given people's nature, that line may vary from person to person. For example, a pensioner who is fearful for his or her life and uses a greater degree of force by setting a dog on an intruder might be viewed by a court as having taken reasonable action, whereas the same view might not be taken of someone young, fit and healthy who did the same to a fairly small intruder.

#### 1.15 pm

We must also take into account the nature of any intrusion. An intruder could be there to burgle the house, but, equally, he or she could be lost or have wandered innocently on to the property. Finally, we must ask whether there is not a requirement on property holders — be they householders or farmers — to give some thought and consideration to why that person is on their property, rather than assuming that every invasion of property is malign and threatening.

I appreciate the views of the Committee for Agriculture and Rural Development, but we,

as an Assembly, are not here to reflect just the views of farmers, and the Department and the Committee must consider agriculture and rural development interests across society. They must also take into account the interests of all potential sectors, including dog owners and lovers who want greater protection against threats to their animals. There have been tragic cases in which dogs have been mauled by other dogs, so it is important that proper legal protections be in place.

I respect the views of other Members. I am aware that the amendments that I tabled will not go through, but it was important to air the issues that they addressed.

*Question, That amendment No 1 be made, put and negatived.*

*Amendment No 2 proposed:* In page 4, line 27, leave out

*"A person is not guilty of an offence"*

and insert

*"It may be a defence for a person". — [Dr Farry.]*

*Question put and negatived.*

*Amendment No 3 proposed:* In page 4, line 27, leave out paragraph (4). — *[Dr Farry.]*

*Question put and negatived.*

*Amendment No 4 proposed:* In page 4, line 29, after "land" insert "without reasonable excuse". — *[Dr Farry.]*

*Question put and negatived.*

#### **Clause 7 (Attacks on Persons)**

*Amendment No 5 proposed:* In page 5, line 2, after "who" insert "without reasonable excuse". — *[Dr Farry.]*

*Question put and negatived.*

*Amendment No 6 proposed:* In page 5, line 24, leave out

*"A person is not guilty of an offence"*

and insert

*"It may be a defence for a person". — [Dr Farry.]*

*Question put and negatived.*

*Amendment No 7 proposed:* In page 5, line 24, leave out paragraph (6). — *[Dr Farry.]*



*Question put and negatived.*

*Amendment No 8 proposed:* In page 5, line 26, after “land” insert “without reasonable excuse”. — [Dr Farry.]

*Question put and negatived.*

**Clause 10 (Entry onto land to prevent or end attack by dog on another dog)**

*Amendment No 9 made:* In page 9, line 31, leave out “another dog” and insert

*“any other animal owned by a person other than the owner of the dog”. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]*

**Schedule 1 (Minor and consequential amendments)**

*Amendment No 10 made:* In page 12, line 13, at end insert

*“and for ‘the order under that sub-paragraph’ substitute ‘that order’.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]*

**Mr Deputy Speaker:** That concludes the Further Consideration Stage of the Dogs (Amendment) Bill. The Bill stands referred to the Speaker.

## Committee Business

### **Allowances to Members of the Assembly (Repeal) Bill: Final Stage**

**Rev Dr Robert Coulter:** I beg to move

*That the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09] do now pass.*

As stated at Second Stage, the current framework for paying allowances to Members of the Assembly is governed by sections 47 and 48 of the Northern Ireland Act 1998. Section 47 of the Act allows the Assembly to make provision for allowances for current Members of the Assembly. Section 48 allows the Assembly to make provision for the payment of allowances to or in respect of any person who has ceased to be a Member of the Assembly, that is, a former Member. Three such allowances are provided for in the Allowances to Members of the Assembly Act (Northern Ireland) 2000: resettlement allowance, ill health retirement allowance and winding-up allowance.

Under section 40 of the Northern Ireland Act 1998, the Northern Ireland Assembly Commission is required to provide the Assembly or to ensure that the Assembly is provided with the necessary property, staff and services for the Assembly’s purposes. The Commission’s report on financial support and pensions for Members, which was agreed by the House on 13 December 2010, recommended changes to the allowances in the 2000 Act. In that report, the Commission recommended changes to the existing calculations used to determine resettlement allowance, ill health retirement allowance and winding-up allowance, as proposed by the Senior Salaries Review Body.

The Bill does not make any provision for the new allowances. It is a relatively technical Bill that repeals existing provisions so that we can put new provisions in their place through the Northern Ireland Assembly (Members’ Expenditure) Determination 2010 until such time as an independent financial review panel is established. If the Bill is agreed, on gaining Royal Assent, the replacement allowances provisions agreed by the Assembly on 13 December 2010 will also come into operation.

*Question put and agreed to.*

*Resolved:*

*That the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09] do now pass.*

## Budget 2011-15

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to three hours for the debate. The proposer will have 15 minutes in which to propose the motion and 15 minutes in which to make a winding-up speech. All other Members who wish to speak will have seven minutes.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** I beg to move

*That this Assembly takes note of the draft Budget announced on 15 December 2010 by the Minister of Finance and Personnel.*

Go raibh maith agat, a LeasCheann Comhairle. The Finance Committee tabled the motion for the purpose of providing all Members, as representatives of Committees or as individual Assembly Members, with the opportunity to debate the Executive's draft Budget 2011-15, which was launched by the Minister of Finance and Personnel on 15 December 2010. By convention, the Committee for Finance and Personnel prepares a co-ordinated report in response to the Executive's draft Budget on behalf of all Assembly Statutory Committees. The debate will help to inform that report.

Undoubtedly, there has been concern from Members, Committees, stakeholders and the public about the delay in bringing forward the draft Budget. However, it is positive that an Executive-agreed draft Budget is now out to consultation. At the outset, it has to be acknowledged that the lateness of the London Government's spending review contributed significantly to that delay, given that it was not announced until 20 October 2010, by which time the Executive's draft Budget proposals would normally have been announced. Nevertheless, it must also be pointed out that Departments were initially tasked with the development of spending proposals and savings plans as far back as June 2010. In July 2010, the Executive established a Budget review group to take forward budgetary and financial issues. The Executive have now brought forward a four-year Budget, which is beneficial in that it allows for longer-term strategic planning.

Some Departments have raised concerns about the level of detail in the draft Budget document. Those include the basis for the proposed departmental allocations; the rationale and methodology that underpin those allocations;

the assumptions that have been made for the additional revenue that has been factored into the Budget calculations; the additional revenue-raising measures that are under active consideration for inclusion in the final Budget; and when the Budget review group report will be published on the ongoing work being undertaken by Departments to realise the additional revenue.

The Executive adopted a twin-track approach to the consultation on the proposals, whereby DFP is taking forward the consultation at a high level, while individual Departments are responsible for the consultation on their detailed spending plans. The consultation period has been extended by one week to 16 February, and that is to be welcomed.

As the Finance Committee prepares its co-ordinated report on the draft Budget, it will consider a range of strategic as well as DFP-specific issues. After the outcome of the spending review and in preparation for the forthcoming Budget, the Committee invited a wide range of witnesses to give evidence on cross-cutting public finance issues and commissioned research on specific areas. Some issues that were raised in evidence and by Members merit further consideration. I wish to take a few moments to highlight some of those key points.

It has been pointed out that there is a lack of detail about the strategic priority of rebalancing the economy in the draft Budget. The Committee also noted that the London Government shared their draft paper on rebalancing the economy with the Executive before Christmas. Perhaps during the debate, the Minister will tell the House when that paper might be available to the Committee for consideration and when the final paper is expected to be published.

On the topical issue of corporation tax and fiscal flexibility, we heard persuasive arguments for powers to be transferred to the Assembly, a case that was restated, although cautiously in some instances, by economists who appeared before the Committee. Although the Committee appreciates the Minister's concerns about the short-term costs of a more competitive rate of corporation tax, it considers that long-term gains could be made by adopting that approach. However, Committee members are also mindful that a reduction in corporation tax can be a game changer only if the Executive introduce other initiatives to strengthen the local economy.

Perhaps the Minister will update the House today on the progress being made on the issue of corporation tax and any potential implications for the draft Budget.

### 1.30 pm

The Committee noted that, during the Budget period, the Executive will seek to raise £100 million through capital assets realisation. The Committee has been pressing for further information more generally on capital assets realisation from the Strategic Investment Board. The achievement of longer-term efficiencies is another issue of strategic concern. The Committee is mindful that the public sector here has been working to achieve cumulative efficiencies of between 2% and 3% over the past six years. There is a need for the Executive to set out clearly the essential services and strategic policies that are to receive priority.

The Committee is also considering the issue of preventative spending. Earlier this month, the Committee received a briefing from the Assembly Research and Library Service on the use of early intervention strategies to, at the earliest possible opportunity, lower the chance of the development of negative social problems. Prevention can be a cost effective way of tackling social problems, of which immunisation policies in the Health Service are just one example. Such a cost effective approach could also be used in early years intervention or in justice rehabilitation.

Equally, economists and representatives from the voluntary sector have impressed on the Committee the need to adopt that approach. The draft Budget sets out the Executive's proposals to fund a £20 million social investment fund and a £20 million social protection fund. It has not been possible for the Committee to determine whether those funds might be used for preventative spending or whether they will merely be used reactively. Preventative spending requires a joined-up, long-term approach. That is because many of the benefits of such programmes are often not realised in the short term; neither are they always realised in the Department that made the initial funding available.

Members are aware that, during an economic downturn, preventative spending programmes can help to protect social and economic outcomes. The development of invest to save initiatives may be one way to further that aim.

The Committee will, therefore, be giving that concept further consideration as it develops its report on the draft Budget. Members may also wish to pick up on that issue in this debate. In addition to the issues that I have already mentioned, the Committee will also give further consideration to a range of other strategic and cross-cutting issues, including the removal of end-year flexibility, public sector pay, capital funding and revenue-raising options.

I will turn briefly to the Department of Finance and Personnel's spending and savings proposals. It is probably expected that DFP should be leading by example when it comes to budgetary and financial matters. Nonetheless, on behalf of the Committee, I commend the Department for the timely publication of its plans on 22 December and for the level of detail included in those plans. The Committee is also grateful for the level of engagement with departmental officials on strategic and departmental issues.

During last week's evidence session with departmental officials on DFP's plans, the Committee raised a wide range of issues. At the strategic level, for example, members queried why the real-terms cut to DFP's current expenditure budget is, at 10.5%, lower than the average of 12% across other Departments. Questions were also asked about the guiding principles behind the Department's proposed savings and the basis for the term "inescapable expenditure", including the extent to which expenditure that is classified as such is reviewed and assessed for value for money.

Members have also sought a response from the Department on whether it intends to publish the results of the equality screening work that underpins the high-level impact assessments as previously recommended by the Committee. In considering its response to DFP's spending plans and savings proposals the Committee will also wish to be sure that a firm funding base is established for Land and Property Services, given its important rate assessment and collection functions and its reliance on additional funding via monitoring rounds throughout the 2008-2011 Budget period.

Other areas that will be given further consideration in the Committee's report include the delivery of shared services for the NICS, office accommodation and workplace strategies, procurement and potential revenue gains. The Committee has also received representations



and correspondence from the Assembly Commission and Audit Office respectively, and a number of Committee members expressed concern about draft Budget proposals for those bodies. The Committee will be keen to hear the Minister of Finance and Personnel's views on those matters.

As I mentioned, a LeasCheann Comhairle, the Committee looked at a wide range of issues at strategic and departmental level. Those will be discussed in more detail in the forthcoming report. I look forward to the contributions of other Committees and Members to the debate, which will help to shape that report.

**Mr Deputy Speaker:** There are Members listed to speak who are Chairpersons of Committees. It is not clear whether all those Members wish to speak as Chairperson. It would be very much appreciated if Members would advise the Table whether they wish to speak as Chairperson.

#### **The Chairperson of the Committee for**

**Education (Mr Storey):** As Chairperson, I wish to inform the House of the Committee's scrutiny, to date, of the Department of Education's (DE) allocations in the Executive's draft Budget and, in particular, the Department of Education's draft budget proposals as published on 13 January 2011.

The Committee was proactive and wrote to the Minister of Education in early July 2010 stressing the need for timely and detailed information, particularly on the impact of the Minister's options for savings proposals. Having received some information on the Department's spending pressures in late August and early September, the Committee held dedicated budget scrutiny sessions at its first two meetings in September. It wrote to the Minister of Education listing eight key issues of resource and capital spending.

In October, November and December, the Committee continued its scrutiny of the initial spending pressures information. The education stakeholders examined, for example, spending on school transport, ICT and non-permanent staff. I highlight to the House a particular response that senior education officials gave to the Committee on 1 December 2010 when they were asked whether the Department was undertaking any option or scenario planning on draft spending and savings proposals. The response greatly concerned me and a number of Committee members:

*"Our Department, like any other Department, works under the direction and control of the Minister ... beyond the high-level figures at block level that are available, I have no figures on which to commission any work, nor do I have the authority to commission any work on scenarios."*

Following publication of the Executive's draft Budget, the Committee wrote to the Minister again on 17 December 2010 stating that it was imperative that the Committee receive revised spending proposals, made in response to the Executive's draft allocation for education, as soon as possible. I must report to the House that the Committee still awaits the Minister's spending proposals. When the Committee asked senior education officials where the Minister's spending proposals were in the draft Budget published on 13 January, they pointed to two spending areas that totalled £4 million out of a total education budget of nearly £1.9 billion.

On 14 January 2011, the Minister of Education wrote to the Committee stating that she was keen to meet and engage with the Committee at the earliest opportunity to hear the views on her proposals. On 18 January 2011, the Minister attended the Committee, and that was followed by two meetings with senior departmental officials that were dedicated exclusively to the scrutiny of the draft budget.

Immediately after the meeting with the Minister, the Committee wrote to the Department to raise the absence of draft spending proposals and ask key questions on several specific areas. The Committee's key concerns with the Department's draft budget at this point are detailed in an interim response that was made to the Committee for Finance and Personnel last Friday and posted on the Committee's website today. I will give the House a flavour of those issues. I ask Members to listen carefully to what the Department said. On 26 January 2011, the Department's view on the absence of spending proposals was:

*"to provide something at this stage could, in fact, be misleading for Committee members ... the Minister is determined to increase the amount of funding available for education ... a further £800 million is yet to be allocated".*

Some members questioned the wisdom of that response. They quoted the Executive's draft Budget, which refers to other possible revenue sources and states that, if any have merit, they will be factored into the final allocations.

The Committee heard from officials about a voluntary severance programme, which has been launched and targeted at the non-teaching education management workforce. However, no take-up figures, estimates of savings generated or plans are available. Some Committee members questioned the wisdom of not targeting potential savings from the 11,200 non-permanent non-teaching staff and focusing on natural wastage from retirees and leavers, bearing in mind that the total education workforce comprises some 60,000 staff.

The Committee thanks the Finance Minister for his work on end-year flexibility and particularly welcomes his guarantee of 21 January to put arrangements in place to ensure that schools have access to the £56.7 million surplus that has been accumulated. Committee members noted the co-operation and consensus on the issue.

Although the Committee is concerned about the overall amount of proposed capital budget allocation that is available to DE, some members questioned the Minister's proposal to reclassify £41 million from capital to resource in 2011-12.

On the Minister's proposal to extend free school meals entitlement, the Committee noted the significantly reduced estimates of costs. However, some members remained concerned that the extension of free school meals had not been taken forward by other parts of the United Kingdom and questioned its affordability in the context of the Budget.

I will close with the most worrying aspect of the budget proposals; the proposed list of savings that build from £143 million in year one to £309 million in year four of the Budget period. Some Committee members had serious concerns that the Department's budget document and follow-up paper had little information on how those savings would be achieved and their actual impacts. For example, it is proposed that there will be a saving of £60 million from arm's-length bodies and £105 million from professional support for schools over the four years. However, there is no evidence of plans, consultations or timescales despite the fact that significant savings are proposed from the 1 April 2011. Some Committee members also questioned and had concerns about the remaining spending on special educational needs (SEN) capacity building given that the SEN strategy is not in place. Others questioned

whether the proposed level of savings from teacher substitution costs is achievable. Finally, some Committee members questioned the savings from primary school principal transfer interviews, given that no consultation has yet been undertaken.

I will finish by talking about an area of the savings proposals where all Committee members had major concerns; the aggregated schools budget, which is the money that goes directly to schools and classrooms.

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

**The Chairperson of the Committee for Education:** That is an outline of the Committee's concerns about the draft Budget proposals.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott):** I wish to make a number of comments, first, on behalf of the Committee for the Office of the First Minister and deputy First Minister and then, if time permits, on behalf of the Ulster Unionist Party. I welcome the opportunity to participate in this important debate and thank the Committee for Finance and Personnel for tabling the motion.

Even though this is a take note debate, the Assembly recognises that, to a large extent, this is a significant opportunity to influence the allocations that will be given to public services in the coming years. It is our responsibility to try to influence the Minister of Finance and Personnel to re-examine allocations and spending areas where we, as Committees, parties or, indeed, constituency representatives, have major concerns.

The Office of the First Minister and deputy First Minister published its proposals for the draft Budget 2011-15 on Thursday 13 January. The First Minister and deputy First Minister then briefed the Committee on the proposals at its meeting on 19 January. During the briefing, the Ministers provided further information on the budget proposals and provided an overview of some of the savings proposals. The Committee looks forward to receiving and scrutinising the detailed savings plans once they have been agreed by Ministers. However, I inform the House that we still have not had sight of those plans.

Committee members discussed a number of issues with the Ministers, including the strategic

value of the Department's capital projects and the importance of maintaining momentum on the regeneration of sites to attract investment and provide jobs for local areas. Ministers also provided further information about the social investment fund and the social protection fund, which the Executive will be taking forward. Members were assured that those funds would be directed towards the most vulnerable and that Ministers were still considering areas and possible themes in which to direct them.

### 1.45 pm

Members also had a discussion with the Ministers about European funding and the possibility of introducing targets for drawing down funding from the European Union. There were also discussions around a possible Peace IV package, and Ministers advised that the Barroso task force was due to return to Northern Ireland in the next few weeks. The Committee welcomes its return and hopes that this opportunity will provide renewed energy and focus on Europe and the opportunities that it makes available to Northern Ireland.

Ministers advised of success in attracting inward investment to Northern Ireland from the United States, and particular mention was made of the success of the Titanic Quarter area in attracting companies such as HBO. There was also a discussion highlighting the benefits of such investment to the local economy. Over the Budget period, the Committee for the Office of the First Minister and deputy First Minister will monitor carefully how the specific budgets allocated to OFMDFM are used to deliver priorities. However, given the Committee's responsibility for cross-cutting policies on sustainable development, European issues, tackling poverty, and equality and good relations, we will take a keen interest in how the Executive's cross-cutting objectives are being resourced and delivered by all Departments and will work with other statutory Committees to ensure that there is real delivery in those areas.

I will make some comments as a party and constituency representative. There are a number of questions around some of the proposals from the Finance Minister and his Department. I would like to record that, although it was slow to come, we appreciate that a draft Budget eventually came forward.

I will be grateful if the Minister can clarify a number of issues when he eventually gets to his

feet. He has publicly stated that an additional capital funding stream of up to £125 million over the initial four-year period will be made available from Belfast Port. I am interested to hear the Finance Minister clarify the legal status of Belfast Port. What legal right does the Executive have to access the assets of the Port, and in what way can it impose a levy on the activity of the port? Belfast Port is an extremely important part of Northern Ireland's economy. The Ulster Unionist Party is concerned that the proposals in the draft Budget have not been properly thought through and could simultaneously jeopardise planned public spending and a key strategic player in our local economy. Clarification of the Executive's position is crucial on that point.

Although I do not want to impinge on Mr Storey's point, I have heard about the education issues. However, the Minister of Education announced to the Education Committee that:

*"the Executive identified an additional £1.6 billion revenue over the Budget period. Half of that has yet to be deployed in the Budget figures ... As members know, a further £800 million is yet to be allocated."*

I will be grateful if the Finance Minister can inform the house where the Minister of Education is getting those figures from.

**Mr Frew:** Her dreams.

### **The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:**

That is one of the key things that I would like to hear the Minister of Finance say on record here.

Before I leave, I am surprised that no one has yet said that all this is the fault of the Ulster Unionist Party combined with the Tory cuts. I am sure that we will hear that, so, before anybody else raises it, I think it is important that I do. Obviously, it was other parties, through their support for the Labour Party, that put Northern Ireland and the UK in such a difficult economic position. When the DUP voted to keep Labour in power and continue the economic downturn —

### **The Minister of Finance and Personnel**

**(Mr S Wilson):** Will the Member give way?

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

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** Yes, I will give way.

**The Minister of Finance and Personnel:** I have just earned him another extra minute. Since the Member throws this wild allegation around, perhaps he will give us the date, the occasion and the vote in which the DUP kept the Labour Party in power.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** I am surprised that the Finance Minister has such a short memory. Perhaps he was not there to vote — like his Sinn Féin colleagues, who do not even turn up to Westminster to vote. Anyway, they are in partnership now, so maybe the two of them can do all of that together.

**Ms Ritchie:** The SDLP welcomes the fact that we have a draft Budget, as it means that people now have some idea of what the future holds. Credit is due to the Finance Minister for compiling an Executive position against a backdrop of less money. Wait for it, however: there are fundamental deficiencies in the draft Budget, but we can put them right.

The draft Budget is largely the application of what was handed down by the coalition Government. The settlement envisaged cuts of £4 billion. When we net out receipts and a rates increase, the draft Budget envisages cuts of £3·2 billion. Bizarrely, one party that negotiated the Budget, including the £3·2 billion of cuts, still invites us to fight the Tory cuts. It agreed to the £3·2 billion of cuts, but it wants us to fight the cuts. Is that stupid or dishonest, or both?

We can mitigate the cuts. The SDLP has produced a Budget document called 'Partnership and Economic Recovery', in which there are detailed proposals for additional new revenue streams and receipts and for cash-releasing efficiency savings. Again, one party pretends that the Budget already contains billions in net or new revenue. That is not true. When normal receipts are stripped away, there is little new money: less than 1% of the total Budget.

The Budget is vital over the next four years as currency, interest rates and taxation matters are decided elsewhere. The Executive's only real economic lever is public expenditure. That means that the Budget must be about much more than who gets what outcome; it must

deliver on an economic strategy. That is our second criticism. All economic commentators recognise the need to rebalance the Northern Ireland economy. That means reducing the public sector and making it more efficient. It means focusing job creation and investing scarce capital in the right areas.

Where are the proposals to move assets and activities from the public to the private sector? Where is the plan to generate jobs in the short term and get the economy moving? 'Partnership and Economic Recovery' provides some answers. Let us sell Department for Regional Development (DRD) car parks. They would do better in the private sector as they would generate a major receipt to fund other priorities. We should dispose of other assets that have a revenue stream. We should not be dogmatic about the transfer out of state control of Belfast port, a proportion of the forestry assets or any other appropriate infrastructure. Indeed, consider Northern Ireland Water. The solution to the problem of making Northern Ireland Water perform better simply does not lie in bring it back into DRD, as the Minister proposes. Will it really do better as a branch of the Civil Service? We should mutualise Northern Ireland Water so that it performs to commercial standards but does so in the public interest rather than for shareholder gain. Where is the job creation? There needs to be more investment in the tourism and construction sectors, which are indigenous and job-rich.

Our third criticism is that the draft Budget is simply not joined up. Each Department has been given its haircut, but there has been little thinking outside of departmental silos. The result is a Budget that has been generated by the DUP and Sinn Féin in a private negotiation. I do not condemn that; we would be in a worse place if the DUP and Sinn Féin had failed to reach agreement.

However, we now have the Minister of Health, Social Services and Public Safety saying that he has been allocated a capital budget to build a radiotherapy centre in Derry but not the budget to run it.

In education, we need funding and provision for the schools' modernisation programme, because many schools throughout Northern Ireland are still in a state of disrepair, and we face the unacceptable prospect of hiking up student fees, the consequence of which will be



to make third-level education the preserve of the rich once again.

Furthermore, there is housing. With the 40% overall reduction in capital, the housing budget has been cut by — would you believe it? — 40%. We have not reprioritised our capital programme honestly but have just spread the pain around. Incidentally, if any Member can identify a programme that does more than investment in social housing to stimulate job creation, reduce human misery and meet important social policy objectives, let us find more money for it. Despite such shortfalls in funding for health, education, student finance and housing, £80 million has been provided for a new Sinn Féin/DUP community fund to be directed to their chosen groups. I can only call such a slush fund a disgrace.

Nevertheless, we have to find solutions. How can we sort all this out? We should forget about personalities and genuinely do what is best for the North, such as abandoning the silo approach. The SDLP will not be territorial about the Budget. I have listed improvements that are needed, and, as a party, we have shown how they can be achieved. I hope that the Executive will work to arrive at a final Budget that my party can support.

**Dr Farry:** The Alliance Party welcomes the fact that we have a draft Budget before us. It is almost certainly not the Budget that the Alliance Party would have sought to strike as a single party. For that, I refer people to our paper 'Shared Solutions', which was published in November 2010. Nonetheless, we respect the nature of government that we have in Northern Ireland and the fact that we are in a power-sharing arrangement, so the Budget has to be progressed by a process of negotiation among parties. Indeed, the two party leaders who spoke before me need to make clear their long-term intentions on the Budget and decide whether they are in or out of the Executive, because passing a Budget goes to the heart of participation in an Executive. Parties cannot be in and out at the same time. If the Executive do pass a final Budget, even on a majority basis, every Minister will be bound by collective responsibility to support it. In the coming weeks, therefore, that issue will come up for a number of parties in the Chamber.

For our part, we accept the need to address the UK national deficit. However, we are concerned

by the pace at which it is being done and, indeed, by its differential impact on regions such as Northern Ireland. Nevertheless, although the comprehensive spending review may be objectionable to us all, we have a duty to strike a Budget within the limits set out and to bear in mind local revenue-raising opportunities. We also have to pass comment on the process. It is important that we have a four-year Budget in order to allow proper forward planning and the efficient use of resources, not just for Departments but for those whom the Departments fund. That said, a Budget need not be set in stone, and there will be situations in which circumstances change and requiring fresh thinking, so we need something broader than the monitoring rounds that we have had in the past. I would like the Minister to give that some thought.

I also ask him to reflect on what, up until now, has been a flawed consultation process. First, the Executive were late in striking the draft Budget, which is down to more than the simple fact that the UK Government did not give us figures until 20 October 2010. Our Scottish and Welsh counterparts were quicker than Northern Ireland by several weeks, if not longer. We were extremely slow, and that has curtailed the consultation process. Beyond that, we have had an absolute fiasco around the departmental spending plans, which should have been integrated into the overall draft Budget statement. If that was not possible, there was an obligation to produce them within seven days. Only three Departments — Justice, Finance and Personnel, and Culture, Arts and Leisure — came anywhere close to meeting that time frame. The others, including some major spending Departments, failed miserably to do so. Consequently, we have a consultation process in which the detail came out very late.

Even then, the level of detail varies considerably across Departments. The Department of Education and the Department of Health, Social Services and Public Safety are the two biggest offenders in that regard and the two biggest spenders. It is shocking how our Government treat the people of Northern Ireland over what is the most important decision facing this society.

## 2.00 pm

I will also comment on the lack of strategic approach to the Budget so far. We need a very clear statement as to how it links in to the

economic drivers of change in this society. Indeed, we should have also seen a Programme for Government and investment strategy possibly even ahead of a Budget, because the policy should inform the finance rather than the finance informing the policy. We need to focus on three economic issues at this stage. First, we need to ask ourselves whether we are directing enough from current expenditure to capital to continue to invest in our infrastructure and to address the downturn in the construction sector. Secondly, what contingencies are we putting in place to give us the ability to potentially lower the rate of corporation tax, if that happens over the lifetime of the Budget? Thirdly, are we prepared to give a commitment to a green new deal beyond the simple plastic bag tax, which will generate £4 million a year?

A number of important cross-cutting issues have not been properly addressed by the Executive. I would like certain issues to have been addressed clearly in the draft Budget statement. Although one may argue that some of the issues can be left to individual Departments, there is no evidence of Departments, apart from a few examples such as the Department of Justice, following through on any of those issues. For example, what are we doing to address the cost of managing a divided society and to realise the savings that can be found from investing in shared services? What will we do to try to find shared services on a North/South basis? Leaving aside the issue of politics, which is completely different, I would hate to see a situation where the two jurisdictions on this island retreat into their own silos due to the enormous financial pressures that they are under rather than trying to find opportunities for new shared services.

We also have to focus on early intervention and prevention. The evidence is quite stark that intervening early can save money down the line. We need to take a leap of faith in that regard. That is also linked to greater use of the voluntary and community sector. We also have to do a proper benchmarking exercise and ask ourselves whether the profile of expenditure in Northern Ireland, compared with that of our neighbours, is justified. Let us do those comparisons and see how we are doing, and we may learn some lessons about how to find additional savings. We should not be afraid of initiatives such as market testing.

The Budget is very heavily premised around assumptions on revenue raising. At this stage, a commitment to raising £842 million is set firmly in stone. However, some people question the assumptions behind that, such as the property market situation over the coming years. People are not overly optimistic about how quickly that will recover. Beyond that, we have a purely speculative figure of another £800 million that may or may not be raised, and I rather fear that a lot of parties are making commitments and assumptions on the basis of that money being generated.

We also continue to run away from the issue of how we fund our water infrastructure in Northern Ireland. The events at Christmas have brought that into extremely stark relief. We cannot continue to fund water on the cheap, and we cannot continue to have a situation where water has to compete against health and education for extremely scarce resources. We have to be realistic about that issue, look to what our neighbours are doing and make a commitment to face up to charging for water. If we do that, we must ensure that it is done on a fair basis and is linked to water usage.

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

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

**Dr Farry:** Yes, sure.

**Mr Neeson:** Does my honourable friend share my concerns that the money that was supposed to be set aside for improvements to the A2 does not seem to be there and that, once again, the scheme has been put back by the Minister for Regional Development?

**Dr Farry:** I thank my colleague for that comment. It reflects concerns that we have about a whole host of departmental spending plans. Hopefully, we will have the chance to outline those over the coming days. In regional development, we are in danger of losing important investments in infrastructure because we are not prepared to take brave decisions elsewhere. The long-term sustainability of this society and our economy may well suffer because of our short-sightedness and continued populous approaches to decisions. In education, I am concerned about the redirection of money from capital to current. That goes against the whole thread of Treasury rules and is, essentially, recognition of the failure to address the inefficiencies in the education

system. We are pouring good money after bad rather than being prepared to take difficult decisions.

**The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray):**

The Committee for Agriculture and Rural Development welcomes the opportunity to provide its comments to the House as part of this debate. The Committee and, indeed, the rural community have been waiting for the Department's proposals and are now identifying their impact in Northern Ireland.

As is always the case, these budgets have been rushed out at the last minute, and Statutory Committees and the industry are asked for comments. The Committee believes that the Executive need to re-examine the scheduling of the budgets, particularly where they have coincided with an extremely heavy legislative programme. The scrutiny of budgets and departmental spends has been an ongoing difficulty throughout this mandate and is an area on which the Committee wishes to see improvement in the next mandate.

The Committee is pleased to see the commitment to the land parcel identification system in the budget. The Northern Ireland economy cannot support the continued application of extreme penalty disallowances by the EU. The Committee is disappointed that the savings will result in the loss of 80 posts in the Department and has received guarantees that those savings will be achieved without the need for redundancies. However, the Committee has requested additional information on the specific areas from which those posts will be lost to ensure that front line services are not depleted.

The Committee is disappointed at the absence of detail in the proposed plan, and it is concerned at the number of aspirational savings that are identified, such as a reliance on the reduction in animal diseases, particularly given the fact that the Department has not achieved its targets on those areas in the current CSR. On a number of occasions, the Committee has stated, and has been supported by the Public Accounts Committee, the Northern Ireland Audit Office and the industry, that the Department should eradicate TB rather than study and control it. That would release between £80 million and £100 million over the course of the next CSR spending period.

The Committee is concerned, therefore, that other as yet undeclared savings would have to be brought into effect if the proposed reductions in animal diseases are not realised. That could potentially have a more serious impact on the delivery of front line services to the industry and to rural communities. The Committee has been advised that the proposed savings will be achieved not through the eradication of TB but by a reduction of the amounts of compensation that are paid directly to farmers. The Committee will want to see the detail of those proposals in a timely fashion to allow for consultation with stakeholders on the matter.

It is disappointing to see a reduction in the commitment to the food strategy, particularly as the agrifood sector has been one of the few to expand and to create jobs during the recession. The Department is being short-sighted, particularly as that sector contributes some £3 billion to our economy.

Although the Committee does not disagree with the principle of dispersing Civil Service offices outside of greater Belfast, it is concerned at the timing and the cost of the proposed relocation of the Department's headquarters. The Committee agreed that that was not appropriate, given the fiscal constraints facing the economy, and noted that the overall capital cost of the relocation was estimated to be £26 million, which was to be split across the next two CSR periods. The Department has not been able to provide an economic appraisal indicating how that figure has been arrived at and what other ancillary costs are expected, such as the costs of relocating up to 1,000 officials. In addition, the notional charges for maintenance for Dundonald House that were levied on the Department by DFP over the past three years total £5.96 million. Relocation and restraining costs alone could, potentially, be a similar amount.

The Committee believes that this is not the time to test the viability of placing a departmental headquarters at a location outside the greater Belfast area, as indicated in the Minister's statement, particularly when the economy is under such severe pressure as a result of the cuts. The proposed move could have been shelved for a more affluent time when, quite frankly, it could be afforded. The Committee also seeks assurances that the national contributions to the Northern Ireland rural development programme, co-funded with the European Union, will be protected. The Committee previously



expressed grave concerns at the programme's lack of progress, particularly with regard to axis 3, and believes that it is imperative that the funds continue to be made available and dispersed in the rural community.

The Committee welcomes the Department's commitment towards the countryside management scheme, as it is an important and well-supported programme, but it is disappointed that the Department will fall short of its Programme for Government target of land covered by agrienvironment agreements.

As I said, the proposals in DARD's draft budget lack detail and ambition. The Committee that will be constituted in the new mandate will have a very important task in ensuring that the Department does not waiver from those plans because the consequence would be an immediate and devastating impact on the delivery of front line services.

**Mr McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I will make a key strategic point that has been drawn to the attention of the Assembly on more than one occasion in relation to the Budget process: the Finance Committee, in its deliberations and in its second report into the Executive's Budget and expenditure process, recommended that although it considers the setting of a clear timetable to include key milestones at the start of each Budget process, it is vital that there be clarity on the shape, frequency and duration of future Budget cycles.

In noting that, it is disappointing that the draft Budget statement makes no reference whatsoever to an annual formalised review. To reiterate: the benefits of the in-year monitoring process are clear, but it is not obvious to me that the quarterly exercises are uniformly beneficial. Two monitoring reviews at the beginning of the third and fourth quartiles would retain all the existing benefits while freeing up timing resources to pursue the Finance Committee's proposal. It is disappointing, and perhaps the Minister will reflect on that. The proposal will have the benefit of greater transparency and buy-in, which is of significant importance. It should be considered, and perhaps we will get some indication that the Minister will respond to that consideration.

In fairness to members of Committees, some of the issues have been addressed already. Therefore I will confine myself to two points that I think are overarching. The first is the proposed

allocation to the Commission, that is, the Assembly operation, and the second relates to the Audit Office. There is considerable concern in each of them, which is reflected across the parties, that those bodies are an essential element in the accountability mechanisms that the Assembly has devised and which it applies.

Legislation makes it abundantly clear that there should be no interference by the Executive in the Audit Office. I welcome the Minister's attendance here, and I draw his attention to the excellent research report that was prepared for the Finance Committee, which, to some extent, deals with that and explicitly spells out the statutory independence of the Audit Committee. There should be no reduction of resources that would affect the ability of the Audit Committee to do its work.

## 2.15 pm

During the lifetime of the current mandate, which is the first full term that the Assembly has completed, one can see quite clearly that Committees, in their scrutiny and advisory role, have begun to develop an understanding of their powers and their ability to hold to account Ministers and departmental officials, some of whom are highly paid and powerful individuals. During the past four years, scrutiny Committees have demonstrated an ability to get to grips with the amount of detail and, in fact, have started to provide evidence-based confidence that the process of checks and balances is not only important but effective.

That brings me to the role of the Commission. Scrutiny Committees cannot function unless the Commission has sufficient resources to ensure that they are all properly serviced, not just with experience and senior secretariat leadership, but, in fact, within that leadership, with the high-level administrative skill, experience and research ability that is necessary to track through legislative proposals, policy developments or performance assessment on a step-by-step basis, as required.

It is of considerable concern to me and my party that both the Assembly Commission and the Audit Office have been singled out. Their treatment stands out from that of all the Departments, some of which are high spenders. I defy anyone to challenge my view that had the scrutiny process actually discovered examples of malpractice — work in which procurement guidance was not properly followed or areas

where savings could have been identified and applied to sustain, maintain and develop front line services — it would be extremely short-sighted of the Assembly to limit in any way scrutiny Committees' ability to continue to develop and enhance that role. I ask for a significant review of that to be undertaken.

I sought a rationale from DFP officials who appeared before the Committee, particularly with regard to the Assembly Commission. I did not get it. Officials pointed to the fact that both the Commission and the Audit Office had an element of underspend. However, the Department of Finance and Personnel also had underspend. I find it somewhat ironic, therefore, that officials would use that argument to justify what I believe to be an attempt to put manners on two bodies that provide vital muscle, resource and strength to the scrutiny process. It behoves Ministers to recognise and to respect that and it is for the Assembly to defend it.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** The Committee for Social Development, like others, has been hampered in its scrutiny of its Department's work on the draft Budget by a lack of information, the timeliness of the availability of that information, and, indeed, a lack of clarification being delivered to the Committee even though it was sought after a meeting with the Minister.

That being said, the Committee has largely supported the bulk of the draft budget that has been presented to it by the Minister for Social Development. Down through the years, and particularly in recent months, the Committee has pushed issues in many areas that the Minister has taken on board in his draft budget and savings and expenditure plan. In particular, I am thinking about a large measure of protection for the voluntary and community sector. My Committee colleagues and I had thought that that sector would be seen as an easy target for cuts. Therefore, we welcome the protection that has been afforded to it.

Not unrelated to that is the Committee's long, keen interest down through the years in funding for neighbourhood renewal, areas of risk and small pockets of deprivation. Again, it welcomes the measure of protection that has been offered to those funds. We note with interest and, again, with support that the Minister has reiterated to that sector his desire to see further collaboration and savings. Therefore,

although protection has been put in place, there is a push for further efficiencies. That is to be welcomed. Other Ministers should do likewise.

There is also support for what appears to be a freeze — pardon the pun — for funding for the warm homes scheme. Although funding for that scheme has been protected, concern has been expressed about where additional moneys that would have been put into the anti-fuel poverty budget line have gone to and about what is to be done with that funding, which amounts to roughly £10 million.

On a slightly more negative side, concern has been expressed in the Committee about possible job losses in the Housing Executive and how that is to be managed. However, we note that a decision on a rent increase may mitigate that and, indeed, allow the Housing Executive to have additional funds to invest elsewhere.

We have also noted with interest the proposal to save some £20 million from the housing associations on an ongoing annual basis, which is a total of £80 million over the Budget period. The Minister has come to the Committee with his view that that might be ambitious, but, upon questioning from me, I noted that he did not disagree with the principle behind that. We look forward to seeing his proposals on how that might be achieved. I have been supportive of that approach, which is included in the draft Budget, for some time, but would like to see more detail on it.

There is not as much money available for capital expenditure in the Department for Social Development as anybody would like, but we are dealing with a difficult capital expenditure settlement. If there was more money, we would like to see it spent on the maintenance of existing stock or on housing newbuild, but everybody appreciates that we are dealing with a difficult capital settlement.

I will speak now in a personal and party capacity. I have heard it said that there are certain deficiencies in the draft Budget process. If there are deficiencies in the draft Budget, they are only as deficient as the system that created it. It is difficult to set a Budget in any circumstances, but it is particularly difficult to do so in the sort of circumstances that we face in the Northern Ireland Assembly, which is a five-party mandatory coalition. I ask Members to take a look at other jurisdictions and at the time

that they took to get agreement. In fact, there was a lack of agreement at times. They did not have the political complexities that we had to juggle with.

Those complexities were confounded further by the fact that we were facing a Budget settlement that had some 40% cuts in our capital expenditure and close to 10% cuts in our current expenditure. I do not think that I need to remind people which party in the House canvassed for that degree of cuts. I do not think that I need to go into any detail. If anyone is confused, they can refer to the Ulster Unionist Party manifesto from May of last year, which reveals all the answers as to which party canvassed for those cuts. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Chairperson of the Committee for Social Development:**

I note the yelping from the Member for North Belfast. I know that he was not a fan of that particular linkage, but, like the rest of his colleagues, he is caught by it.

The 22 October conclusion to the CSR settlement should also be factored in. When the context of political complexity, the late settlement notice and the very difficult Budget settlement are taken into account, it is a miracle that we have come up with a draft Budget at all, never mind a four-year draft Budget, which is unique in the devolved regions across the United Kingdom.

I have also heard complaints about the consultation process. I understand those complaints. It baffles me as to why there has been a delay. As far back as May and June last year, the Finance Minister was warning every Department in the Executive to come forward with savings plans. Many of those Departments received settlements that were more advantageous to them than what they were planning for or being asked to plan for in May or June. One would think that to come forward with savings in expenditure plans would have been an easy operation for them, but some took weeks and weeks to do that. If there is any blame to be bandied around for the consultation, it must go to those Departments that are to blame for it.

**Dr Farry:** I am grateful to the Member for giving way. Will he comment on the fact that some Ministers have formally provided answers to questions for written answer saying that they have received the settlement from the draft Budget and that they will commence sitting

down with their officials to work out what it means for the Department? What does that sort of statement say about the respect that those Ministers have for the public of Northern Ireland?

**The Chairperson of the Committee for Social Development:**

I find that baffling as well. Every Department should have been planning well in advance. We knew what was coming, by and large. We did not know the precise figures, but we should have at least known the ballpark, and we did. In fact, some Departments have done much better than they thought they would have done back in June of last year.

The Budget is not everything that everybody wanted it to be — it could not be — yet there is much that is positive in it. There are no water charges factored in over the four-year period. There is a real-terms freeze for domestic regional ratepayers, thus protecting people in difficult times. There is support for the green new deal, support for a social protection fund, and provision for a social investment fund.

I note that the leader of the SDLP said that it was a DUP/Sinn Féin community development fund. If she looks at the draft Budget, she will see that it is to be administered by the Office of the First Minister and deputy First Minister. The leader of the SDLP has not only written off her own chances of success in the upcoming Assembly election, but has done that for the Ulster Unionist Party. I know that everybody is all for honesty and frankness in politics, but I am sure that her party colleagues will not appreciate that, never mind the Ulster Unionist Party.

The Budget is certainly not without difficulties and deficiencies, but it is only as deficient as the process that set it.

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

As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. The debate will continue after Question Time, when the next Member to speak will be John McCallister.

*The debate stood suspended.*

*(Mr Speaker in the Chair)*

2.30 pm

## Oral Answers to Questions

### Social Development

#### Housing Executive: Weather Damage

1. **Ms S Ramsey** asked the Minister for Social Development whether the Housing Executive is checking all maintenance orders issued for repairs during the Christmas period to ensure that they have been actioned. (AQO 892/11)

7. **Mr K Robinson** asked the Minister for Social Development for his assessment of the level of damage caused to Housing Executive properties during the recent adverse weather. (AQO 898/11)

#### The Minister for Social Development

**(Mr Attwood):** I thank the Member for her question. I also thank all Members who forwarded individual cases to me about Housing Executive or housing association responses to the cold weather. Those have been important in informing my mind about the issues around the Housing Executive, especially during its initial phase of response. That narrative has helped me in addressing and managing the situation.

The answer to Ms Ramsey's question is yes. At local level, senior management level and departmental level, we are making sure that all the maintenance orders have been processed; that proper invoices are being submitted; that, if necessary, invoices are being challenged, and that the very small number of outstanding works are completed expeditiously.

Those small number of works continue to be progressed but have to await, for technical and good, substantial and professional reasons, the drying out of a small number of properties. During the cold weather spell, the Housing Executive, on current figures, had to place more than 40,000 individual orders, all of which had to be processed by the Housing Executive and the contractors.

The contractors measured up, in large part, but there were, in my view, instances when they did not fully measure up on a case-by-case basis. There may even have been clusters when

contractors fully failed to respond. That is why I instructed the Housing Executive to evaluate the contractors' response in general, with regard to their areas of responsibility, to ensure that if further work has to be done with contractors it will be attended to.

**Mr Speaker:** Before I call Sue Ramsey for a supplementary question, Minister, do you still intend to group questions 1 and 7?

**The Minister for Social Development:** I am sorry, Mr Speaker. I do.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his response. Was he concerned at that time, based on the information that he was getting from local representatives and probably from some of his constituents? I know that the adverse weather brought difficulties. However, there are still people who were critical of the attitude and response of some contractors at the time.

**Mr Speaker:** I encourage the Member to come to her question?

**Ms S Ramsey:** Is the Minister happy with that and is there a time frame for the absolute completion of some of those work orders?

**The Minister for Social Development:** I thank the Member for her supplementary question. The timeframe is as soon as possible but some properties, because of the extent of the damage, must be allowed to dry out properly. If one accelerates the process of drying out one will create further problems in the medium and longer term. I have professional advice from the Housing Executive confirming why a small number of properties have to be handled in a certain way.

It was clear that an emergency situation was developing. That is why I called the Housing Executive in on two occasions before Christmas — on 21 and 23 December. That is why on 21 and 22 December I had four conversations with the chairperson of the Housing Executive to upgrade its response to the emergency. I did not sit back and wait for the crisis to develop and then take action belatedly. I anticipated what would happen and tried to intervene to help the Housing Executive manage the situation. There were issues that should have been handled better in its initial response; however, over the length of the period and given the scale of the



problem, the Housing Executive increasingly escalated its response and measured up.

**Mr K Robinson:** I thank the Minister for his answer. Given that severe weather affected 22,000 properties out of a Housing Executive stock of about 90,000 does that not indicate that some houses are less prepared for the severe conditions that we had? Will the Minister give a reason for that and indicate a way to solve that problem?

**The Minister for Social Development:** I thank the Member for that important question. The figures do suggest that there may be a problem with the Housing Executive's stock. I asked for an assessment of what further interventions will be necessary, such as insulation, lagging and dealing with the freezing of gas condenser boiler pipes, to mitigate the risk in the future.

However, as I explained to the Social Development Committee last week, there may be other reasons why the Housing Executive stock was disproportionately affected. It may be that, because of the cost of heating fuel and electricity, people are not in a position to heat their homes adequately. Given the profile of Housing Executive tenants, among whom there may be a higher level of welfare benefit entitlement, it may simply be the case that a significant number of them are unable to heat their whole home and are heating one or two rooms, which carries the risk of damage from a cold freeze.

I take the point that an assessment has to be made to see what further interventions are necessary to improve the stock, as the Housing Executive does on a rolling basis through ongoing maintenance and heating improvements. Those programmes result in an increase in lagging and insulation.

**Mr Humphrey:** I also commend Housing Executive staff for the work that they did, after the difficulties that the general public initially had in trying to contact them about problems such as frozen pipes, boilers busting and so on.

Does the Minister agree that the old adage of prevention is better than cure applies? A constituent of mine from Rusholme Street in the Shankill area contacted me. She has been waiting for three years to get her house insulated and to get lagging around her hot water tank.

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

**Mr Humphrey:** Will the Minister give us some assurance about the work that is being done in the Executive to ensure that homes are properly insulated?

**The Minister for Social Development:** Again, I acknowledge the principle behind the question. All of us, including myself — I do not have lagging on some pipes in my own property — need to take what steps we can as private householders, and the Housing Executive and housing associations have to take what steps they can on behalf of their tenants, to improve energy efficiency and insulation.

As of January 2010, the Housing Executive has 50 schemes, affecting 3,700 properties. As a consequence, there will be an upgrade of insulation and lagging. In the 2011-12 financial year, 25 heating schemes are planned, which will affect nearly 1,600 properties. The consequence of that, in addition to a new heating installation, will be upgrades in lagging and insulation.

As I will touch upon later, the fact that we have a warm homes strategy and the fuel poverty strategy that I will be launching over the next number of days, means that there will be further interventions to ensure that, going forward in these difficult financial circumstances, there are adequate, if not increased, budget lines to bring about a situation in which we have warm homes, which will mitigate the risk of damage during cold conditions.

**Mr McDevitt:** What was the extent of the damage to the housing stock as a result of the cold weather spell and the subsequent problems with mains water supply?

**The Minister for Social Development:** I thank the Member for that question. As I indicated earlier, we have 90,000 Housing Executive properties. In relation to those properties, over 40,000 orders were placed in response to the cold weather. There were parts of Northern Ireland, especially neighbourhoods in Omagh, Fermanagh and south Tyrone, where nearly all properties were affected by the cold spell. The figures suggest that that was particularly the case in Omagh and that the problem was less severe in the eastern part of Northern Ireland. The scale of the problem was unprecedented.

What remains is a small number of properties that are drying out before major remedial work is undertaken. That work is the equivalent of the multi-element improvements that the Housing Executive carried out until a number of years ago.

That shows the scale of the problem around Northern Ireland, and, save for the initial phase, it also shows the scale of the response by the Housing Executive and many other contractors.

## Neighbourhood Renewal Partnerships

**2. Mr McElduff** asked the Minister for Social Development why neighbourhood renewal partnerships have been asked to apply for funding for a one-year period despite the commitment of funding for a four-year period in the draft Budget. (AQO 893/11)

**The Minister for Social Development:** I thank the Member for his question. Since the day and hour that I came into office, I have made it very clear that I would attempt to secure a budget line for neighbourhood renewal going forward. Since the draft Budget came out, I have said publicly that the neighbourhood renewal budget line going forward, including revenue and year-to-year costs, will be ring-fenced. Indeed, I am attempting to enhance it. However, the draft Budget was endorsed by only three parties around the Executive table in December, and the full Budget has yet to be endorsed by the House. Although I trust that the Budget will be materially different from the draft Budget as endorsed by those three parties, it will not necessarily be feasible for me to put in place what I want to, namely, four-year commitments to neighbourhood renewal projects going forward.

What did I do about it? I brought in all the neighbourhood renewal partnerships before Christmas, and I spoke to the Belfast area partnerships after Christmas. I told them that, if it was possible to get four-year funding at the beginning of the next financial year, I would do so. I also told them that, if it was not possible, I would try to ensure that some groups get a commitment for funding over the full four years of the next comprehensive spending review (CSR) period early in the next financial year. That would mean that some organisations would need to adjust how they do their work during the first year of the next CSR period so that they could get funding for the subsequent three

years. It would also mean that some would not get any funding at all, because I do not believe that they are doing their work properly. Others would get new funding streams, as new work is needed in neighbourhood renewal areas. That is a responsible and measured way of trying to get money for neighbourhood renewal. Many neighbourhood renewal organisations have told me that they appreciate the up-front commitment to the securing and enhancing of the budget line. However, they have asked why, if neighbourhood renewal is managed in that open, transparent and accountable way, the so-called social investment fund that comes from the Office of the First Minister and deputy First Minister (OFMDFM) is not dealt with in the same way.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. Will the Minister tell the House whether all the groups that are funded under neighbourhood renewal have been notified of the continuation or otherwise of their funding? The Minister touched a little on funding being awarded only on a one-year basis. However, does he appreciate the uncertainty that that leads to and how it makes planning for the future impossible?

**The Minister for Social Development:** When I came into office, I met with a number of the neighbourhood renewal partnerships, and I told them that I would try to create the certainty that a four-year funding cycle would bring. I do not believe in ad hoc, year-to-year funding, because it creates doubts and uncertainty and does not help organisations to embed themselves or have funding that is secure enough to fulfil their purposes.

However, I am not responsible for the fact that the draft Budget was not signed until December, and I am not responsible for the fact that, if we get to this point, we will not have a full Budget signed off during March. The funding issue is a consequence of the difficulties with our budgetary process, but we do not need to rehearse those today. In that context, however, neighbourhood renewal partnerships and organisations in neighbourhood renewal areas have told me that the balanced and proper way to proceed is through my proposed funding model, my attempts to get four-year funding for many groups going forward — if not at the beginning of the next financial year, certainly during it — while saying that some

groups do not merit funding and others do. All organisations have been so advised.

**Mr Beggs:** Small pockets of deprivation funding is part of neighbourhood renewal. Will the Minister ensure that the equality of treatment to smaller communities that qualify for that funding will continue? When does he expect them to be advised of the areas that will qualify and of the amounts that they can expect to receive?

**The Minister for Social Development:** I am prepared to give the reassurance that, whenever I talk about neighbourhood renewal, I am really talking about the family of neighbourhood renewal-type funding projects. Those include small pockets of deprivation and areas at risk, and, as with the neighbourhood renewal areas, the organisations that are currently in receipt of money will hear in the very near future the proposals for taking that matter forward.

**2.45 pm**

**Ms Lo:** Does the Minister agree that short-term funding over the past few years has prevented many projects from embarking on long-term and strategic actions to improve the quality of life for communities?

**The Minister for Social Development:** I do not necessarily agree with the Member's assertion. The neighbourhood renewal evaluation confirmed that the neighbourhood renewal strategy is beginning to embed in the 36 relevant areas and to have a material effect on the quality of life experienced in those areas. Although there has been some uncertainty around funding, the evidence shows that most neighbourhood renewal organisations and partnerships are beginning to apply themselves successfully to the tasks that they have set.

I go around Northern Ireland visiting neighbourhood renewal areas week in and week out, and I see that the funding going into organisations is beginning to make a material difference. If one goes to Lurgan, Portadown, Craigavon and various other areas, one will see how sport, through the construction of multi-use games area (MUGA) pitches, is creating opportunities for young people and others to recreate and behave responsibly, bearing in mind the difficulties and pressures that exist in those communities.

If we have an agreed Budget, my model is the only feasible model. However, within that

model, I am trying to ensure that, before 1 April or as soon as possible after that date, all organisations that are doing the necessary work will have funding for the four-year cycle.

## Boiler Replacement

**3. Mr Hamilton** asked the Minister for Social Development whether his Department will introduce a boiler replacement scheme.

(AQO 894/11)

**The Minister for Social Development:** I am actively considering the potential for a boiler replacement pilot scheme, and if I am minded to go down that road, I will inform the Assembly soon, probably in the very near future. If I go down that road and launch a new fuel poverty strategy, not only must we deal with the issue of warm homes through the traditional mechanisms and, potentially, through a boiler scrappage scheme, but we need to deal with the other two issues that create fuel poverty; namely, income level and the price of fuel. In any proposals that I make, I will build on the good work that Margaret Ritchie did on warm homes, and I will begin to create and build best practice around issues such as the price of fuel. It is self-evident that if, for example, there are 120,000 houses in the public sector in Northern Ireland between housing associations and the Housing Executive, that will create leverage on the price of energy from the energy companies. That should be exploited.

**Mr Hamilton:** I thank the Minister for his reply. He will remember the Assembly's unanimous support for a private Members' business motion that I proposed some time ago calling for a boiler scrappage scheme for Northern Ireland, so I welcome his announcement of a possible pilot scheme.

Does the Minister agree that the results of the recent Northern Ireland house condition survey and the actual and anecdotal evidence of some houses' conditions during the recent cold snap suggest that there is an urgent need for a boiler scrappage scheme and other radical initiatives for better heating and fuel efficiency of homes?

**The Minister for Social Development:** I agree with the sentiment of the question. Forty-four per cent of our people are in fuel poverty, and that figure increases to more than 80% for some of our senior citizens. It is an acute issue, and that is why I welcomed the unanimous view



of the Assembly in that regard. However, as a result of the acute weather, the Assembly and the London Government have an obligation to help people who are in particular need as a result of damage to their homes.

That is why I have written to OFMDFM on two occasions proposing that we take forward work on an emergency payment in a number of categories to try to mitigate the costs that Housing Executive and housing association tenants are incurring as a result of damage to their houses, increased energy bills for using heaters, and the like. That is an important intervention. That sort of work is an appropriate and proportionate response to the acute weather and is indicative of the best intentions of the Assembly and the Executive in progressing a wider warm homes strategy.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. If the Minister decides to go down that road and give us all a warm glow, will he ensure that any replacement scheme benefits low earners and people on benefits who are homeowners, taking into account the cost of replacement heating systems?

**The Minister for Social Development:** I would certainly like to give everybody a warm glow, unlike the Member's party colleague who wants to give everybody "warm weather payments" — whatever they might be. *[Laughter.]* I know that the Member knows, and I know, that they are cold weather payments, but another Member seems to think that they are warm weather payments.

If we go down that road at all, I do not intend to repeat the scheme that was run in England, whereby people received a £400 grant towards boiler replacement on a first come, first served basis. Given the figures that I just rehearsed with Mr Hamilton about the scale and profile of fuel poverty in Northern Ireland, it is self-evident and compelling to endorse Mr Brady's point that if we go down the road of any intervention in warm homes, it should be targeted on those most in need.

**Mr O'Loan:** The Minister has partially answered my question. Why can we not, and why did we not, simply replicate the UK government scheme? Why must the scheme be different here?

**The Minister for Social Development:** I touched on that issue. In 2009, the English scheme offered £400 cashback for up to 125,000 privately rented

or owned households to upgrade their oil or gas boilers. We could adopt that model. However, given that there will be less money, fewer jobs and welfare payments and rising mortgage repossession as people begin to experience the consequences of the reduction in support for mortgage interest and other debt issues, I believe that we should target money at those in need. Any potential boiler scrappage scheme must deal with that.

Unless our Budget deals fundamentally with the issue of hardship and undoes its intention to create a hardship fund with a budget line of only £20 million in year one, with no guaranteed income in years two, three and four, this debate, and previous debates on the Floor about warm homes, will be academic. We need a hardship fund that has guaranteed funding over each year of the CSR, which must match the proposals that I sent to the Executive before Christmas, namely that at least £30 million a year with additional moneys should be directed towards the scheme on a year-to-year basis. That would be proof positive of a commitment to those in need and disadvantage.

## Housing Associations and Social Housing

**4. Mr McCallister** asked the Minister for Social Development for an update on the proposed release of £20 million per year from housing association reserves to supplement the newbuild programme as outlined in the draft Budget 2011-15. (AQO 895/11)

**5. Mr Lunn** asked the Minister for Social Development for his assessment of the proposal to save money by reducing housing associations' grants by £20 million in each of the next four years. (AQO 896/11)

**10. Mr Savage** asked the Minister for Social Development for his assessment of the impact that his Department's draft budget will have on social housing targets in the period 2011-15. (AQO 901/11)

**The Minister for Social Development:** Mr Speaker, I will take questions 4, 5 and 10 together.

The situation is acute for housing newbuild. This year, we will be able to build over 2,000 properties. I will shortly announce how many houses we built over the past three years. Over the next four years, on the basis of the draft

Budget, we will be lucky to be able to build half the number of houses that we built in recent years. All the figures suggest that housing stress and waiting lists will increase over the next four to five years, and if that is combined with fewer houses being built, it is an unhelpful and unwelcome situation.

That has been compounded by the arbitrary and unilateral DFP decision, endorsed by three parties at the Executive table, to pick £80 million over four years out of housing association reserves to help fund newbuild. As Members know, I am a believer in radical reform and a positive image of the housing association sector in Northern Ireland. I have asked it to do more on joint procurement and to consider mergers and working together on shared services. I have asked it to deal with the internal costs issues, but, to date, not one housing association chief executive who has, in my view, a generous if not extravagant salary, has taken up my invitation to take a voluntary pay cut. I want to reform the housing associations, but, at the same time, we cannot put their financial viability in jeopardy, as DFP and three parties at the Executive table have done, in unilaterally and arbitrarily —

**Mr Speaker:** You have run over time, Minister.

**Mr McCallister:** I am grateful to the Minister for his reply. I am aware that, when he appeared before the Committee, he was hoping to have had some answers on the matter; 23 January rings a bell. What is his assessment of the impact that this could have on the housing associations? Do they have the £20 million a year that has been suggested in the draft Budget? Can the Executive take that money from the housing associations and use it? Does he have the power to do that?

**The Minister for Social Development:** I do not have the legal power —

**Mr Speaker:** Minister, do you intend to group your answers to questions 4 and 5?

**The Minister for Social Development:** I did indicate that, Mr Speaker.

**Mr Speaker:** OK, sorry.

**The Minister for Social Development:** I do not have the legal power, but I have the operational power. If I adjust Housing Executive grant figures to housing associations to help their newbuild schemes and reduce the scale of such grants, the housing associations will be obliged to find their own sources of funding to fill the

gap, either by borrowing from the European Investment Bank and the bond market or by reducing their level of reserves. That model has been used before and I am prepared to use it again. However, the issue is this: what is the bottom line when it comes to housing association reserves that can be legitimately used for newbuild projects in a way that does not put their financial viability in jeopardy? Although there is money that can be used for that purpose, it is my firm conviction that £80 million over four years is extravagant and not credible.

**Mr Lunn:** I thank the Minister for his answers so far. The figure mentioned in the draft Budget was £200 million of potential reserves. Is he satisfied that that figure is reasonably accurate? It is certainly disputed by the housing associations.

**The Minister for Social Development:** The figure is actually in excess of £200 million; it is probably in or around £230 million. However, the issue is more to do with the definition of “reserves” and whether they are cash reserves, or close to cash reserves, that do not have any other purpose and can be used for capital newbuild, or whether they are reserves that are necessary in order to prove financial viability, to draw down money from the European Investment Bank or to maintain stock, which is a very important issue, given the earlier questions about Housing Executive stock over the cold weather. Those reserves may not be available for any other purpose.

The real issue is about identifying the true level of reserves that can be used for newbuild purposes. I have interrogated the housing associations in that regard. They have provided information to me, and, in the very near future, we will determine what they say is available for newbuild purposes. I may have to push them further, and I am prepared to do that if it is the right way to go. I do not believe that picking a figure out of thin air, as DFP and three parties at the Executive table did, is a wise course of action.

**3.00 pm**

## Agriculture and Rural Development

### Woodland

1. **Mr Kinahan** asked the Minister of Agriculture and Rural Development what level of resources

she intends to invest in the forestry sector over the next four years to increase the total acreage of woodland. (AQO 907/11)

**The Minister of Agriculture and Rural Development (Ms Gildernew):** The Executive's draft Budget was announced by the Minister of Finance and Personnel on 15 December 2010.

I have agreed a provisional budget allocation, which has been published on the DARD website. The Department is inviting views on those proposals from stakeholders. More detailed allocation to areas such as woodland creation has yet to be agreed.

In the current Programme for Government, I made resources available to increase woodland cover by 1,650 hectares by March 2011. That will be done primarily through the conversion of agricultural land to woodland under the woodland grant scheme. That was always going to be a challenging target, not least because of the pressures that farmers and landowners face. Up to the end of December 2010, 671 hectares of new woodland had been created. That is obviously less than I had planned at this stage of the PFG, and it is unlikely that the target will be achieved by March this year. However, I remain committed to the forestry strategy's long-term aim of doubling the area of woodland in the North of Ireland at a rate that will depend on both the willingness of landowners and farmers to plant trees and available budget cover. In November 2009, by announcing increases in grant rates of up to 30%, I encouraged landowners and farmers to plant trees. There has been a steep rise in the area of woodland creation applied for since then. I expect that increased interest in applications to result in more woodland creation that will continue into the next PFG period.

My Department will increase its efforts to promote the benefits of woodland creation and to provide assistance to farmers and landowners in the creation of new woodlands. The available support is significant and includes increased grant rates; changes in the single farm payment to allow farmers to continue to receive the single farm payment as well as a forestry grant for land converted; and advice and guidance from skilled and professionally qualified staff in my Department. I will consider how best the Department can integrate woodland creation and other land use

management to achieve the priorities that we set for both agriculture and forestry.

**Mr Kinahan:** I thank the Minister for her thorough answer, and I congratulate her on the increased woodland that she has managed to put in place. What resources will the Minister put in place to open woodland up to the community and encourage people to use it?

**The Minister of Agriculture and Rural**

**Development:** I am keen for people to be better able to use our woodlands for their health and well-being. In July 2009, I announced a recreation and social use forestry strategy that sets out how we intend to promote the recreational and social use of forests. It includes a wide range of elements, including mountain biking, walking trails and angling, that will enable the increased use of forests for recreation. The strategy is aimed not just at encouraging tourism, which I am keen to expand into rural areas, but at benefiting the people who live and work in the rural community.

**Mr O'Loan:** What is the Minister doing to encourage private investment in trees and forestry?

**The Minister of Agriculture and Rural**

**Development:** Increased grant rates for private investment is one of the things that I feel would most help in the planting and creation of new woodland. Although those rates have increased significantly, we still face a barrier, because, in Europe, the definition of a farmer for planting woodland is 25%. I feel that that is high and that somewhere between 25% and 15% would be better. However, 15% would be best. I wrote to Commissioner Ciolos on this matter recently and received a reply that was not overly encouraging. However, I hope that we can continue to press the Commission on the issue, given our very low levels of afforestation and the need to increase the targets.

**Mr Girvan:** Sudden oak death has affected a large number of forests in South Antrim and in the east Antrim area in particular. What mechanism does the Department have for the reforestation of those areas? How long do they have to be left before they can be replanted?

**The Minister of Agriculture and Rural**

**Development:** Worryingly, they have to be left for a significant time — about two years — before they can be replanted. We hope to have all the trees removed by the spring. Under biosecurity

measures, the trees are taken and processed. Biosecurity advice is given to people who go into forests that have been affected by sudden oak death. We ask that people respect that advice so that they do not bring disease back to their own homes and gardens. There have been nine confirmed outbreaks so far. That figure has not increased over the wintertime, but I imagine that there will be further cases of sudden oak death come the springtime. It is a serious problem, and my Department is treating it as an extremely high priority.

**Mr W Clarke:** Will the Minister outline what grant incentives are available for landowners who wish to convert their land for forestry use?

**The Minister of Agriculture and Rural Development:** There are three schemes: the woodland grant scheme is grant-aided at a rate of up to £2,400 a hectare; the farm woodland premium scheme has payments ranging from £60 to £290 a hectare a year for up to 15 years; and the land on which single farm payment was claimed and paid in 2008 and was subsequently converted to woodland under those schemes automatically remains eligible for single farm payments. That is a good boost to people who are thinking of creating woodland.

Grant aid is also available for the establishment of short rotation coppice (SRC), which is a specialised form of forestry plantation that involves growing high-yielding willow at close spacing and then harvesting it at regular intervals every two to three years as a biomass energy crop. The maximum rate of grant for SRC is £1,000 a hectare.

## Pig Feed

2. **Mr I McCrea** asked the Minister of Agriculture and Rural Development what action she has taken to help reduce the cost of feed for pig farmers. (AQO 908/11)

**The Minister of Agriculture and Rural Development:** I am very aware of the difficulties faced by the pig sector, which have been brought about by the global rise in cereal and protein prices and by the fact that pig meat production and prices have yet to respond to those input cost increases. That position clearly cannot persist, and there will be an EU-wide adjustment in pig meat prices when European pig meat production falls in response to the pressures. That represents the long-term and sustainable

solution to higher feed input costs, which seem set to persist in the immediate future. Since my press release of 26 January, it has been encouraging to note that the EU has agreed to open private storage aid to offer support to the struggling pig meat sector.

There are limitations to what DARD can do about market prices. However, the Department offers assistance to pig producers in a number of ways. Benchmarking, which is available to all producers via CAFRE, establishes the strength and weaknesses of individual units and identifies where improvements can be made and costs saved. Additionally, the pig grading information system (PiGIS), which CAFRE and AFBI developed jointly, assists producers to analyse pig carcass data, thereby enabling them to make management adjustments to meet market demand quickly. Significant improvement in returns can be achieved by concentration on improving carcass quality. The manure efficiency technology scheme (METS) and the farm modernisation programme are also available to help pig producers. Further support is provided via research through AFBI. In addition to those measures, our pig producers have been given substantial assistance at farm level to aid compliance with environmental restrictions.

**Mr I McCrea:** There was certainly a great deal of information in that answer. As she stated, the Minister is more than aware that the cost of pig feed has almost doubled over the past few years. Does she agree that one way to combat that rise is to increase the price that the industry pays farmers for each pig? Will she outline what work she and her Department are doing to ensure that pig farmers get the best price from the industry for each beast?

**The Minister of Agriculture and Rural Development:** The problem is not just in the pig sector. Many other farming sectors recognise that input costs are not being met by output costs. The price for finished pigs has dropped significantly. In 2010, the overall price was 127.74p a kilogram, which was 4.3% below the 2009 level. At the week ending 15 January, the producer price had gone down to 126.52p a kilogram. We cannot get involved in market prices. However, we obviously can and do continue to press home the message that there needs to be respect across the supply chain and that producers, processors and retailers all have a responsibility to get the product to us. However, if one element does not get a fair



share of the price, the whole sustainability of the supply chain will be damaged, and more people will go out of business. So, I continue to press it home to processors and retailers that our producers need to get a fair price. They are producing meat at below the cost of production, which is neither sustainable nor fair in the long term.

**Mr Armstrong:** It is good of the Minister to make the House aware of how pig farmers work and that benchmarking does not guarantee profitability. Pig farmers are very efficient and have been working well. Their biggest concern is about what action the Minister is taking to ensure that regulations do not place local pig farmers at a disadvantage with other producers of pork products who may be importing to the United Kingdom.

### **The Minister of Agriculture and Rural**

**Development:** Again, I have raised that issue consistently with the Commissioner and officials because I think that standards similar to the quite stringent restrictions and regulations put on our pig sector need to be applied to products being imported into the EU. I agree with the Member: the pig industry has seen a significant decline over the past 20 years to a level where only the best pig producers are still in business. We want to keep them in business, and we want to keep them profitable. We invest significantly in benchmarking and in ensuring that farmers are within compliance to show our commitment to a sustainable pig industry here. However, with feed costs at their present height, it is important to ensure good feed efficiency by reducing wastage. That can be achieved by calibrating feeders and adjusting stock density and by marketing pigs at the correct weight and carcass specification.

I agree that it is a challenging time for our pig farmers, and we will do all that we can to help them in this period.

### **Farm Modernisation Programme**

3. **Mr Girvan** asked the Minister of Agriculture and Rural Development for an update on the farm modernisation programme tranche 2 including the uptake for the scheme and the number of successful applications. (AQO 909/11)

6. **Mr Craig** asked the Minister of Agriculture and Rural Development for an update on the farm modernisation programme. (AQO 912/11)

### **The Minister of Agriculture and Rural**

**Development:** With your permission, a Cheann Comhairle, I will answer questions 3 and 6 together.

The closing date for applications for tranche 2 of the farm modernisation programme closed on 26 November 2010. During the six-week open period, almost 8,000 applications were received, 87% of which were online submissions and just over 1,000 of which were returned in hard copy. As the average amount of funding sought per application is in the region of £3,000, I hope that more than 2,300 applicants will be successful.

To establish the threshold score to determine the allocation of the £7 million of funding available, it has been necessary to populate the details of the hard copy returns of the applications received on to the EU database. That is time-consuming, which is one of the reasons why I was keen to encourage use of the online application facility provided. I am pleased to report that the task has been completed and that letters of offer have started to be issued to successful applicants. I expect that the £7 million will be fully committed to successful farmers by the end of March 2011.

**Mr Girvan:** I thank the Minister for her answer. Is it possible to identify areas that have not necessarily been as successful in applying as others? Some areas seem to be good at getting their applications in while others are not. Are there any gaps in the Province as regards areas that have not been so proactive in submitting applications?

### **The Minister of Agriculture and Rural**

**Development:** It is too early to say what the geographical spread will be until we have assessed all the applications. However, there has been a great deal of interest and excitement about the opening of applications for tranche 2 funding. From talking to farmers throughout the Six Counties, I believe that there will be a good uptake across the board.

**Mr Craig:** I listened with interest to the Minister saying that 87% of applicants replied online. That may be a tribute to having our broadband rolled out in rural areas. The Minister indicated that she does not yet have the area-by-area breakdown of who is applying. Does she know when those figures will be available? Will the fact that the forms were filled in online not speed up that process? There are suspicions



that in some areas such as Lagan Valley the uptake may not have been as great as in others.

**3.15 pm**

**The Minister of Agriculture and Rural**

**Development:** I will look at that information. Our main concern and priority at this stage is getting letters of offer out and getting applications assessed and paid. I did not get those types of question about tranche 1. Nobody tried to find out whether areas had succeeded or failed during that tranche, so that is interesting.

I am proud of the fact that 87% of farmers applied online. It certainly sped up the process considerably. I have no doubt that that was helped by the extra £2 million that I recently put into broadband in rural areas. We recognised that there were difficulties. A lot of our farmers are of a certain age and may not have the necessary computer skills to complete that form online. We worked closely with others, which was demonstrated when the equality impact assessment was being conducted. We had a helpline operated by the managing agent, and we had great support from the Rural Support network, the Library Service, DARD rural enterprise staff and others to help to take hard copies of the forms and submit them through the Internet. That certainly helped and is a great example of what can be done when there is a wee bit of an incentive.

**Mr Gallagher:** I thank the Minister for that information. Those of us in some rural areas, although welcoming the high percentage of online applications, want to know whether those who do not have broadband available are at a disadvantage. Will the Minister confirm whether her Department is prioritising online applications?

**The Minister of Agriculture and Rural**

**Development:** We certainly see the benefit in online applications. The Member and I share a constituency. He knows, as I do, the difficulties with broadband provision in constituencies such as Fermanagh and South Tyrone. We encouraged others to help farmers who do not have access to broadband or the necessary computer skills to submit their forms online. As well as the organisations that I just named, NIAPA, the Ulster Farmers' Union and my constituency office helped people to put their forms on the Internet. It sped up the process and made it a lot simpler for us to assess the

forms and to get the money out as quickly as possible.

The Department will use the Internet more and more for communicating with our customers, because it is so much better. For example, the integrated administration and control system (IACS) online form does not allow anyone to make a mistake. We both know the difficulties for farmers who maybe wait until the spring to get their single farm payment instead of getting it when it first becomes available before Christmas. There is certainly great benefit in operating online, but we have to recognise that the infrastructure is not as we would like it to be right across the rural Six Counties.

**Mr Cree:** Does the Minister accept that large, highly profitable firms in disadvantaged areas are more successful than more marginal firms in my area, for example, and that those firms are, therefore, being penalised because of their location?

**The Minister of Agriculture and Rural**

**Development:** I believe that people, whatever their location, need to have equality of services. Had the Quinn Group, which was based in Derrylin, been based in, Dunmurry, for example, would it have had a different experience? I suggest that it certainly would have and that it would have had a better service if it had been located closer to Belfast. It is important that we ensure that rural communities are not left behind. We have been left behind for so long in terms of our roads infrastructure and how we can encourage businesses to invest in the west. It is important that we are not equally left behind when it comes to the IT and technology infrastructure. Businesses, wherever they are, should be able to compete with businesses in and around Belfast.

**Rural Poverty**

4. **Mr Doherty** asked the Minister of Agriculture and Rural Development, given the current poor economic conditions, what priority she will give to tackling rural poverty. (AQO 910/11)

**The Minister of Agriculture and Rural**

**Development:** When I took up the post of Minister, I acted quickly to ensure that the Executive agreed to bring forward a £10 million package to tackle poverty and exclusion as a Programme for Government target up to the end of March this year. The subsequent initiatives that were

developed and led by my Department and were aimed at tackling poverty are having a brilliant impact on our rural communities, but there is still an awful lot to do. That is why I have fought hard to secure and retain the existing funding level and why, given that more and more people are falling into poverty in the current climate, I want to enhance our commitment to tackling rural poverty and exclusion by raising expenditure to around £16 million during the next Budget period.

It is key that we build on the many successful initiatives on which my Department is leading and that we develop others to help to address poverty and exclusion. Through working with other Departments and agencies, more than 10,000 people have benefited from a range of projects, including community transport; rural childcare provision; better access to a range of grants, benefits and services; the installation of heating to address fuel poverty; the rural support helpline; enhanced access to rural broadband, as I said; and small grants for local projects that address local rural needs. I believe that a true and meaningful cross-departmental approach has brought in more money, added value to what we have done and shown what we can achieve when we work together.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her very detailed answer. Will she provide more details on the benefit take-up programme in rural areas?

**The Minister of Agriculture and Rural**

**Development:** I am very excited about that, and it has been of great value. A pilot scheme run by Fermanagh Rural Community Network showed that every £1 invested was able to secure £6 in entitlements, so it was a really significant project. Our project is very lively: almost 4,000 visits have been completed, and I expect great benefits to be realised for rural communities as referrals are worked through in the next six months. At this stage, we have covered 30% of the most deprived rural super output areas, and I would love to see the scheme roll out to them all.

I will take this opportunity to advise the House about one case in particular. Just before Christmas, during the very cold weather, one of our project enablers identified and visited a house in which the occupants — a husband, wife and four children aged below 12 — were existing in very poor conditions. They were dealing with severe financial difficulties and illness, and

they were sleeping and living in one room, using firewood gathered on a daily basis as a means of heat. We made immediate contact with various agencies. We got heating oil, clothes and food for the children. We got disability living allowance fast-tracked and a social worker assigned, and the family is now availing itself of Sure Start and other local services. Through my Department's intervention and with assistance from other agencies, the life of that family has improved considerably. That is why we need to continue working to build on all the anti-poverty work that we have done to date.

**Mr Campbell:** The Minister will be aware that some small businesses in rural areas, particularly areas affected by socio-economic problems, are having difficulty expanding or relocating their business in those areas. Will she ensure that, when it comes to planning matters, her officials co-operate as closely as possible with Department for Regional Development officials to ensure that businesses retain their integrity in isolated rural areas?

**The Minister of Agriculture and Rural**

**Development:** I always try to do that, and I would want my officials to work on planning matters not only with DRD but with the Department of Enterprise, Trade and Investment and the Department of the Environment to ensure that what can be done is done to keep those businesses in rural communities. They provide jobs and services for people in rural areas. The Member will be aware that 40% of people in the Six Counties live in a rural area, so we need a financial infrastructure to create jobs and services in rural as well as urban areas. It is a matter of us all working together to ensure that we maximise everybody's quality of life, and we must work across Departments to make sure that that happens.

**Mr Beggs:** The Minister illustrated how many disadvantaged communities may not be aware of their entitlement to benefits and other schemes, such as the warm homes scheme. How will she continue to assist organisations, such as the North Antrim Community Network and its associated organisations, so that local people are well informed and can assist their neighbours when they spot that assistance is required?

**The Minister of Agriculture and Rural**

**Development:** I am a great believer in the bottom-up approach, and we use the Rural

Support networks to identify people who can be trained as rural enablers, so that people do not have somebody coming from outside the area to ascertain the need in that area. It is all done at grass-roots level, and that is one of the benefits of the project. As I said, more than 4,000 visits have taken place, and our trained enablers have been able to gain people's trust, find out what they need and ensure that they are pointed towards the grants, services and benefits to which they are entitled.

Rural people can be slow to look for benefits. They can be proud and do not like to admit that they are struggling. This project, which has been delivered in collaboration with the Department of Health, Social Services and Public Safety, has been excellent, and I would love it to be rolled out to all the rural super output areas.

**Mr McCarthy:** In a previous response, the Minister mentioned community transport. Is she aware that her counterpart in the Department for Regional Development has announced a massive reduction of 50% to Down Community Transport's funding. That will mean that a lot of people in the Down and Ards area will not be able to avail themselves of the transport to which they are used. That will inevitably contribute to —

**Mr Speaker:** The Member should come to his question.

**Mr McCarthy:** It will inevitably contribute to isolation and poverty. Will the Minister correspond with Minister Murphy to ensure that that does not happen and that her policy can be fulfilled in the Down and Ards area?

#### **The Minister of Agriculture and Rural**

**Development:** I speak frequently to Minister Murphy on that issue, and, through the work that we have done on assisted rural travel and dial-a-lift, my Department has funded over 100,000 passenger trips in the first 12 months of the assisted rural travel scheme. Each of the 16 rural community transport partnerships are showing excellent and increasing month-on-month usage figures, with over 1,700 individuals using the scheme in November. I would be concerned about reductions in any of those transport schemes.

The Member is absolutely right: rural transport is the key to people's ability to socialise, to get out and about and to go to appointments. It is a real lifeline, especially for people with

disabilities. We spoke to young people with disabilities and to others with mobility problems, and, to me, rural transport is a necessity and not a luxury. However, we need to ensure that, in the current financial climate, those schemes get priority and are funded for the community's benefit.

#### **Bluetongue**

5. **Mr P Ramsey** asked the Minister of Agriculture and Rural Development whether she has any plans to reduce the measures currently in place to protect against bluetongue disease.  
(AQO 911/11)

#### **The Minister of Agriculture and Rural**

**Development:** Following the widespread outbreaks of bluetongue in Europe and Britain, I, with the support of UFU and other stakeholders, have consistently urged importers not to put their business and that of their neighbours at risk by importing animals from bluetongue protection zones in Britain and Europe. The industry also decided to operate a voluntary ban on the imports of slaughter animals from bluetongue-affected areas. In addition, any susceptible animals that come here from Britain or Europe are tested after they arrive to ensure that they have complied with the legal requirements. Those animals are restricted and isolated until the results of those tests are known.

I shudder to think of the consequences had those measures not been in place. I remind the House that, almost three years ago on 14 February 2008, those control measures allowed us to quickly identify and cull an imported animal. Further investigations were carried out, and a total of 30 animals were culled because they had been infected with the disease or posed a threat of further disease spread. Economic estimates show that the local industry could have suffered to the tune of £75 million in that intervening period if bluetongue had become established then. I have been consistent on that issue in maintaining a fortress-Ireland approach to keeping bluetongue out, and I do not intend to make any policy changes at this time.

**Mr P Ramsey:** I thank the Minister for her detailed and robust answer. On 15 November 2010, the European Union proposed an amendment to the directive that prohibits vaccination against the disease in bluetongue-free areas. The new proposal will permit the

development of a vaccination strategy. How does the Minister view that amendment?

**The Minister of Agriculture and Rural**

**Development:** At this time, you cannot vaccinate outside a bluetongue protection zone. We have a bluetongue-free Ireland without vaccination. That is our first line of defence, and keeping bluetongue out is still the best and most important thing that we can do. Obviously, I will look at changes as they happen in Europe and assess the position then, but I assure the House and the Member that the fortress-Ireland approach and not importing cattle that are affected by bluetongue has been the best policy so far to protect our industry from a significant financial impact.

## Committee Business

### Budget 2011-15

*Debate resumed on motion:*

*That this Assembly takes note of the draft Budget announced on 15 December 2010 by the Minister of Finance and Personnel. — [The Chairperson of the Committee for Finance and Personnel (Mr McKay).]*

**Mr McCallister:** In opening, I will make some general comments about the budgeting process. I agree with colleagues that the lateness of the draft Budget has caused problems. I am sure that, in his response, the Minister will give some indication of how he plans to deal with that.

The lateness of the draft Budget and the consultation process will cause huge problems for how budgets will be managed and implemented, particularly during such a difficult period, in a matter of weeks and perhaps less from the Budget being agreed — if the Executive agree a Budget in this mandate.

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

### 3.30 pm

I will set in context the state of public finances across the United Kingdom and the challenges that we face as a nation: for us to put right our public finances and clear up the mess from 13 disastrous years of a Labour Government will be very difficult, and there will be challenging times ahead. I agree with my party leader that it would have been much better to have brought that Government to an end earlier rather than leaving them to run their course for the full 13 years. However, it was for others to decide what way they voted in contributing to that.

I turn to some of the issues that are reflected by the Committees on which I represent the Ulster Unionist Party. The Chairperson of the Committee for Social Development reflected some of the comments that have been made at Committee on the contribution of £80 million, or £20 million a year, from housing associations. It is interesting that I brought up that issue with the Minister for Social Development during Question Time. There are issues about whether it is wise to proceed with that and whether the figures of £20 million a year and £80 million over the cycle can be realised. Most housing associations doubt that it can.



How will the Department get that money from housing associations? Minister Attwood said that some of their grant rate could be changed, but it seems unlikely that that would equate to the £80 million that is stated in the draft Budget. It would be difficult, and it is somewhat reckless to throw out a figure when there is no evidence to back up that it can be achieved. It is difficult to see how the 2,500 houses a year that are needed can continue to be built —

**The Minister of Finance and Personnel (Mr S Wilson):** Will the Member give way?

**Mr McCallister:** Yes.

**The Minister of Finance and Personnel:** The Member said that the figures are reckless and that it does not seem likely that they can be realised. On what basis does he make that judgement? Given that £220 million in reserves are held by housing associations, and based on the information that benchmarks them against housing associations and housing bodies elsewhere, is it not possible that they could borrow more and that they do not need the level of reserves that they hold? If he is to make that suggestion, he at least must justify it.

**Mr McCallister:** I am grateful to the Minister. I make that judgement on the same basis as he thinks that it is proper that he can simply write into the draft Budget a figure for which there is no basis. His colleague the Minister for Social Development, who is the lead Minister on the issue, did not give any indication to the House or to the Committee that that was achievable. On that basis, I am quite content to stand over my remark. I feel that it was reckless simply to write into the draft Budget a figure that the Minister for Social Development thinks might not be entirely possible to achieve, as he has said to the Committee and to the House. Therefore, my questioning that figure is based on a sound argument, and I look forward to hearing the Minister provide detail on where he can get the £80 million and how he can build houses. At a time when the need for houses is rising, Minister Attwood said that we may be lucky to build half the number of houses that are being built currently. The Minister of Finance and Personnel must address those issues in his response.

I turn to the other Committee on which I sit, the Committee for Health, Social Services and Public Safety. There has been an interesting debate between the Minister of Finance and

Personnel and the Minister of Health, Social Services and Public Safety. It is interesting how the figures have been reached and whether the Department of Health is getting the level of protection that colleagues in England are affording to health around other parts of the UK.

Just before Question Time, the Minister's colleague Mr Hamilton was laying into us for standing on a manifesto last year with the Conservatives. I was one of the candidates who stood on that manifesto, and one of the proudest bits of that manifesto was our rock-solid commitment to protect health across the United Kingdom and to stick with that, recognising that it is one of the most important government functions to protect and defend. When the Conservatives got into power with the Lib Dems, they delivered on that, and they have protected health. However, according not only to the Department but to Research Services in the Assembly, Northern Ireland is £80 million a year short of the protection that England has, building that up over a four-year period. That makes a significant difference to the way that this is protected.

**Mrs O'Neill:** If health was to receive the same capital allocation as England, there would be a reduction of £120 million. Would you support that?

**Mr McCallister:** The Member knows very well that they would then have to try to convert moneys from capital to revenue or revenue back to capital, and other Departments are struggling with how to do that. She is only taking one issue out of this because it will affect Altnagelvin. Projects have been announced, but the Department of Health does not know whether they have been funded.

If the monitoring process goes ahead, there is a mystery around the £20 million that health has been promised, according to the Chairperson of the Committee and to Alex Easton. They were assured by the Finance Minister that that was the case, yet the Department and the Health Minister have no evidence to back that up. Health needs to be protected. We need the same protection with a revenue spend that other parts of the UK are getting. I hope that the Deputy Chairperson of the Committee will help and join us in supporting that.

**Mr O'Loan:** I am pleased to take part in this important debate. It is the first significant debate that we have had on the draft Budget,



but we will have other opportunities. It is a critical debate because how we plan to apply our resources, even over a four-year period, is a very significant decision for the Assembly. It is critical that the Assembly engage with that debate in a very serious way.

We should look back on the euphoria, and no less a word could describe it, that existed throughout our community and the media in particular, who conveyed the public sentiment when the draft Budget emerged just before Christmas. There had been a huge delay in producing the draft Budget, and people even feared that we might create an emergency Budget on 31 March, with the permanent secretary having to intervene. Fortunately, that did not happen, but around the great delight among the public that a draft Budget had emerged, the delay and the tedious and often ill-judged arguments were very quickly forgiven and forgotten, and there was real pleasure among the public that the Assembly was doing its business. There is a lesson for us there. The public really want to see the Assembly working, and they surely deserve that from us.

At the outset, I declare my stance on the draft Budget. I do not think that it is a good Budget, and I want to see it improved. Ultimately, I will look for the Minister to see that he is open to that. I will say more about that, but, first, I want to say something about the process of creating the Budget. The process in the Executive has not been healthy. Stephen Farry made a remark earlier about parties having to consider their position when they address the Budget.

I think that he was expressing a view towards parties such as mine. He might have been as wise to direct his remarks to the parties in the Office of the First Minister and deputy First Minister about how they have conducted the process. Although there was a Budget review group, Members know that the real meat of the work to create the Budget was done between the two parties that are represented in that office. That achieved neither a good Budget nor political coherence or agreement on it. The Alliance Party, which, because it is "alliance" in name, believes that it has a prerogative to comment on bringing the community together in a political sense, might, as I say, direct its criticisms at those parties because of how they go about much of their business, and the Budget in particular.

I want to remark on the lack of opportunity for the public and the Assembly to comment on such issues as the time frame and detail in the Budget process. The last of the draft departmental spending plans emerged only about 12 January 2011. A response to the Budget is needed by 16 February 2011. That timeframe is hopelessly inadequate, especially if we are to allow key stakeholders to respond. Even when departmental spending plans were seen, the detail was nowhere near adequate. In many cases, key stakeholders do not know where they stand when they look at those documents.

I want to return to my view on the draft Budget. Its first major failing is its lack of an overall plan; I do not know what the Budget is about. Is it just about getting through the next four years, or does the Assembly have any strategic vision? The documentation that appeared with the previous Budget four years ago was an inch thick; compare that with the slim volume that has appeared on this occasion. After four years of bedding in this phase of the Assembly, one would expect that it would have more to say in a focused way about its strategic direction.

**Mrs D Kelly:** Does the Member share my concern that, as yet, there is no Programme for Government? Surely a Programme for Government should have come before the draft Budget was presented to the Assembly?

**Mr O'Loan:** The Member emphasises my point. That is absolutely what I am getting at: what are the Assembly and Executive now about? That is no longer defined. People say that if one does not know where one wants to go, one could end up anywhere. When one ends up somewhere, one has no way of knowing whether that is where one wanted to be. The Assembly is bound to have an economic goal that it wants to reach; however, no real focus towards that goal is presented in the draft Budget.

There are huge variations in departmental spending cuts. The Department for Regional Development's budget has been cut by 20·6%. As Deputy Chairperson of the Committee for Culture, Arts and Leisure, I am highly critical of the budget for its respective Department, which has been cut by 17·7%. The budget for the Department of Health has been cut by 2·6%. In between, there are many huge variations for which no rationale has been provided.

Departmental spending plans vary hugely in their presentation, size, structure and style. Indeed, in some cases, there is still an absence of saving plans, and plans have not been subject to equality impact assessment. Remarkably, that includes the plan from the Office of the First Minister and deputy First Minister, which one would expect to take the lead. It states that equality impact will be assessed when it comes to look at programmes. I could expand on the absolute inadequacy of that approach. However, I will not.

As I say, there are huge variations in departmental cuts. That comes back to my point that no overall plan has been presented to the Assembly in the draft Budget. How does the draft Budget respond to the Treasury's cuts of 8% on the revenue side and 40% on the capital side? Largely, those cuts have been passed on. When the previous Budget was created, the phrase that was used by the First Minister and echoed by the deputy First Minister was that it had been "made in Ulster". This Budget was not made in Ulster: it was made in Whitehall and passed on. For example, the pay freeze on salaries over £21,000 has been replicated. This is not a case of devolved government thinking for itself.

### 3.45 pm

If Members look at the final table in the draft Budget document, they will see that about half of the supposed £842 million is coming from the DSD; and they might ask why. Those are the repayments of Housing Executive debt. That is simply replicating what was there in the past.

The actual changes in the draft Budget are of the order of £400 million, which is about 10% of the £4 billion deficit that we were presented with by the Treasury. This is a Budget that was made in Whitehall; it is not one that was made here by the people for the people.

**The Minister of Finance and Personnel:** Will the Member give way?

**Mr O'Loan:** I am not sure whether the Deputy Speaker will allow me to give way.

**Mr Deputy Speaker:** Please bring your remarks to a close.

**Mr O'Loan:** I have to bring my remarks to a close.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I will start with some commentary on the education budget. In particular, I urge

Members to read the report that the Education Committee sent back to the Department of Finance and Personnel, because, alas, the response given by the Chairperson of the Education Committee was somewhat partisan and edited.

The Education Committee has taken a detailed look at the education budget. With regard to where we are, it makes bleak reading. *[Interruption.]* Apologies, Mr Deputy Speaker; I am missing the joke.

**Mr Deputy Speaker:** It seems to be one that is being shared between two.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The budget faced by the Department of Education is a very difficult one, without doubt. Some £150 million will be lost in the first year of a four-year budget. In the timescale within which the Department has to work, that is causing potential difficulties, not only due to the size of the cuts, but in the planning for them. I welcome the fact that, by and large, the Department and the Minister have ensured that front line services and jobs have been secured in the first year.

**Mr O'Loan:** Will you give way?

**Mr Deputy Speaker:** Members must make their remarks through the Chair.

**Mr O'Dowd:** By and large, front line services and jobs have been protected in the first year. I also welcome the fact that there has been an appeal for a reallocation of £41 million of capital to revenue. That is a matter that the Executive will have to take seriously when they look at the figures with which the Department of Education has to deal.

Following the Committee's discussion, one area of concern that I have relates to the particular interest that was paid by some parties to free school meals. Free school meals were referred to as a luxury and as an airy-fairy idea that we cannot afford. I argue that we cannot afford to do without them. It is very well for Members and others to refer to free school meals as luxuries, but the fact is that more and more families are relying on the free school meal entitlement to ensure that their children receive a substantial meal through the day. Although some will argue that it is not the role of the Department of Education to provide nutrition to children, I argue that it is, because a child who is well fed and

warm will learn more than one who is hungry and cold.

**Mr O'Loan:** Will the Member give way?

**Mr O'Dowd:** Please give me one second. It appears that those Members who have targeted the extension of the free school meals entitlement are politically rather than financially driven. They are driven by a thought process that says that if this is not happening in England, Scotland and Wales, it should not happen here. We are our own bosses on this matter, and I believe that it should happen here.

**Mr O'Loan:** I thank the Member for giving way. I want to go back to his earlier point when he said, if I heard him right, that front line services in the Department of Education would be maintained in the first year. Subsequently, he said that they would be largely maintained in the first year. The figures that I am reading show that the Department of Education's budget for this year is £1,915 million, and then goes down to £1,807 million in the next year. That is a savage reduction. The overall reduction over the four years is 12.7%. I do not criticise the Minister, necessarily, although I do not know what case she made. Her budget has got a very savage cut.

**Mr O'Dowd:** I am aware of the figures in the Department of Education's budget.

**Mr O'Loan:** Reflecting that figure, how are front line services —

**Mr O'Dowd:** Mr Deputy Speaker, I am no longer giving way. The Member had a chance to make his speech. I acknowledge the budgetary outcomes, and I will come to them. However, I urge Members to be aware that the entitlement to free school meals and school uniform grants is vital to low-income families and should not become an easy target for cuts now or in the future.

I move on to the Budget allocations. The Budget is certainly not one that we in Sinn Féin would introduce if we were in a Government that had full economic powers and budgetary control. We have learned many lessons over the past number of months. I hear commentary from the SDLP Benches. We have seen the performance of Fianna Fáil, Fine Gael and whoever the SDLP's sister party is at the moment — it might be Labour; they swap and change so often that it is hard to keep up with. We will not be taking

economic lessons from any of the political parties that the SDLP has aligned itself to.

**Mrs D Kelly:** At least they know about economics.

**Mr O'Dowd:** I will not be deflected by the commentary, because I will return to those issues. However, people can be assured that this is not a Sinn Féin Budget. It is a Budget brought about by a coalition Government of an institution that does not have full economic powers and is not in control of its economic destiny. That is the reality. Sinn Féin's vision of the future will be much more about a society that cares for the most vulnerable, and about bringing forward a Budget that cares for the vulnerable and builds a sustainable economy.

We are discussing what is ungraciously known as the block grant, and how we divide that up. That ignores the fact that tens of millions of pounds — indeed, billions of pounds — of tax and revenue flow from this island to Britain, and that Britain still has economic dominance on this island, which means that we do not have full control of our economic destiny.

**The Chairperson of the Committee for Education (Mr Storey):** Will the Member give way?

**Mr O'Dowd:** Give me one minute and I will. When we talk about a Budget, let us be conscious of what we are talking about. We are talking about the division of the ungraciously named block grant. We must aspire to something more than that. Surely even those in unionism believe that they are capable of taking control of their own economic levers to move this society forward. I will allow a quick intervention.

**The Chairperson of the Committee for Education:**

I thank the Member for giving way. Given the great economic success of the Irish Republic and the Member's aspirations for a united Ireland, does he want to tell the House where the money would come from if he ever got his way — which he will never get — and we had a united Ireland?

**Mr O'Dowd:** Let us agree on one note as I come to the end. I agree that the parties down South made a complete hames of the potential economic wealth that would have benefitted all the people of the island. However, I believe that the people in this Chamber could do as good a job of driving the economy forward as

those behind the Whitehall Budget that the Member from the SDLP put forward. I say to the Members opposite: let us take control of our economic destiny, instead of dividing up the ungraciously known block grant.

**Mr Deputy Speaker:** I call Mr Paul Frew, and I remind Members that we are supposed to be discussing the Budget.

**The Chairperson of the Committee for**

**Education:** On a point of order, Mr Deputy Speaker. I missed the previous comments, but, as you know, I came speedily into the Chamber. I was accused, as Chairperson of the Committee for Education, of making a partisan contribution. Will you refer the comments of the Member to the Speaker in order to clarify that I was reflecting the comments of the Committee? Although that may not suit some people, those were the comments that were made.

**Mr Deputy Speaker:** You have made your point. I call Mr Frew.

**Mr McLaughlin:** Further to that point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** I am not taking any more points of order. I call Mr Frew.

**Mr Frew:** Eventually. I welcome the chance to debate the draft Budget. These are very challenging times and it is a challenging draft Budget to go with those times. The economic landscape has changed dramatically over the past number of years. Many people find themselves unemployed, especially in the private sector. Construction has suffered greatly, as has manufacturing, business and finance. I am very concerned about retail in the coming year, especially our independent retailers, of which there are many in my constituency of North Antrim.

Unemployment in Northern Ireland has more than doubled since 2008, and many in the private sector, if they are fortunate enough to have a job, have had to take a pay freeze or even a pay cut of 10%, 12% or 15%. It is certainly clear that the form of government that we have has not helped the Budget process and, one could argue, it has not helped our country during these challenging times.

Therefore, I support getting back to a voluntary coalition as soon as possible so that government will be much more focused and driven in its policy and decisions. I quote the

previous SDLP leader's words about the "ugly scaffolding" around Stormont. The people of this country deserve that we move as quickly as possible to the point when we can have a voluntary coalition Government.

I turn to the draft Budget. Having talked to many who work in the public sector, I believe that they are prepared to take a share of the pain that the private sector has endured over the past number of years. They are sympathetic to a pay freeze. They realise why that has to be done, and the difficulty that Northern Ireland and the UK face. There is also a one-year moratorium on Civil Service recruitment. That needs to be reviewed because young people are coming through and leaving education. I support that freeze being revisited after the first year.

The employment of external consultants is of great concern to the wider public. There is a desire to exert further downward pressure in the Budget to reduce reliance on external consultants, and I welcome that. I also welcome the transfer of resources from current expenditure to capital investment. That will relieve some of the pressure on the private sector, particularly the construction industry, which will see that not as a shot in the arm, but as less pain than was first thought when seeing the Conservative and Lib Dem plans. I would not say that it is any better than that, but that transfer will aid the building and maintaining of our infrastructure.

The social investment fund, which has £20 million a year to spend on revitalising the most deprived and marginalised communities, and the social protection fund, which has £20 million in the first year and relies on additional receipts after that, will be badly needed to counter the negative outcomes of the welfare reform agenda and to provide assistance and support to those who suffer most as a consequence. I welcome those funds, but we need to see their mechanics: how they work in practice and how that money will get deep down to benefiting the most vulnerable.

**Mrs D Kelly:** I share the Member's concerns about the most vulnerable. Does the Member share my concern about the health budget taking an immediate hit of £200 million cash out of its budget come 1 April and the impact that that will have on poverty and ill health?

**Mr Frew:** We certainly need to be worried and concerned about that. However, we also have



to look at the Budget as a whole and how the Executive have tried to support and protect health as best they can. On that point, if we contrast the attitude of the Health Minister with his colleague the Minister for Employment and Learning, we can certainly see a difference between two Ministers from the same party.

As Members of the House and representatives of our people, we can say to the people that we are in a bad place and that it will be very difficult over the next couple of years. However, a Minister should be able to state that he or she has a plan to get us out of this mess. If Ministers were to say such things, it would be much more encouraging to the public and would instil confidence in the House.

**Mr A Maginness:** As a member of the Committee for Enterprise, Trade and Investment, does the Member agree that one way to assist Invest Northern Ireland to get around its problems with lack of funding would be for the Minister to introduce, as the independent review of economic policy recommended, the ability for Invest Northern Ireland to include end-year flexibility where required?

That would really ease the situation for Invest Northern Ireland and would assist us in trying to create jobs in Northern Ireland.

#### 4.00 pm

**Mr Frew:** I thank the Member for his intervention. He brings me on to my next point. As a member of the Enterprise, Trade and Investment Committee, I am concerned. Although this Budget should be about protecting our most vulnerable, it should also be about enhancing our economy, because when we are in recession and getting it tight, this is the time to plan. We have an economic strategy, and we have to make sure that this Budget works in tandem with it. We have to make sure that the economic strategy and the Budget go together toe-to-toe, so that they lift Northern Ireland out of the recession and make it a better place for our people. We should be looking at that.

Allow me to paint a picture in my remaining minute. We do not want our economy to be in a position where it has been bound, gagged and locked in a room with a window. We do not want it to look out the window to see the world's economies passing by, unable to influence them or speak to them. We have to be careful with our Budget and make sure that it works in tandem

with our economic strategy. Our economic strategy is the priority for the Government.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I want to address the draft health budget in particular. Sinn Féin fully recognises the historic underfunding of the Health Service, and we fully understand the rising demand in it. We should be maximising the funding available to health and education services. We should be protecting and prioritising job retention in front line services.

There is no doubt that the draft health budget is challenging in general terms, but the biggest problem for Health Committee members has been a lack of information and detail to allow us to properly scrutinise the impact that it will have. The Minister frequently calls for support for additional funding for his Department, yet he has failed to publish the PEDU report, he has failed to publish detailed spending plans and we do not have a proper breakdown of his proposed expenditure.

When the Minister of Finance and Personnel delivered the draft Budget, he talked about some protection being afforded to the health element. However, the Health Minister, Michael McGimpsey, has said that that was a bogus claim. Perhaps the Minister of Finance and Personnel will pick up on that and provide some clarification.

One area that is particularly lacking in the draft departmental budget is identified efficiencies. The Minister is not putting any clearly identified efficiencies on the table for us. Some of the major areas that stand out to us as potential areas for savings include the prescribing of drugs; the procurement of goods and services; increasing investment in the public health agenda; improving attendances at hospital appointments; addressing our overreliance on private healthcare providers; examining the salaries of senior health sector staff, including bonuses amounting to £11 million in one year and £57 million over the past four years; and our overuse of agency staff. The list goes on.

In the North, we are reported to spend more on medicines compared with England, Scotland and Wales. Figures show that £400 million a year is spent on medicines here. That equates to £224 a person, which is £60 per head more than is spent in England. It appears that one reason for that high cost is our overreliance on high-cost pharmaceutical drugs. We need to move more



towards generic medicine tendering, and more needs to be done to push that agenda, because it will save money for the Health Service in the long run. Those drugs are not lesser drugs; they are equally good. The other thing that we need to tackle is the culture of a pill for every ill. We need to do some homework with GPs on the culture of prescribing tablets instead of looking at alternatives.

As I said at the start, Sinn Féin recognises the demand on the Health Service. That demand will continue to grow if we do not start to seriously tackle the public health agenda. Let us educate people to make better choices and let us target areas of social deprivation, where life expectancy is lower than it is in more affluent areas. There needs to be more effort and more resources directed at that area. What has the Minister done in his term to address that issue?

**Mrs D Kelly:** Will the Member give way?

**Mrs O'Neill:** I will finish my point and then let you in.

Of the entire health budget, 1.6 % is spent on the public health agenda. That is not a long-term approach to tackling rising demand on the Health Service. If we do not tackle the reasons why people get sick in the first place, increased demands will be placed on the Health Service.

**Mrs D Kelly:** I thank the Member for giving way. I welcome her comments about the public health agenda, but does she share my concerns that that area is most likely to be hit and funding reduced across the trusts? Indeed, the Southern Trust recently said that public health is an area of business that it may not be able to support in the near future.

**Mrs O'Neill:** I thank the Member for her intervention. The figure of 1.6% is a minute portion of the health budget to be spent on the public health agenda. Increasing demands will be placed on the Health Service if we do not tackle why people get sick. Therefore, I welcome the Member's comments.

The Committee for Health, Social Services and Public Safety examined the Department's bids. I was particularly interested in the demographic changes and the bid that was made to meet the cost of our ageing population. The Committee heard from two leading health economists, who suggested that that bid could be more modest. Both referred to the proximity-to-death

effect, with those in the last year of their lives requiring more from the Health Service. Up until then, there is a lesser cost to the Health Service. The Department must factor that into its calculations, yet when the Committee challenged it on the issue, officials did not appear to have taken it on board.

Another interesting point that the two health economists brought to the table was their view that it is reasonable for an organisation of the Health Service's size to find efficiency savings of between 5% and 8% each year when pushed to do so. The Health Service is not being asked to come up with savings of that level, and although departmental officials dismissed the idea out of hand, it is something that needs to be explored further.

The other issue of concern is jobs. Michael McGimpsey has thrown out a figure of 4,000 job losses in the Health Service, yet he has never once stated that he will cut bonuses for consultants, who received £11 million this year and £57 million over the past four years. I wonder where the Minister did his calculations. Indeed, they must have been done on the back of an envelope, because, despite three calls for information, the figures have not been made available.

Staff morale is low. The Minister keeps talking about job losses, but he is not tackling —

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

**Mrs O'Neill:** OK.

**Mr Frew:** Does the Member agree that the Department's website has 14 bullet-pointed negatives, including 4,000 job losses, an extension of waiting lists, further closure of beds and the downgrading of fire stations? How does that help public morale?

**Mrs O'Neill:** Morale is low, and the Minister needs to address that. Not once has he made a statement to say that he will prioritise jobs in the Health Service.

In the remaining time that I have, I want to pick up on the Minister's threat that he does not have the revenue to go ahead either with the cancer unit at Altnagelvin Hospital or the Desertcreat police training college. There is no choice in the matter — the cancer unit at Altnagelvin Hospital must go ahead. The cancer unit at the City Hospital in Belfast cannot cope with the additional demand, and Health Service

figures suggest that it will be full to capacity in the next three years. Where will cancer patients go then? The funding must be found.

Desertcreat police college is also a necessity. I declare an interest, as it is in my constituency. I am glad that the Committee has supported the call for Desertcreat police college and the cancer unit at Altnagelvin Hospital to proceed. Additional funding is coming from the Dublin Government for the project at Altnagelvin Hospital and from the Department of Justice for Desertcreat police college. Those projects cannot be dismissed and set to one side.

The Minister must also publish the North/South feasibility study, which he has so far refused to do. That document will highlight efficiencies that can be made by working together on this small island.

In conclusion, Michael McGimpsey's attitude throughout the draft Budget process has been flippant and not good enough. We all need to work to maximise funding for the Health Service. Michael McGimpsey cannot be allowed to wash his hands of it and walk away.

#### **The Chairperson of the Audit Committee**

**(Mr Craig):** It is important that I begin by clarifying the strange role of the Audit Committee. It has a narrow but important and significant role to consider, agree and lay the Estimates of the Northern Ireland Audit Office (NIAO) before the Assembly. It has the role by virtue of the Northern Ireland Act 1998, which makes it explicit that the Committee carry out that role in place of DFP. I find that a very strange anomaly. However, there is a reason why that is the case. The Comptroller and Auditor General and the Northern Ireland Audit Office are servants of the Assembly, not servants of the Executive. The Northern Ireland Audit Office's role is to provide effective support to the Assembly in its task of holding Departments, Executive agencies and other public bodies to account for their use of public money. For that reason, the Northern Ireland Audit Office must be independent of the Executive, and, therefore, its budget is not set by the Executive.

Nevertheless, the Northern Ireland Executive's departmental expenditure limits are there and figures are included in the draft Budget for reductions in the Northern Ireland Audit Office. Although it certainly does not take its direction from the Executive, the Audit Committee fully recognises the significant reduction in the levels

of funding available from the Northern Ireland Executive's departmental expenditure limit over the Budget period. The Audit Committee thinks that it is important, therefore, that the Northern Ireland Audit Office should take its share of the pain, and there is clear logic in that. How could the Audit Office audit the Departments that are taking a lot of the pain when it would be getting away scot free? There has been a look at reducing the cost to the public purse, and it will be demonstrated in the near future that the Northern Ireland Audit Office is willing and ready to bear its fair share of the savings that must be made.

The Audit Committee met on 9 December 2010 and received a presentation from the Comptroller and Auditor General on the efficiency savings that could be made by the Northern Ireland Audit Office over the Budget period. The presentation set out how the Northern Ireland Audit Office intends to build on efficiencies already made this year by, among other things, reducing significantly its outsourcing requirements, reducing recruitment and implementing a two-year pay freeze.

The Committee considered carefully the proposed savings outlined by the Comptroller and Auditor General. It also considered the overall reduction in the Northern Ireland Executive's departmental expenditure limit and to the planned reductions to the budgets of the other Audit Office bodies in the rest of the UK. Having considered all that, the Audit Committee agreed that it would expect to see the Northern Ireland Audit Office reduce its budgetary expenditure by at least 10% in cash terms by 2014-15.

The Comptroller and Auditor General has advised that the proposed savings represent the maximum reduction that could be made by the Northern Ireland Audit Office while still maintaining the same quality and extent of service to the Assembly that has been offered in recent years. In the present climate, it is important that maximum savings are made. However, the Audit Committee is committed to ensuring that the Audit Office has the resources necessary to ensure that it continues to support the Assembly in its task of holding other bodies to account.

It has been painful for the Audit Office, but it has been painful for just about every Department in Northern Ireland to face up to the realities of the cuts that are being imposed in our Budget.

The Audit Office made it clear that it will take its share of those cuts, deliver what are recognised as the average savings for all the Departments and set an example. There was a very clear feeling from the Comptroller and Auditor General that, if that were not the case, it would impinge on his ability to audit other Departments.

#### 4.15 pm

I hope that those savings are made. The Comptroller and Auditor General gave clear commitments that they would not reduce the Audit Office's effectiveness in any way, shape or form. Therefore, it was only on those grounds that the Audit Committee accepted the budget that he brought forward.

**Mr B McCrea:** A number of points were made on which I did not bother to intervene, because I will deal with them in my speech. However, I would like to find out some things from Ms O'Neill. Does she recognise the statement that the Minister of Education made saying:

*"We are undoubtedly in very difficult times and, in difficult times, we have to maximise the funding to our education system"*

as well as to our health system? Those are the key areas, are they not? We should maximise funding to them. Therefore, it is not fair to describe the Minister of Health, Social Services and Public Safety as "flippant" when he is trying to point out that there is serious structural underfunding that will have grave implications.

**Mrs O'Neill:** Does the Member not agree that the Minister is flippant when he says things in Committee that suggest that he will not be Minister next time around, so it does not really matter to him?

**Mr B McCrea:** The Member can take it that way if she wants. *[Interruption.]* I hear truculent voices left of centre to me. I will get on to the DUP Members in just a moment. If they will wait their turn, I will get round to them.

I have not heard as much trivial drivel in a very long time. When people start to get into this issue, they ask whether there is sufficient capital in the draft Budget. Ms O'Neill mentioned something about calculations for jobs being done on the back of a fag packet, which is how I think she put it. I asked the Minister of Education four times whether she could tell us how many jobs are going to go in the Department of Education and whether

she could tell us, with all the savings that she has made, what the eventual saving to the Department will be. Eventually, after discussion, the deputy permanent secretary said that he did not know, because there are 1,200 cost centres, but the figure that was given in the past was £200 million. That was the bid that was put in but not accepted. We have a situation in education where we have been asked to take cuts of £150 million in year one, yet we have no way of making them happen. No one will tell us what the financial plan is. That is why it is disingenuous for certain Members to say that it is wrong for one Minister to do hide a financial plan, when their Minister is even worse. People must be honest with one another.

I would like to hear what the Minister of Finance and Personnel has to say about capital availability. A rather interesting proposal has been made, which is that the Minister of Education plans to transfer £41 million of capital to resource. I would be interested to hear the Minister of Finance and Personnel's stance on that. I have never heard the like of it. I have never heard it done before, and I do not think that it is the right thing to do. It is certainly not the right thing to do without a proper investigation of the knock-on effects. We have a situation in our schools where we have £300 million of maintenance work that must be done. Some £100 million of that is category one, which concerns health and safety issues. Therefore, that work must be done. We have a budget of only £10 million. If we are not to have a capital budget, how will we deal with those issues? Is the Minister of Finance and Personnel going to tell me?

#### The Minister of Finance and Personnel

**(Mr S Wilson):** Does the Member want a technical explanation of whether that is possible, or does he want a political explanation of whether it is desirable? Technically, it is possible because the Executive have changed current spending into capital spending. That can be changed back up to the limit of the change that we have made, but not beyond that. He is, of course, right to say that Whitehall would not allow us to change capital allocations into resource spending. Is it politically desirable? I think that that is for the Minister of Education to decide.

**Mr B McCrea:** I think that the Minister of Education will bounce that decision to the Executive. It may well end up at the Minister of Finance and Personnel's table for guidance.

Given that the Minister of Finance and Personnel has now joined the debate, will he comment on the issue of the outstanding £800 million? In a Hansard report of an Education Committee meeting, Mr O'Dowd said to the Minister of Education:

*"You said during your presentation and on a number of occasions that there are additional outstanding moneys in the Executive in the region of £800 million. The Executive identified £1.6 billion. How will we go about lobbying to secure funding for education?"*

An interesting dialogue follows about where that money might come from and how the Minister of Education might access it. Minister, is there any such money? If the money is not there, the Minister of Education is simply crossing her fingers and hoping for the best. There is no plan, no mission of sorting out these issues, redundancies will have to be made, and there are insufficient revenue resources. This issue was raised only at an Education Committee meeting. Nobody has brought it to the attention of the Finance Minister, so I am doing so now for his consideration. These are serious issues. Has £800 million gone missing?

**The Minister of Finance and Personnel:** No.  
[Laughter.]

**Mr B McCrea:** So, when the Members opposite are talking about plans and fiscal issues, they are talking nonsense. We have a real issue with unfunded liabilities, and education has been hit particularly hard. I have a general interest in the issue of capital. It is clear to me that there is insufficient capital in the Budget for the projects that we want to take forward, and I do not know how we will deal with that. People have spoken about constructive approaches, but there may be other ways. No doubt the Minister will enlighten us. Other methods are available: the Minister could persuade Westminster to give us more money, or consideration could be given to PFIs, PPPs or venture capital, which is not exactly the flavour of the month.

**Mrs D Kelly:** Does the Member not find it somewhat hypocritical that parties here pretend to be against the Budget cuts that their Executive Ministers voted for?

**Mr B McCrea:** Mrs Kelly's question brings me to a point on which I was going to conclude. Mr Frew spoke about the dichotomy of views in the Ulster Unionist Party. That is pretty rich coming

from his party. People talk about cuts, and say that these are Tory cuts. I will not argue one way or the other. However, which party maintained Gordon Brown in office for so long? Which party gave the nine-finger salute that kept people going? Which party had the opportunity to vote for or against the party? Which party promised us never, never, never? Which party talks the good talk but when it comes round to it, they turn tail —

**Mr Deputy Speaker:** Order, please.

**Mr B McCrea:** They run for cover, and they cannot deliver —

**Mr Deputy Speaker:** Order, please.

**Mr B McCrea:** That party over there is disingenuous —

**Mr Deputy Speaker:** Order, please.

**Mr B McCrea:** The people of Northern Ireland will find that out, and we look forward to the election.

**Mr Deputy Speaker:** Order, please. The Member will resume his seat. Mr McCrea, I think that your time is up anyway.

**Mr P Ramsey:** I will speak on behalf of the Assembly Commission. On 8 November 2010, I outlined the work undertaken by the Commission in response to the impending comprehensive spending review when I spoke on a motion in the name of Peter Robinson MLA. I made it clear then that the Commission recognised the fact that Budget cuts would affect all areas of the public sector. Equally, the Commission recognised the fact that the Assembly must play its part in ensuring that it operates efficiently and in line with the cuts being applied across the wider public sector. After that debate, the will of the House was clear, and it endorsed a move to reduce expenditure by at least 8% in line with the levels of reductions being sought from other Executive Departments. With that in mind, the Commission asked officials to prepare proposals to achieve a 13% real reduction in its budget by 2014-15, taking account of previous expenditure and future pressures. The budget approved by the Commission on 7 December 2010 achieved an overall real saving on its 2010-11 budget of 13.3% over the four years of the comprehensive spending review period.



It is worth noting that the Assembly Commission's proposed real reduction of 13.3% compares favourably with external comparators. For example, it exceeds the overall real reduction in the Northern Ireland block grant of 8% — a figure quoted by the Department of Finance and Personnel. The Assembly Commission's cash savings also exceed the individual cash savings to be made by eight of the 12 Departments. The agreed savings exceed the real cuts imposed by the Scottish Parliament and the Welsh Assembly Government of 12% and 12.5% respectively.

The Assembly Commission exceeded its own spending review target and has fully complied with the resolution that was passed in the Assembly on 8 November 2010. However, I must express my surprise and disappointment and that of other Assembly Commission members when it was revealed that the Executive's draft Budget included a significantly higher level of savings — almost double those that were agreed by the Commission.

At its meeting on 15 December 2010, the Assembly Commission reaffirmed its agreed budget reduction of 13.3%. At its meeting on 25 January 2011, the Commission committed itself to a programme of efficiency reviews across the Assembly secretariat, which will, over the CSR period, lead to future savings. The Commission welcomed the opportunity to provide written evidence to the Committee for Finance and Personnel on 26 January 2011. The Clerk/Director General, as accounting officer, attended the meeting to outline his budgetary position and to discuss the likely adverse effect on the quality of service and support for Members in the discharge of their duties in the Assembly and across the community arising from the proposed expenditure reduction of 25.7%.

In the course of that meeting, we also discussed the issue of a more appropriate future process for agreeing the budget for the Assembly as a parliamentary institution. Further work is required to establish a system that avoids any greying of the constitutional lines between the Assembly and the Executive with regard to appropriate governance and accountability. I can confirm that the funding that has been proposed is not sufficient to enable the Assembly Commission to continue to provide an effective service to the Assembly. The Commission will continue to seek a way forward that provides the necessary funding to ensure the continued delivery of high-quality

services and financial support to Members in the discharge of their duties.

I want to raise some personal points directly with the Minister of Finance and Personnel. The most worrying, distressing and traumatic incident in any family's life is when one of its members is told that they have cancer. It is a major issue, not only in my constituency but throughout the north-west of Ireland. When a mother, sister, brother or father is told that their relative has cancer and will likely have to travel for radiotherapy three or four days a week for five or six months, the distress and trauma is just as great on the family members as it is on the patient. It is further pressure and strain that they could do without. We welcome in the Budget the agreed commitment for a radiotherapy unit in Altnagelvin Hospital in Derry and the commitment that the deputy First Minister made today that the Irish Government have pledged one third of the revenue required to manage that service at Altnagelvin Hospital. I want to ask the Minister of Finance and Personnel, given the effect that it would have on ensuring quality of service and access to treatment, whether he will support that.

**Mr Wells:** I totally concur with the Member's views on Altnagelvin Hospital. I assure him that the Minister of Finance and Personnel has provided the capital funding for the new radiotherapy unit, which will be enormously beneficial, not only to the people of his city but to the people of Donegal, Sligo and other places. However, the Minister of Health, Social Services and Public Safety is using this issue as a pawn in a chess game with DFP. He is threatening that he will not go ahead with the project, not because he does not have the capital but because, in year four, he will not have the money for the running costs. Despite that, he is already paying the running costs of the unit at Belfast City Hospital. It is extremely cynical of him to use such a high-profile project and to risk losing the funding from the Irish Republic simply to gain some sort of credence with the Minister of Finance and Personnel.

#### 4.30 pm

**Mr P Ramsey:** I thank the Chairperson of the Health Committee for his intervention. Mr Deputy Speaker, as you know from your constituency, the anger, frustration and deep hurt felt by so many people is clear. We have the revenue and capital commitment from the Irish



Government, and we want to give assurances to the many people in Derry who suffer from cancer.

I will make a few final points about the draft Budget as a member of the Committee for Employment and Learning and wearing my constituency hat. It is clear that, in coming years, there will be an ever greater likelihood of our young people wanting to remain in Northern Ireland to study in full-time higher education. Therefore, we need extended courses and a commitment from the Minister of Finance and Personnel to what the Minister for Employment and Learning has already agreed in principle, namely the expansion of numbers at Magee College, which is part of the University of Ulster. The biggest commitment in respect of capital, projects —

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

**Mr P Ramsey:** — and regeneration is the commitment to extend the Magee campus for the city's future generations.

**Mr Bell:** As someone who read psychology, I sometimes hesitate to speak on economic matters. However, having witnessed the economic performance of the Crown Steward and Bailiff of the Manor of Northstead, I feel somewhat more secure in doing so today.

There are important matters in the draft Budget. The First Minister stated very early on that employment and learning and the promotion of jobs were critical to success. We do not just want a recovery, we want a jobs-led recovery. Any objective observer of the draft Budget will acknowledge that the Department for Employment and Learning has got perhaps the second most generous allocation, which is right. If we are to come out of recession, we will have to come out of it with an employment-led format. We were promised a light touch by the First Minister. The draft Budget has done exactly what he said as regards employment and learning, which is helpful.

There is a lot of speculation about the future of student fees and access to university. I am proud of the fact that more students from low socio-economic groups go to university in Northern Ireland than in any other part of the United Kingdom. I am proud that I came from a working-class community and accessed university. Few of us — certainly no one on these Benches — wishes to pull the drawbridge

up behind us. It is vital that we maintain learning on the basis of people's ability to learn as opposed to their ability to pay.

There has been some speculation and, indeed, very premature comment today about the extent by which student fees will rise. Given that we in the House have not had access to the Stuart report — we will not see it until next week — and the Committee has not had a chance to look at it, it would be inappropriate to comment further. It suffices to say that the Ulster Unionist Party and the Conservative Party campaigned on a series of cuts for Northern Ireland. It is difficult to disguise their nakedness in having promoted those cuts. The Conservative and Ulster Unionist manifesto was clear, and Northern Ireland is living today with the consequences of that for which the Ulster Unionists and Conservatives sought a mandate.

We will have to deal with those cuts. We will have to deal with them in a way that maximises the potential to promote a jobs-led recovery from recession. However, I understand from what Professor Barnett and others have said — I had some discussions with them today — that the reality, given the cuts that the Ulster Unionists, Conservatives and Liberals have put together for Northern Ireland, is that there is no way to avoid a rise in student fees. We need to take a cautious approach to that.

**Mrs D Kelly:** I thank the Member for giving way. The Member is right to point out that the DEL budget did not suffer the same level of cuts as those of other Departments. However, the DEL budget has inescapable commitments and elements. Statutory responsibilities account for a large part of the budget allocation.

The point about tuition fees is a matter of grave concern. Some £40 million is to come out of the DEL budget in year 3, which coincidentally coincides with the introduction of higher tuition fees in GB. However, the Assembly will decide on the level of tuition fees in the North. It is, therefore, up to Ministers and the House to ensure that tuition fees are set at a level that allows the maximum number of students to go to higher education.

**Mr Bell:** I fully support the need to ensure that student fees are set at a level that affords accessibility. However, we cannot shy away from the fact that the allocation given and the severe cut inherited from the Ulster Unionists and Conservatives will mean that student fees will

inevitably rise. However, they will have to justify that, not us.

The other major issue is the education maintenance allowance. Many young people in Strangford who attend either the South Eastern Regional College or another college depend on that allowance. It has been put in the public domain, particularly by the Conservatives in England, that the education maintenance allowance is just pocket money that people do not need. However, I make a strong appeal on behalf of my constituents in Strangford who attend the South Eastern Regional College in Newtownards, because they literally would not be able to do so but for the education maintenance allowance. We bailed out the bankers, so surely we should not penalise those at the lowest level of our society who are seeking to get an education and are only looking for a hand up not a handout, which is what the education maintenance allowance affords them.

I am disappointed at the number of hoax calls being made in Northern Ireland and at the amount of public money being wasted on that when it could be used to invest in services in Northern Ireland. At the weekend, the police were forced into a situation when they as public servants legitimately responded to a call. Six vehicles were damaged at a massive cost to the public purse, and missiles, fireworks, paint and petrol bombs were inflicted on the police. That all cost the public money, money that could have gone towards cancer units or the education maintenance allowance.

**Mr Givan:** The Member will be aware that a bid of £200 million to deal with the dissident threat and front line policing is currently before the Treasury and that the Justice Department's budget is based on it receiving that allocation. Does the Member share my concern that we need that information from the Treasury?

**Mr Bell:** I fully share that concern. It is important that Northern Ireland's security comes first. My point is that money is being wasted in Northern Ireland. In south Belfast, the Fire and Rescue Service responded to five hoax calls in 48 minutes. Public money is being drained through a waste of resources that are desperately needed in many other areas. What we desperately need from the Budget and what we will be looking to do with the employment and learning budget is to ensure that, when we come out of this, we have a richly educated

population rather than reverting to the old stage of the educated rich.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. Like most, if not all, of the Members who spoke, I welcome the opportunity to speak in this debate. I am interested and keen to hear the Minister's response, because I listened to Members say that, when they go to Committees and get down to the nitty-gritty of this, they find that there seems to be some confusion about what the Minister has said previously and about what information has and has not been brought to Committees. It will, therefore, be interesting to get some more of that information.

For my sins — I know that I am big sinner — I sit on the Health Committee and the Employment and Learning Committee. I am also party spokesperson for children and young people. Jonathan Bell made a point earlier about intervention programmes for children and young people. We saw over the weekend what happens when money is taken away from such intervention programmes. A bigger mess is out there waiting to be created, and other people are stepping into that gap. We need to focus on what impact the Budget will have on people from the cradle to the grave if we do not get it right.

In my constituency this morning, I attended the funeral of a young man of 13 who took his own life, and, on Wednesday, I will attend the funeral of a young girl of 11 who died prematurely. It would be remiss of me not to mention that or to recognise the good work being done to combat suicide and self-harm and on the Protect Life strategy. It is an indictment of us as a society when children of 11 and 13 and other ages die for no reason other than that they can see no future and have no hope. In planning for the future, we say that the Budget will protect this or that, but I appeal to the Minister and to other Ministers here not to do what we have always done or what the British Government did which was to take money away from children and young people's services.

**Mrs M Bradley:** Will the Member give way?

**Ms S Ramsey:** I will in two seconds, Mary.

We must not have a knee-jerk reaction to the provision of children and young people's services, because they are our future.

**Mrs M Bradley:** Will the Member join me in calling for the First Minister and deputy First

Minister to reinstate the Executive's fund for children?

**Ms S Ramsey:** The Executive's fund for children and young people had a good headline ethos, but I have difficulties with it, and I will use this opportunity to explain why. That fund was supposed to be used to provide additional money for the areas of greatest need, but it was never used in that way. The Health and Education Departments, as well as DSD, did not fund projects, and, therefore, the projects had to get money from the children and young people's fund. I am concerned about that. If it is additional money, it must be ring-fenced as such. It is not to be used to do the job of the statutory agencies. We are all aware of that. We need to be careful about how that money works for community groups.

The responsibility for children and young people cuts across all Departments. We need to ensure that all Ministers play their part and we protect those services. If it was announced tomorrow that the Royal was to close, I have no doubt that thousands of people would take to the street. However, it is hard to motivate people by talking about individual children and families. As political leaders, we need to give that leadership and ensure that we protect our future by not targeting that funding.

I will raise a couple of points about student fees. The University of Ulster said that there should be no increase in fees. I am unsure where Queen's University sits on that point, although I have an idea. The Stuart report questioned the benefit to students of fees.

**Mr Bell:** The Member may not have noticed, but I saw some breaking news on the lunchtime broadcast. It was reported that the University of Ulster's vice chancellor, Richard Barnett, said today that, given the level of cuts to which the Conservatives and Ulster Unionists have led us, there is now no chance of student fees in Northern Ireland not being raised.

**Ms S Ramsey:** I did not see that report, although I picked up on the story. When the draft Budget was published a couple of weeks ago, he said that there should not be any increase in student fees, so I do not know what is happening there.

The Minister for Employment and Learning, Danny Kennedy, keeps saying that DEL is the engine room for economic recovery, and I agree with him. The Programme for Government put

the economy at its heart, and I am concerned about what will happen if we increase fees and stop young people getting involved in third-level education. If those young people were to go elsewhere to continue their education, who would man that engine room? We need to strike a balance that ensures that young people are able to go on to third-level education or to go down the vocational route, depending on their choice. There is talk about adult apprenticeships going to the wall and about the increase in student fees. The Minister told me that the issue is the ability to learn, not the ability to pay. I would like clarification today on whether there is any resource in the current draft Budget that would mean that student fees would not need to increase.

I agree with Jonathan that kids do not want a handout; they want a hand up. We have talked about the targeted approach to EMA, and the issue is protecting and targeting those in the most vulnerable positions. It is not just a matter of people getting £30 and putting it in their pocket, and we assume that they are doing this, that or the other with it. It is about kids being able to access up-to-date clothes, for example, so that they do not get bullied in school and helping kids from low-income families. That money gives them a bit of independence.

Young people have taken to the streets; they say that EMA works. We have just finished a NEETs inquiry; we know that EMA works. I want clarity from the Minister that there is nothing in the draft Budget that says that EMA should be abolished.

#### 4.45 pm

My last couple of points are about clarity on health budget issues. I have said, time and again, that health has been underfunded. I would not trust the British Government to go shopping for me. They have underfunded health. However, there are issues, and we have been — [Interruption.]

**Ms S Ramsey:** I will probably go — no, I will not. [Laughter.]

**Mr Bell:** Go on.

**Ms S Ramsey:** No, I will leave it. Big John is there.

Investing for Health is a cross-departmental strategy and is one of the most radical documents of its time. Where is it? We are still waiting for it, and I am sick of asking for it. We

should be given that and other information so that we can support the Minister and confirm that he needs £56 million or £57 million for consultant fees and £78 million to put aside for increments. Negotiations that affect our staff here are taking place in London. Let us take control of that. Let us decide a suitable wage. The Minister says that he is freezing bonuses, but that is not for another five years, and bonuses can go on for 30 years. We need to get to the bottom of all of that stuff, and I appreciate that the Minister will come to some of that information.

I end with an appeal: we should not rifle the budget that deals with children and young people. We need to wrap this around our future, which is our children and young people.

**The Minister of Finance and Personnel:** I thank everyone who participated in today's debate. I am sure that this debate will be replicated on a number of occasions between now and the end of March as we go through the Supplementary Estimates and then the debate on the final Budget. Many of the points will be raised time and again. I thank the Committee for making the opportunity available so that we can draw together the main issues in the important process that we are going through. I am also grateful for Members' comments on the Executive's proposals. I will attempt to respond to as many of the points as I can.

First of all, I will make some comments about the strategic context underlying the Budget. It has been made against a backdrop of one of the most difficult Budget settlements that we have had during the whole time of devolution. There is an 8% reduction in real terms in current spending and a 40% reduction in capital spending. Although the First Minister, the deputy First Minister and I have argued the case for Northern Ireland with the Prime Minister and the Chancellor at every opportunity that we have had, nevertheless we have got the outcome that we have today. Mr O'Loan referred to the Budget as being made in Whitehall rather than Northern Ireland. To a certain extent, he is right, given that 90% of the money that we have to spend comes as a result of the block grant. Therefore, the options were limited. However, I hope that, as I develop some of the answers today, we will see where we have tried to put our Assembly and Executive fingerprint on the Budget for Northern Ireland.

We were faced with a difficult task. We had to deal with a block grant that had been reduced by the kind of figures that I have just given the Assembly, and we had to maximise revenue at a time when it was very difficult. Trying to raise extra taxes at a time of recession, when people are already feeling the difficulties with their personal finances, was not going to be very politically appealing. Raising revenue through the sale of assets at a time of recession was also going to be difficult. Nevertheless, some £842 million of additional revenue streams has been incorporated into the draft Budget. A number of Members, including the Chairman of the Committee, Mr Farry and Mr O'Loan, raised the issue of how secure those are. We will look at them in a moment or two and see just how secure and realistic they are.

Another key objective of the Budget was to give protection to the Health Service, and Members asked what protection has been given. I can say that the health element of the Health Service has been given a real increase of 0.2%, which, once you have allowed for inflation, means that additional resources will still be available to the Health Service. That compares favourably with Scotland — I know that Mr McNarry gets very concerned about me getting the decimal point in the right place, so I hope that I get it right this time — where the increase was 0.3% — not 3.0%, just in case I make the same mistake again — and, of course, with Wales, where there was a real reduction of 1.6%. So, we have given that protection. In addition, of course — I know that Members raised this point — in England, although protection of 0.4% was given, £20 billion of efficiencies have to be found during the Budget period. We have not imposed those efficiency constraints on the Northern Ireland Health Minister.

We have also imposed a pay freeze on those earning more than £21,000 a year. I believe that that was the correct thing to do. Members asked what we were doing to protect jobs. Here is one thing that we are doing: ensuring that people at least have a pay packet to take home. It may be frozen for two years, but that is better than having no pay packet to take home. Therefore, the decision was a wise one. Mr O'Loan dismissed it as aping what they did in England. Perhaps he would have preferred us not to ape that, but we would then have about 800 civil servants not taking any pay home. It was the correct thing for the Executive to do, and it was a good decision to make.



On top of all that, we have the provision for the Presbyterian Mutual Society. The Treasury agreed to give us £170 million of additional borrowing, and it has contributed £25 million towards the access fund, which the Executive will make available as well.

A number of Members raised the issue of capital spending. What have we done to protect jobs in the construction industry? Over the five-year period, we have switched £250 million from current to capital spending. That will help the construction industry. Despite what the naysayers in the debate have said, that again illustrates that we have tried to think strategically in the Budget, looking at where the problems are, where we need to build up infrastructure and, within the limited resources available to us, how we will do that. That means that, by 2014-15, we will be spending £1.5 billion on capital investment, which is in keeping with the long-term trend in capital spending. Some people compare it to the spikes that there have been in the past two years; however, according to the long-term figures, we will be back on trend as a result of our decisions to switch some money and to try to raise additional receipts from various sources, which I will outline in a moment or two.

I turn now to comments by individual Members. First, Mr McKay, the Chairperson of the Committee for Finance and Personnel, raised the issue of the lack of detail in some of the submissions made by Departments. I hope that he does not get his knuckles rapped by some of his own Ministers; they were guilty of that as well. Perhaps the fact that the Chairperson of the Committee was prepared to condemn Ministers who did not supply details in time shows that there is some independence in Sinn Féin. It is something about which I had some concern, and I expressed that concern publicly. I believe that, if we are to scrutinise how money is spent, it is right to make information available in a timely manner. However, if individual Committees feel that that detail has not been given, they must take it up with their Minister.

Mr McKay also raised the issue of the UK Government's rebalancing paper on corporation tax. The First Minister, the deputy First Minister, myself and, I think, the Minister of Enterprise, Trade and Investment are to meet David Gauke on Wednesday to discuss the paper. We have the first draft, but I regret that there has been no input so far from the Northern Ireland

Executive or the Departments. Again, that is not in keeping with the terms of reference, and we should have had our input by now. We wish to query some figures in that and have an input. Only once all that information has been incorporated and the Treasury has given us some answers about how it reached the figures in the document will it be right to publish it. I cannot give a date for publication because I do not know how quickly the Treasury will respond. To a certain extent, it is not totally in our hands.

Mr McKay also raised the issue of capital assets disposal, as did Mr Farry and Mr O'Loan. From what I could gather from what he said, I think Mr McCallister did so too, though he maybe put it in a much more convoluted way than some other Members. Nevertheless, there are concerns about how robust the figures are. First, £447 million has been identified by Departments over the four years as capital receipts. Since those amounts have been provided by the Departments and have been included in the departmental baselines, it is safe to assume that those receipts are safe and will be delivered on. In addition, the Executive have agreed to include £100 million over the four-year period to be realised through the central assets management unit. That will happen mostly through the use of our own assets, either by selling them and leasing them back or, if they are no longer required, selling them and getting the capital receipt. Again, we have been ultra-cautious, and we have loaded that towards the end of the period, when we believe that the market will be a bit more secure. It will be £10 million next year, then £20 million, £30 million and £40 million in subsequent years. It is spread over a longer period. That is a fairly conservative estimate, and we will be disappointed if we do not get more than that.

We have also anticipated that we will get some money from the harbour. A total of £5 million has been allocated next year for the extension to the Paint Hall, which will be important for the development of the film industry in Northern Ireland. Moreover, there will be two lots of £15 million towards the end of the period. It is not, as Mr Elliott suggested, £125 million. He got a lot of other things wrong, and I do not know where he got that figure. The Minister for Regional Development had suggested £125 million, but it was never included in the Budget figures. There are a number of ways to do that. The harbour can surrender it to the Budget for

infrastructure projects that are related to the port. That is fairly wide terminology. One of the reasons why the £30 million is in the last two years of the Budget period is that, if we require a change in legislation, there will be a change in legislation and we will have plenty of time to get that through to deliver on the figures.

Mr McKay also mentioned the allocation for the Northern Ireland Assembly and the Northern Ireland Audit Office, as did Mr McLaughlin and Mr Ramsey. In previous Budget exercises, it was normal practice to exempt non-ministerial departments from savings and efficiencies. Therefore, over the past four years, the Assembly and the Audit Office have had no requirement to find efficiencies. When one looks at the returns that they have made every year and the degree of underspend, it becomes fairly clear that there is a fair amount of fat in the budgets of both bodies. Some people have tried to make a constitutional issue out of this and say that, somehow or other, we are interfering with the ability of Members to do their job and the ability of the Audit Office to scrutinise Departments and the work of Ministers.

Nothing could be further from the truth. At the end of the day, it is the Assembly that has to vote on the Budget; so this is not DFP imposing some restriction on the Assembly Commission or the Audit Office because it is afraid that they might do their job too effectively. It is the Assembly that will make the decision.

### 5.00 pm

At the time when we are dealing with difficult budget allocations, let us look at the Northern Ireland Assembly. Over the past four years, it has had an average capital underspend of more than 50%. On resource, or current spending, it has had an average underspend of nearly 6%, so a 5% efficiency saving should not be too difficult for it to find. The Northern Ireland Audit Office, which, ironically, has condemned Departments for not spending all of their money and for having huge underspends, has had an average underspend of 7% over the past two years. A 5% efficiency saving is not too much to ask from it, and I would have thought that the Northern Ireland Audit Office would have wanted to lead by example. It should not condemn Departments if it has underspends itself. I should also point out that, when we were making the figures for the Budget, the Audit

Committee had not even submitted the figures that it had anticipated would be needed —

**Mr P Ramsey:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way, yes.

**Mr P Ramsey:** Earlier, I spoke on behalf of the Assembly Commission. The Commission agreed 13.3% budget cuts, which is more than what eight of the Government Departments were expected to produce. Does the Minister think that it is reasonable to double that to over 26% and not expect wholesale redundancies from clerical positions, research positions and Committee staff? Does the Minister really believe that there can be effective accountability of Departments with the effects of reduced services to Members, office allowance costs and staffing? There is no doubt that, at the very least, there will be a 25% loss in staff in the Assembly if the Minister persists and lets the Budget go through.

**The Minister of Finance and Personnel:** I do not want to start debating the intricacies of the Northern Ireland Assembly budget with the Member across the Floor, but the Assembly was exempt from efficiencies for four years when other Departments were subject to efficiencies. Given the Assembly Commission's level of underspend in capital and in revenue over the past four years, that indicates that funds had not been spent. We could look at some of the practices, including the bonus practices and equal pay decisions that the Assembly Commission has made to see whether it really has been spending its money effectively. All I am saying is that, when Departments are having to face tight budgets, it would be very difficult if the Assembly were not seen to be bearing its part of the burden. I hope that that has dealt with the Member's query, and I have no doubt that we will come back to that because it seems to be exercising a large number of Members.

**Mr McLaughlin:** I have two brief points. I raised the issue of the statutory remit and the protection of the independence of the Audit Office. Last October, the Assembly passed a motion supporting the view that the Commission should experience the same levels of efficiencies as the Departments, not twice the level that has been applied to the Departments.

**The Minister of Finance and Personnel:** I do not want to hark back to the points that I

have made already, but the Assembly will vote on the Budget and decide whether sufficient resources have been made available for carrying out the scrutiny function that the Member has mentioned and which we all recognise is an important scrutiny function. All I will say is that levels of underspend by the Audit Office suggest that savings of the order of 5% can be made, which should not damage the ability of the Audit Office to carry out the work that it needs to do.

Mr McKay, Mr Elliott and a number of other Members raised the issue of revenue-raising options. There is £1.6 billion of additional revenue, and only £842 million of it was included in this Budget, so where is the rest of it? Basil McCrea, who is now absent — I thought that he wanted some information on this issue, but clearly not — raised the issue of the Minister of Education indicating that she was going to bid for that money. That money is not available. There are revenue-raising proposals that the Budget review group should look at, could look at and would look at. That is being done. Some of them might be delivered and some might not. Some might be delivered quickly and some more slowly.

Only — I emphasise the word “only” — when we are sure that the money will be available will it be allocated to Departments. I have not presided, as Mr McNarry knows, and I will not preside over a black hole in the Budget that could have been anticipated. For that reason, any kind of revenue measures that have been suggested, which we cannot be sure will be delivered on, have not been and will not be included in the Budget. Ministers can make all the bids they want, but if the money is not there, they cannot make bids for it. It is as simple as that.

Mr Elliott had to defend his position — I want to come back to this — that, somehow or other, the problems that we face are not the problems of those who advocated that we vote for a party that wanted to cut quickly and deeply, but that they are the problems caused by people like me who he says kept the Labour Party as the Government. When I asked him when that happened, he could not tell me, but Basil McCrea indicated that it was during the vote on the 42-day detention plan.

I do not know how to give a nine-finger salute, because I have only eight of them, but counting does not seem to be the forte of some Members anyway. Anyhow, my party was very proud that it

kept the proposal that the Government wished for the detention of terrorists for 42 days if it was for the safety of the country. Mr Elliott and his party may think that it is better to make a political point against a Labour Government than to leave the country unsafe. We took a judgement. It was a good thing to do, and it would not have brought the Government down anyway. They would have come back the next day with a proposal of 28 days or something else. Therefore, first of all, he does not understand what the issue was in Parliament, and he did not even remember when it was. Secondly, it seems that he has gone soft on terrorism. Therefore, it is a double whammy.

Mr Storey raised a very important issue, and I want to take the opportunity to give some reassurance again on end-year flexibility and the impact on schools. It is an issue that I believe caused unnecessary distress to schools. It was not handled well, and it caused a lot of distress to schools and principals. The fact of the matter is that end-year flexibility has been lost, and £316 million has been removed from our Budget as a result. To me, it was a gratuitous raid on our Budget by the Conservative/Liberal Democrat Government at Westminster. I do not mind taking our part in the pain of whatever national adjustment needs to be made to our finances, but that was over and above whatever reduction needed to be made. The Chancellor saw an opportunity to grab some money that was allocated to Northern Ireland, which Northern Ireland Departments were encouraged to save. So much for the special relationship that we were supposed to have when the Tories said that they would stand for election here and the Ulster Unionist Party said that that special relationship would safeguard Northern Ireland. Blow the safeguard; that is all that I can say. There has been a smash-and-grab raid on Northern Ireland's Budget.

Some people thought that the impact of that would be to take away from schools money that they had rightly and prudently saved. I want that saving to continue, as does the Minister of Education. I assure the Assembly that we will put in place arrangements for schools that have saved money to enable them to access it; to enable those that want to save money in the future to save it; and to enable those that want to access money in the future to do so. Only in that way can we ensure that school budgets are used properly. I was glad that —

**Mr D Bradley:** I thank the Minister for giving way. I noted the joint press release on end-year flexibility that was issued by him and the Minister of Education, which stated that arrangements would be put in place to replace money that, as he says, was stolen by the Tory Government. Will he give the House some detail as to what those arrangements are and where that money will come from?

**The Minister of Finance and Personnel:** I can give that detail. Basically, to put it in a nutshell, the Assembly will operate its own end-year flexibility scheme, to use terminology that people understand. Given that the flow of money into the scheme every year, by and large, equals the flow of money out of it — sometimes, there is a bit of a difference — and provided that there is assurance that the money will be available, there should be no difficulty in meeting the demand. That is the simplest way that I can explain it in a debate such as this. I am more than happy to talk to the Member privately. The system has worked, by and large, for the past number of years. The money that schools save in one year is drawn down by other schools that are not saving or are spending. It assures schools that they can save and have access to that money. It should be almost self-financing. Indeed, it will be. In years when there is a difference, of course, additional money will have to be found.

Ms Ritchie, among others, raised the issue of funding for housing. When I look at plans in the DSD consultation document, it appears that the Minister has decided that the housing programme should bear the brunt of reductions in resource and capital. While resource reductions are targeted on back-office functions, capital reductions will have an impact on the social housing programme. However, I believe that that can be offset in a number of ways. For one thing, housing associations' reserves can be used. We believe that housing associations are capable of using £20 million from reserves for newbuild. We do not actually take that money from them; we simply give them a lower grant for every house that they build. Given the fact that housing associations in Northern Ireland appear to have higher reserves and borrow much less than housing associations throughout the rest of the United Kingdom, that is perfectly deliverable. Of course, given the fact that houses cost at least 20% less to build than they did two years ago, more houses can be built for every pound that is spent.

Mr Farry raised the issues of the green new deal and a divided society. I welcome his comments on the four-year Budget. It is important to have the certainty that it brings. As far as the green new deal is concerned, the Executive have committed £4 million per year. If we could spend £72 million during the period, that would lever in around £181 million. Of course, that would tend to be for labour-intensive work, such as insulating houses, and so on. It is a good job-creation project. Although I do not care too much for the "green new deal" title, anything that saves people money on their heating Bills is a good long-term investment, especially when it helps to reduce fuel poverty. The group met with an interdepartmental group on 17 January, and it was agreed that it would submit a robust business plan with the final costings for the scheme by mid-February.

### 5.15 pm

We have talked about the costs of a divided society before, so the Member can probably give the answer for me. There are certain things that we will not deal with quickly, and there are some costs, more social than economic, that he will say are part of a divided society. Nevertheless, it is important to look for a better way of doing the things that we do and of delivering our services, especially at a time of scarce resources.

I am sorry that I have not got to the points that some Members made. I thank Members for their contributions. I look forward to having this debate again and again and again before the end of the Assembly term. As we come to the final Budget, I am sure that that many of the comments that have been made will be looked at and addressed by Committees and looked at seriously by the Executive.

### **The Deputy Chairperson of the Committee for Finance and Personnel (Mr McNarry):**

On behalf of the Committee, I thank those who contributed to the take-note debate. Having listened carefully to their opinions and views, I ask Ministers and Members, first, to consider whether the Assembly is exercising a worthwhile function and, secondly, to consider whether it can make a difference in improving how Northern Ireland is governed, how our constituents are represented, how public money is spent and how public services are delivered for the betterment of all our people. It would be surprising if any Member disagreed with the belief that this locally elected body can exercise



a vital role in ensuring more accountable and accessible government, particularly when one considers how far we have come since the time prior to devolution.

If it is the case that there is consensus on the value of the Assembly as an institution, surely we must affirm the right of the Assembly to be allowed to fulfil its role effectively. In that regard, however, I regretfully detected several key themes from today's debate that would lead one to believe that there is a process at play, whether by accident or design, effectively to marginalise the Assembly and to clip its wings. Serious concerns have been raised around the lack of proper engagement with Committees and the wider public. During today's debate, we heard Committee members talk about how they are being stymied in doing their work. To date, seven out of the 11 Statutory Committees, in addition to the Chairpersons' Liaison Group, have indicated to the Committee for Finance and Personnel their dissatisfaction with the timescale and the availability of information to enable them to scrutinise their Department's proposals effectively.

It is not only Committees that are affected in that way. The wider public is presented with difficulties in responding to a high-level Budget document that lacks detail and delegates responsibility to each of the 12 Departments for the substantiation of their figures within an exceedingly tight timescale. At its meeting last week, members of the Committee for Finance and Personnel sought assurance from DFP officials on the extent to which the Department is meeting the requirements for proper consultation on its draft spending and saving plans. The Committee had previously noted judicial review decisions regarding proper consultation. One judgement in particular outlined the four requirements of consultation. It stated:

*"To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken."*

If those elements of good practice in consultation are not demonstrated by engagement with Assembly Committees and the wider public, it is open to challenge as a flawed process.

The Committee has undertaken detailed work in respect of the Budget process throughout this mandate. It has contributed to DFP's Budget review process and put forward many recommendations on how things could be improved. It is therefore very disappointing that we are where we are with this important Budget, which will set the spending for the whole of the next Assembly mandate.

Judging by the evidence presented by both the Assembly's corporate body — the Assembly Commission — and the Audit Committee, we can detect a real threat to the future capability of the Assembly and its independent scrutineer, the Northern Ireland Audit Office, arising from the allocations proposed in the draft Budget 2011-15. As has been noted during the debate, the draft Budget proposes real cuts for both bodies that are far in excess of any that they consider necessary in order to carry out their functions effectively.

In recent evidence to the Committee, senior DFP officials have pointed the finger at the Assembly Commission and the Northern Ireland Audit Office because of the level of underspend by both bodies. It was indicated that that was taken into account in determining the proposed allocations for those bodies. Today, I heard the Minister's firmness on the issue. He was brilliantly disappointing in what was probably his most unconvincing and unassured performance yet in the House. Therefore, although I had intended to focus on the more strategic picture, because that issue has been raised by so many others, it is only proper that I refer to the Committee's considerable experience of examining underspend across all Departments.

In fact, most Departments and public bodies have had some level of underspend over the years. That is borne out by the fact —

**Mr Bell:** On a point of order, Mr Deputy Speaker. Is it permissible to read before summing up? If the Member is reading before the Minister has spoken, is he reading something that was written before the summing up?

**Mr Deputy Speaker:** That is not a point of order.

**Mr McNarry:** You should never underestimate my cleverness, Mr Bell. In fact, most Departments and public bodies have had some level of underspend over the years. That is borne out by the fact that over £300 million in EYF stock had accumulated, which was, for the most part,

lost to the Executive as a result of the spending review. Therefore, it is surely important not to take a simplistic approach to the issue, but to examine the reasons for any underspend and to establish whether they were due, for example, to overestimating our bad prior-year forecasting, to poor in-year monitoring, to unforeseen or extenuating circumstances or to things being done more efficiently. It is also crucial to examine whether in-year reduced requirements were declared early enough in the monitoring process to allow redistribution to other Departments. It is only after a robust assessment of those issues that informed decisions can be made on the extent to which there is fat, if any, in allocations.

It is ironic that DFP points the finger at the Assembly and the Audit Office on underspend. Perhaps it should examine its own house first because, rather than leading by example on that matter, the Minister, on his own watch, has in fact been a leading culprit in underspending in recent years, as have his predecessors. Over the past three years, his Department's underspend in current expenditure has been above average. In 2009-2010, it was 3.4% compared to 0.7% across Departments, for 2008-09 it was 0.9% compared to 0.5% across Departments, and for 2007-08 it was 3.1% compared to 2.1% across Departments. I am pretty sure that I have my decimal points in the right place this time.

Using that logic, does it not follow that we should at least be asking DFP to take a higher cut in its budget than other Departments, particularly those with primary responsibility for frontline services? The Minister may argue, and he does so fairly competently, that the in-year monitoring process would always provide a mechanism to ensure that the bodies had access to whatever funding was necessary and that no bids previously made have been left uncovered. Surely that misses the point about ensuring the independence desired by all, leaving aside that we all know, given the diminishing level of reduced requirements being declared by Departments during the in-year process, that no guarantees can be provided.

Our Assembly is a young institution that is only now proudly completing its first full mandate; it can undoubtedly point to many successes in the exercise of its scrutiny functions of issues that heretofore went unchecked. We cannot underestimate and risk diminishing the role of Assembly Committees in holding local

Ministers to account or for keeping on their toes the departmental accounting officers and senior civil servants who hold positions of considerable influence. Therefore let us give the Committees credit that in carrying out that scrutiny work, along with their role of offering advice to Ministers, they are valuably assisting the Executive in overseeing the delivery of their strategic objectives.

Collectively, we can agree that all public bodies should endeavour to maximise efficiencies, and the Assembly should be no exception. However, there is a strong argument that lean times require stronger, not weaker, scrutiny. Therefore given DFP's role in ensuring that:

*"public expenditure is managed effectively to deliver best value for the people of Northern Ireland"*

I expect that it would be the Minister who would most value the scrutiny and challenge function of the Assembly and the Audit Office.

If there is to be a recognition of the vital role that the Assembly can play over the next four years and the importance of allowing it to demonstrate its worth, it follows that we should expect to see an improved engagement between the Executive and the Assembly, including its scrutiny Committees, necessitating significant improvements to the Budget process and, more immediately, requiring things to be put right in the final Budget allocations for the Assembly and the Audit Office.

It is clear that many Members are not content or comfortable with where we are on this issue. Doing things in a hurry is far from satisfactory, which is why it is fortuitous that this is a take-note debate. In its co-ordinated report on the draft Budget the Committee will be reflecting the outcome of the debate and the issues raised by Assembly Committees and external stakeholders. I trust that the recommendations in that report will be taken into account in the final draft Budget presented to the Assembly for debate and approval in March.

I thank all who contributed to this take-note debate and who see its merits.

*Question put and agreed to.*

*Resolved:*

*That this Assembly takes note of the draft Budget announced on 15 December 2010 by the Minister of Finance and Personnel.*

## Northern Ireland Act 1998: Review of Sections 16A to 16C

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour for the debate. The proposer will have 15 minutes in which to propose the motion and 15 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

5.30 pm

**The Chairperson of the Assembly and Executive Review Committee (Mr Spratt):** I beg to move

*That this Assembly approves the report of the Assembly and Executive Review Committee on the review of the operation of sections 16A to 16C of the Northern Ireland Act 1998.*

I thank the Committee Clerk and the Committee staff for all their work in the preparation of the report. I also thank members of the Committee who attended on a regular basis and made contributions to the debate.

The 2006 negotiations that resulted in the St Andrews Agreement facilitated the restoration of the Assembly and brought hope that devolution would allow the fate of the political institutions in Northern Ireland to be decided by its own political representatives. However, no one was ever under the illusion that the negotiations were cut and dried, that every issue had been settled or that all serious divisions had been healed. Indeed, one could rightly point to the establishment of the Assembly and Executive Review Committee and its delegated functions as recognition that that was certainly not the case.

However, since the conclusion of the St Andrews negotiations, the determination of political parties to address those outstanding issues has been in evidence. Indeed, my Committee's contribution to the resolution of some of those issues is already on the record.

I think it worthwhile to provide a little background on the report. The report is yet another example of the Assembly addressing issues that arose from the St Andrews Agreement and the consequent amendments to the Northern Ireland Act 1998.

The Northern Ireland (St Andrews Agreement) Act 2006 inserted the new sections 29A and 29B into the 1998 Act, which provided for the establishment and particular functions of the Assembly and Executive Review Committee. Those functions include requiring the Assembly

and Executive Review Committee, under Standing Order 59(3), to consider the operation of sections 16A to 16C of the 1998 Act and, in particular, to consider whether to recommend that the Secretary of State make an Order to:

*"amend that Act and any other enactment so far as may be necessary to secure that they have effect, as from the date of the 2011 Assembly, as if the executive selection amendments had not been made."*

I do not intend to detail all those Executive selection amendments, but they include sections 16A to 16C, which require the First Minister and the deputy First Minister and Northern Ireland Ministers, other than the Minister of Justice, to be appointed within seven days of the first meeting of the Assembly after an election. Those sections also modify provisions for the appointment of the First Minister and deputy First Minister.

I think it worthwhile to highlight two key changes to the original section 16 of the 1998 Act that have attracted some attention and to which I am sure Members will refer. First, under the original section 16, the First Minister and deputy First Minister were elected jointly by the Assembly and required the support of a majority of Members voting in the election, a majority of designated nationalists voting and a majority of designated unionists voting. The current arrangements see the First Minister and deputy First Minister appointed by the largest political party of the largest political designation and the largest political party of the second largest political designation respectively.

I should point out to Members that paragraph 4 of the report may suggest otherwise. It refers to:

*"the second largest party of the second largest designation."*

I do not want to raise the hopes of Members in another party that that is the case. Of course, the "second largest party" refers to the largest party that represents the second largest political designation. The Committee will take steps to notify all members of that point of clarification after the debate.

Secondly, and notwithstanding what I have just said, in accordance with section 16C(6) of the Northern Ireland Act 1998, when the largest political party of the largest political designation is not the largest party in the Assembly, the largest party in the Assembly will nominate the

First Minister and the largest political party of the largest political designation will nominate the deputy First Minister. It was in that context that the Committee considered whether it should recommend to the Secretary of State that the amendments to the Northern Ireland (St Andrews Agreement) Act 2006 should cease to have effect. That would result in the appointment of Northern Ireland Ministers, the First Minister and the deputy First Minister, etc, reverting to the position before 2006, and the general operation of section 16A to 16C in the context of making amendments other than those that I have just mentioned.

Had the Committee agreed a course of action, and had that course of action been endorsed with cross-community support in the Assembly before 1 February 2011, the Secretary of State would have been legally obliged to bring forward an Order to reverse the effects of the Executive selection amendments. To be perfectly clear, the Committee recognises that that is the only scenario in which the Secretary of State is legally obliged to act in respect of the Executive selection amendments. Therefore, the Committee is clear that, in relation to any other proposed amendments, the Secretary of State is not obliged to act. He may see a political imperative to do so, but that is for him to decide in the wider context of the evolving political situation in Northern Ireland.

When considering the issues, the Committee sought the views of all the political parties represented in the Assembly and all independent Members. Those parties that are not represented on the Committee were invited to attend meetings and to take part in discussions or to send non-elected representatives to meetings as observers. I hope that those actions reflect the Committee's adoption of an inclusive approach to its deliberations.

The Committee is no stranger to contentious issues, nor has it shied away from them. Its approach has always been to try to achieve consensus where possible, and it was the same with this issue. However, an exploration of the middle ground ultimately proved fruitless. That is not a failing in itself, but a simple recognition of political reality.

Members will note in the report that a proposal, the outcome of which would have been to support reversing the effects of the Executive selection amendments, was rejected by the Committee by

a majority decision. Members will also see that the Secretary of State has only recently written to the Committee on that decision, stating that he will not bring forward an Order to reverse the effect of the Executive selection amendments as the Committee did not make such a recommendation. The Committee has fulfilled its statutory obligation on that issue.

The Secretary of State has not yet indicated whether he will take action on the Committee's request for section 16C(6) to be removed from the Act. As I mentioned earlier, when the largest political party of the largest political designation is not the largest party in the Assembly, section 16C(6) allows the largest party in the Assembly to nominate the First Minister and the largest political party of the largest political designation to nominate the deputy First Minister. However, I refer Members to what I said earlier: he is under no obligation to do that. That is not to say that the Committee's position would not bring some political pressure to bear on his future consideration of the issue.

Some members of the Committee see the proposed removal of that section as a retrograde step that ensures that there would never be a First Minister from the minority nationalist political designation. Other members believe that it is right that the First Minister should be appointed from the largest political party of the largest political designation: two diametrically opposing views. In such circumstances, the Committee took the only course of action open to it and voted on the proposal to remove section 16C(6). As I have noted, the Committee supported that proposal by a majority vote. The Committee then agreed unanimously that it should write to the Secretary of State outlining its position that the decision had been taken on the basis of simple majority, and that has been done.

The Assembly and Executive Review Committee has not shirked its responsibilities. It has not avoided taking difficult decisions, and it has decided and agreed on a course of action. The Committee now seeks the Assembly's endorsement of the Committee's report, which clearly sets out that course of action.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin welcomes the report and puts on record its thanks to the Chairperson for steering the Committee through the piece of work. He has mentioned already



the good work done by the Committee staff, and I endorse that.

Sinn Féin's position has been outlined throughout the report, and it was articulated at the many sessions when the matter was discussed. As the report states, the Committee did not reach a consensus. I suppose that, in many ways, that was inevitable. Broadly speaking, Sinn Féin's opinion is that there should not be a problem with the largest party in the Assembly nominating the First Minister. As the Chairperson said, that change came about as a result of the discussions to re-establish the institutions. In that sense, Sinn Féin sees it as a plus, and we see how the institutions are now up and running. Therefore, it was added to the process.

Sinn Féin's priority throughout the discussions and since has been to maintain and to protect the principles of the Good Friday Agreement. We felt not only that we should protect and maintain those principles, but that we had to ensure that the institutions were up and running and functioning. One outcome of the discussions and the workings was that the Office of the First Minister and deputy First Minister is now seen as co-equal — a joint office — whereas that was not always apparent or not acted out as equal. That is how Sinn Féin feels that it should be, and that is why we are satisfied with that.

In summary, the new arrangement is up and running and it is seen to be working. The principles and the integrity of the Good Friday Agreement remain intact, but, underneath that, we see the Assembly functioning, and that is how it should be. In Sinn Féin's opinion, it lays open the door and sets provision for the fact that if a nationalist party were the largest party in the Assembly, it would nominate the First Minister. Sinn Féin sees that not only as fair, but as right and proper.

**Mr Elliott:** I thank the Committee Chairperson for proposing the motion and for getting through it. It was not the easiest process of explanation. I hope that Members were able to follow it because, as someone who has been on the Committee for a short time, I found it quite difficult to follow the difficult sections.

Mr McCartney talked about Sinn Féin defending and supporting the principles of the Belfast Agreement. Had Sinn Féin done that, it would have supported the UUP's motion in the Committee. My party believes that the legislation should

never have been tampered with at Westminster. Even Mr McCartney accepted that it was within the parameters of the Belfast Agreement, broadly acceptable to most and needed cross-community support. We thought that the principle of cross-community support was enshrined in Sinn Féin's principles and values. Obviously, it is not.

#### 5.45 pm

It is clear that we had to debate this in Committee here and bring forward some proposals because of dirty deals that were done at Westminster between Sinn Féin and the Government at that time. The St Andrews Agreement was changed by the Northern Ireland (St Andrews Agreement) Act 2006. Behind the scenes dealing, to which other parties were not privy, went on. I am not sure whether the DUP were privy to it; DUP Members will say for themselves. To me, it was clear that deals were ongoing between Sinn Féin and the Labour Government. It is unfortunate that those changes were allowed to be made and that the St Andrews Agreement was tampered with.

Even when an amendment was tabled at Westminster to remove those lines in section 16C(6), it was not accepted. A number of Conservative MPs supported their removal but, unfortunately, that was not allowed to happen. The people who allowed this to happen and to become an issue here have a lot to answer for. My party believes that it should never have come to this. Now that it has, no consensus was reached in the Committee and a division occurred. That was likely. The SDLP, thankfully, agreed to change the legislation. We thank that party for its support because we felt that it was fundamental to get back to a cross-community basis. We thought that that was the principle behind what was already there, but obviously Sinn Féin and the DUP do not agree. We are left with a position that is very poor for the broader politics of Northern Ireland.

**Mr McDavitt:** I add my thanks to the Chairperson, the deputy Chairperson and the Committee's clerking team for their work on this complex and difficult issue. Wading through all the options available to us at every stage along the way must have presented a great challenge. They did so in a way that I felt was very respectful to all our positions and certainly aided and facilitated the good and easy conduct of the Committee in making its report.

It is a matter of regret to the SDLP that it is not a report that enjoys any consensus. It is the report of a divided Committee, and that division reflects some of the wider political divisions in the House about the very nature of the Office of the First Minister and deputy First Minister. The SDLP came to the Committee advocating a return to the provisions in the 1998 Act, those of the Good Friday Agreement. They required that the First Minister and the deputy First Minister be elected jointly by all the Members of the House on a cross-community vote, thus installing them as a joint, co-equal office that knew no superiority or rank but was genuinely, absolutely, institutionally and procedurally at one and rooted firmly in equality.

Colleagues who have spoken previously have referred to the reasons why that provision was changed. They have theories about what might have happened around the enactment of the St Andrews Agreement Act 2006. For whatever reason, the rules were changed. It is now the case that the First Minister and the deputy First Minister are not elected jointly. In my opinion and that of my party, they do not have the same legislative claim to co-equality and absolute equality as they did when put before the people in May 1998 as a model to reflect the new beginning for us all in this region.

The SDLP will continue to argue the simple point that it would be better for all of us, more stable for the region and a more powerful symbol of partnership, reconciliation and a genuine new beginning if we were to ensure that those who lead our Executive were genuinely equal, elected together and separated not even by name. If a mistake was made in 1998, it was to allow them to be called First Minister and deputy First Minister when in fact they are nothing of the sort: they are co-equal and joint.

The issue will undoubtedly crop up again in the next mandate. I hope that we will all have the courage to see that there is a better way, which will involve trust and political conditions to ensure and to develop a process that is more in the light of 1998, more rooted in absolute co-equality, in genuine joint First Ministers and requiring the cross-community support of everyone in this House for those individuals to take their office.

I thank the Chairperson, the Deputy Chairperson and the Committee Clerks for their work. Despite

all the divisions, this difficult issue was debated professionally and with great respect.

**Dr Farry:** The Alliance Party is not represented on this august Committee, but I recognise its work in discharging its duty on this matter even though, ultimately, it did not reach consensus.

This is a polarised debate not only across the Chamber but within the two blocs or designations. The Alliance Party rejects the notion that there should be designations in the Chamber, and for that reason, the debate takes on a slightly sidelined perspective.

**Mr Bell:** Will the Member inform the House when the Alliance Party changed its policy? It is my understanding that, on one occasion, the Alliance Party designated itself unionist.

**Dr Farry:** Mr Bell has a very good memory. It happened many, many years ago to save the Chamber from the DUP and from some members of the Ulster Unionist Party who had changed sides.

Designations create an artificial division in here and unhelpfully reinforce societal divisions. They take away from Members' equality of votes and do not allow for flexibility and changes both in wider society and in the political make-up of the Chamber. We talk about the nationalist bloc or the unionist bloc being the biggest, but perhaps, one day, the Alliance or another bloc might be bigger than either of those.

For the Alliance Party, the posts of First Minister and deputy First Minister are co-equal in standing. As Conall McDevitt stated, the only difference is in name, and there is no legal distinction. We want to stress the importance of their being viewed as a joint office. At times, that "jointness" has come across reasonably well, not only in this mandate but in the past. At other times, in both Assembly mandates, it has been extremely disjointed. We are concerned that the issue of which party has a claim on the First Minister could readily polarise wider society. If the issue became the main narrative behind an election, it would be regrettable and would definitely take away from the important consideration of socio-economic issues to which we should be turning our attention.

I reject the notion that if a nationalist Member, in particular a Sinn Féin Member, became First Minister, it would somehow cause a constitutional crisis or, indeed, that The Queen,

as the Ulster Unionists once suggested, would be mortally offended that the First Minister did not shake her hand, bow, curtsy or whatever, in her presence. I think that she appreciates the important subtleties of Northern Ireland.

Our preference is for the First Minister and deputy First Minister to be part of a negotiated Executive, whether one wants to call that a voluntary coalition or not. It would be negotiated by parties and sustained by a weighted-majority vote. The parties would move in and out of government depending on the prevailing circumstances of the day. I appreciate that some parties contend that that argument has still to be won. However, I make the point again that, as far as we are concerned, that approach is not designed to exclude any one particular party, but to ensure proper collective responsibility and cohesion in government.

Short of that, our preference is a return to the situation that pertained in 1998, when the First Minister and deputy First Minister were jointly elected by the Assembly under what is termed a cross-community vote in legislation, although we question the legitimacy of the particular methodology that was used. Nevertheless, it is the lesser evil to have a joint election rather than simply having an appointment. We can also look to the example of the past year, when a Minister of Justice was elected on a cross-community vote. That has turned out well, in that the devolution of policing and justice powers has bedded down and the post has gained cross-community buy-in. That is an example of how effective that type of vote can be in practice. In the circumstance in question, it would once again stress the joint nature of the office.

In the long run, that is the way to go. A lot of the debate is, to some extent, based on a false argument that we should not be having. The ultimate significance of the way in which it breaks down is not that important, because it is a joint office with identical powers, and only one word, deputy, to distinguish the two posts.

**Mr Hamilton:** If we think momentarily about Stephen Farry's dream of the Alliance Party bloc or another bloc being the biggest in the Assembly, we can all seek some comfort in the fact that because of the way in which the legislation is constituted, he will never be First Minister or deputy First Minister. He will know, however, that some of the points that he

touched on, particularly on voluntary coalition, are wholeheartedly echoed by my party. Ultimately, no matter about the issue at hand, my party and others want the Assembly to go in that direction.

I will not rehearse everything that has been said, particularly by the Chairperson of the Assembly and Executive Review Committee. I welcome the report, and I regret that it does not reflect a consensus in the Committee, although I should not be surprised by that. The St Andrews Agreement, as opposed to the Northern Ireland (St Andrews Agreement) Act 2006, outlined that the First Minister should be nominated by the nominating officer of the largest political party from the largest designation. The 2006 Act diverted considerably from that, particularly the section that inserted sections 16A to 16C, which are the focus of the report, into the Northern Ireland Act 1998.

Without getting into the tongue-twister that troubled other Members, if the largest designation did not contain the largest party, the nomination would instead be made simply by the largest party. It is the DUP's view, which has been backed by the Committee, that section 16C(6) of the Northern Ireland Act 1998 should be removed, as it is entirely inconsistent with the St Andrews Agreement. It is our belief that any arrangements that require either Assembly approval or political negotiations are a recipe for instability.

We have all benefited from the measure of stability that we have had in the current mandate and, hopefully, will have in the future. In our view, there was a flaw in the Belfast Agreement arrangements: if the largest party did not come from the largest designation, there was the potential that the Assembly might not have been able to elect a First Minister or a deputy First Minister, with all the inherent instability that that would have created.

**Mr B McCrea:** I wonder whether the Member can shed some light on why there is a difference between the St Andrews Agreement and the Northern Ireland (St Andrews Agreement) Act 2006.

**Mr Hamilton:** I am not sure whether the Member was active in politics at that time, so perhaps he does not recall it just as clearly.

The Government of the day legislated to differentiate between the St Andrews Agreement

and the St Andrews Agreement Act. That is very clear, and it was opposed by my party and others. That is the position. It is regrettable that the Government of the day did that.

In conclusion, I echo my party's call for the Committee to include in its report that the Secretary of State should legislate immediately to reverse what was done in the St Andrews Agreement Act, reflect the Committee's position and reflect in legislation what was actually agreed at St Andrews.

**6.00 pm**

**Mr Bell:** I add my thanks to the Chairperson of the Assembly and Executive Review Committee, Jimmy Spratt, and the Committee staff for negotiating through some difficult and complex legislation and producing the report. Given his written communication with us, I fear that the Secretary of State may not act on the report, but he should: there are several good things in the report.

We have just had a debate on the draft Budget. We have just told the people of Northern Ireland to look carefully at how they spend their money. We have told them to examine where there is waste in the system and how they could be more efficient at less cost. That is one of the principles behind the proposal to reduce the number of MLAs to 70 or 75. Any reasonable, objective observer who looks at Northern Ireland will state that 108 MLAs is too many and that having 70 or 75 MLAs would serve us better in respect of efficiency of business and cost to the public purse.

I fear that we are sending a message out that people should do as we say and not as we do. I appreciate that legislative time frames etc are too tight for arrangements to be made in time for the new mandate in 2011, but I hope that they can be looked at again in the period up to 2015. We have to lead by example. We have to cut the fat and excess out of the service and set an example in how we seek to end the recession. We are asking for it to be ended through increased efficiency and less cost. We would do well to consider fully the proposal to reduce the number of MLAs.

I thank the leader of the Ulster Unionist Party. Some appear to seek confusion on this issue, but, if I heard Mr Elliott correctly, the Hansard report will record that he said that there was a change between what was agreed at St Andrews

and what appeared in the legislation. Mr Hamilton elucidated that point in response to Mr McCrea's intervention. We have all read about and seen people trying to make out that there was some form of agreement at St Andrews for what became sections 16B and 16C. It was not agreed at St Andrews. What was agreed at St Andrews —

**Mr B McCrea:** Will the Member give way?

**Mr Bell:** May I finish the point and then let you in?

**Mr B McCrea:** Surely.

**Mr Bell:** What was agreed at St Andrews was that it would be the largest party from the largest designation. The subsequent legislation, which we opposed, did not reflect the St Andrews Agreement. Those who choose to be true to the factual record will acknowledge that what was agreed at St Andrews is different to what was agreed in the legislation.

**Mr B McCrea:** I thank the Member for giving way. I am interested in the point that he makes about the change between the St Andrews Agreement and the St Andrews Agreement Act. He stated that his party opposed that change. How exactly did they do that? Did DUP MPs speak against it? Did they vote against it? Did they vote for it at any time? It seems strange that we would have missed a change to something as big as the St Andrews Agreement, in which at the DUP was front and central, and that a big fuss would not have been made about that change. What was the nature of the DUP's opposition?

**Mr Bell:** I appreciate the dilemma in which Mr McCrea finds himself; he has no representation in the British Parliament.

Even a basic observer of GCSE standard or probably slightly less would understand the opposition that was given, the guillotine that was opposed, the amendments that were suggested and the track line that led to that opposition, which could be seen from the DUP press statements, interviews and everything else. That was very clear. It was certainly clear to the Member's party leader. It may still be unclear to him, but that is probably why Tom is leader and he is not. That is part of the confusion that there has been an attempt to engender. However, to be fair to the leader of the Ulster Unionists, he made it clear that change was there, and that is on the record.



We should look towards good government in the future. We strongly support what Dr Farry said about a voluntary coalition. That is what we aim for and what we should aspire to. That would lead to better government in the House. However, we have to deal with the situation that we are in. The report is a serious attempt to do that. I do not agree with what Mr McDevitt said, although I appreciate that he put forward very sincerely the argument that we should revert to the situation in 1998.

**Mr Elliott:** I thank the Member for giving way. Is he saying that the DUP MPs were for, against or abstained from the vote on that in the House of Commons and the House of Lords?

**Mr Bell:** I would have appreciated it if the Member had heard me correctly. I say to the Member: do not go back to the confusion. You were honest and correct at the start.

**Mr Deputy Speaker:** Time is up.

**Mr Bell:** I commend the report to the House. We look towards the day when a voluntary coalition becomes a reality.

**Mr O'Loan:** Attending meetings of the Assembly and Executive Review Committee on this matter was a surreal experience. It is, therefore, probably appropriate that that surreal experience has been continued in today's debate. I commend the Chairperson for how he conducted business. However, had he not pointed out the typographical error on page 3 of the report, where it read that the second largest party of the second largest political designation nominates a member of the Assembly to be the deputy First Minister, and had we adopted that report today, I assume that the leader of the SDLP would have been sent for tomorrow morning and asked to nominate a deputy First Minister.

**The Chairperson of the Assembly and Executive Review Committee:** I am really sorry for interrupting your party tomorrow; it cannot take place now.

**Mr O'Loan:** Exactly. The alertness of the Chairperson has unfortunately prevented that from occurring. As I say, it was a surreal experience. For all the outcome that we produced, there were many meetings, and members spent quite a long time staring fixedly at a point on the opposite wall. I suppose that some members might have felt more used

to that experience than others. Some of us welcomed the opportunity to turn up at 11.00 am every Tuesday for a cup of coffee and a biscuit, and that became part of the social life of the Assembly.

There were only ever three options. The first was to rescind the Executive selection amendments. However, it was fairly clear, fairly soon that that was not going to happen. The second option was to agree on some other proposal of amendment, which is what we did in the end. The third option was to simply agree to disagree. The last two options would have ended up in pretty much the same place anyway. That was the surreal nature of it, and quite a bit of the debate moved around chasing a will-o'-the-wisp.

We finally ended up with the short report that Members have in front of them, which probably fits in well with the contradictions that were there. Although the DUP presents its position as being very consistent, many of us think that it sought and obtained a particular position at St Andrews, even though it might have varied that subsequently. Sinn Féin had no difficulty at all in taking quite opposite positions on the same point. It said that it was absolutely committed to the Good Friday Agreement and to the changes that were created in the St Andrews Act, which alter a fundamental aspect of the Good Friday Agreement.

We are not well pleased with the eventual outcome as expressed in the Committee's report. Anything that takes away from the joint nature of the office is not good for the Assembly. How anyone can try to argue, as someone who spoke earlier did, that the change made by the St Andrews Agreement Act makes OFMDFM more of a joint office, I do not know. It has weakened the joint nature of that office. We would like that reinstated, and, if further change can be made around nomenclature that would reinforce or make more public and more visible the joint nature of that office, it would be a healthy development.

**Mr Givan:** I add my thanks to the Committee staff for their work in producing the report. Beyond some of the technical stuff that has been commented on, it is interesting that the report sets out parties' positions on the number of MLAs we should have. My party's position is clear on that: there should be around 75. We are very much in tune with the Alliance Party on

that matter; likewise on the voluntary coalition. I wonder why it does not just designate itself as unionist and come and join us. It should come off that fence or else designate itself as a nationalist party and help change that system.

**Dr Farry:** The answer, for everyone's benefit, is that there is merit in a party being cross-community and not defining itself as either unionist or nationalist. It is the way of the future.

**Mr Givan:** It just means that your votes do not count in this House under the current rules.

I want to pick up on some of Conall McDevitt's comments. He talked glowingly about how the 1998 agreement had created such a fine office: the Office of the First Minister and Deputy First Minister. He said that returning to that arrangement would help generate trust and create a genuine commitment to partnership and power sharing. At that time, I was not a Member, but I worked for a Member, and my recollection of the relationship that David Trimble and Seamus Mallon had was not that it was an equal one, nor did it operate through genuine trust and sharing. Indeed, they rarely spoke to each other. They had offices at far ends of the Building, and only rarely did either of them cross that divide. For the record, I am not talking about David Trimble's party; I am talking about his relationship with the SDLP Deputy First Minister.

**Mr McDevitt:** Will the Member concede that, whatever tensions may have existed in the Office of the First Minister and Deputy First Minister during the first mandate, the relationships within that office were a darn sight better than the relationships between that office and the Ministers from his party who did not even turn up to do their job?

**Mr Givan:** Those Ministers, despite not being at the actual Executive meetings in person, did their jobs very successfully. I could list how that is the case. For example, we have the free transport that was pioneered by Peter Robinson in DRD. I could go on, but the fact that we have moved from having two Ministers in the Executive to having the largest party in the Assembly holding a number of Departments demonstrates our record.

I will address some of the other comments. I share the disappointment of the leader of the Ulster Unionist Party about the amendments. He said that, when opportunities arose for

amendments to be made, some Conservative Party MPs supported them, but the Labour Government had an outright majority then and were able to vote down the position that was being put forward. However, he did not then go on to make the point that we have since had an election that his party campaigned for and that that party was successful in that it is now the largest party in the coalition Government. Although there is no legal compulsion on the Secretary of State to make a change, politically, if he so wished, he could.

If the reports are right, maybe that is why Tom Elliott was rather unhappy when he had his meeting with the Secretary of State. If the reports are true, he stormed out because the Secretary of State would not make that change. If the Ulster Unionist Party's political masters at Westminster wanted to make the change, they could make that political move. I did not hear Tom Elliott make that comment.

#### 6.15 pm

**Mr B McCrea:** We are trying to find out exactly why the change took place, so will the Member tell us whether the DUP peers in the House of Lords voted for clause 8 or opposed it, as UUP peers did?

**Mr Givan:** I thank the Member for the intervention. We have dealt with that point, and colleagues made our position very clear. Basil McCrea, the wannabe leader, is trying to deflect from the fact that his political masters at Westminster do not want to face up to the reality that the Secretary of State — *[Interruption.]*

**Mr Deputy Speaker:** Order, please. Members will make their remarks through the Chair.

**Mr Givan:** I recognise the fact that the Member for Lagan Valley does not want the public to realise that, politically, the Secretary of State — his political master — could make the change if he wished to do so. The UUP is a franchisee. Perhaps it wants to break the contract and get a refund; it is clearly not getting a good deal.

The report clearly highlights that there is no consensus on the issue. I look forward to the Committee undertaking investigations into other issues and hope that we will be able to get consensus in the future.

#### **The Deputy Chairperson of the Assembly and Executive Review Committee**

**(Mr A Maskey):** Go raibh maith agat, a

LeasCheann Comhairle. I thank all the Members for their contribution to the discussions. It seems that there were more contributions in a short while this afternoon than there were in the entire Committee deliberations. Two members of the Committee introduced a little rancour this afternoon that, thankfully, they did not introduce into the Committee meetings. Tom Elliott talked about the dirty deals. Hansard will show — it will be easy to trawl through his contributions because they were not that big — that he did not introduce any of that into the debate in Committee.

The response to Mr Farry's remarks is that, although there are no Alliance Party members of the Assembly and Executive Review Committee — precisely because the Committee was established in the first instance from Executive parties — all the parties in the Assembly were invited to take part in the deliberations. The Alliance Party sent one of its unelected officials to attend Committee meetings, and it could have taken part.

It is important to place it on record that the Committee's deliberations were quite measured and very balanced. All the parties made their respective points. Nobody really felt the need to dwell on them, because people understood that the issue is essentially a political one. Although the Committee, in conducting the review, was carrying out one of its mandates, everybody clearly understood from the outset that there would not be consensus. The minutes of the Committee meetings on the matter will reflect that two votes were taken, both of which were passed by a majority, but that there was no consensus. On that basis and on the terms of reference that are afforded to the British Secretary of State, we do not anticipate any further action. Indeed, Members will note in the report the letter that has been received from the Secretary of State, which reminds us that he intends to take no action. Although some Members this afternoon alluded to the possibility, prospect or desire that the Secretary of State may be minded politically to make a move, I suggest that he will be very cautious in that regard and will be mindful of his wider political responsibilities, which, by and large, should be not to interfere in our affairs.

The Committee, in carrying out the review, carried out its mandate reasonably successfully. All the Committee members who contributed at the meetings did so in an honest and measured

way. It is important to say that the Committee has a lot of other work to do on matters that are essentially political. Most of them are highly complex and many are quite contentious. Those matters will not be addressed easily. I was very pleased, as was the Chairperson, at how members conducted their business. For the most part, even if we go back to the transfer of policing and justice powers, members conducted themselves maturely and properly while making their respective political positions clear for the record. Of course, those positions have not changed, and we heard some of them this afternoon.

Speaking as Deputy Chairperson of the Assembly and Executive Review Committee, I wish to place on record my thanks to all members of the Committee for their contributions, all officials and staff who supported the Committee in its work and all those who sent observers to attend meetings and to witness the matters under discussion.

With your indulgence, a LeasCheann Comhairle, to conclude my remarks, perhaps you will allow me to speak as a party representative. It is regrettable that two members of the Committee introduced a little bit of rancour here, and I shall respond on that basis. As I said, Tom Elliott made some pretty negative and unnecessary remarks about dirty deals and so on. I do not know what he was referring to, but I would have preferred him either to raise them in Committee — he had an opportunity to do so on a number of occasions — or have the courtesy to remain in the Chamber.

**Mr McFarland:** I thank the Committee for allowing me to sit in as an observer. The Deputy Chairperson will recall that I brought up the issue of dealing. Unfortunately, I did not get to speak today. A deal was done, and it was done with the acquiescence of the Democratic Unionist Party, which, when the Ulster Unionist MP Lady Hermon moved amendments, talked them out, particularly Minister Wilson. The UUP ended up having no input. The current arrangements were brought in as a result of a Sinn Féin deal with the Government, with a change to the St Andrews Agreement introduced at the last minute. The change was allowed to stay with the acquiescence of the DUP, because it is a handy thing to have. We will see it emerge at election time, when, if people do not vote for the DUP, they will get Martin McGuinness as Prime Minister.

**The Deputy Chairperson of the Assembly and Executive Review Committee:** I thank the Member for that contribution. For a second, I thought that he was going to speak for Tom Elliott, but, fair enough, he made his contribution.

A number of Members, particularly those from the DUP, need to learn a little lesson from all this. Members have referred to the St Andrews Agreement and to the 2006 Act. Over the past few years, there has been a lesson to learn. From a party perspective, I have not seen any agreement or set of negotiations that reached a conclusion in the British Parliament being dealt with honourably, honestly or in keeping with the spirit of that agreement or negotiation. Therefore, when Members talk about negotiations, they need to be careful when they are involved in discussions. I heard parties talking about what was agreed. I do not know what they agreed or who they agreed it with. From our perspective, from the Good Friday Agreement right through to now, many aspects of the Good Friday Agreement, not least the Patten recommendations that flowed from it, were not translated faithfully into legislation by the British Government. When people get into negotiations, they need to go into them with their eyes open, or they will end up with an Act —

**Mr A Maginness:** You did not accept that.

**The Deputy Chairperson of the Assembly and Executive Review Committee:** Exactly, and for a number of reasons. If the Member wants to contribute, he could ask. Nevertheless, I will respond through the Chair. As we said at the time, Patten was a compromise on the Good Friday Agreement, and, when the Mandelson legislation was tabled in Westminster, the Patten report was diluted further. It took a number of years and extensive negotiations to claw some of that back, and it is still a work in progress. Thankfully, we have made progress.

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

The essential point that I wish to make is that, in some ways, you could argue that this whole discussion is much to-do about nothing. People refer to the joint nature of the office of the First Minister and deputy First Minister. We said clearly that we would stick rigidly to the principles of the Good Friday Agreement, so I argue, as we did at the time — I am not sure how many people are listening to this argument — that the terms “First Minister” and

“deputy First Minister” should never have been agreed to. That was agreed to by parties in this House. They may now talk about changes to the nomenclature, but they agreed to that nomenclature at the time. As far as we are concerned, there never should have been an agreement that one of those posts was even nominally inferior to the other. We will always argue — indeed, the parties made the arguments themselves — that, regardless of the titles, those posts were co-equal and joint offices. That remains the case. Regardless of how those Members were appointed as First Minister and deputy First Minister, regardless of how they were elected and regardless of their titles, that post remains co-equal and joint. Not one thing has been done since St Andrews or to this very moment that has undermined the joint and co-equal nature of that post. That is as it should be, and that is the principle that we will rigidly and robustly adhere to and protect.

I welcome Mr McDevitt’s acknowledgement by default that all was not wonderful in the relationship between the original First Minister and Deputy First Minister. In fact, the very poor relationship is legendary. Therefore, far from building trust and embracing the co-equal nature of that office, the two office holders very often and very publicly displayed quite the opposite. Time has moved on. Parties do not need to like each other; individuals do not need to like each other; but they have to work with each other on the basis of mutual respect. Notwithstanding the political difficulties that we all face and some that we share around the Chamber, these institutions are working. They need to work a lot better, and people around the Chamber need to, I think, adopt a little more maturity to make the institutions work a little better for everybody. I do not think that the public have a major fundamental problem with and spend a lot of time worrying about the way in which the Office of the First Minister and deputy First Minister is currently implemented. I think it is fairly safe to say that.

The Alliance Party referred to the fact that it was not on the Committee. I made it clear that that party was entitled to be at the Committee. It was invited along to the Committee, and it sent an observer. However, it is interesting to hear Mr Farry talk about that in a contorted way. On the one hand, he says that he would like to go back to 1998, but, on the other hand, he sings the virtues of how the Minister of Justice was appointed. I share both those sentiments and



agree. I supported how the Minister of Justice was appointed, because it meant that we had a Minister of Justice who was appointed from among our own rather than some fly-by-night who comes in from London once a week or once a fortnight to tell us what to do. There may well be in some people's minds a little contradiction. However, those little contradictions have been well worth addressing and facing up to because we have a Minister of Justice who is locally elected, answerable to people in this Chamber and, therefore, answerable to all the people we represent.

Because of the nature of the arrangements for the appointment of the First Minister and deputy First Minister, the institutions are working. I am not suggesting that that was the one linchpin that closed the deal on us re-establishing the institutions, but it was one of the important building blocks. I make no apology for making it clear that our party is clearly of the view that the principles of the Good Friday Agreement are completely enshrined in the current arrangements in that the post is required to be filled by the largest party from both the main traditions in our society. That being the case, the joint office holders of the Office of the First Minister and deputy First Minister are truly reflective of the largest voting blocs in our society. That is as democratic as we can get at this moment in time, and, of course, those posts are co-equal, joint and inseparable.

I will conclude by, on behalf of my party and of the Committee, thanking all those who have contributed to the debate this afternoon and have supported the work of the Committee. In recognition of our political differences, it is important to say to the general public here that we are up and running for business and are, hopefully, now being measured by what we deliver for people as opposed to how we define ourselves.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Assembly and Executive Review Committee on the review of the operation of sections 16A to 16C of the Northern Ireland Act 1998.*

**6.30 pm**

## Private Members' Business

### Cyclists (Protective Headgear) Bill: Second Stage

**Mr P Ramsey:** I beg to move

*That the Second Stage of the Cyclists (Protective Headgear) Bill [NIA Bill 9/10] be agreed.*

I thank the Bill Office in particular for helping me along the process over the past 12 months, and I thank Headway, the organisation for brain injury, which has been very supportive and encouraging of the Bill. Last year the all-party working group on road safety, of which I was chairperson, met a group of people with head injuries and parents of children with head injuries. We were told in great and personal detail of the harrowing impact that the head injuries had had on the children and their families. Head injuries cause a range of debilitating conditions, including personality disorder, physical and intellectual disability, loss of sight and hearing and speech disorders.

A recent report by the British Medical Association (BMA) states:

*"while skull fractures can heal, injuries to the brain, unlike those to the rest of the body, generally do not and may sometimes have long-term consequences. Though not always visible and sometimes seemingly minor, brain injury is complex. It can cause physical, cognitive, social and vocational changes that affect an individual for a variable time period."*

As we all know, head injuries can also be fatal. Recently, I met parents who had lost a child to a head injury after a very simple cycling accident. I cannot begin to imagine — nor, I suppose, can any Member — the pain and anguish that those parents are living with. All of the parents whom I met expressed feelings of guilt and remorse. Any of us who are parents can understand that and feel great sympathy for and empathy with them. I know that those parents are taking a close interest in today's debate.

As a legislator and, more importantly, as a father of four children, it is important to say that not one of us who has children is a perfect parent. We cannot be 100% vigilant. Children can be very active, they are accident-prone

and they do not always do what you ask or tell them to do. That most people come through their childhood relatively unscathed is due in large part to a high degree of luck as well as vigilance, but, again, we are all human. I have introduced the Bill to the House and brought it to Second Stage because those parents asked me to do it. They want me to ensure that other children, parents and families are spared the lifelong pain of head injury, which can be avoided through the use of a cycle helmet.

I hope that the House and the Department will give very serious consideration to the Bill. When I considered and consulted on whether the scope of the legislation should include adults as well as children, I spoke to a number of cyclists. Many adults who cycle said that they sometimes wear a helmet and that, sometimes, they do not. Often, for quick journeys, they do not bother with a helmet just because of the convenience. Many of them said that, if the legislation were in place, they would spend the extra minute or two fitting the helmet. Therefore, I decided that the legislation should cover all age groups, not just children.

The legislation that I have proposed would ensure that adults are legally obliged to wear a helmet when cycling. The legislation would make adults legally responsible for ensuring that children in their care wear a helmet. A fine of £50 would be imposed on the adult who was in breach of the legislation. On the first offence, the fine would be waived on the production of a new helmet and the receipt of purchase. I emphasise that offences under the legislation would not be criminal. I have no desire to criminalise anyone as a result of the Bill. From my personal and political perspective, the intention has always been to encourage helmet use to prevent serious injury and death, particularly to children.

I have researched a number of issues that relate to the Bill. I have considered the extent of the head injury problem that results from cycling accidents and the efficacy of helmet use. I have looked at the international experience of the introduction of relevant legislation. I have sent consultation information to hundreds of organisations, and I have heard from people and organisations that are opposed to the mandatory use of helmets. I have also heard from people and organisations that support their use.

I will outline the number of head injuries sustained by cyclists. I recently asked the Minister of Health, Social Services and Public Safety to detail the figures for adults and children who have been admitted to hospital with head injuries sustained as a result of cycling accidents. The figures were significantly higher than I had expected. Some 422 children and 213 adults were admitted over the five-year period up to 2010.

According to a 2008 report from the UK's Department for Transport, cyclists accounted for 5% of all people killed and 9% of all people seriously injured in road accidents. Some 115 pedal cyclists were killed, and 2,450 were reported as seriously injured on roads across Britain. Approximately 40% of seriously injured pedal cyclists who were admitted to hospital suffered head injuries.

A key consideration in bringing forward the legislation was the efficacy of helmet use in reducing injury. I read a report recently on Olympic gold medallist James Cracknell, who was struck by the wing mirror of a truck in America over the summer. His helmet was split in two, and he was badly injured, but the doctors told him in no uncertain terms that he would have died if he had not been wearing a helmet. He is now one of the chief advocates of wearing cycle helmets.

There are many claims and counterclaims about the effectiveness of helmets. Therefore, I appeal to Members to give the Committee access so that it can ascertain with a higher level of resource than I will ever have the claims and counterclaims and the conclusive and non-conclusive evidence that both sides of the argument are making. Scrutiny is important, because it will enable the Committee to do that.

People who are opposed to mandatory legislation cite reports that argue that helmets are ineffective in protecting against head and brain injury. However, respected and rigorous reports show strong evidence that helmets are effective in reducing head injury.

According to the BMA, the use of properly fitted helmets reduces the risk of head and brain injury by 65% to 88% and reduces the risk of injury to the upper face by 65%. I have read a number of studies that give similar findings on the efficacy of helmets in providing protection from head injury.

The Cochrane review presents evidence that helmets provide a 63% to 88% reduction in the risk of head, brain and severe brain injury for all ages of cyclists. Helmets provide equal levels of protection for crashes. For those involving motor vehicles, the protection rate is 69%, and for crashes from all other causes, the protection offered is 68%. Injuries to the upper and mid facial areas are reduced by 65%.

A review conducted by the UK Transport Research Laboratory in 2009 concluded that up to 16% of fatalities could have been prevented if the cyclist had worn a cycle helmet. That is why the BMA policy on cycle helmets has recently been changed. It has balanced possible negative impacts on the numbers of people cycling with the positive impacts that are related to the reduction of head injuries. In February 2010, the BMA called for cycle helmet wearing to be made compulsory. The association recognises that voluntary helmet wearing should increase before the law is enacted.

There is a range of research into the impact of legislation on the prevalence of helmet use and head-injury statistics. Much of the evidence that I studied shows a positive correlation between the introduction of legislation and the subsequent increase in helmet use. Let me refer to a peer-reviewed 'British Medical Journal' study into the impact of cycling helmet legislation in Canada, where there are different pieces of legislation in various states. It makes for interesting comparisons. The study found that helmets were reportedly worn by 73·2% of respondents in Nova Scotia, where legislation applies to all ages; by 40·6% of respondents in Ontario, where legislation applies to those who are under 18 years of age; and by almost 30% of respondents in similar areas where no legislation exists. It also found that, following the implementation of legislation in Prince Edward Island and Alberta, recreational and commuting bicycle use remained unchanged among youths and adults.

The study concluded that Canadian youths and adults are more likely to wear helmets as the comprehensive use of helmet legislation increases. Interestingly, it also found that helmet legislation is not associated with changes in ridership. In other words, it did not impact negatively on the number of people who use bicycles. I can provide references on those figures if any Member is interested in reviewing any of the evidence that I have presented.

As I said, I sent out hundreds of consultation letters and e-mails outlining the Bill; I communicated with a wide range of stakeholders; and I consulted with community groups, health professionals, health organisations, district policing partnerships, local authorities and MLAs. I received more positive responses than negative ones. I want to spend a few moments to examine concerns that were raised. Incidentally, I have a folder here that contains copies of letters that support the legislation and one that contains letters that oppose it. They are available for any Member who wants to see them.

It surprised me that some cycling organisations are opposed to the Bill. The reason why it surprises me is that in organised cycling events, even informal rides out, cyclists are invariably helmeted. It also surprised me because the main governing body for cycling racing, the Union Cycliste Internationale (UCI), has made helmets compulsory in all racing events. It is, therefore, surprising that some cycling organisations argue against the same level of protection for children and adults as they insist on for themselves. Let us face it: most cyclists are not professional; they cycle on roads that are shared by motorised traffic, with the obvious accompanying risks.

Sustrans opposes the Bill because it is concerned that it might bring about a reduction in cycle use. I met that organisation several times in the lead up to the Bill's introduction. I share its other concerns about road safety and the need for a more focused approach to it. Certainly, I have previously brought to the Floor the subject of 20 mph zones in residential areas. I have also written to the Minister a number of times on that issue. One of our own Members had intended to introduce a private Member's Bill on the subject, but he did not have time to do so.

Sustrans and other organisations have argued that after the introduction of mandatory helmet legislation in Australia, for example, there was a reduction in the number of people who cycled. Different groups can put forward counter-arguments either in favour of or against the proposal. That is why I appeal to Members to allow the Bill to get to Committee Stage so that they can scrutinise it, call for evidence and determine whether that evidence is conclusive.

I read a range of reports that claim that cycling has not been reduced. To be honest: it was

difficult to get an authoritative study that shows that that is the case. The Australian Monash University found that:

*"The first year following the introduction of the helmet wearing law coincided with a reduction in the number of people riding their bicycles. By 1992, two years after the law, the number of bicyclists was approaching pre-law levels in adults and children but was still greatly reduced in teenagers."*

It stabilised after the two-year period.

#### 6.45 pm

I have read other studies that argue that there was a reduction in the numbers of cyclists at some of the survey points in Australia but that other environmental factors caused a dip in those figures. A conclusion of an authoritative review of various studies into the impact of helmet legislation by Macpherson and Spinks in 2008 concluded that:

*"Although the results of the review support bicycle helmet legislation for reducing head injuries, the evidence is currently insufficient to either support or negate the claims of bicycle helmet opponents that helmet laws may discourage cycling."*

Earlier, I referred to a 2010 Canadian study, which found no adverse effect on the number of people who cycle. I will share my references with my colleagues in the Chamber, if they wish. I have the information, and they can see it for themselves.

I am not for one minute dismissing claims that cycling incidence reduces after the introduction of helmet legislation. In fact, it is out of concern for any negative impact that I have proposed a three-year introductory period, if the legislation were approved, during which there would be a publicity campaign and time for schools, the Department and other parties to enter into a full awareness campaign. That full three years would allow ample opportunity for those groups and other cycling groups to come on board and to become aware of the regulations.

Another common argument against mandatory helmet legislation is that the use of cycle helmets is a matter for individuals to decide for themselves. That is the same civil libertarian movement argument that was made against compulsory motorcycle helmet use, compulsory seat belt wearing and the smoking bans. I will make some counter arguments. First, there is the issue of child protection. We have rafts of

legislation in relation to the health and safety of all children, which place legal requirements on parents and carers. We insist that children under a certain size have appropriately sized seats in cars, for example. Secondly, following an accident, there is a resulting, often lifelong, obligation on the state to provide financial and other support to the now disabled person. In other words, head injuries have a wider societal impact. It is not only the injured person who suffers; it is the wider family and community.

The seat belt and motorcycle helmet legislation provides a precedent for the mandatory use of health and safety equipment to protect the individual from injury.

Some organisations, including Sustrans, argue that it would be better to have higher standards of safety in general with, for instance, more cycle paths and speed limits of 20 mph in residential areas. I do not agree that they are mutually exclusive; they are not. I agree that there should be a maximum speed of 20 mph in residential areas, and I proposed that a number of years ago in the House. I asked parliamentary questions, particularly in relation to more cycle paths, because we know that one of the key elements of the Programme for Government is greater participation in sport. In bringing forward this legislation, I do not for one minute want to have a detrimental effect on participation in cycling.

I accept that there may be an initial negative impact on cycling numbers while people make the cultural shift towards the habitual use of a cycle helmet that will be necessary under the legislation. I have no desire to see a drop-off in cycle numbers. I want more people to use bicycles. That is why the Bill proposes that, prior to making helmets mandatory, there should be a three-year period in which there will be an extensive campaign by various Departments to educate and encourage more voluntary use of helmets.

Although some people oppose the Bill, many more responded positively to the consultation. Most of the responses, particularly those from the community sector, policing partnerships, local district councils and the health sector, were supportive of my efforts in proposing the Bill.

The British Medical Association is strongly in favour of mandatory helmet legislation. The BMA has informed me that its pro-helmet legislation policy is shared by the following organisations:



the Royal College of Surgeons in London; the Royal College of Paediatrics and Child Health; the Royal College of Nursing; and Headway, the brain injury association.

I refer to a recent statement from neurosurgeon Roy McConnell who, on a UTV 'Insight' programme on the subject over the past summer holidays — I think in July — said:

*"In the last ten days, we've had six children with very serious head injuries all having been admitted, all were on bikes and none wearing helmets. The parents had bought helmets, but the children had opted not to wear them. I think largely because it's not cool. In the last week, we've had three children admitted to the intensive care unit — we've had neurosurgery on three so far and we're removing brain haematomas. We're measuring the pressure in their heads and treating them with drugs to treat the pressure in their heads. We're also seeing a lot of skull fractures."*

Those are the words of a neurosurgeon from the Royal Victoria Hospital, appealing to legislators in Northern Ireland to make a difference to stop not just the pain and suffering of the children involved, but the grief of the parents.

I made the point about positive responses from community health organisations, children's organisations, district policing partnerships and local authorities. Members will be glad that I am nearing a conclusion.

I am aware that the Bill has caused a certain amount of controversy and understandable concerns. People have genuine concerns that the legislation may discourage cycling. However, the evidence that I have seen suggests that many of those claims and concerns are exaggerated, and there is no clear evidence for them. That is why it is important to bring forward legislation that will enable the Committee — which has much more resources than I have as a private Member — to look at the Bill holistically and gather evidence from other regions and countries across the world to determine who is right and whether the evidence is sound.

There is strong evidence that cycling helmets are effective in reducing head injuries. I have absolutely no doubt about it, and I do not think that any Member in the Chamber has any doubt that wearing cycle helmets could save lives, particularly those of children. There is absolutely no doubt about it. We know that a child does not have the same sense of road maturity as an adult in relation to speed, going around a

corner and various other elements of cycling. That is why it is important from my perspective, purely in the context of road safety, that there is legislation to make a difference.

There is strong evidence that legislation is effective in increasing helmet use. I ask my colleagues to give serious consideration to the evidence and to consider the views of the respected organisations that I have named, particularly those of health professionals and the British Medical Association.

I will end by quoting for the record some extracts from a letter that was recently distributed to all Assembly Members from Sinead King:

*"When I was just six-years-old, I fell off my bicycle while playing outside my house. I banged my head in the fall... I was riding a Barbie bike when it happened, which shows how young I was... Had I been wearing a cycle helmet at the time, my life — and the lives of my family — would have been very different... I fell unconscious and was rushed to the Royal Hospital in Belfast. By the time Mum and Dad got there, the surgeons had started to operate. They discovered I had fractured a bone just above my left ear, which led to a blood clot forming on my brain. My long curls were shaved off as the surgeons operated to save my life... I was in intensive care in the neurology ward for a week after the operation, with a drain in my head to remove the excess blood. My family were told it would be a long road to recovery. It was similar to the after-effects of a stroke and I had severe weakness down the whole left-hand side of my body for the next couple of years."*

*I spent the entire summer of 2008 in plaster and in a wheelchair following an operation to lengthen my Achilles tendons, which had seized as a result of my left-sided weakness."*

*I had to attend Physio-therapy and regular checkups for 13 years, but I have now been given the all clear, 15 years later"*

This is the important punchline of Sinead's letter:

*"I don't want other people to go through this, which is why I am so passionate about campaigning to make cycle helmets compulsory. Please support the Private Members Bill to make cycle helmets compulsory in Northern Ireland."*

Members, we can all make fancy arguments for and against legislation. At the end of the day, I am trying to prevent the terrible pain and life-long debility caused by head injury. Helmet legislation is just one step towards that. It is just one action that can be taken to improve

road safety. Helmets clearly protect against head injury. International experience shows that legislation significantly increases helmet use. I ask you to give the Bill serious consideration.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I want to say a few words as Chairperson of the Environment Committee and also as Sinn Féin spokesperson on road safety.

On behalf of the Committee, I commend the Member on the Bill. The Environment Committee considered the mandatory wearing of cycle helmets some time ago. It would be fair to say that it did not come to a clear conclusion. In 2008, the Committee considered initial proposals for a new road safety strategy. It was concerned that the proposed strategy was silent on cycling altogether and made a recommendation to the Department that it give consideration to the mandatory wearing of cycle helmets.

The Committee also requested sight of any evidence that the Department had relating to the wearing of cycle helmets and road injuries. In response, the Department advised the Committee that on that issue it relies on research by the Department for Transport in London. That indicates that the British Medical Association advocates mandatory use of cycle helmets as part of a range of measures to improve cycling safety. However, it believes that the first step before enacting such law is to attain higher rates of voluntary use.

According to the Department for Transport, there is a wealth of published evidence for and against the promotion and compulsory use of cycle helmets. So, in light of the evidence available it is firmly of the view that the wearing of cycle helmets should be strongly recommended but not made compulsory. To date, therefore, the Department has not given formal consideration to making mandatory the wearing of cycle helmets in the North.

The Department also indicated that there has been opposition by cycling groups to making helmets compulsory. However, it pointed out that the latest Department for Transport research project will include representatives from cycling groups, and it was hopeful that the outcome of the work would help to inform a future policy direction that would keep cyclists safe and be acceptable to all parties.

The Committee accepted that response and in its more recent consideration of the road safety

strategy welcomed the measures proposed to improve the safety of cyclists. On behalf of the Committee, I reiterate its ongoing interest in this issue and suggest that it may be an area that a future Environment Committee may wish to look at more closely.

I wish to say a few words as Sinn Féin spokesperson on road safety. I fully recognise and sympathise with the Member's rationale for bringing the legislation forward. I worked with the Member on the road safety group here —

**Mr A Maginness:** Will the Member, as Chairperson of the Environment Committee, state precisely the Committee's position? You said that the Committee took a view to recommend to the Department that it should be encouraging people to wear helmets. However, was the Committee minded to reject the concept of compulsory helmet use completely or to consider that at a later stage?

Can the Chairperson enlighten the Assembly as to the date on which the Committee made the decision that he believes was made?

**7.00 pm**

**Mr Boylan:** I cannot clarify the date, but the Committee concluded that if the issue was brought back to us at a future date, we might consider it. That was possibly two years ago or more. I am just trying to recollect.

**Mr A Maginness:** The Committee did not take a view on this specific piece of legislation. However, it was dealing with a potential situation two years ago or thereabouts. That is the view of the Committee. However, the Committee does not have a current position on the Bill that my friend has proposed.

**Mr Boylan:** It is fair to say that.

I fully recognise, and indeed sympathise with, the Member's rationale for proposing the Bill. I also realise that there are merits to his proposal. However, even with those merits, there are areas in the Bill that would be impractical. I want to touch on two such areas.

There is clearly a concern that if the Bill was passed, it would open the door to the criminalisation of parents, who although with the best intentions send their children out on their bicycles wearing helmets, have no control over what they do once they are out of sight. Proposing the Bill, the Member clearly said that

he did not want anyone to be criminalised by its provisions. However, we have to recognise that the Bill proposes that if children are found to not be wearing helmets, their parents are liable for a fine of £50.

I support trying to introduce new measures to protect children in particular when it comes to road safety. However, although there is merit in the principle behind the original idea behind the Bill, the enforcement issue has to be questioned.

The PSNI and the Department of Justice believe that it would not be possible to implement the Bill's proposals due to the extra manpower and administration that would be required. When he is winding, maybe the Member will elaborate on how, if the Bill was passed, he would address that.

Local cycling groups have raised concerns in opposition to the compulsory wearing of helmets. There is evidence that making the wearing of helmets a legal requirement reduces the number of people who take up cycling. I have been a member of the Regional Development Committee for the past four years. During that time, we have been trying to encourage people to go out on bicycles and to get healthier and fitter. One of the members of that Committee who is in the Chamber uses a bike fairly frequently and leads the way on the issue. The Bill may reduce the number of people who use bicycles.

I say all of that while recognising that we must send a clear message that the Assembly supports a strong recommendation for all cycle users to wear helmets. All Members should take this and every opportunity to voice that recommendation, encourage more education and ensure more voluntary use of helmets. Maybe we should look at encouraging those who sell bicycles to sell helmets along with them. I am not sure how we would go about doing that. Maybe we should be trying to encourage voluntary use that way.

**Mr McGlone:** The Member has been talking about encouraging Members to send out a message. The one way to do that and to send out a very clear message is to pass legislation. We heard similar arguments about youngsters using seat belts in the back seats of cars. Let us encourage safety and use the powers that we have to encourage it by legislating.

**Mr Boylan:** I take the Member's point and I agree with what he says, but we must be realistic, and any legislation that is passed must be good legislation. I heard Mr Ramsey being interviewed on the radio this morning and his comments about this being a legislative Assembly. However, the main arguments against the Bill concern how enforcement will be rolled out and dealt with. How that will be undertaken is unclear. As spokesman for Sinn Féin, I have reservations about the Bill.

We could address the issue through education, encouragement and other methods. At some point, the Committee for the Environment may recommend looking at the legislation again, but that may not be possible in the current mandate. Unfortunately, I cannot support the Bill as drafted.

**Mr Ross:** It was evident from Mr Ramsey's opening speech that he is passionate about the issue. It can be an emotive subject, and Mr Ramsey told the House about some of the personal stories that he had heard, which highlight the importance of debating the issue. However, I was slightly concerned when he referred to "bicycle helmet opponents", although I do not think that he meant to phrase it in that manner. The argument against legislating for the compulsory wearing of helmets is certainly not one of being completely opposed to their use. Those are two very different things.

The Chairperson of the Committee for the Environment mentioned that the issue was discussed a number of years ago in that Committee under the chairmanship of Patsy McGlone. That discussion formed part of the Committee's discussion on road safety, and, as the current Chairperson correctly said, no agreement was reached at that stage. Indeed, almost all Committee members aired reservations. It was one of the only issues on which there was debate, because the Committee worked well on the road safety strategy and agreed most of the areas in the strategy in their entirety.

I congratulate Mr Ramsey on bringing this private Member's Bill to the House. He has raised awareness of the issue, which is important even if I cannot ultimately support the Bill's passage today. As this is the Bill's Second Stage, I will stick to debating its general principles rather than get into some of the detail about the level of fine, any waivers, where they

should kick in and who should pay a fine for minors.

The Bill is well intentioned. I share Mr Ramsey's passion for road safety and better safety, whether for pedestrians or users of cars, motorcycles or bicycles. My record over the past four years shows that I have taken a keen interest in road safety issues, both in Committee and in tabling motions on graduated driving licences (GDLs), lowering the drink-drive limit and supporting 20 mph limits around schools and in built-up residential areas, to which Mr Ramsey referred in his opening remarks.

Mr Ramsey said that this issue is controversial. However, after I proposed the introduction of the GDL, there was some controversy, and I took quite a bit of flack from young people. Controversy is not necessarily a bad thing if it gets a debate going, educates that debate and raises awareness of an issue, and controversy has certainly done that for this Bill.

I want to see more people using cycle helmets. It is important that individuals look after their own safety when they are on the road, whether they are pedestrians or cyclists or they are driving cars, motorcycles or anything else. The message is getting through and more people are wearing helmets while cycling on our roads.

I disagree with the Member's opening comments in that I do not believe that the legislation is necessary or appropriate. The temptation for legislatures to look as though they are always active and looking to do something and, therefore, to legislate, is always there. However, that may be as a result of media interest in what the new Assembly does. Nevertheless, legislation in certain areas is not always necessary or desirable. Indeed, on many occasions, I have argued that the Assembly will not, ultimately, be judged on the volume of legislation that it passes but on the quality of that legislation and its impact on the community that we seek to represent.

**Mr A Maginness:** I assure the Member that the Bill is not being introduced for the sake of legislating. I know that my friend Mr Ramsey would not do that. The legislation has raised issues on the compulsory wearing of safety helmets for bicyclists. It is an interesting debate, and it has caused considerable interest inside and outside the House. I know that the Member agrees that it is a good debate and a worthwhile discussion. If that is the case, will

he vote for Second Stage to provide a further opportunity for the matter to be thoroughly researched and for the arguments to be gone through in greater detail in Committee? That question is not just for Mr Ross, but for other Members. Whether one is for the legislation or against it, I would have thought that the process of going to Committee and having the legislation dealt with thoroughly would be important for the House and for the public.

**Mr Ross:** I thank the Member for his contribution. I do not think that Mr Ramsey is introducing legislation for the sake of it. I recognise that the Bill is well intentioned, and I made reference to that. Ultimately, it is my view that the legislation is not desirable, and I have already made it clear that I will not support it at Second Stage. The reason is that the general principles of the Bill are debated at Second Stage, and the general principle is to make it a legal requirement for anybody using a bicycle to wear a helmet, and I disagree with that. It would not be desirable to make it a legal requirement for those who ride bicycles to wear a helmet, and, in the course of my speech, I will try to make the argument that led me to that decision.

There is a plethora of evidence and research on making the wearing of cycle helmets compulsory. I have read much of that research and evidence, as well as personally contacting cycling organisations in my East Antrim constituency and throughout the length and breadth of Northern Ireland. Having done that research and spoken to people — from those who cycle every week as part of clubs to those who casually cycle to their local shops to keep fit — I do not believe that it would be right for the Assembly to criminalise those individuals who ride a bicycle a few hundred yards down the road to pick up milk once a week if they do not wear a helmet. That is not in the public interest, and it would not be a good use of police time. If that individual were to refuse to pay a fixed penalty notice of £50, or whatever else would come from the legislation, it would not be a good use of court time. I find it difficult to argue that it would be in the greater public interest if we were to criminalise those who do not wear helmets.

I said that I had personally contacted many cycling groups throughout the Province. As the proposer of the Bill said, many of those organisations are opposed to the legislation for a number of reasons, but mainly because they



feel that it would result in fewer people riding bicycles.

This morning, I read some of the press comment from Tim Edgar of the CTC, which is a UK national cyclists' organisation. He said:

*"there's robust evidence that making helmets compulsory puts people off cycling in the first place."*

He also referred to Sustrans. Any Members who have worked with Sustrans in their constituencies are aware of how important it considers cycling to be and how much it tries to get people to take up cycling, particularly on the safer routes to schools initiative, which I have worked on in my constituency. Sustrans has also expressed reservations and pointed to how similar laws in certain areas of the United States had reduced the number of people using bicycles.

### 7.15 pm

This is not a new concept, as the Member who proposed the legislation said. The idea of making it compulsory to wear helmets has been around for over 20 years. So, too, has some of the research and evidence that has led us to the views that we are expressing in today's debate. Some of that research has shown that despite higher numbers of people wearing helmets in areas where legislation was passed, there was no notable reduction in the numbers of cyclists reporting to hospitals or doctors with head injuries. There is also evidence that suggests that the physical outcome for the majority of accidents involving cyclists and other road users, such as cars or other motorised vehicles, may not differ irrespective of whether a helmet is worn. Some of that evidence is useful in deciding whether we should have the legal obligation to wear helmets when cycling.

It is important, in deliberating a Bill such as this, to consider many factors, including the unintended consequences of legislation. I always talk about unintended consequences, but it is important that we examine them when deciding on a Bill. It is also important that we examine the safety aspects; the health of an individual cyclist; the environment; the human rights element, which is not something that I talk about a lot, but there is a human rights aspect to this; how easy it would be to enforce the legislation; and the costs, not only to the individual, which I imagine are fairly minimal, but to the Department, the police and the Court

Service. There are delays in the Court Service at present, and this could add to those.

A huge factor is that such a law might discourage people from cycling, as I and other Members have mentioned. Many organisations argue that the health benefits of cycling outweigh the risks. No Member, from any side of this Assembly, wants to see fewer people cycling. No one wants to discourage people from getting on their bicycles rather than taking their cars. We all want to encourage people to have a healthier lifestyle.

Mr Ramsey referred to some of the evidence from Victoria, Australia, where legislation for compulsory cycle helmets was introduced in the early 1990s. There was a 36% drop in the numbers cycling, although that, perhaps, levelled out over time. However, it is important that we look at that. There is also evidence from some of the states in America where this law was introduced. In the United States, cycle helmet legislation differs from state to state. Where it was introduced, there was a dramatic decrease in the number of individuals cycling. There is also evidence that many people disregarded the law altogether and that, too, is something that we should take into consideration.

Mr Ramsey also talked about some of the provinces of Canada that introduced the compulsory wearing of helmets. If we look at that evidence in the round, it is important to note that a number of improvements were made to pedestrian safety and general road safety, which coincided with that legislation, so it is unclear whether compulsory wearing of cycle helmets made the difference or whether there was a general change in the culture of road safety. At that time, there was a huge awareness campaign in those Canadian provinces. There was also some separation of traffic and more cycle lanes were introduced.

Legislation making the wearing of cycle helmets compulsory has been rescinded in some jurisdictions in the United States and in Mexico. We could trade statistics on this all day. However, an interesting thing for all Members to note is the position in the Netherlands and Denmark, where there are high numbers of cyclists. Anyone who visits the Netherlands and comes out of the central train station in Amsterdam recognises that there are hundreds

of cyclists around. Indeed, they have priority over motorised traffic in Amsterdam.

Denmark and the Netherlands have many cyclists and among the best road safety statistics and the fewest injuries for cyclists. Importantly, they also have among the lowest numbers of cyclists who wear helmets. We have to ask ourselves why that is. If people in the Netherlands and Denmark are not wearing helmets, why do they still have a better road safety record? It is down to issues such as public awareness and the fact that the number of cyclists changes drivers' attitudes. Drivers are more aware of cyclists and the dangers for them, and they adapt their driving accordingly. In some towns in the Netherlands, cycling traffic is separated from motorised traffic, which is also important.

Opponents of the mandatory wearing of cycle helmets point out that many other parts of the body can be injured in cycling incidents. It is not only about head injuries, and in many cases, a helmet would not necessarily save an individual's life. That is an emotive issue and is difficult to debate, but it has to be taken into consideration.

Some major organisations claim that the benefits of wearing cycle helmets have not been proven. I do not necessarily sympathise with that argument, and I feel uncomfortable voicing it. It is similar to debates many years ago about boxing and whether the headgear that an amateur boxer wore actually caused him more damage because of the extra weight on his head and its impact on his neck. It is worth putting those concerns on the record and also the concerns of those who believe that cycle helmets could strangle an individual if he or she fell off a bicycle.

As the Chairperson said, we all have a responsibility to encourage cyclists to be careful on the roads. They should take whatever precautions that they feel are necessary, including wearing cycle helmets or reflective clothing. I encourage those individuals to do that. Occasionally, as I am leaving the Building, I see Mr McDevitt wearing his cycle gear and reflective clothing, which makes cyclists more visible, particularly in the evenings. It should not be illegal not to take those precautions.

People who favour legislation argue that it would prevent further head injuries for cyclists, but I am not necessarily convinced by that argument.

There is no law to stop anyone wearing a helmet. People who take responsibility for themselves and wear helmets will continue to do so. It is argued that people must take personal responsibility for wearing reflective clothing, and so on. Parents also have a responsibility to ensure that they know where their children are and that they are wearing any required safety gear.

It is slightly disingenuous to argue that this legislation will prevent tragedies. There is evidence from around the world that in many tragedies involving cyclists — each one is a tragedy — the wearing of a cycle helmet would have made no difference. In accidents involving lorries or larger cars, cycle helmets make minimal difference. I listened to the arguments about seat belts and motorcycles, but the situation with bicycles and cycle helmets is different because protection is afforded only to the head. It is important to bear in mind those arguments.

There are differences between the mandatory wearing of seat belts and motorcycle helmets and the smoking ban. I do not think that that is a fair comparison. We know that motorbikes travel at considerable speeds and accelerate very fast, and cars are much the same. Likewise, seatbelts are different because they protect the whole body and other passengers in a car. If those in the back seat are shunted forward in an accident, the people in front of them are protected. There is a wider issue there.

Mr Ramsey talked about the smoking ban. In that case, the personal choice of someone to smoke has a direct effect on other people. Again, it is a different argument to make.

Many Governments around the world have debated the issue of cycling helmets and have ultimately decided against implementing legislation, with the exception of Australia and some states in the United States. It is my understanding that the Executive have discussed the issue but could not agree on it and will not support the Bill.

I have considered the issue and have looked at the evidence from many places around the world. I have listened to the concerns of cyclists and cycling organisations, and I have decided that I will not support the Bill. However, irrespective of the result of the debate, I hope that Mr Ramsey will continue his efforts and will work with officials in the Department of the

Environment and DRD to ensure that there is greater understanding and awareness of cycling issues in an overall road safety strategy, perhaps to improve cycling standards or, speaking as someone who did his cycling proficiency test in primary school a long time ago, to ensure that children are taught safe techniques when they are learning to ride their bicycles.

It is the same for everyone. There is an awareness that people need to improve their riding skills. There should be a greater emphasis on individual responsibility for wearing reflective clothing and helmets and for understanding issues on the road. Arguably, improving cycling standards overall is far more important than whether we approve the Bill's Second Stage tonight. I hope that Mr Ramsey will take up those issues with officials in those Departments so that we can ensure that the message gets out and the public are aware of it, which will mean that we will not have to legislate to make wearing cycling helmets compulsory.

**Mr Kinahan:** I congratulate Mr Ramsey for all the work that he has done to put the Bill together. I was incredibly impressed by everything that he put into his argument. I feel slightly wrong in not agreeing with him about the route that he is going down because of the amount of work that he has put in. I also congratulate Headway on its thorough lobbying. Its representatives must keep that going. They will realise why when they hear my comments later.

All of us who received the e-mails on the subject will have been particularly hurt or will have great sympathy with the harrowing story of the family in Newry. We realise that this is an incredibly important matter and that wearing protective headgear while riding bicycles is important. It is not that which I oppose today. I believe that we must tackle the issue in a slightly different way.

I am concerned that we need to get the legislation right. We know that much of what we do in legislative chambers has effects that we did not think would happen. For example, the smoking ban, which seemed exactly right from a health perspective, has led to a reduction in the number of pubs and the loss of a whole way of life. We know that the Dangerous Dogs Act 1991 created the very dogs that we were trying to prevent becoming the weapon of choice for criminals. We can all find more examples, but I use those to illustrate the need to do correctly

whatever it is that we choose to do about the matter.

It is envisaged that the Bill will be enacted in three years' time. If that is the case, we should take more time over it. The Bill proposes a £50 fine, which, again, I would like to look at in more detail. The Committee for the Environment has been discussing £75 fines for litter, and the responsibility for numerous other measures will be transferred to councils, which will be able to enforce fines. I would like to look at that in more detail. Even on the £75 fine, it took much discussion to decide the direction in which to go.

### 7.30 pm

The Bill sets out that it is to be the police who enforce the fine. Our police have plenty to do at the moment. Indeed, they have so much to do that we all complain that there are not enough of them on the streets carrying out all their other tasks. I am sure that all Members also know that the youths on the street, most of who act perfectly normally, feel that they are being treated unfairly by not just the police but the communities around them. A £50 fine, although aimed at parents, may increase that feeling among young people. I want to see more detail on how we will deal with that.

I take on board the fact that Mr Ramsey is not trying to criminalise people. That is absolutely right. We have to get the right balance with the legislation. We also know from the Bill that Mr Ramsey wants a database to be kept. Who will keep that database? Will it be kept by the police? We are trying to minimise the amount of red tape that the police have to follow, so that we will get more police on the ground rather than having them back at base buried by red tape. I want to know more about it. In Mr Ross's very thorough speech, we heard about numerous other matters, such as injuries and the pros and the cons. I would like to have heard more.

In case Mr Ramsey thinks that I am against the Bill, I reiterate that I think that this is exactly the right way in which we should go, but not quite so quickly. I have been on the Committee for the Environment for just under two years, and the Bill has not appeared before us in my time. All that I have seen of it is what has come through in recent e-mails. It is very new to me, hence my doubts and my wanting to know so much more.

I want to see the statistics, but I also want a chance to hear all the arguments that go with them. In the past few weeks, I have heard and read statistics that indicate that the number of people bicycling in Australia went down. However, I also heard today that that number went back up again quite quickly. As we all know, we can use statistics in almost any way that we want. I go back to my point that I want to learn more. I would like to see the Bill in front of the Committee.

We have only 13 weeks left. Mr Ramsey may be aiming the Bill at the Committee for the Environment, but we have a busy schedule already, particularly with the Planning Bill. That reinforces my point. I would like to hear all the arguments. I would like a good amount of time. I would like consultation. I would like to know what the police think. We have heard from Mr Ramsey what the police said, but I would like to hear from the police themselves and for them to discuss the matter with the Committee.

There are many other things that we can encourage. Mr Ross and Mr Ramsey talked about having a good public awareness campaign and educating and campaigning, through parents, schools and even salesmen. I would like to know what we have in place at the moment. When I bought bicycles for my children, I was encouraged to buy helmets. That is right, but it should be enforced. I am told that VAT is not paid on helmets, which is also right.

We need to look at the speed limits such as the 20 mph speed limit that was mentioned and perhaps others. However, when we suggested a 45 mph speed limit on country roads, we were told that the police could not enforce it. We need to know whether it is possible to enforce what we are trying to put in place today. We can do much more, such as designing safety helmets in a way that makes children want to wear them. There is a whole mass of detail that I want to learn about. However, buried in the back of my head is the idea of freedom. We legislate too often, too much and on too many issues. I reiterate that I want to know more.

I went through the windscreen of my Mini when I was 18 years old. I was not wearing a seat belt. If I had been wearing a seat belt, I would not be here today. Cars have improved since then. They have airbags, they are stronger and everything else, and it is all part of making things safer. I went across to one side of the car, out through

the windscreen and then hit my head. You can all make your own judgements about what effect that has had on me. *[Laughter.]*

I also spent a lot of time of riding, which as many Members will know is one of the most dangerous sports, and did not wear a helmet. My mother fell off once and landed on her helmet, and she did more damage to herself in that way. There are a lot of things that we need to get right when putting through legislation. I know that we have to do something about this issue and would, therefore, like it to be addressed during the next Assembly mandate. If Mr Ramsey and I are here and if I am on the Environment Committee, I will work with him to try to ensure that we get the right legislation through. However, I think that today is the wrong time to do that.

**Mr Lunn:** Like other Members, I congratulate Pat Ramsey on all the work that he has done in the preparation of the Bill. I know that he has a long-standing commitment to road safety, because I worked with him on the all-party group and on road safety committees. I also know that he has a great personal interest in the issue and has certainly brought it to the fore in the Assembly in the manner in which it deserves.

I will certainly encourage my grandchildren, the eldest of whom is six, to wear a helmet when they are of cycling age and will ensure that their parents encourage them to do that too. Some years ago, my friend came off his bicycle in the main street in Hillsborough, County Down. He was going up the hill rather than down, so there was not much speed involved, and there was not a vehicle involved either. He simply hit an obstruction or grating on the road, came off his bike and hit his head off the edge of the pavement. He has not worked since and will not do so again. It was the simplest accident that one can envisage, and I acknowledge that a helmet made to today's standards would certainly have saved him an awful lot of grief and pain.

It has been some time since I have dealt with an issue that has produced such diametrically opposed views among the cycling fraternity and the medical profession about the right way forward. Pat quoted the BMA at some length. It now appears to be in favour of a Bill, but just not yet. The BMA wants a process of encouragement to try to increase the voluntary use of helmets, and, in advance of whatever



Bill eventually comes before the House, that is to be absolutely encouraged. It amuses me slightly that organisations such as Sustrans and the CTC want a measure of personal freedom, given that I am absolutely certain that their representatives all wear helmets. I think that it has been confirmed that they do indeed wear helmets and other protective gear on their various rallies and runs.

I think that Mr Ramsey and others made the point that it would perhaps be better at this point if it were left to the Committee to bring the legislation back another day, almost inevitably during the next mandate. Now that the Minister is here, perhaps he will confirm whether it is even possible to take forward the legislation. However, he will have a job doing so, because it appears that everybody is opposed to it. Having said that, would it be practically possible to bring it to a conclusion, given the timescale and the workload of the Environment Committee? I very much doubt that it would.

A lot has been made of Sustrans's opinion that making helmet wearing compulsory would lead to a massive reduction in cycling activity. Frankly, I do not know whether or not that would happen. However, there appears to be some evidence from around the world — Australia, Canada and New Zealand — that such a law causes a fall in activity. However, there is also evidence that activity increases again and that it does not really make much difference in the short to medium term. If I know the people of Northern Ireland, I think that they would probably continue to use their bikes and defy the law, rather than put them away because they had to wear a crash helmet. That would lead to another problem that Members highlighted: what do the police do about it?

It would not be a criminal offence; just a bit of paperwork. I would like to hear the views of the police in more detail. Perhaps the Member who delivers the winding-up speech can confirm whether any research has been done in that area.

Sustrans and the other main cycling organisations emphasise health issues and are concerned about the deterioration of the nation's health. We should be doing everything that we can to encourage children in particular to indulge in physical activity for the very obvious reason that children are getting bigger every year. A bit of exercise would not do most of them any harm. I am in favour of anything that encourages

physical activity. The question is whether the introduction of compulsory wearing of helmets would put a block on that activity. I really do not know. Are persuasion and education better than legislation?

If we reach a vote, I think that it is fair to say that my group would be slightly split. On balance, I think that we would vote to allow the legislation to continue its passage, but we would much prefer the more sensible course of action: that the legislation be left for now and brought back in the next mandate when the Committee would have the chance to have a proper look at it, as various Members have said, and have a proper discussion. The Committee could take evidence on the Bill in the normal way and bring that information back to the House in a more considered form so that, perhaps, we could reach agreement on it.

I must confess that I did not wear a helmet in my cycling days. In fact, in my cycling days, I do not believe that there were cycle helmets. If I tried to cycle now, I would not need one, because I would only be able to travel around 100 yds. However, I acknowledge the terrific work that has been done on the Bill. I hope that that work is not lost and that we can come back to it in due course. Hopefully, Mr Ramsey will be here to pilot it through its various stages once again.

**Mr Bell:** I pay tribute to Mr Ramsey, who is one of the gentlemen of politics. He put a very sincere and eloquent case. I should say from the outset that, on balance, I do not think that the evidence supports that case, but there is an important debate to be had. The crucial point is that there is nothing to prevent anyone from wearing protective headgear. On the rare occasion when I get on a bike, I wear a helmet, and my two children wear helmets when they get on their bikes. Generally, when I am putting the bikes away in the garage at night, I put the helmets over the handlebars, so that when they wheel the bikes out of the garage, the helmets are there, ready to go on.

We should give every encouragement to people to wear a helmet. That should be a voluntary choice, based on a lot of the evidence that Mr Ramsey outlined. In setting out his case, he said that, on the rare occasion when someone has an accident, a helmet will afford a level of protection. For all those reasons, the message

should go out from the House that anybody who cycles should wear a protective cycling helmet.

The question is whether we should impose legislation to effectively criminalise people for not wearing a helmet. Part of our job, which is often not reported, is to consider and scrutinise the legislation before us. My reading of the legislation is that it is not just when cycling on a public road that one has to wear a protective helmet; one must be worn when cycling on any open space. Therefore, up and down Portavogie or Cloughey or on many farms, if people want to cycle across a field, are we saying that they have to wear a protective helmet or else pay a £50 fine, or impose a £50 fine on the parent if they are children?

It basically says to the police that if they see a child on a bicycle who is not wearing a helmet, their duty is to stop them, take down their details and — not in the first instance but certainly in the second — fine their parents £50.

#### 7.45 pm

There are strong arguments for and against, and I know that some people think that the balance has gone too far in favour of a nanny state. I received an e-mail that congratulated me on being a child of the 70s. It listed all the things that we did: we were able to go out and play all day without a mobile phone, we went out and played and were told to come home when it was dark and we all drank lemonade from the same bottle. It finished by stating that we rode our bicycles without helmets and survived. There is something in that. People from Newtownards and other places have lobbied me saying that the choice should be theirs not ours.

Is this the most effective form of legislation? Speeding by people in vehicles causes much more damage and injury. Those who are guilty of speeding are fined £60 and given three penalty points, but people who ride their bicycles without a helmet will be fined £50. A balance has to be struck in favour of encouragement but not in favour of legislation that will ultimately mean that the Police Service must not only prosecute but must keep a database of all the people whom it has stopped without a helmet. The legislation must be approached with great sensitivity. Just because I do not support it does not mean that I do not empathise with the sincere testimony of people who have been injured.

The question is whether the legislation could do harm. The argument from those who are looking for sustainable transport and from cycling organisations is that the legislation would reduce physical exercise and cycling. Therefore, would the House not be better directing its mind towards legislative measures in road safety, better cycle routes and better encouragement and advice to drivers? Is that not a better use of legislation and legislative tools than a blanket ban? The question is whether the police could enforce it. In one sense, they can, because, if they are out and about and see someone without a helmet, they can stop them, take down their details and issue them or their parents with a fine of £50. If the cyclist is moving, do the police go after them in a car? How exactly would they go about it? Should bicycles have a registration plate? The task becomes extremely difficult and onerous.

Many of us have argued for different policing priorities —

**Mr Ross:** The Member makes a compelling point about the practicality of police enforcement, but there is also a desirability issue. Is it desirable and in the public interest for the police to go after an elderly person who rides their bicycle a few hundred yards down the road to get a loaf of bread or a pint of milk and fine them? I think that most Members will agree that it is not.

**Mr Bell:** I support that fully. The Member for East Antrim makes the point very well. If we manage to detect only seven out of 10 burglaries —

**Mr A Maginness:** I understand the argument that the Member is making. However, in making law one tries to get across certain values, and the value here is one of personal safety for people, particularly children. There is a declaratory element in the legislation that the Member fails to take into consideration when he goes through that sort of legislative gymnastics.

The Member should look at the value of the Bill, which is about getting that message across firmly to the public, particularly young people. With respect, I think that that is what the Member is forgetting about.

**Mr Bell:** I take the Member's point about value. However, safety is the value that we should put across. I am not sure about the argument that he advanced about legislative gymnastics. If he means that the adequate scrutiny of legislation, which is our role, is gymnastics —

**Mr A Maginness:** If the Member is saying that the Bill needs to be scrutinised more, will he assure the House that, when it comes to the Second Stage vote, he will vote for it to go to Committee Stage?

**Mr Bell:** It is interesting that the Member asked me to assure the House about something that I have already declared I will vote against. Our role is to scrutinise the Bill and to ask whether it is valid. Is it valid to criminalise every child who comes home from school but forgets or, for whatever reason, decides not to put on a helmet? Is it valid to chase up each of those children and subject their parents to a £50 fine? Is that best value? In effect, that is what the Bill would mean. Anyone who scrutinises the Bill would find that that is exactly what we would be asking for. We would be asking a police patrol, which usually comprises two people in a car — sometimes, one car may be somewhere else doing something else, so only one car might be available — to pull over to stop a child, take down their details and go through a bureaucratic process of finding their parents, which would require the setting up an entire level of administration to register their names. As the Bill states, all that effort would be for something as simple as crossing from a yard to a field, because —

**Mr Ross:** I thank the Member for giving way. Everybody in the House would agree that we want to ensure that as many people as possible cycle. We want people to cycle so that road congestion can be tackled and individual fitness and health improved. We also want increased road safety and safety for cyclists. I think that we can all agree on that. Members on this side of the House differ from Members on the opposite Benches on whether legislation is necessary to do that. The Member made the point well that an unintended consequence of the Bill might be that fewer people cycle. Members on this side of the House would point out that we could encourage more people to cycle and could increase road safety and awareness of road safety issues by perhaps using an awareness campaign or a road safety strategy. We believe that, through such a campaign, we could get to that point without legislation.

**Mr Bell:** For those reasons, which I will not repeat, that is the point on which I will conclude. Let it not be said that there is anything less than the most sincere sympathy in the House for people who have suffered.

**Mr D Bradley:** The Member's points are similar to those that were made when legislation on seatbelts was being introduced. It was said that they were an incursion on personal liberty and that the police would not be able to properly patrol the situation. However, as it turned out, all those arguments were false, and everyone now recognises the benefits of seatbelts in reducing the number of serious injuries and saving lives. Surely if the Bill were implemented, it would have the same effect. Therefore, the Member's arguments do not stand up.

**Mr Bell:** The first premise that needs to be examined is whether, as with seatbelt legislation, driving a motorised vehicle is the same as riding a bike. It is not. Is the speed of a push bike the same as that of a motorised vehicle? It is not. Is the volume of traffic the same? It is not. Therefore, if it is not the same for those and many other criteria that I could go through, we are not comparing apples with apples. We are talking about a completely different means of transport.

The message that should go out from the House is that the common advice — it is almost common sense — is that people should wear protective headgear. However, if a child takes a bike out, not just on the public road but on any open space at all, he or she is, under the legislation, to be penalised with a £50 fine for not having a helmet on. That is too excessive a tool.

I looked at the evidence from the cycling fraternity. I do not know whether I did so exhaustively, and I am sure that I did not consult everybody. However, that research gave me a very strong lead that I should not go for legislation. That is the view of the cyclists themselves. The information and evidence base suggest that, in Northern Ireland, where, let us face it, we do not exercise enough and are meant to be encouraging a more healthy lifestyle, the introduction of such a punitive measure would decrease the amount of cycling. There may be evidence to the contrary, but the evidence that I read strongly suggested that cycling would decrease.

The Bill asks for police enforceability, but in light of the level of policing and resources that we have and the criminal challenges that we face, I wonder whether it is right to divert the police from some of the most serious crimes. Many of us have been campaigning for a visible police presence in town centres, particularly at the weekends. Is it right to divert them to

speed checks or, given all the administration and policing resource costs, to finding and penalising people who are cycling without a helmet on any open space? To me, that is not an effective police priority.

**Mr Callaghan:** The Member paints a picture of the Bill imposing a draconian requirement on every police officer who encounters a child or a pensioner on a bicycle with some groceries in the back basket to be, as he put it, criminalised with a penalty notice. Does the Member recognise that, in fact, the Bill provides for a police officer to use discretion? The wording in clause 4 is that the officer “may issue” a notice, not “shall issue” a notice. Furthermore, under the waiver clause, clause 6, the appalling vista of criminalisation can be waylaid if the person involved produces proof of purchase of a cycle helmet at a police station within 28 days.

**Mr Bell:** I will deal with each of those points in turn. If I read the legislation correctly, the waiver is only for the first offence. Therefore, a police officer could, potentially, stop a seven- or eight-year-old child and have to consult a database to see whether a first offence has been waived. I will give way again if he can show me the second waiver in the legislation.

**Mr Callaghan:** I would be grateful if the Member could explain to the House where in the Bill is the requirement for the constable to establish whether a waiver was previously given. Either there was a charge or there was not a charge, and it is taken forward on that basis.

**Mr Bell:** The answer to that is contained in the legislation that we are expected to be scrutinising and speaking on this evening. The legislation is clear, which is why I gave the Member the opportunity to respond. He suggested that there could be continual waivers. The legislation is clear: there can be a waiver only for the first offence. Therefore, the logic is that the police officer who stops the eight-year-old child has the option to waive the penalty if it is the child's first offence. However, if it is the child's second offence, the legislation does not allow for that to be waived. That is why the legislation is poor.

I agree with the Member that the thrust should be to wear a helmet. The Member's argument is the same as mine: we should all encourage people to wear a helmet. However, the police have discretion or, in other words, the police should not enforce the law that is in front of

them. If that is the case, it should not be law. If you are saying to a police officer that you are training them to do a job, but that, if they find someone who is breaking that law, you do not want them to prosecute, it should not be law.

**8.00 pm**

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

**Mr Bell:** Yes, one last time.

**Mr Callaghan:** Given that the Member has put out a challenge to me, I am grateful for the opportunity to clarify the position. Obviously, the waiver applies where a penalty charge has been issued for the first time. I was making the point that the constable has discretion to issue a penalty charge in the first place, before consideration of the waiver kicks in. I think that the Member is mistaken in assuming that the waiver is the discretion at the point of the incident that is encountered by the police officer. To my understanding, that is not the meaning of the Bill, and the discretion that I was pointing out in the Bill applies regardless of whatever waiver kicks in after any penalty charge is applied.

**Mr Bell:** My reading of the legislation is that the waiver is there for the first offence, not for the second offence. If you are starting from the premise of having law but writing into that that it can be waived, does that not negate the need for legislation?

The Member raised a valid point about production of a receipt. According to the legislation, a person can have the offence waived if, within 28 days, they can produce a new receipt for a new helmet. What happens if the eight-year-old child already has a helmet? Effectively, the police person can waive the £50 fine but only if the parent can produce a new receipt for a new helmet. That is the way that I have read the legislation. It says that they have to produce a new receipt for a helmet. Does an old receipt for an existing helmet count, or do they have to produce a completely new receipt?

**Mr Ross:** I fear that we are delving into the detail of the Bill when, at Second Stage, we are supposed to look at the generalities. I do not want us to get too far distracted from the main point. Whether the individual is a 70-year-old gentleman taking his bicycle to his local shop or whether it is a 10-year-old child, the question that needs to be at the forefront of Members'



minds is: is it in the public interest for the police and the courts to pursue that individual? If they fail to turn up at the police station within 28 days or refuse to pay a fixed penalty notice, is it in the public interest to seek a prosecution against a 70-year-old man who went to his local shop or against a 10-year-old child? That is the main issue on which we need to keep our minds focused in this debate.

**Mr Bell:** It is in the interest of public health that we should encourage helmets to be worn, but it is not in the public interest that we should legislate against helmets not being worn. It is in the public interest to encourage exercise, but the Bill has the potential to deter significant numbers of people from cycling.

Why is the cycling fraternity largely telling us that it does not want a legal ban? Many people in the cycling fraternity wear protective headgear as a matter of course. Is the legislation enforceable and in the public interest, whether for a child or a pensioner who is on any aspect of open space? Is the correct tool a legislative instrument to penalise that person to the tune of £50? I say that it is not, but Mr Ramsey has made his argument very well on what we should advertise, educate for and encourage.

**Mr McDevitt:** I suppose that I should declare an interest in the debate. I arrived here this morning by bike, and, when we eventually leave here, I will do so by bike. It is worth noting that, weighing 7 kg, my bike is very light. When I cycle down the hill, it will probably hit around 35 miles an hour. Coming off anything at that speed is dangerous, so I never get on a bicycle without a helmet, irrespective of what other clothes I might have on.

This is an interesting debate, and it is interesting that it has polarised Members who care about and enjoy cycling. People who cycle tend to do so for freedom and because it gives them the opportunity to get around the city quickly. They do not have to worry about parking, and, to some extent, they are allowed to bypass some of the rules and regulations of the road in order to go freely wherever they want. While they are doing so, they are exercising, so cycling is fantastic.

This city is made for cycling. It is not particularly hilly, nor particularly large, yet we have designed it and continue to design it in a way that utterly impedes the take-up of cycling and puts obstacles — particularly for women, research

suggests — in the way of people wanting to get on their bike. Those obstacles exist because we design everything around the basic premise that the only thing that ever goes on a road is a motor vehicle.

Mr Ross talked about Amsterdam and the fact that there is a preference for bicycles in great continental cities. As a result, there are more bicycles than cars. In this city, there is no preference for bicycles, so there is nothing but cars. It is worth reflecting on our shared ambition, which is to get more people to use sustainable transport. Cycling is a very affordable, healthy form of sustainable transport, and people should be as safe as possible when doing it. As legislators, we need to take every reasonable step that we can to ensure that they are safe while doing it.

There are many things that we could do, and making cycle helmets compulsory is just one of them. However, to my mind, there is no danger in sending the Bill to Committee for further debate. There is much more danger in pulling 98% of the cycling budget out of Belfast, which is what we did this year. There is a lot more danger in refusing to consider seriously 20 mph zones in urban residential streets, which we doggedly do, hiding behind small pilot schemes.

**Mr Ross:** I understand the point that the Member is making, but, at Second Stage, we are asked to support the Bill's general principles. The general principle is that it should be a legal requirement for anybody on a bicycle to wear a helmet. I disagree with that. That is why I am voting against the Bill's Second Stage this evening. I understand the argument, but the Member needs to understand that there are Members on this side of the House who disagree with the general principle of having to wear a helmet when on a bicycle. That is why I will vote against the Bill.

**Mr McDevitt:** I appreciate Mr Ross's views. We should be debating the Bill's general principles and its policy merits. That is the point at this stage of debate. It is not about the level of fine or the modality of the exercise of that fine. It should be about considering the evidence, and I think that we all come to the House with a desire to be evidence-based in our policymaking and to ensure that that evidence is deeply contested. I say that as someone who is a proud member of the cycling fraternity and cycles around City Hall at the drop of a

hat to demonstrate against any Minister who threatens any budget for the cycling fraternity. However, it is not an open-and-shut case. There is ample evidence, and I have read it. I have a huge amount of sympathy with lots of it, which suggests that making anything compulsory can act as a barrier to uptake. However, equally, there is evidence elsewhere that contradicts that.

The fact is that all the evidence that we have been debating is now somewhat outdated. The advances in technology, particularly headgear technology, over the past decade have been massive. Any Member who rummages through the back of the garage or shed at home and finds a helmet that was bought a decade ago will see that it does not compare to the headgear that we wear now or might have bought in the past couple of years. Helmets today are entirely different pieces of kit. Therefore, there is a strong and significant argument for the debate on the issue to continue. I say that as someone who wants the debate to come down on the side of the cyclist. As someone with a vested interest, I say that I do not want anything on the statute book in this region that will be an impediment to cycling uptake. However, in all honesty, I cannot, at this moment, form a judgement on that from an experiential point of view or from the evidence that is available. The reason why I cannot do so is that I believe that globally, regionally and across these islands, we will benefit from looking at where we are on the issue; advances that have taken place in the past six or seven years; changes in the design and technology of helmets; and changes in behaviour.

I am sure that Members will agree that the number of people on bicycles in the city today is unbelievable compared with the number five years ago. That is probably because of the ride-to-work scheme, which is a fantastic and simple initiative. The Civil Service cannot get its head around implementing it yet, which is a bit of a joke. The Minister may take that away, and I am sure that he will. It is a fantastic scheme that simply incentivises people to get a bike. When they are incentivised to get a bike, as they were by the Minister last year, they may decide to use it to get to work only once or twice a year. However, if they do that just once or twice a year, it is a huge advance on the situation of 10 years ago when it was, frankly, considered uncool and socially unacceptable to be on a bike. It was a poor man's thing, which is nonsense.

Therefore, I urge colleagues to reflect on the fact that, although there is a huge and significant debate to be had on the Bill's policy merits, there are also significant evidential gaps on the type of policy evidence or research that we would need to consider in order to inform our view.

I appeal to those Members who make it back to the Assembly after the summer break to make a concerted effort to get here at least once a month on their bike.

**The Minister of the Environment (Mr Poots):** I welcome the opportunity to consider the Cyclists (Protective Headgear) Bill, which has been proposed by the Member for Foyle Mr Ramsey. Outside the Chamber, the mandatory wearing of cycling helmets is a hotly debated subject. That has been matched by views that have been expressed here this evening. It has been a good debate thus far. It has certainly provided Members with the chance to make their own contribution to the debate. It also allows me to clarify my position on the proposal to legislate to require cyclists of all ages, whether on the road or off-road, to wear helmets while cycling.

Before I get into the arguments for and against legislative intervention, I want to recognise the time and energy that has been given to the issue by the Member for Foyle Mr Ramsey. I know that his views are sincerely held. He means well in bringing the issue before the House. I welcome the fact that he has done so and that Members have exchanged views on the issue.

The Bill seeks to prevent injury. The excellent work that has been carried out in that complex area by the medical profession and others, such as the brain injury association Headway, has also been highlighted. I am sure that all Members will agree that we should commend the efforts and commitments of those who are involved in the Health Service and the work that they do, particularly in dealing with head injuries. The lifelong process of adjustment that is required of individuals affected by brain injury and those who care for them is a highly emotive subject. Certainly, the personal story that Mr Ramsey related to the House was emotive. However, emotion is not a sound basis on which to make good legislative decisions. The best legislation is based on clear objective evidence; will be effective in addressing the issue that it is intended to resolve; and will not have significant unintended consequences. Therein lies the problem: although a lot of research has been

done in this area, findings have been interpreted in very different ways. In fact, one of the few things that are clear is that there is absolutely no consensus on the benefits of making cycling helmets compulsory. Therefore, it is not surprising that there is no legal requirement elsewhere in the UK or, indeed, in the Republic of Ireland for cyclists to wear helmets.

As the Minister with responsibility for road safety, I will make my position clear on the use of cycling helmets. I am convinced that, in the event of a collision, when a cyclist hits their head, a cycle helmet can be effective in reducing injury in some cases. My Department's policy is demonstrated in the advice that is given in the 'The Highway Code'. It reflects that position by strongly encouraging all cyclists to wear an approved helmet of the correct size and that is safely secured. That might make Members wonder why we do not want to go that step further and make the wearing of helmets compulsory. Although the Bill is well intentioned, I believe that it overlooks some significant downsides in requiring the compulsory wearing of cycling helmets.

### 8.15 pm

With its complex system of warnings, penalties, appeals and intrusion into what many people believe should be a personal choice, is the legislation the most effective way to improve road safety, personal health and well-being? Will it convince people to exercise that responsibility? I do not believe that it will. Many other steps can be taken in the first instance. We can look at training, particularly the training of young people, and the opportunities to take young people through another series of steps on how to use the roads safely while cycling. There are also issues around the training of drivers. As I said before in the House, I do not believe that the current driving test is fit for purpose. It is largely a test of manoeuvrability, as opposed to a test of driving skills and how drivers should respond to other road users, such as pedestrians, cyclists, motorcyclists or horse riders. All those people are more vulnerable as a consequence of poor driving.

I also have a responsibility to protect and promote the natural environment. Cycling is a sustainable form of transport that brings environmental benefits. I stress to the House that cycling is not a dangerous form of transport. Mr McDevitt, who gave his experience of cycling,

will agree with me. In that respect, we do not want to give it the appearance of being dangerous, and, as a consequence, something that people will choose not to do, so as to avoid the perceived danger.

Cycling is also a leisure and sporting activity with huge potential to improve personal and public health. Although there is no question in my mind, therefore, that we must encourage cycle helmet use, we, as a Government, also want people to cycle more. There is a bit of a difficulty with that, to say the least. A real worry for me is that the evidence seems to indicate that, if you force people to wear a cycle helmet, you will end up with fewer people cycling. As Members may be aware, many prominent cycling organisations in Northern Ireland are strongly opposed to the introduction of compulsory helmet-wearing for that very reason. They raised concerns that the introduction of similar laws in other countries has led to reductions in people cycling. In Northern Ireland, only 0.25% of the 6,000 miles that we travel each year is on a bicycle, and around 0.5% of the 900 journeys is on a bicycle. Can we afford to reduce that usage further?

My views on road safety are well known. No level of road death is acceptable, and I strongly believe that that is the case for all road users. In comparative terms, cycling is not a major contributor to the overall road safety problem in Northern Ireland. Figures indicate that the non-legislative interventions that are in place are having a huge and positive impact. There were no adult cyclist deaths in 2009 or 2010, and there have been no child cyclist deaths in Northern Ireland since 2005. Data show that the number of road casualties involving cyclists has fallen dramatically over the past decade, despite a concurrent increase in cycling as a mode of transport. Some of the deaths that have occurred would have occurred in any event, regardless of whether the cyclist was wearing a helmet. A lot of the impact was taken in the lower part of the body and was a result of impact with a heavier vehicle.

Setting aside the possible impact on the level of cycling and the potential loss of the wider environmental and health benefits, there will be significant costs associated with the Bill. I did not mention costs until this point, as it is never easy to talk about money when talking about road safety. However, I can assure Members that, if I genuinely believed that the Bill would

be effective in further reducing road casualties, I would strongly support it.

Road safety work carried out by my Department is, like all other work, determined by budget resources, and our work is prioritised by identifying the main causes of road deaths and serious injuries and then allocating resources accordingly. Members will see that, if the Bill were to be passed, it would have significant cost implications for my Department. Those would include the funding of a campaign to promote the voluntary use of cycle helmets and raise awareness of the Bill. Alongside that would be the establishment of an adjudicator's appeal system, with the associated accommodation, administration and staff costs. All of those would likely have to be met from existing budget allocations, meaning that some of the resources directed at the main causes of death and serious injury would inevitably have to be diverted. That would mean moving our focus away from inattention, carelessness, speeding, drink- and drug-driving and failure to wear a seatbelt. Those are the very issues on which, all the evidence tells us, we must focus the bulk of our efforts and resources. Indeed, many of those measures are currently keeping cyclists safe on our roads.

As I have stated, the Bill is undoubtedly well intentioned, but it is not needed. Evidence from eminent bodies such as the BMA and the Department for Transport has led me to what I am convinced is the correct view: there is no compelling case for compulsion. We should continue to do all that we can to encourage helmet-wearing through voluntary initiatives and other non-statutory measures. I strongly counsel against the diversion of scarce, finite resources to implement such potentially counterproductive legislation.

I will also indicate that the Executive, from DRD's perspective, wish to encourage more people to cycle and would therefore have difficulties with the Bill. The Health Department faces something of a dilemma because, on one hand, if we introduce the compulsory wearing of helmets there might be a small downturn in the number of head injuries, but, on the other hand, there might be a significant further rise in obesity and other health problems associated with lack of exercise. I have outlined my own Department's issues. The Department of Justice feels that it is not implementable and would not be a good use of police resources. So, within

the Executive there was a clear view that we would not support the Bill, and I speak on behalf of the Executive on the issue.

I call on Members to consider the wider implications of the Bill and support my position and that of the Executive in opposing its further passage. There is not adequate time to properly address the issues, in any event. I was criticised for bringing a Bill before the House in December — I think by members of the party opposite — because there would not be enough time to discuss the Bill. It is now February, and this Bill is at the same stage. I therefore do not think that we would do the Bill justice if we gave it the go-ahead to go to Committee Stage. The Member would perhaps be better coming back in the next term — I trust that he will be here in the next term to do that — and giving some further thought to the issue.

**Mr P Ramsey:** I thank all Members for their contributions. They were not all favourable, but the point of my exercise all along was to ensure that there was public discussion of the use of cycle helmets. Hopefully that will continue. There may not be an appetite for the Bill at the present time, but I certainly have hope. There is evidence out there that is clearly steering me towards the legislation point of view. Members can talk, and I listened to the Minister intently. Other than cycling groups, I am not sure who else he consulted.

There is clearly uncertainty about the evidence, and that was my principal point. When there is uncertainty and clarity is required, it is more important that a Committee should have the opportunity to audit that, bring in evidence, write to other jurisdictions and get a definitive answer as to whether there has been a detrimental effect cycling across the world.

The Minister said that no other jurisdiction in Britain or Ireland had such legislation. However, the States of Jersey is bringing forward a proposition requiring the wearing of cycle helmets, particularly among children. Twenty-two states in America have passed legislation, as have Australia, Canada and New Zealand. It is my view, which I make on behalf of the parents to whom I spoke, that the children of Northern Ireland need the same protection as the children in those states in America or in Australia and New Zealand. That protection is vital.

I met Michelle Donnelly here today. Michelle is from Strabane. Her daughter fell off her bike



in July. She was not travelling on her bike, but she fell off it and was rushed from Altnagelvin Hospital to intensive care in Belfast. She said on the radio that she would have much preferred to pay a £50 penalty than face the stress and trauma of having to take her daughter to hospital and its aftermath. I will not go into the details or circumstances.

If the Bill became law, I would not expect the PSNI to drop everything and run down lanes or into private areas to apprehend people; I did not want them to start targeting cyclists either. I expect — it is in my Bill — the police to use discretion at all times when enforcing the law. I expect them to give advice and warnings where appropriate, as they generally do anyway. However, I want the police to be armed with the sanction to enforce the law on cycle helmets. Why do I want that? Because of the unnecessary pain and suffering of the families who have been in contact with me and who initially came to an all-party road safety group meeting here at Stormont.

**Mr Ross:** I understand the emotive argument that the Member is making. However, there is nothing preventing any cyclist from wearing a cycle helmet. What is important is that in the cases that the Member mentioned — there is a powerful argument to be made there — there is an argument for increased awareness of road and cycling safety. That does not need to be done through legislation, which, whether he intends it or not, could affect the 70-year-old gentleman cycling to his local shop or a child. That is where the problems are for this side of the House.

**Mr P Ramsey:** I thank the Member. He was clear that he was absolutely opposed to any form of legislation. However, I say to him again and to all Members that the important thing was to allow the Committee to examine all the facts thoroughly, including the rights and wrongs and uses of cycling helmets and to look at other areas.

The Minister outlined in great detail his Department's position. I met departmental officials on this issue and sensed some encouragement from them. The Minister said that he had listened to cycling groups. Did he listen to any other groups? There is a raft of groups. I must say that he acknowledged the contribution of Headway and the significant contribution of the medical profession, which

works in difficult and distressing circumstances when dealing with parents.

I admit that there is a bewildering array of arguments, and that is why I wanted the Committee for the Environment to examine the Bill much more thoroughly than we are doing here. This was about the general principle of the Bill. Members opted to cherry-pick elements of it. That is up to them; that is what we are here for.

Cathal Boylan, as Chairperson of the Committee, spoke about the Committee seeking information and evidence from the Department.

He said that the Committee asked the Department whether it would consider the introduction of the compulsory wearing of cycle helmets. That was so long ago. As my colleague Conall McDevitt said, we need to be looking at up-to-date models of best practice, even when it comes to the manufacturing of helmets. I am not sure whether the Environment Committee had the opportunity, and I will give way if necessary, even to look at the Bill. It would have been a good measure for the Committee to do that.

### 8.30 pm

I made the point very early in the debate that there were no circumstances under which I wanted to criminalise anyone for not wearing a cycle helmet. That was clearly instilled in the Bill. The Chairperson referred to that.

I know that the Committee is under serious pressure, given that other pieces of legislation are coming through, but, because of the sensitive nature of the Bill, I am disappointed that more time could not have been taken to deliberate on it.

Alistair Ross was honest enough to say that he was totally against the Bill. He talked about awareness and the general principles of the Bill, saying that it was well intentioned. He made a point that we all agree with: we want to see more people wearing cycle helmets. The figures are alarming. A 2008 survey indicated that on major roads, in built-up areas, 34% of adult cyclists and only 17% of child cyclists wore helmets. That is not good enough when it comes to trying to reduce the number of accidents on our roads.

**Mr Ross:** Will the Member also acknowledge the argument that I made that countries such as the Netherlands and Denmark, where a very low proportion of cyclists wear helmets, have a much better cycling safety record. That leads

us to deduce that the argument is not about whether it should be a legal requirement to wear cycle helmet; it is about the awareness among the public and those who are driving cars and are sharing roads with cyclists. That is where the Assembly should focus, instead of going down the route of legislation, which, as I said, regardless of whether the Member intends it to or not, will criminalise people.

**Mr P Ramsey:** It would not criminalise people; at most, people would receive a penalty notice.

In the Netherlands, the Government have invested hugely in infrastructure. That is why the Netherlands has such a vast array of cycle lanes — far more than in any other European country.

Danny Kinahan thought that my approach was reasonable. He was very sympathetic, particularly towards the families of those injured as a result of not wearing a cycle helmet. He was struck by some of the e-mails and testimonies. He made the point that wearing cycling headgear was very important. He also made the point that we should be taking time to give the Bill more consideration. That is what I was asking for from the very start.

We talked about police enforcement. I was not totally won over by the argument that the police should enforce the legislation. Had somebody suggested another method of enforcement, such as a local government idea under the new structure, I would certainly have examined it. However, such suggestions would have been made when the Bill was going through its scrutiny stages. If somebody had tabled a reasonable amendment to the Bill, I would have considered it. When I and the Bills Office staff examined the issue of enforcement, the police seemed to be the obvious choice.

I sensed, and Danny conceded this, that the Committee is so busy that it might not be able to take on something else. He talked about speed limits and alternatives to the Bill. We all agree about speed limits. While the Minister is here, I want to say that something has to be done in residential areas, such as imposing 20 mph limits to reduce the number of people, particularly children and old people, who, unfortunately, are at the wrong end of things when accidents occur.

Trevor Lunn said that he would ensure that all of his grandchildren were well wrapped up when they went out on bicycles. He acknowledged

that helmets can make a serious difference. There is no doubt that that is true. He said that there were a range of views on other matters and asked whether the Bill could be brought to a conclusion. I was not rushing the Bill through, expecting to get a definitive answer before the mandate was over. In fact, in private conversations that I had with a number of Members, I said that I was prepared to allow the Committee to take its time.

If they had to wait until the next mandate, that might allow the Department to kick-in, if there were evidence available, about whether it is correct to proceed with the Bill. Mr Lunn talked about the Alliance Party being split on the subject, but he was generally supportive of Bill progressing to Committee Stage.

Jonathan Bell felt that the debate is important. I know that he is intensely opposed to the £50 fine, but, having spoken to Michelle Donnelly, Sinead King and parents, I know that they would have paid that fine gladly, rather than have their children being injured. Indeed, Michelle and Sinead have championed the use of cycling helmets to ensure that other children wear them. Children are at a higher risk of injury from cycling accidents, and the vast majority of injuries occur not on roads but when children are outside their own houses and when they are getting on or off their bikes. That is the evidence that I have received, and the incident in Strabane, which left a three-year old girl in intensive care in Belfast, occurred after she came off her bike in her own back garden.

The Assembly's function is to scrutinise legislation. Jonathan made that point also, and that is why I want the Bill to proceed to its Committee Stage. If it does so, it can be scrutinised for the next six months, and we can find out who is right and who is wrong, and whether there is any conclusive evidence.

Jonathan also made the point about better road safety and creating more cycle routes, and we all support that. We need investment for that, and, in my initial comments, I referred to the Programme for Government and the importance of encouraging greater participation in sports such as cycling. Cycling groups made the point that the Bill will have a detrimental effect on participation in cycling. However, the evidence that I saw is that participation rates stabilise after a period of time.

Conall McDevitt supported the Bill, and he is one of the key Members of the Assembly who is a cyclist. He raised the point that 90% of the budget for cycling in and around Belfast has been cut, which is worrying when we take on board some of the points that were made by other Members about trying to encourage greater participation in cycling. Conall also has a passion for 20 mph zones, as most Members do. We need to deal with that issue and I call on the Minister to take that up. I know that the jury is out with Conall as to whether we should go down the route of legislation, but he is clear about the need to get evidence and look at global, regional and local situations. There are arguments on both sides. We must examine all the evidence and not just whether it has a detrimental effect. We need to conduct a major case study, and the only way that that can happen is if the Bill progresses to Committee Stage.

In contributing to the debate, the Minister of the Environment talked about this as being hotly-debated subject matter, which it is. However, it is only hotly debated within cycling groups. I make the point again: the only people who are objecting to the Bill, from the hundreds of consultation papers that were issued throughout Northern Ireland, were members of cycling groups. I received responses from district policing partnerships, local authorities, health authorities and surgeons across Northern Ireland who were supportive of the Bill. I say to the Minister that he should consult and take opinions from that community. District policing partnerships comprise councillors, community representatives and professional people, and the vast majority of those who responded to me supported the Bill.

The Minister said that Members favour improving public health, and I certainly agree with that.

However, and with this I will finish, I became involved in the all-party group on road safety when it commenced in the Assembly and, for personal reasons, I have a passion for road safety. Headway encouraged me to introduce the Bill, and I believe that the parents who have been in contact with me are correct: the best way to make our children safe is to have legislation to make them wear helmets. At the last minute, I appeal to Members not to agree on legislation but to agree to allow the general principle of the Bill to go to Committee and be scrutinised further so that professionals

can study and gather evidence so that we can decide which side we are on.

*Question put.*

*The Assembly divided: Ayes 20; Noes 18.*

AYES

*Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Dallat, Dr Farry, Mr Gallagher, Mrs D Kelly, Mr Lunn, Mr A Maginness, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGlone, Mr P Ramsey, Ms Ritchie, Mr Wells.*

*Tellers for the Ayes: Mr PJ Bradley and Mr A Maginness.*

NOES

*Mr S Anderson, Mr Armstrong, Mr Bell, Mr Boylan, Mr Butler, Mr T Clarke, Mr Girvan, Mr Hamilton, Mr Kinahan, Miss McIlveen, Ms Ní Chuilín, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr Bell and Mr Ross.*

*Question accordingly agreed to:*

*Resolved:*

*That the Second Stage of the Cyclists (Protective Headgear) Bill be agreed.*

*Adjourned at 8.52 pm*





# Written Ministerial Statement

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

## Social Development

### **Adverse Weather Emergency Planning Update**

*Published at 2.30pm on Monday 31 January 2011.*

#### **The Minister for Social Development**

**(Mr Attwood):** Members are fully aware of the recent, unprecedented spell of very cold weather which presented major challenges. I wish to update and draw Members attention to the action taken by DSD, NIHE and Housing Associations in the social housing sector before during and following the recent adverse weather conditions, and to outline actions taken to ensure that, in the provision of a good quality housing service, emergency procedures are fully fit for purpose.

I am making this statement further to preliminary information provided to the Social Development Committee on 20 January 2011, a lengthy attendance at the Committee on 27 January 2011, and further to enquiries from individual Assembly Members. I want to acknowledge the MLAs who brought to my attention individual cases, which helped inform my response as Minister in managing and helping others manage the situation.

I want to first acknowledge the scale of the problems experienced by tenants and homeowners and the scale of response of the DSD, NIHE, Housing Associations, contractors and others. In brief this is the character of what arose. Thousands of tenants experienced burst pipes, heating system failures and other difficulties. Some tenants had their homes flooded with ceilings etc collapsing and electrics being water damaged - causing considerable inconvenience to the tenants themselves - and requiring extensive repair work even after drying out work was completed. Over the period of the 'freeze' thousands of temporary heating

appliances (4,900) were distributed by the Housing Executive and others. After the first wave of repairs were responded to or were completed, a second wave connected to the restoration of water supply to many houses where bursts had not yet manifested was addressed.

I am firmly of the view, that even with difficult individual cases and failures that undoubtedly occurred – and from which lessons have been or are being learned – the overall response from a community of public servants and private contractors increasingly measured up to the scale of need.

I want to pay tribute to the many hundreds of people who manned the phones or carried out repairs day and night and who so willingly gave up much of their Christmas holiday to help their fellow citizens.

I have already stated and reiterate here, that the initial phase of collective response to the emergency, in terms of being able to handle all enquiries and respond quickly, could have been better. In subsequent phases the response improved very significantly and outstanding problems decreased rapidly. Ultimately however, it was tenants who endured the problems and it was tenants who showed great resilience and fortitude in difficult conditions.

I do not need to rehearse that the adverse weather was unprecedented and that its immediate and subsequent impacts were severe. No one should lose sight of that basic fact. However, my view of the role of the Minister is not to observe a gathering crisis and act belatedly.

Ministers need to be in government and in power and that was the approach I adopted in the days before Christmas. Consequently, from Tuesday 21 December, I met with and spoke to senior personnel in the NIHE, namely the Chairman, Brian Rowntree, Acting Chief

Executive, Stewart Cuddy, and other senior officials, in relation to their planned response to the weather and their Strategic and Emergency Plan. In doing so, I laid down a number of requirements in respect of the NIHE response and commented publicly on the situation on 23 December 2010. In addition, and in advance of Christmas, I requested an emergency meeting of the Executive because I knew we were facing very difficult challenges, not just in housing but across a range of important and vital public services. I was disappointed that a pre Christmas Executive meeting was not convened. I also spoke with the Health and Environment departments about the possible need to have local government community facilities available over Christmas to cope with temporary accommodation needs should they arise. I also acknowledge Minister Poots who shared my concerns pre-Christmas and undertook to help in whatever way I considered necessary.

Also, mindful of the manifest financial pressures on people and families, I wrote to Iain Duncan Smith and spoke with the Welfare Reform Minister, Lord Freud, in relation to emergency payments and changes to cold weather payments to assist in a time of need. It is my firm belief that tenants now require particular financial help to address the impact and the legacy of the weather. This is not an exhaustive account of my initial action and that of DSD before Christmas, but it does demonstrate a different and strong approach to that deployed elsewhere.

Before Christmas, the processes put in place by the NIHE were upgraded as a result of their own deliberations and DSD input. This included relocating their Emergency Services Response capability to the Belfast Customer Service Unit to enable better telephone customer response. It was needed. From 17 December to 9 January, the NIHE received 24,777 'unique' telephone calls and tens of thousands more with repeat callers. On New Years Eve there were 3,545 calls, New Years Day 1,125, and New Year Holiday Monday 2,154 calls. As I have said publicly on a number of occasions, in the initial phase the call response could and should have been better. It was clear a further uplift in call answering was required, leading to the use of five Regional Customer Support Units. This also included being operational over the New Year weekend and second weekend in January. Running in parallel to the number of calls was the number of works orders placed with contractors, some 30,300 between 17

December 2010 and 2 January 2011 (14,400 with heating contractors, 16,000 with 'all traders' contractors). I have instructed that there is a full and deep evaluation of the work and response of contractors, many of which did a particularly good job but there are a number who have questions to answer. This issue and that of wider contract management is being addressed now and is part of the response to the recent gateway report.

Beyond the very regular contact with the NIHE before Christmas, I continued to manage the situation after Christmas, leading to a meeting on Tuesday morning 28 December, when I met the NIHE in their Great Victoria Street offices. In addition to laying further and additional requirements in response to the situation, I also instructed that a report be immediately prepared to reconfigure the NIHE response to an emergency. This has resulted in a revised three phase response, which shall include an upgraded telephone response to an emergency. There is no satisfaction in the performance of the water sector in their response to the crisis but it is of note that comparing telephone response rates on a day to day basis between the NIHE and NI Water, the NIHE response was dramatically much higher than that of NI Water. The figures tell the story. This is evidence of pre-Christmas mobilisation bearing results.

In relation to Housing Associations, there are two Emergency Call systems in place. From 20 to 30 December one emergency service centre dealt with 1,811 calls (double the number for the same period last year). 730 works orders were issued compared to 419 for the same period last year. Over the New Year weekend the out of hours monitoring service took 62 calls. In relation to the second emergency call system, 2,696 calls were handled over the period 24 December 2010 to 2 January 2011. This would be about four times the number of repair requests normally dealt with.

The NIHE has an Emergency Arrangements Booklet and a Strategic Emergency Plan in place which are updated to provide enhanced arrangements over certain periods. Housing Associations also have Emergency/Contingency Plans in place which are updated regularly. However, it was clear that the arrangements in place at the beginning of the adverse weather crisis needed to be enhanced to cope.

We must be ready for any future emergencies and ensure arrangements are in place and communicated before any emergency actually happens. For example, while weather conditions over the weekend of 7 January were not expected to be on the scale previously experienced, I insisted that the Housing Executive maintained significantly enhanced out-of-hours emergency services over that weekend and 133 staff manned three Customer Services Units which were open to answer any requests for maintenance works.

In order to review and upgrade emergency planning, I have been in regular contact with the Housing Executive's Chief Executive and I also met on 7 January with Housing Associations to ensure that lessons learned are applied; that Emergency/Contingency Plans are updated; and actions are developed to provide future emergency planning that is fit for purpose. I intend to provide full details to the Social Development Committee in this regard.

There are a number of conclusions that can be drawn. First, the public housing sector responded well overall to the situation but with important learning, particularly about management of the first phase of their response. Second, the public housing sector enhanced its response as the situation developed and turned around large volumes of work generally in a reasonable time. Third, the NIHE has already revised its levels of response to an emergency both in terms of telephone and contractor responses, and Housing Associations are working to the same outcome. Fourth, while DSD was active in advance of Christmas Day on the developing difficulties, it too has revised its response planning to an emergency situation. Fifth, the requirement for government departments and other bodies to be more co-ordinated and, where appropriate, integrated in terms of response to an emergency is self-evident. Sixth, emergency situations require leadership, at an Executive and departmental level, and neither the government nor a Minister, whatever the status of that organisation, should be slow in interventions necessary to reduce risk.

I will continue to work with the Housing Executive and Housing Associations to ensure that lessons learned over this difficult period are used to update and amend emergency and contingency planning for all social housing providers, to ensure it is fit for purpose and

ready to respond immediately in any future emergency situations.

Once again I am grateful to all those in the housing family who over this difficult holiday time put the needs of others ahead of their own comforts.









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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 978-0-339-50456-1



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