

# Official Report (Hansard)

Monday 14 February 2011  
Volume 61, No 3



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Suggested amendments or corrections will be considered by the Editor.

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Wilson, Sammy (East Antrim)

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# Northern Ireland Assembly

Monday 14 February 2011

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

*Members observed two minutes' silence.*

## Matters of the Day

### Aircraft Crash at Cork Airport

**Mr Speaker:** I have received notification from the Minister for Regional Development that he wishes to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I will call the Minister to speak for up to three minutes on the subject. I will then call a representative from each of the other political parties to speak, as agreed with the Whips. Those Members will also have up to three minutes to speak on the matter. As Members will know, the convention is that there will be no opportunity for interventions, questions or a vote on the matter. I will not take any points of order until the item of business is completed. If that is clear, we shall proceed.

#### The Minister for Regional Development

**(Mr Murphy):** Go raibh maith agat, a Cheann Comhairle. I wish to update the Assembly on the Manx2 air crash last Thursday at Cork Airport. There has been a shared sense of tragedy and grief throughout the island, and I am sure that all in this Chamber will wish to join with me in relaying our condolences and sympathies to the families and friends of those killed and injured.

Over the weekend, the Southern authorities have released the names of those who died and those who were injured in the crash. Those who died were the pilot, Jordi Sola Lopez from Barcelona; the co-pilot, Andrew John Cattle from Sunderland in England; Pat Cullinan from Plumbridge in Tyrone, who was a former pupil of my Assembly colleague Claire McGill, and I know she joins with me in offering her condolences to his family; Captain Michael Evans, deputy harbour master at Belfast harbour; Brendan McAleese from Kells in County Antrim; and Richard Kenneth Noble, originally from England but living in Jordanstown, County Antrim.

Four people were injured in the crash and are still in hospital: Peter Cowley from Glanmire in Cork, Mark Dickens from Watford in England, Heather Elliott from Belfast, and Brendan Mallon from Bangor, County Down. Their condition is reported as comfortable. Donal Walsh from Waterford and Lawrence Wilson from Larne, both of whom suffered minor injuries, have been discharged from hospital.

Last Friday afternoon, the deputy First Minister visited the injured in Cork University Hospital. I want to extend my sincere thanks to the doctors and staff at the hospital who are caring for the injured and to the emergency services that attended the crash scene, without whose prompt actions there could well have been more fatalities. I commend also the team from the PSNI and Belfast Health and Social Care Trust, which set up a unit at Belfast City Airport to provide assistance to the relatives and friends of the passengers. I visited Belfast City Airport on Thursday along with the First Minister and deputy First Minister, and I said then that my Department would offer whatever assistance it can to the Southern authorities to deal with the crash and with whatever arrangements are needed by the bereaved families and relatives of the injured.

My Department stands ready to help wherever it can over the coming weeks. I repeat my sincere condolences and sympathies and, I am sure, those of all Members to the families of the bereaved and the injured.

**Mrs Foster:** I pass on the condolences of the Democratic Unionist Party to all the people who have been bereaved. The greater number of those who were travelling on the flight to Cork that morning were businesspeople, and it is a flight that many businesspeople take there and back for their work. Of the six people who died, four were businesspeople, and the two others were the pilot and the co-pilot. We

remember the pilot and the co-pilot and their families in England and Spain. I also wish to put on record my condolences and those of the party to the families of Brendan McAleese, who worked in Central Laundries in Cookstown; Pat Cullinan, who was a partner in KPMG in Belfast; Captain Michael Evans, the deputy harbour master at Belfast harbour; and Richard Noble, managing director of the Irish division of the Danwood Group printing business. Behind each businessperson, there is, of course, a family, whether that is a wife with young children or a grieving mother and her wider family. On behalf of my party, I sincerely give my condolences to each of the bereaved families, and, indeed, I wish the survivors a very speedy recovery.

The First Minister, my party leader, spoke to the Taoiseach last week and asked him to pass on good wishes to those who had survived and good wishes and thanks to the emergency services. As the Minister for Regional Development said, the emergency services had a great deal to do under very trying circumstances, and we acknowledge their work and commend them for their actions.

Last week, my party leader spoke of the fragility of life, and that is very true. All that we can do as public representatives is to sympathise with the bereaved, to support the injured and, importantly, in the weeks and months to come, to find out what actually happened on that flight to Cork last week.

**Mr McCallister:** I am grateful for the opportunity to speak on this matter and to associate myself and the Ulster Unionist Party with the comments of Minister Murphy and Minister Foster.

It was with great shock and sadness that we all learned of the events in Cork last week. On behalf of the Ulster Unionist Party, it is important that we record our sympathy with all the families and keep in our prayers and thoughts all the people who mourn at this time. As Mrs Foster mentioned, it shows us how fragile life can be and how quickly, like the families involved in this dreadful event in Cork, any of us can be thrown into tragedy. Of course, we keep the families in our thoughts and prayers and also those who survived and are still in hospital. We wish them a speedy recovery.

I place on record our gratitude to the emergency services, on the scene and at Cork University Hospital, for their excellent work and speedy response to the incident. Such an occasion will

always be difficult to respond to. As Minister Murphy mentioned, the response up here from the PSNI and the Belfast Health and Social Care Trust was important. In such a tragedy, it is important that we all work together to support families at a very difficult time. I hope that that support and the prayers will continue for the families who mourn and the families of the people who are recovering in hospital.

It is with great sadness that we stand here today to speak on this event. We hope that lessons are learned from the tragedy and that they can be built on to ensure that we lessen the chances of ever having to stand here again after such an event. We will keep the families in our thoughts and prayers at this difficult time.

**Mr McDevitt:** I join the Minister and colleagues in expressing the sincere sympathies of the SDLP to the families of Pat Cullinan, Brendan McAleese, Richard Noble and Captain Michael Evans. With your permission, Mr Speaker, it might be appropriate to express condolences in Spanish a la familia de Capitán Jordi Sola Lopez y al pueblo de Manresa en Cataluña, que, hoy, como nosotros, sentirán el dolor de haber perdido un miembro de su población.

Like us, the people of Manresa in Cataluña, near Barcelona, will be suffering from the great tragedy of this loss. The tragedy is compounded by the fact that, unusually, the flight originated on this island and ended on this island. Not too many flights do that. As the Minister of Enterprise, Trade and Investment pointed out, those people left our city to do a day's work thinking that they would probably be back in Belfast in time for dinner, and for them never to return compounds the great tragedy that unfolded on Thursday at Cork Airport.

I also join colleagues in expressing our great thanks to the emergency services at Cork Airport. It seems that they behaved in an exemplary fashion. We should also remember Cork Airport's chaplains, from all denominations. By all accounts, they really stepped up to the mark in fulfilling a very difficult and challenging pastoral role as the great tragedy unfolded in front of their eyes. Nothing will bring back those who have been lost to our region, but it is undoubtedly necessary that a full investigation take place and that we understand the cause of and the truth behind what happened at Cork Airport on Thursday.

**Mr Lyttle:** On behalf of the Alliance Party, I join my colleagues in extending sincere thoughts, prayers and condolences to all those people, and particularly the bereaved, who have been affected by the tragic accident in Cork, and we pray for the full recovery of all those who were injured. I join my colleagues in paying particular tribute to the response of all the emergency services. The speed of their response undoubtedly prevented further loss of life.

I spoke with representatives from Belfast City Airport on Thursday, and I send our encouragement and sympathy to all the staff at the airport who have been affected by this tragic accident. I join in extending our sympathy to the Lopez family in Spain, and, in particular, to the family of Brendan McAleese, as my father worked with him. I assure all the families who are dealing with this incomprehensible loss that they have the full support of the Assembly in dealing with their grief.

## Assembly Business

### Question Time

**Mr Speaker:** Before we come to the first item on the Order Paper, I want to address an ongoing issue in the Chamber. It concerns Members not turning up for Question Time when their names are down to ask a question. It gives me no pleasure to address this issue, but it has to be addressed. I have previously commented on the issue of Members not being in their places for Question Time, and there was a brief period of improvement. However, over the past two Tuesdays' sittings, there were 10 occasions on which Members were not in the Chamber when their questions were called. Now, as far as I am concerned, that treats the entire House and its procedures with total and absolute contempt.

**12.15 pm**

**Some Members:** Hear, hear.

**Mr Speaker:** I have raised the issue with the Whips and the Business Committee several times. I am disappointed that the situation continues. I appreciate that times are busy for all of us. However, that is not an excuse. Surely, it is individual Members' responsibility to check whether they are on the list to ask questions. I can understand that, in certain circumstances, Members may be unable to be in their places when they are called to ask questions. There is no reason why they cannot inform me in good time so that they can withdraw their questions and, at least, show the House the courtesy that it deserves.

What is happening? Some Members come to the Speaker's Office or the Business Office to say that they cannot be in the Chamber for whatever reason. We can all accept that. However, certain Members just do not turn up. In fact, the Clerk or whoever is in the Chair looks around the Chamber and, all of a sudden, realises that a Member is not in his or her place but has given no reason for that absence.

In the next number of days, we will certainly discuss resources in various Departments, or, indeed, the lack of them. If Members really understood the resources that are required from a Department and a Minister to provide an answer to a question, they would realise the seriousness of the issue. Over the next number of weeks, as we come to the end of the current Assembly, I ask for co-operation on the issue.



I assure Members that if I have to address the issue again, a Member who is not in his or her place to ask a question will not be called to ask a supplementary question at Question Time in the House for some time. That is the only way that the matter can be dealt with.

I have raised my concern at the Business Committee and with the Whips, parties and Members. It seems to be falling on deaf ears. As Speaker, I have no choice but to take the action that I have outlined. This morning, I address the entire House and all parties. The situation cannot continue.

A Member might say to me that, at least, the Minister will have to provide a written answer if he or she is not in the House. I am not too sure that that will happen. I suggest that there might be some doubt as to whether Ministers would decide to forward a written answer to a Member who is not in the House to ask his or her question. We all have to be careful. None of us wants to go down this road — certainly, not me. However, Members have left me no choice. I will not address the issue again in the House. I am clear that we will keep a list of Members who are not in the House to ask their questions. If those Members are not called to ask supplementary questions, they will certainly know why. Let us have the co-operation of everyone in the House to ensure that there is an improvement and the situation does not happen again.

## Executive Committee Business

### **Construction Contracts (Amendment)**

**Bill: Royal Assent**

### **Waste and Contaminated Land**

**(Amendment) Bill: Royal Assent**

**Energy Bill: Royal Assent**

**Safeguarding Board Bill: Royal Assent**

**Allowances to Members of the**

**Assembly (Repeal) Bill: Royal Assent**

**Mr Speaker:** I inform Members that the Construction Contracts (Amendment) Bill, the Waste and Contaminated Land (Amendment) Bill, the Energy Bill, the Safeguarding Board Bill, and the Allowances to Members of the Assembly (Repeal) Bill have all received Royal Assent. The Construction Contracts (Amendment) Act (Northern Ireland) 2011, the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011, the Energy Act (Northern Ireland) 2011, the Safeguarding Board Act (Northern Ireland) 2011, and the Allowances to Members of the Assembly (Repeal) Act (Northern Ireland) 2011 became law on 10 February 2011.

### **Suspension of Standing Orders**

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

**(Mr S Wilson):** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 14 February 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 14 February 2011.*

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



## Ministerial Statement

### Public Expenditure: February Monitoring Round 2010-11

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

#### The Minister of Finance and Personnel

**(Mr S Wilson):** Thank you, Mr Speaker, for the opportunity to update the Assembly on the outcome of the 2010-11 February monitoring round. The starting point of the monitoring round was the outcome of the December monitoring round. As Members will be aware, that round concluded with an overcommitment of £14.7 million in respect of current expenditure and no overcommitment in respect of capital investment.

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

On many occasions, I have highlighted the importance of exercising sound financial management to minimise any risk of any overspend at the block level, because that would have severe repercussions for the Executive. However, the Executive now find themselves in the unprecedented position of having proactively to manage down any possibility of generating an underspend at block level. That is because such an underspend will be lost to us, given the UK Government's decision to abolish the existing end-year flexibility (EYF) scheme. The context of the February monitoring round is, therefore, fundamentally different to previous years. I am concerned about that unilateral and punitive decision by the UK Government to refuse future drawdown, not only to any underspends generated in this financial year, but, as I have said to the House on many occasions, to the £316 million of current expenditure EYF stock that we had built up.

I have registered my strong reservation about that decision in discussions with Treasury Ministers, as have my Scottish and Welsh counterparts. I have been informed that the UK Government will announce new EYF arrangements at the time of the UK Budget on 23 March. My officials have already highlighted to their Treasury counterparts that it is essential that the Northern Ireland Executive are properly consulted on the proposals for the new EYF scheme.

It is also important to point out that the Executive's allocations in the February monitoring round are constrained by the Assembly control totals, which were established in the spring Supplementary Estimates. In essence, although Departments may be able to process more spend than the limit set, to do so would breach an important Assembly control.

Before I go on to the outcome of the February monitoring round, I will highlight the level of reduced requirements surrendered and the level of bids submitted by Departments over the course of this round. Departments declared reduced requirements in this monitoring round of £27.1 million current expenditure and £27.2 million capital investment. That is a significant surrender of resources at this late stage in the financial year. It is disappointing that despite the warnings that have been given, we have reached this situation. The main element of the capital resources surrendered were £17.4 million from the Department for Regional Development (DRD), which came from Northern Ireland Water (NIW). Other large amounts of capital investment surrendered were £3.2 million from the Department of Enterprise, Trade and Investment (DETI) and £2.3 million from the Department of Agriculture and Rural Development (DARD).

There are also significant reduced requirements in respect of current expenditure. The largest surrender by far was, again, from DRD in respect of Northern Ireland Water, which amounted to £14.9 million of non-cash and other resource depreciation. That large DRD surrender, along with more than £4 million of its capital investment surrender, was due to the conversion to international financial reporting standards (IRFS). However, that conversion happened much earlier in the financial year, so it is particularly disappointing that DRD surrendered such large amounts to current and capital funding due to technical accountancy changes that had been known about for many months.

Another significant current expenditure reduced requirement was £6.1 million from the Department for Social Development (DSD), which related mainly to the Social Security Agency (SSA). Some £3.5 million of SSA surrender also related to the IFRS accountancy changes.

The full details relating to all the reduced requirements are included in the tables that are attached to the statement.

Although I acknowledge that some of that funding was surrendered because of reasons outside the relevant Departments' control, I think that, had Departments exercised better financial management and forecasting, some of those resources could have been surrendered during earlier monitoring rounds. That would, of course, have enabled the money to be spent on what were, perhaps, more pressing needs.

In addition to the reduced requirements, the Executive allow Departments to move resources across spending areas where the movement is reflective of a proactive management decision that was taken to enable a Department to better manage emerging pressures within its existing baselines. That is to facilitate better financial management, and Departments that made use of that mechanism should be commended for their efforts to deal with emerging pressures. It has also been necessary, largely because of technical issues, to reclassify one amount between different categories of expenditure. Again, details of those changes are provided in the tables that are attached to the statement.

In addition to the reduced requirements surrendered by Departments, there was a number of centre adjustments that added amounts of resources available during the monitoring round. The most significant was a Barnett formula allocation resulting from the recent additional allocation by HM Treasury to the Department for Work and Pensions (DWP). That provided an additional 2010-11 allocation of £8.2 million current spending and £2.2 million capital investment to the Executive. There was also a number of technical transfers with Departments outside Northern Ireland and, furthermore, there was a small EU match funding surrender and small additional pressure relating to reinvestment and reform initiative (RRI) interest around the equal pay loan. The net effects of those adjustments was to make available a further £2 million of current spending and £0.2 million of capital investment.

The net result of all those transactions, taking account of the December monitoring outcome, was to make available £22.6 million of current expenditure and £29.6 million in capital investment allocation.

Against those amounts of resources available, Departments submitted bids for £19.9 million of current expenditure pressures and £19.4 million in respect of capital investment. The

Department of Health, Social Services and Public Safety (DHSSPS) bid for an additional £10 million of current expenditure resources on the basis of exceptional and unforeseen circumstances. Given the overall level of resources available, the Executive agreed to meet that bid to ensure that the funding remained in Northern Ireland.

There was a number of further current expenditure allocations. Of those, £4 million was allocated to DSD to provide additional funding to the Housing Executive following the increased activity due to the cold weather in December, and £4 million went to DRD to fund additional roads maintenance and additional Northern Ireland Water costs. Both those pressures were a direct result of the severe weather in December. Some £0.8 million was allocated to the Office of the First Minister and deputy First Minister (OFMDFM) for the Northern Ireland Memorial Fund, and £0.2 million was provided to the Department of the Environment (DOE) to address inescapable pay pressures resulting from the shortfall in planning receipts and to provide emergency financial assistance to district councils.

The Executive allocated £8.6 million of capital investment to DRD to fund essential safety works at the City of Derry Airport. I know that that will please the Member sitting to my left. That includes an upgrade for the runway and the infrastructure to meet the safety requirements of the Civil Aviation Authority. A further £6 million was allocated to DRD to fund strategic roads improvements and structural maintenance. I know that that will greatly satisfy the Member for Strangford, who has been studying potholes across his constituency with great vigour over the past number of weeks. Some £4.5 million was provided to DHSSPS to fund a small number of capital investment projects across health trusts, and £0.3 million was allocated to the Department of Culture, Arts and Leisure (DCAL) for the development of motorsport.

Those allocations totalled £19.4 million. Although some £10 million of capital resources remain, it was not possible to allocate that funding to specific Departments because no further bids were made as part of this round. However, I am minded to consider favourably a late submission from the Department of Education seeking to draw down a further £2.2 million in capital. I hope that that can

be covered by the time we progress to the provisional out-turn.

### 12.30 pm

This monitoring round concluded with a number of significant allocations to Departments. In fact, we were able to meet all bids by Departments over the course of the monitoring round. Those resource allocations will help to deliver essential public services to the benefit of people in Northern Ireland.

As we approach the end of the financial year, I have emphasised again to my Executive colleagues the importance of exercising sound financial management. That is particularly important this year given the circumstances facing the Executive. Although we need to ensure that there will be no breach of departmental budget control totals, it will also be crucial to minimise any end-year underspends because, as I have already highlighted, any and all underspends will be lost to the Executive due to the UK Government's decision to abolish the EYF scheme. I commend the February monitoring round to the Assembly.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement.

During its briefing on the Department of Finance and Personnel's monitoring position, the Finance Committee heard that a systems error had resulted in almost £1 million needing to be found for interest payments for ratepayers who are due a refund of their rates. Will the Minister confirm whether the supplier is at fault for the systems issue, and, if so, whether any of the additional £0.9 million needs to be recouped from it? In addition, what further costs might be incurred by Land and Property Services in putting the issue right with regard to cost of the systems fix and staffing necessary to undertake corrective action on the affected accounts?

**The Minister of Finance and Personnel:** I will come back to the Chairperson on the detail of any additional spending. Any bids made in this monitoring round for the matter that he is talking about and any outstanding moneys will, I understand, be the responsibility of the Department, and LPS will have to fund those. If there are issues about further payments — I am not aware of any — I will come back to the Member about that.

**Mr Hamilton:** I thank the Minister for his statement. Listening to the Health Minister and his chief spin doctor on the radio last week, one could be forgiven for thinking that the Finance Minister had been habitually unfair to the Health Department and its budget. However, I see from the Minister's statement that the Department of Health, Social Services and Public Safety has been allocated an additional £10 million in current expenditure and £4.5 million in capital expenditure. Will the Minister outline just how generous he and the monitoring round process have been to the Health Minister and his budget over the past number of years?

**The Minister of Finance and Personnel:** The Department of Health bid for £10 million in this monitoring round to deal with pressures, most of which were, I think, around drugs etc. It is significant that we were told in December that that pressure was £30 million. I have always believed that Departments sometimes need to look within their existing resources to see what savings can be found. Miraculously, that figure has come down from £30 million in December to £10 million in this round. That has been made available, plus £4.5 million for the small capital spend. Of course, £20 million was made available in the June monitoring round and another, I think, £3.6 million in capital spend in September. Do not forget that the Department of Health was also exempted from the £30 million reduction that had to be levied against the Department as a result of the £120 million fall in our Budget due to the mini-Budget that the Government at Westminster launched in June.

If we look at the additional allocations this year, we can see that they amount to nearly £70 million, which is roughly a 1.4% addition to the total health budget. That is significant. The Member has made an important point. The extra money shows that, when looking at allocations and money that is available or surrendered by Departments, the Executive always give the Health Department a great deal of priority in the money that is made available in the reallocations.

**Mr McNarry:** Northern Ireland Water's handing back of the bulk of its money may well test the public's understanding. If that relatively high level of reduced requirement is down to poor financial management, are there steps in place to rectify that? Will the Minister indicate the expected underspend this year? As a

consequence of that underspend, how much money could be lost to the Treasury?

**The Minister of Finance and Personnel:** First, financial management in Northern Ireland Water is the responsibility of the Minister for Regional Development. All that I, as Finance Minister, can do is emphasise to Departments the need to ensure that they flag up underspends.

There are sometimes good reasons for underspends. For example, in the case of DRD, a lot of the capital works scheduled for December could not take place because of the bad weather and the other pressures on the Department. In some cases, contract prices came in lower than expected because of the recession, which led to savings on capital projects. In some cases, planning delays meant that work that Departments had anticipated taking forward did not happen. In addition, accountancy changes have affected the amount of depreciation on assets. However, the point that I am making — it is, I think, the point that the Member is getting at — is that some of those things could have been known about at an earlier stage and, therefore, the money should have been surrendered. That is why it is important that Ministers get on top of the work of their Department and its arm's-length bodies to ensure that there are no surprises at the end of the year when the money cannot be spent.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement.

The significant capital investment surrendered by a number of Departments is worrying, given the current economic climate in which many firms are looking for jobs, particularly in the construction sector. I note in the Minister's statement that £10 million of capital resources remain that it is not possible to allocate because no further bids have been made. The Minister will say that it is up to each Department to do its own thing, but is there any way that we can drive forward more efficiency in Departments? I look to the Minister of Finance and Personnel to see if an initiative can be implemented to drive forward much more efficiency to ensure that laxness in Departments no longer remains and to ensure that money is not wastefully handed back to the Treasury.

**The Minister of Finance and Personnel:**

The Member makes a good point. It is, of course, for the Department of Finance and Personnel to monitor the money that goes out

to Departments on a regular basis. There are two levels at which that can be done. The first is at ministerial level. It is my responsibility at Executive level to reinforce the point to Ministers that not only are they required to manage their resources but there is political fallout if those resources are not managed. People will find it inexplicable that we are complaining about the Treasury snatching £316 million from us, which it did when it took away the end-year flexibility stock, if we make any further contribution to that. We will not know if we have until the provisional out-turn figures are published at the end of May, because there might be some overspends between now and then that will be offset against unallocated capital money that we still have.

My officials regularly meet financial accounting officers in Departments to reinforce that message. We have to reinforce the message at a political level and a departmental level. Ministers have to know that there is political embarrassment if we give money back at a time when, as the Member rightly pointed out, we are having economic difficulties. I hope that the combination of those pressures gets the message through. Members also have a part to play, and I hope that they will play it. When Committees are consulted about monitoring rounds, surrenders of money etc, Committee members have a vital role to play in speaking to officials and probing on the amount of money that is given back and when it is given back.

**Dr Farry:** I also thank the Minister for his statement. In a similar vein to the last question, will the Minister confirm what other Departments had a problem with the depreciation of assets as a result of the use of international financial reporting standards? Presumably, many other Departments have large asset bases that will have fallen as a result of the use of those different standards. Did those Departments act in a much more responsible manner earlier in the year?

**The Minister of Finance and Personnel:** As I pointed out in the statement, the two Departments with the biggest returns on that basis were DSD and DRD. There were no significant underspends from other Departments as a result of the changes in IFRS standards.

**Mr McQuillan:** I thank the Minister for his statement. Will the Minister tell the House why the recent allocation of the Barnett formula by the



Treasury to the Department of Work and Pensions did not come to us until so late in the year?

**The Minister of Finance and Personnel:** That is a decision by the Treasury. What happens is that the Treasury decides to spend the extra money and once that has been spent there is consequential for Northern Ireland, which is calculated on the basis of the Barnett formula. If the Treasury makes an allocation to the Department of Work and Pensions late in the year, the Barnett consequential will only come to us late in the year. Obviously that is what happened in this case.

**Ms M Anderson:** Go raibh míle maith agat. I welcome the Minister's statement. Like my colleague Gregory Campbell and others, I obviously have a particular interest in the City of Derry Airport and the £8.6 million it has been allocated. Will the Minister confirm whether a direction will be required from the Minister for Regional Development to spend that money?

I will pick up on some of the comments that have been made about the £10 million that has not been spent. Like many others, I am committed to the city of culture in Derry. Given that Derry City Council did not make a business case, is it too late to have some of that money allocated to the city of culture?

**The Minister of Finance and Personnel:** On the Member's second question, the answer is that the £10 million that has yet to be allocated has now been reduced to £8 million because of the bid that will be paid to the Department of Education. That £8 million has to be spent before the end of the financial year. So, it is not a case of saying, "Look, the city of culture is going to need money, can we not allocate it now?". If there are no projects on which the money can be spent in this financial year, it cannot be allocated, because that money cannot be carried over. I am not aware of any Department having identified bids for the city of culture in this financial year.

The Minister for Regional Development will need to make a direction for the allocation to the airport, because the business case for the airport would not normally have been accepted. It was perhaps fortuitous that the money was available when my colleague Mr Campbell and representatives from Londonderry council made the case for the airport. We promised that we would try to do something if we could, and,

because of the way that the February monitoring round worked out, we were able to do so.

I recently gave an interview on Radio Foyle. I was told that the draft Budget and the allocations in it were not good for the north-west, but I pointed out that the allocations for the north-west were very good. That illustrates that when a case was made—one was made very forcefully to the First Minister, the deputy First Minister, the Minister for Regional Development and me—a direction was made and when the money was found it was allocated. That allocation will be a welcome boost for ratepayers in Londonderry, who would otherwise have had to bear the cost.

**12.45 pm**

**Mr Girvan:** I thank the Minister for his statement. The Assembly and the Departments do not want to hand back any money. However, it is important that the spend is made correctly and not handed out for repainting corridors simply to get the money spent. Does the Minister know whether any Department has indicated an overspend?

**The Minister of Finance and Personnel:** The final position will not be known until we have the provisional out-turn figures, and, from memory, we will not know that until the end of May. We are not aware of any Departments declaring massive overspends or underspends at present. If there is no way to allocate the £8 million capital that is left and if no other bids come in between now and the end of the year, it will either be offset against overspends or it will go back to the Treasury. We will not know that until we have the provisional out-turn figures in May.

**Mr Kinahan:** I thank the Minister for his statement. I am concerned that there is no proper financial planning to provide emergency financial assistance to district councils should we have another cold spell similar to the one we had at Christmas. The Minister of the Environment encouraged councils to do more, and the Minister for Regional Development encouraged councils to agree a suitable deal with Roads Service, with councils being offered a measly £860 to conclude a deal. We just need to think of all the bin lorries that were out on the roads, and I congratulate the councils that managed that. Councils need funding that will allow them —

**Mr Deputy Speaker:** Question, Mr Kinahan.

**Mr Kinahan:** My question is just coming. We need the funding to be there. The emergency assistance mentioned today covers help only with the water crisis. What plans does the Minister have for financial planning, either now or in the future, to give councils more money so that they can take action if we have another cold spell?

**The Minister of Finance and Personnel:** The mechanism by which assistance can be given in such emergencies is the Financial Assistance Act (Northern Ireland) 2009. Allocations will be made in the monitoring round today. Money will be made available to DSD for the emergency work that the Housing Executive had to carry out as a result of the cold spell; from memory, £1 million goes to Northern Ireland Water for the extra work that it had to carry out in December; and, in September, DRD received £1.4 million in financial assistance towards the flooding in Fermanagh. Therefore, mechanisms are in place for that in the form of the 2009 Act. Some of the money that came through the Act has been distributed and dealt with by councils — for example, the £1,000 payment to households as a result of flooding. When it is shown that there is a case to be made, the Executive have not been found wanting, either in monitoring rounds or in straight allocations to Departments, as has happened here. As the money allocated to flooding indicates, there is nothing to stop that money going through councils to people at local level.

**Mrs D Kelly:** I thank the Minister for his statement. Like many others, I am concerned about the £10 million. I am sure that many small firms in particular will be scratching their head and wondering why we did not get it right. Will the Minister and officials analyse how we might do things better, other than the late returns and the timing? Given the situation with the schools estate and our colleges, I am surprised that the Minister of Education and the Minister for Employment and Learning do not appear to have made bids in time. Will there still be an opportunity for them to do so?

**The Minister of Finance and Personnel:** I emphasise the point that it is a case not just of making bids in time but of how much money can be spent between now and the end of the financial year. I must add that important caveat. This is one reason why I emphasised to Departments that they should not leave the surrender of reduced requirements until February. They must look ahead and, if there is any chance, surrender them in September or

December, so that they can be allocated for the kinds of purposes that the Member has rightly drawn to the House's attention.

How can we improve the monitoring? In an earlier answer to the Member's party colleague, I indicated what needed to be done at a political level and official level. At the end of the day, this comes down to Departments deciding to hoard money "just in case". If every Department does that, we finish up with a situation such as we have today, in which £54 million is surrendered six weeks before the end of the financial year. That is not good, and it is not easy to spend that kind of money at this time of the year.

**Mr O'Loan:** Capital moneys were returned by NI Water. Is the real lesson not that the existing structure simply does not facilitate the long-term capitalisation of NI Water, which is so absolutely necessary? Does the Minister agree that the Minister for Regional Development's proposal to bring NI Water in house would not assist in that matter?

**The Minister of Finance and Personnel:** One could argue that to bring Northern Ireland Water in house would exacerbate the problem because we would be tied even more tightly to financial rules about carry-over etc. Usually, it is easier to have a looser financial arrangement the further we remove such bodies from government.

The Member made an important point. In looking at the future governance structure of the likes of Northern Ireland Water, especially where there are long-term capital projects, and how they are financed and delivered, a case could probably be made that a looser arrangement and connection, whether through mutualisation or whatever, would give the flexibility that the Member rightly identified as sometimes necessary where there are huge ongoing and rolling capital commitments.

**Mr Deputy Speaker:** That concludes questions to the Minister of Finance and Personnel. Members may take their ease for a few moments until we move to the next item of business.

## Executive Committee Business

### Licensing and Registration of Clubs (Amendment) Bill: Further Consideration Stage

**Mr Deputy Speaker:** I call the Minister for Social Development to move the Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill.

*Moved. — [The Minister for Social Development (Mr Attwood).]*

**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 provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 6 and 9 to 11, which deal with the period during which penalty points can accumulate for accounting offences; young people's attendance in clubs; and restrictions on advertising functions. The second debate will be on amendment Nos 7, 8, 12 and 13, which deal with regulation of irresponsible drinks promotions and alcohol pricing for registered clubs.

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

#### Clause 8 (Penalty points)

**Mr Deputy Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 6 and 9 to 11. The amendments deal with the period during which penalty points can accumulate for accounting offences; young people's attendance in clubs; and restrictions on advertising functions. Members will note that amendment Nos 1 and 2 are mutually exclusive, as are amendment Nos 3 and 4. Amendment Nos 5 and 6 are mutually exclusive, as are amendment Nos 9 and 10. I call Mr Fra McCann to move amendment No 1 and to address all the amendments in the group.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. I am sorry for being late. I got caught up in something in the Great Hall.

My initial reason for wanting to amend the stated period from "3 years" to "12 months" was to take into consideration the problems that some clubs may have when new committees are elected, which happens fairly regularly in registered clubs. They end up with a new secretary who is not used to the bookkeeping or to the way in which the club is run. Clubs could be heavily penalised because of resulting mistakes, and that could happen if a club continually changes its committee. To retain the three-year period could penalise a club. If possible, I wish to support another amendment that reduces the period from three years to two years. If such an amendment can be adopted, I propose not to move amendment No 1.

**Mr Deputy Speaker:** The Member has a number of options. He can refuse to move the amendment, in which case the speaking rights move to the proposer of another amendment. Alternatively, he can move the amendment and decide, later in the debate, whether he wishes to move it or not to move it.

**Mr F McCann:** I choose not to move the amendment.

*Amendment No 1 not moved.*

**Mr Deputy Speaker:** In that case, I call Mrs Mary Bradley to move her amendment.

**Mrs M Bradley:** I beg to move amendment No 2: In page 16, line 43, leave out "3" and insert "two".

*The following amendments stood on the Marshalled List:*

No 3: In page 17, line 7, leave out "3 years" and insert "12 months". — *[Mr F McCann.]*

No 4: In page 17, line 7, leave out "3" and insert "two". — *[Mrs M Bradley.]*

No 5: In page 17, line 24, leave out "3 years" and insert "12 months". — *[Mr F McCann.]*

No 6: In page 17, line 24, leave out "3" and insert "two". — *[Mrs M Bradley.]*

No 9: After clause 11, insert the following new clause:

**"Young persons prohibited from bars**



**11A.**—(1) *Article 32 of the Registration of Clubs Order (young persons prohibited from bars) is amended as follows.*

(2) *In paragraph (13) for ‘9’ in each of the three places where it occurs substitute ‘11’.* — [Mr F McCann.]

No 10: After clause 11, insert the following new clause:

**“Young persons prohibited from bars**

**11A.**—(1) *Article 32 of the Registration of Clubs Order (young persons prohibited from bars) is amended as follows.*

(2) *In paragraph (13) for ‘9’ in each of the three places where it occurs substitute ‘10’.* — [Mrs M Bradley.]

No 11: After clause 11, insert the following new clause

**“Restrictions on advertisements relating to functions in registered clubs**

**11B.** *In Article 38 of the Registration of Clubs Order (restrictions on advertisements relating to functions in registered clubs) after paragraph (2) (a) insert—*

*‘(aa) the publication of an advertisement displaying the following statement, “FOR MEMBERS ONLY”; or’* — [Mr F McCann.]

**Mrs M Bradley:** I move to 10. I wish to insert the words “move to 10”.

**Mr Deputy Speaker:** Do you wish to address the other amendments in the group, Mrs Bradley?

**Mrs M Bradley:** Yes. Amendment Nos 2 and 3 as well. I hate coming in like this.

**1.00 pm**

**Mr Deputy Speaker:** Mrs Bradley, there is the opportunity to debate the issue and not just move the amendments that you have put. If you wish to debate, please continue.

**Mrs M Bradley:** We want to insert “two” instead of “3” in clause 8. Where a club is convicted of the same offence twice within three years, a court must endorse the penalty points on the certificate of registration. Amendment No 2 would mean that the same offence would have to be committed within two years before a court could endorse any penalty points. I move to insert “two” and leave out “3”.

**Mr Deputy Speaker:** Do you wish to further debate it, Mrs Bradley?

**Mrs M Bradley:** I just want to support the amendment.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I am checking the time and the place, because I am not sure whether this is actually happening. It is slightly surreal. Despite the previous contributions, I presume that I am to address the entire group of amendments. I will try to get things back on track. I will begin by making remarks on the first group of amendments as the Chairperson of the Committee.

I will deal first with amendment Nos 1 to 4, although some of those may not be there now. These amendments refer to the discretion of the courts in respect of penalty points for registered clubs. Amendment Nos 1 and 2 will allow clubs to repeat certain offences punishable with a level 3 fine over a shorter period without necessarily receiving penalty points from the court. Amendment Nos 3 and 4 would allow clubs to repeat certain offences punishable with a level 4 fine over a shorter period without necessarily receiving penalty points from the court.

Amendment Nos 5 and 6 would restrict the shelf life of any penalty points received by a registered club to either one or two years. If amendment Nos 5 and 6 are passed, registered clubs will probably have to commit two offences attracting a level 3 or level 4 fine in a shorter period before they have their licences suspended automatically. I believe that these amendments are motivated by a well-meaning desire to protect volunteer club officers who may inadvertently breach some of the rules associated with the Registration of Clubs (Northern Ireland) Order 1996. The Committee had some sympathy with this situation. However, the Committee accepted the Department’s argument that the provisions, as drafted, give clubs the opportunity to show due diligence in respect of offences.

The Committee did not accept that the Bill should be changed to allow more discretion for the courts in respect of these offences. As I said at Consideration Stage, the Department advised that prosecutions under the Registration of Clubs (Northern Ireland) Order 1996 are actually very rare. There was one in 2009 compared to 168 in the licensed sector in the same period. Therefore, the Committee felt,

following a division, that amendments similar to these were unnecessary.

Amendment Nos 9 and 10 refer to changes to the licensing hours for clubs. The idea is that sporting clubs could allow younger members to be in the licensed parts of their premises until 11.00 pm or 10.00 pm rather than 9.00 pm. The Committee heard evidence in support of that from the Federation of Clubs, the GAA and the Golfing Union of Ireland that was consistent with our position on underage drinking controls. The Committee did not support proposals to amend the Bill in that regard.

Amendment No 11 refers to the easing of restrictions on advertising by registered clubs. The Committee received a lot of comment on this issue from groups representing pubs and hotels. They argued that clubs already have an economic advantage as a consequence of their paying lower rates and having access to membership fees to subsidise alcohol prices. The pubs and hotels also insisted that the law is already being flouted in that regard, as many clubs reportedly advertise Christmas events and wedding functions for non-members. The clubs represented disputed much of that and insisted that the easing of advertising restrictions was essential for their survival.

Liquor licensing is fraught with difficulties and competing interests, and I know that the Bill seeks to strike a balance between those two parts of the licensed trade. The Committee felt that the Bill generally achieves that objective and, therefore, did not support amendments similar to amendment No 11.

In a personal or party capacity, I will address the three broad groups within the first group of amendments and focus particularly on the three-year shelf life for penalty points put on a licence. The shelf life is currently three years in the Bill. There was a proposal to reduce it to 12 months, but that has disappeared. The proposal to reduce it to two years is the one that is before us.

The record will show that I raised concerns about the three-year shelf life at Committee Stage. I feel that that is a long time to have penalty points sitting there, and that it is somewhat inconsistent. Maybe some of us have personal experience or are certainly well aware of penalty points on driving licences, and that is —

**Mr F McCann:** Will the Member give way?

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

**Development:** No, I am not going to give way, because I know exactly what the Member is going to ask me.

**Mr F McCann:** I just want to declare an interest.

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

**Development:** He is declaring an interest. I thought that he was going to ask me whether I had an interest to declare, so I am glad that I can now dodge that. Some may have personal experience of penalty points remaining on a driving licence for two years.

I questioned the three-year shelf life from two different perspectives. The Member opposite and, indeed, others pointed out that many clubs are staffed, by and large, by volunteers, many of whom are inexperienced, even though there is a responsibility on them, and that to endorse points on a licence for such clubs may, therefore, be seen as too burdensome and unfair. There is some merit in that argument.

During evidence sessions at Committee Stage, I raised concerns about big retailers who have huge volumes of sales, because there is potential for them to breach some of the restrictions on their licences. I felt that a 12-month shelf life for penalty points might mean that we end up with a scenario in which premises where certain offences are committed twice in one year could be closed down, which would have an economic impact on those employed there and, indeed, the wider community. The robust defence from the Department at that time was that those offences — selling alcohol to a minor and selling alcohol to people who are already drunk, neither of which anyone supports — are serious offences and should be treated as such. The Department's view was that keeping the penalty points on a licence for three years would better instil good behaviour right across the licensed trade.

On reflection, though, I am glad that the Member opposite has withdrawn his amendment because, whatever my sympathies about a three-year shelf life being too long, I think that a 12-month shelf life is too short. That would have created the potential for premises, be they clubs or pubs, to offend habitually and to get into a pattern of not doing things that they should be doing. Premises should produce their accounts and adhere to what may be seen as the less important aspects of their trade. Equally, they should not be selling to minors or people who are already drunk. I felt that a 12-month shelf

life could create a situation in which a club that had its licence endorsed with points, which then lapsed after 12 months, could repeat an offence towards the end of the next 12 months, so there would never be an occasion when it would lose its licence. I therefore think that two years is a sufficient period to catch habitually bad behaviour. It is robust enough to allow us to continue to bear down on the bad behaviour that happens in a very limited number of licensed premises and to catch people out over that period. A 12-month shelf life is just a little too lenient. My party, therefore, supports amendment Nos 2, 4 and 6.

I expressed concerns about advertising by clubs at Consideration Stage. I would not say that there is no need for advertising, but registered clubs should have limited opportunity to advertise functions or events on their premises. We need to be very clear on that point in this debate, and I ask the Minister to be equally clear about it in his response. If we agree to make the amendment to lift the restrictions on advertising, we must do so in the full knowledge that it is not advertising as we necessarily know it. It is not the kind of advertising that, for example, a restaurant uses to promote some sort of offer; it is not like that. It is a very restricted form of advertising, essentially to members only. I know that the amendment states that. I have expressed my concerns about this issue previously, because even though that restriction is there, advertising is very clearly being abused in some cases. I cited the example of the Civil Service club, no less.

From the top to the bottom, there is confusion about what can be advertised. Therefore, that needs to be made clear. I have concerns about the advantage that such advertising could give to the club sector. Even if we are clear about what we are doing, I am concerned that the provision could still be open to abuse. If, as is made clear in the amendment, advertising were for members only, perhaps the Minister could issue guidance through the Department to the registered club sector to make clear what it can advertise, who it can advertise to and who it can target. That would make the distinctions involved very clear. Obviously, such guidance would also be issued to the Civil Service to make sure that it is absolutely clear about what was going on. Regardless of whether the amendment passes or not, confusion exists, which may be compounded by any changes that we make. Therefore, if the amendment passes, it is an opportune moment for the Minister to

issue guidance to the registered club sector to clarify the new situation.

Finally, I want to talk about minors in clubs. For a number of reasons, my party will not support any amendment on the time until which minors are allowed in licensed premises in registered clubs. Consistency is required. My understanding is that the same restriction of 9.00 pm exists for bars, hotels and pubs. Therefore, I do not think that it is fair to treat clubs in an inconsistent way. We tried to be consistent throughout the process in applying one change to both sectors. I understand the point that clubs make about prize-givings or summer games that go on quite late, with kids perhaps going into a bar after 9.00 pm. However, just because I understand it does not mean that I have to agree with it.

Everybody can take their own view on those issues. However, as a father, I feel uneasy about those amendments. We are not talking about children aged 16 or 17 being allowed into premises. We are talking about younger children. I have difficulty and personal unease about amending the law to allow children to be in registered premises later than 9.00 pm. To do so would be inconsistent and would run contrary to what I thought was an emerging consensus about young people and alcohol. Far from being puritanical or going down a prohibitionist-type route, I thought that we were being a bit more mature and sensible about how we expose young people in our society to alcohol. Everybody knows the difficulties about exposing young people to alcohol. Between 9.00 pm and 11.00 pm, a lot of alcohol can be consumed on a licensed premises, whether that is a club, pub, bar or hotel. My colleagues and I are uneasy and concerned about the impression that such a change would give, the inconsistency with other measures that we are trying to take in the Bill and with other measures that the Minister is exploring elsewhere in trying to clamp down on the misuse and abuse of alcohol.

Although I understand the point that is being put forward, we have to be careful about the message that we send out about young people and alcohol. Here, if we choose to pass one or other of those amendments, we would be saying that young people could be in bars and exposed to the consumption of alcohol well into the night, even, as one amendment suggests, right up to 11.00 pm, which is normal closing time. I do not know about anybody else, but I would not

want any of my kids in a bar or club until normal closing time. We need to be careful about the message that we are sending out about the use and, more importantly, the abuse of alcohol and its effect on young people.

I long for the situation that appears to be prevalent in —

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

**The Chairperson of the Committee for Social Development:** Hold on a second.

I long for the situation that appears to be prevalent in other parts of Europe, where there is a much more mature attitude to the consumption of alcohol and young people's exposure to it. It is not that other countries are without their problems. However, they certainly have a better attitude towards alcohol. We do not have that here. Everybody knows the problems. The Member who is about to intervene frequently tells us about what goes on in streets in his hometown. I will give way to him now if he wants to tell us about that.

**Mr Brady:** I thank the Member for giving way, although I do not want to mention those particular episodes.

Does the Member accept that around 73% of alcohol — *[Interruption.]*

**1.15 pm**

**Mr Deputy Speaker:** Order. The Member may be able to hear the electrical interference. Anyone who has a mobile phone, please switch it off. Do not switch it to silent; switch it off.

**Mr Brady:** Thank you, a LeasCheann Comhairle. My point is that 73% of alcohol consumed is now consumed in the home. To follow that logic, there should, to some degree, be a restriction on drinking in the house, because children are probably exposed to that drink culture at home far more than they would be in the type of clubs that we are talking about. The people in charge of the clubs or teams have a very serious supervisory role in looking after the children. Only approximately 28% of alcohol sold is consumed on licensed premises, and I think that that is a point worth making.

**The Chairperson of the Committee for Social Development:** I thank the Member for his intervention; he is right that there has been a change in culture around the consumption

of alcohol. People have exercised freedom of choice over where they consume alcohol, no doubt helped by pricing considerations, which is our other concern, so that is a very valid point.

I would not want the Member to start encouraging colleagues who may want to look at the consumption of alcohol in the home as well. There is a very real difference when it comes to us, as a legislature, controlling behaviour in the home. We can only do that in ways that would not interfere with people's liberties and freedoms. There is a marked difference in what we, as an institution, can do about the consumption of alcohol where we have control over it. I take the Member's points on board, and I agree that we should encourage more sensible consumption of alcohol. However, I do not think that that is assisted by sending out the message, as it may be interpreted, that it is OK to sit in the bar of a registered club until 10.00 pm or 11.00 pm. It is inconsistent with the general movement on this issue, which is not to be draconian or puritanical, but sensible and moderate.

The fact that children can only stay in a licensed premises until 9.00 pm is a recognition that there needs to be a cut-off time. I do not think that there is any compelling evidence to push it beyond that time. It is not that the evidence from the registered club sector is not useful, but I think that it is outweighed by other, social considerations about the consumption of alcohol and the exposure of young people to that. That does not mean that I do not have sympathy for the Member's point or an understanding as to why the Members have tabled their amendments, but I do not agree with them.

I have previously highlighted what I thought were other inconsistencies in the Bill, which have been dealt with by subsequent amendments from the Minister. It would be a backward step to make either amendment. We should be sending out a very clear message, and I think that we all share the view, that we want people to be careful about the consumption of alcohol, the way that it is consumed and the way that people are exposed to it in our society.

I reiterate that we, as a party, do not support either amendment. However, we will be supporting the other amendments, particularly those on the shelf life of penalty points, as two years is a reasonable and sensible compromise.



**Ms Lo:** We support amendment Nos 2, 4 and 6 as put forward by Mrs Bradley and Mr Tom Gallagher. During a presentation from stakeholders, I had some sympathy with them about the fact that the shelf life of penalty points —three years — is a long time. That is quite draconian, particularly when huge supermarkets can sell alcohol to hundreds of thousands of people in that three-year period.

It can be easy enough to make a mistake twice or three times in three years. I feel comfortable with the SDLP's compromise of two years. It is a more common sense approach, but I certainly do not agree with shortening the period to 12 months.

Amendment No 10 is about prohibiting young persons from bars. I understand what stakeholders said about sports clubs, particularly in the summer, holding events that might not finish until 8.00 pm or 9.00 pm and young people not being allowed to go into the bar for a soft drink. However, I agree with Mr Hamilton: we have a growing problem with alcohol. If we are taking measures such as banning irresponsible drinks promotions, and if we are trying to tackle the problem of alcohol abuse in our whole population, we should not encourage our young people to stay in bars, where adults are consuming alcohol, for too long. However, I am comfortable with the SDLP's amendment to extend the time from 9.00 pm to 10.00 pm. We support amendment No 10.

As regards restriction on advertisements relating to functions in registered clubs, I am certain that clubs have, in general, very efficient means of informing their members of coming events through club newsletters or their membership list. They can circulate notices in advance to let people know. It is certainly not essential for them to have public advertisements.

**Mr F McCann:** I should have done this at the start, but I declare an interest as a member of Cumman na Méirleach and the Irish National Foresters. One of the things that I raised in the previous debate on this Bill was that some clubs have a membership of 600 or 1,000 people, so it is very difficult for them to keep in constant touch with their membership. Some of their members probably live miles away from the club premises, so the only way in which people can find out whether there are functions in a particular club is through advertising. The Chairperson said that perhaps

the Minister could issue advice to clubs about advertising to members only. Having spoken to a number of club members, I know that clubs are dying a slow death. Many clubs close their premises, perhaps on Mondays, Tuesdays and Wednesdays, because they are not being used. The only way that they can keep themselves alive is through members' functions. There has to be a better mechanism for them to contact their members than just writing letters.

**Ms Lo:** I accept what the Member is saying, but we have to be fair to pubs because they are also dying on their feet. We need to be fair to commercial premises as well. I will keep an open mind and wait to hear what the Minister will say about guidance being issued.

**Mr Craig:** I agree with amendment Nos 2, 4 and 6. There is common sense in reducing from three years to two years the period that the points system can be kept on a club's licence record.

Indeed, three years could be open to abuse by individuals with a grudge against a club, and I am the first to recognise that such a scenario could arise. I agree with my colleague that reducing it to 12 months could open up a scenario in which, if you are clever and time your abuses correctly, you might get away with it. Therefore, two years is sensible, and my party supports that proposal.

I find amendment No 11 intriguing. However, it is also intriguing to drive past adverts for the Civil Service Sports Social Club, which is a short distance from the House. If I were to walk through the door of that club to avail myself of the meal being advertised, I wonder which three members would sign me in. I have my doubts as to whether anyone would sign me in. As I told the Minister previously, I doubt whether a member of the Civil Service club would sign me in to anywhere, although that might be more to do with my attitude to alcohol. I find all that intriguing. Nevertheless, common sense tells me that it is a bit like the warning on cigarette boxes: if the warning is there, at least we would have fulfilled our part by stating that a club should, by and large, be for members only. For that reason, I will not oppose amendment No 11.

I know that some clubs — generally the smaller ones — need to find ways to increase revenue flows. The thing that amuses me about that is that those clubs will not be going out with huge advertising campaigns. I doubt whether even the

larger Belfast clubs will run major campaigns. That having been said, it is hard to know what effect amendment No 11 will or will not have, although it would certainly do away with the anomaly of having to drive past advertising that should not be there.

Amendment No 10 refers to young persons. The Committee and the House is fully aware of my concerns about young people and drinking. The irony is that I concur fully with the second group of amendments, which try to effect a mechanism to reduce the level of underage drinking in Northern Ireland. That is aimed at promoting sensible attitudes towards alcohol. However, we have to be open and honest: in Northern Ireland, and probably across the UK and Ireland, we have a huge difficulty with attitudes to alcohol. People in this country do not go out for a quiet half pint or pint. That just does not happen. The culture is that you go out and drink the place dry, after which someone carries you home, or, as my wife could tell you, the Ambulance Service ends up carrying you into hospital with someone else carrying you home the following morning. Our society's unfortunate attitude to alcohol consumption leads to alcohol abuse.

As a parent, I find the proposal to increase the present watershed for children in clubs from 9.00 pm to 10.00 pm or 11.00 pm incompatible with what we are trying to achieve through the Bill. I have had to attend functions in clubs with my family, because, let us be honest, these days, some clubs hold wedding ceremonies and all sorts of other ceremonies. Consequently, if it is a family function, you take your children along. The fact is that, as usual at such events, I sit drinking my Diet Coke, feeling totally out of place and hearing things that I probably should not hear because others are not drinking Diet Coke. Therefore, under no circumstances would I want my child to be there after 9.00 pm.

I do not believe for one minute that I will improve my child's education about or attitude towards alcohol by having them there between 9.00 pm and 10.00 pm or 11.00 pm and beyond. Unfortunately, the reality is that, beyond 9.00 pm, the formal ceremonies are over and the dull, boring speeches that we all sit and listen to are finished. What happens after that? The entertainment comes on, and, unfortunately, the drink goes in.

### 1.30 pm

**Mr F McCann:** I can understand what you are saying, and, initially, when —

**Mr Deputy Speaker:** Will the Member refer all remarks through the Chair? The only "you" in the Chamber is the Speaker or Deputy Speaker.

**Mr F McCann:** Apologies, a LeasCheann Comhairle. When the Committee was being lobbied by and holding meetings with the Federation of Clubs over a couple of years, members at first argued against any extension of hours or young people being allowed into clubs. During Committee Stage, sports clubs came in — mainly the GAA and others — and said that, because most of their sports for young people were played on summer evenings, some did not finish until 9.00 pm or 9.30 pm. Therefore, they wanted to be in a position to take young people back to their club to give them a mineral and a bag of crisps and maybe even to discuss match tactics, which needed hours to be extended.

I talked to somebody recently who was going to collect their child who was playing a match in Belfast, and they told their child to wait for them at the club because it was safe and not to stand about anywhere else that might have left them open to danger. There are reasons why we changed our mind on that matter in Committee, not least that it offered the best possible way forward for clubs and for kids who participate in sports.

**Mr Craig:** I thank the Member for his intervention and for reminding me about those issues, which we looked at. I have been in many clubs, and I have seen how junior clubs work. I do not buy into the argument that anybody training beyond 9.00 pm must be taken to the club where the bar is open, into an atmosphere where drink is being poured. I have seen many a club that has its youth teams in after 9.00 pm, but one thing is certain: they are not taken into the bar. They certainly are not taken into the bar to be addressed on how to improve their sporting performance. I do not think that anybody could stand up in the House and argue that the best place to give young people, or older people for that matter, any direction on their sporting prowess is in a bar, while everybody else there is probably getting less and less coherent as the night goes on. I do not think that that is a sensible or a sane argument. I certainly do not think that it is an argument

that you will find most parents in Northern Ireland buying into. That is my fear about all of this. The idea that we can have children in clubs beyond 9.00 pm will not be widely accepted by parents. I do not care whether those parents send their children to the sporting organisations that have been mentioned here. I send my children to sporting organisations, and I would not like to think for one second that they would be asked to go into such an environment after 9.00 pm. In fact, I would not like them to be in such an environment at any time, but that is another matter.

Children might be at family functions in clubs until 9.00 pm. I have no issue with that. I have no issue with the law as it stands. However, there is something completely inconsistent about the idea of having children in that atmosphere any later than 9.00 pm. It will send out the wrong message to our young people if we keep them in clubs until 10.00 pm or 11.00 pm, in an atmosphere in which, like it or not, alcohol flows freely. As I said, all the formalities are over by 9.00 pm, so the entertainment and drink that goes with it are the only reasons for staying. As a parent, I certainly do not want to send the message to my children that that is morally acceptable.

Members opposite have raised the issue of people consuming alcohol at home. I put it on record that I have witnessed parents in public forums handing over alcohol to children who are nine and 10 years of age. Whether that is morally acceptable is a judgement that society has to make. I think that it is totally wrong that that happens in our society. We can bury our heads in the sand, but it happens, and drink is given out freely by some parents to their children in their home even though they are under age. That is a moral judgement to be made by those parents. Does it lead to a better attitude to alcohol in the home? I have strong doubts about that.

I have worked with organisations that have looked after those already addicted to alcohol even before they reach the legal age to drink, and it is unfortunate that that happens in our society. It is regrettable that underage drinking takes place in homes. I am not going on a moral crusade, but I ask parents to think long and hard about their attitudes to alcohol and how they promote a more responsible attitude towards it to their children. There are dangers, and we cannot bury our heads in the

sand. If alcohol were not so popular and if we could remove it from society, we could avoid a massive dent in our health budget. As I said, my wife, who is a paramedic, would probably be unemployed. I am told that 85% of the incidents that paramedics respond to are alcohol-related. If those were taken away, our Ambulance Service would be decimated, as it would no longer be required. However, that is not the case; that is not how society works.

It is inconsistent of us to talk about moving to 10.00 pm or 11.00 pm, which would bring children into an atmosphere in which the wrong attitude to alcohol would be introduced to them.

### **The Minister for Social Development**

**(Mr Attwood):** I thank the Members who contributed to the debate.

First, I would like to explain the approach I took at Consideration Stage and since on the substantive matters in the amendments in group 1. At Consideration Stage, I said that there were three matters that I wished to consider further: young persons on licensed club premises after 9.00 pm; what might be endorsed and for how long on a certificate of registration of licensed clubs; and advertising in respect of licensed clubs. I stress that all three matters are in respect of licensed clubs only. Whatever view the Assembly may take on those three matters — the Executive have a view, which I will confirm shortly — the amendments tabled today by Mr McCann, Mr Brady, Mr Gallagher and Mrs Bradley impact on licensed clubs only. I am sorry, I will correct that: children and young people being on premises will impact on sporting clubs only. Although the wider amendments will impact on licensed clubs, the proposal in respect of underage people is in respect of sporting clubs only.

**Mr Brady:** Although I agree with the previous Member who spoke about the drinking culture and the problems that it causes, particularly the health-related problems, there appears to be an implication that, if you allow your children to be looked after in a sporting club by people who are responsible and are ensuring that there is discipline etc, suddenly after 9.00 pm the scenario changes and the people who were supervising children before 9.00 pm suddenly lose interest and do not continue to do so until the children are picked up by their parents. I argue that that is simply not the case and that people in sporting clubs, such as the coaches



who look after the teams, are very responsible. I also presume that they have all been vetted under child protection measures. Such people do not change. An extra hour or whatever it may be will not make a huge difference. Those people will still be responsible for the children they bring into the club, and they will continue to be responsible until the parents of those children pick them up. I just wanted to make that point.

**The Minister for Social Development:** I thank the Member for that intervention. Although I am mindful of my Executive responsibility for the various matters that are under debate, I also think that, in the broad sense, that observation is correct. Parents and other adults in licensed premises, of whatever nature, display high standards of responsibility. Sporting clubs have a slightly different character, and parents and other adults display the particular responsibility that applies in those premises. However, I stress that the amendments that deal with penalty points and the advertising of functions extend to all clubs and only to clubs. I also stress that the proposals that deal with underage people being in licensed premises extend only to sporting clubs. There is a difference in the proposals that has to be acknowledged. That must be acknowledged, because we are legislators and we have to create certainty so that there is no doubt about what we are legislating for.

I felt that further assessment was required on the three matters that I just mentioned, and that has been reflected in the debate. I also felt that, whatever way the vote on those three matters fell at Consideration Stage, the past couple of weeks have demonstrated that it is useful to bear down on various legislative proposals to see whether there is a better way forward. Given that, I acknowledge Mr McCann and Mr Brady for the amendments that they tabled at Consideration Stage and for those that they tabled for today. I also acknowledge Mr Gallagher and Mrs Bradley for the amendments that they tabled for today. At the same time, I acknowledge OFMDFM's view on a paper that I put to it on advertising functions on club premises. It is always useful to keep interrogating clauses to determine whether a better clause could be drafted at a subsequent stage, including Further Consideration Stage. Without prejudice to the way in which the votes will go today, I acknowledge all those who usefully contributed to bearing down on the

matters in question so that we could get to a place where Members have come to new levels of understanding about the right course to take, because it is clear that opinion has varied, even in the past couple of weeks.

Having said that, in the run-up to amendments being tabled and in advance of the Executive meeting last Thursday, I thought that there was an opportunity to get broad agreement on the advertising of functions. However, I was less clear about the two other matters that I mentioned. That is why I did not bring a paper to the Executive about those matters, instead bringing only one on the advertising of functions. However, I thought it useful that the two amendments were tabled and that the Assembly had the opportunity to consider and vote on all the options.

Mr McCann and Mr Brady tabled amendment Nos 1 to 4, which I understand will not be moved. The original intention behind the amendments was that, for offences named in schedule 1, a registration would not be endorsed where a second conviction was given within 12 months of the first. The amendment that Mr Gallagher and Mrs Bradley tabled would mean that a registration would not be endorsed if a second conviction were given within two years of the first. However, I stress that those amendments relate only to schedule 1 offences.

#### 1.45 pm

The Executive's position, as outlined in the Bill, is that the timeline should be three years. Without prejudice to the Executive's position, I was going to scope out that issue. However, there seems to be emerging consensus on the Floor that it might be appropriate for the Assembly to consider those matters further.

As with much legislation in the Assembly and other jurisdictions, different thresholds are always being created. The schedule to the Bill, for example, contains various thresholds for penalty points. That is appropriate, and that is why I opposed an amendment tabled by Mr McCann at Consideration Stage to treat all offences the same. His amendment proposed that all offences, whether major or minor, would be subject to the same level of penalty points. That is not a good principle of law. Offences should accumulate differential penalty points to reflect the more serious nature of some.

When it comes to thresholds, however, it is reasonable for the Assembly to consider whether, given the difference in penalty points for minor and major offences, there should also be different time frames within which those penalty points could be endorsed on a certificate of registration. That was a reasonable question, and it is a reasonable debate for the Assembly to have. It is the view of the Executive and, therefore, my view that the Bill is correct: a court could endorse penalty points on a certificate of registration if the same offence was committed twice within three years, and it could take into account any points accumulated over a three-year period. However, I hear what the Assembly is saying, and it is for the Assembly to decide how it wishes to proceed.

Amendment Nos 9 and 10 would allow a young person under 18 to be in the bar area of a sporting club until 11.00 pm, as supported by Mr McCann and Mr Brady, or until 10.00 pm, as supported by Mary Bradley and Tommy Gallagher. The existing 9.00 pm curfew applies to all licensed premises and registered clubs. Sporting clubs provide a valuable service to the community in many different ways. The Executive have their view of the Bill, but it is fair to comment on points raised by Members who contributed to the debate.

I confirm that the amendments tabled by Mr McCann and Mary Bradley would impact only on sporting clubs. That is an important point to understand fully. A further question was raised about the need to be consistent. It is already the case, under clubs legislation in Northern Ireland, that sporting clubs are treated differently from other clubs. Under current licensing legislation in Northern Ireland, owners of licensed premises must apply to the court for what is known as a children's certificate to allow minors to be in certain parts of those premises. However, the children's certificate provision does not apply to sporting clubs because they are already deemed to be different under the law. Therefore, there is a *prima facie* argument that to be consistent with that current law, which exempts sporting clubs, we should consider whether the licensing hours for sporting clubs should also have a different provision from any other licensed premises. That is a matter for the Assembly to consider. It is not a matter for me to influence one way or the other. As a member of the Executive, I cannot take a position on any of the amendments tabled by Mr McCann or Mrs Bradley. I hold to the Executive position that the

appropriate time for children to be on licensed premises in sporting clubs is up to 9.00 pm and not thereafter.

As has been stated by various Members, amendment No 11 is a different matter entirely. The amendment to article 38 of the Registration of Clubs Order will mean that, when advertising a function, clubs must ensure that the advertisement states clearly that the function being advertised is for members only. Failure to do so will constitute an offence. I am pleased to say that, following Executive approval for such an amendment, I am happy to support that amendment.

During the Bill's legislative passage, I met the clubs' leading representative body, the Northern Ireland Federation of Clubs, on a number of occasions. It believes that registered club membership, especially in larger sporting clubs, is spread over areas too wide to be easily reached via notices placed in the premises. The federation believes that, to maximise their fund-raising capacity, clubs should be able to notify their members of functions by advertising them in the media. There are, however, safeguards. Article 30 of the Registration of Clubs Order specifies conditions for functions in registered clubs. The policy intention is that all registered clubs should have their specific objects and their members' interests at heart and should not operate on a commercial basis. I believe, therefore, that the legislation should not contain any unnecessary barriers to clubs' important fund-raising activities, and I urge Members to support that amendment.

I want to reassure Members, in particular Mrs Anna Lo and the Chairperson of the Committee, and confirm that, further to the passage of the Bill, in the event that the new clause is accepted by the Assembly, the Department will issue guidance about the advertising of functions. The advertising of functions shall state "for members only". I reassure Members that that will be included in the guidance notes issued to clubs in respect of the exercise of that matter.

In today's debate and at Consideration Stage, mention was made of the Civil Service club. I checked out that matter with an official from the club, who is, in fact, an official in DSD. The irony there is very rich. That official came back to me on the matter and put to me the argument that, having taken legal advice, the club was of the view that what it was doing was indeed

permitted under current law. The club did not take legal advice in the past couple of weeks; it had taken legal advice prior to that.

**The Chairperson of the Committee for Social Development:** I find that very interesting. Does the Minister agree that that proves the point that I was trying to make, which is that there is huge confusion in respect of the matter? Although the Civil Service club may have the resources to take legal advice, that is probably not available to many other clubs in Northern Ireland. Does he agree that that highlights the fact that there is huge confusion about what is and is not permissible and that clear guidance and a tidying-up of this law is very much required?

**The Minister for Social Development:** It demonstrates three things. First, it demonstrates that there may be confusion, or, secondly, it may demonstrate that, if people ask a lawyer to give them the right answer, they will get the right answer. Thirdly, it confirms that there is a need to create certainty and avoid any doubt. The new clause on the advertising of functions in clubs for club members only and the guidance that will be issued on that will create certainty and avoid doubt. It will ensure that the Civil Service club is, without any difficulty, on the right side of the law. I welcome the fact that Members have broadly endorsed that shift in the character of the Bill, and I want to acknowledge the role of Mr McCann and Mr Brady in creating the opportunity for the Executive to go in that direction.

I also acknowledge the comments of Mr Hamilton and his party colleague Mr Craig on the issue of whether it should be one, two or three years when it comes to endorsement of the certificate of registration. I acknowledge Ms Anna Lo's comments in that regard as well. Two years has the potential, in the view of the Assembly, to be more balanced, while I obviously hold to the Executive's position.

I commend to the House the amendment on the advertising of functions and reiterate the view of the Executive on the other two matters. I understand why Members have tried to scope the issue of endorsement of the certificate of registration and the issue of minors being on sporting licensed premises after 9.00 pm. I commend my amendment to the House.

**Mrs M Bradley:** I support the amendments that I have before me. Amendment No 10 would amend article 32 of the Registration of Clubs Order 1996 to allow young people to be on

sporting clubs' licensed premises until 10.00 pm, not 9.00 pm. The young people who play for these clubs deserve the opportunity to be appreciated on club premises the same as everyone else. They are young players who need encouragement, and they will be doing that in the company of their parents and the club stewards, who are very responsible people. The amendment would mean that young people could remain on the premises of a sporting club — only a sporting club — until 10.00 pm, not 9.00 pm. I support all the amendments.

**Mr Deputy Speaker:** Amendment No 1 has not been moved, so I will not call it.

*Amendment No 2 made: In page 16, line 43, leave out "3" and insert "two". — [Mrs M Bradley.]*

*Amendment No 3 not moved.*

*Amendment No 4 made: In page 17, line 7, leave out "3" and insert "two". — [Mrs M Bradley.]*

*Amendment No 5 not moved.*

*Amendment No 6 made: In page 17, line 24, leave out "3" and insert "two". — [Mrs M Bradley.]*

### **New Clause**

**Mr Deputy Speaker:** We come now to the second group of amendments for debate. With amendment No 7, it will be convenient to debate amendment Nos 8, 12 and 13. The amendments deal with the regulation of irresponsible drinks promotions and alcohol pricing for registered clubs. Amendment Nos 12 and 13 are consequential to amendment Nos 7 and 8.

**The Minister for Social Development:** I beg to move amendment No 7: After clause 9, insert the following new clause:

#### **"Irresponsible drinks promotions**

**9A.** After Article 31 of the Registration of Clubs Order insert—

#### **'Irresponsible drinks promotions**

31A.—(1) Regulations may prohibit or restrict a registered club from carrying on an irresponsible drinks promotion on or in connection with the premises of the club.

(2) A drinks promotion is irresponsible if it—

(a) relates specifically to any intoxicating liquor likely to appeal largely to persons under the age of 18,

(b) involves the supply of any intoxicating liquor free of charge or at a reduced price on the purchase of one or more drinks (whether or not intoxicating liquor),

(c) involves the supply free of charge or at a reduced price of one or more extra measures of intoxicating liquor on the purchase of one or more measures of the liquor,

(d) involves the supply of unlimited amounts of intoxicating liquor for a fixed charge (including any charge for entry to the premises),

(e) encourages, or seeks to encourage, a person to obtain or consume a larger measure of intoxicating liquor than the person had otherwise intended to obtain or consume,

(f) is based on the strength of any intoxicating liquor,

(g) rewards or encourages, or seeks to reward or encourage, consuming intoxicating liquor quickly, or

(h) offers intoxicating liquor as a reward or prize, unless the liquor is in a sealed container and consumed off the premises.

(3) Regulations may modify paragraph (2) so as to—

(a) add further descriptions of drinks promotions,

(b) modify any of the descriptions of drinks promotions for the time being listed in it, or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(4) If any provision of regulations under this Article is contravened—

(a) the registered club,

(b) every official of the club at the time of the contravention, and

(c) any other person permitting the contravention,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) In this Article “drinks promotion” means, in relation to the premises of a registered club, any activity which promotes, or seeks to promote, the obtaining or consumption of any intoxicating liquor on the premises.’’

The following amendments stood on the  
Marshaled List:

No 8: After clause 9, insert the following new clause:

**“Pricing of intoxicating liquor**

**9B.** After Article 31A of the Registration of Clubs Order (inserted by section (Irresponsible drinks promotions)) insert—

**‘Pricing of intoxicating liquor**

31B.—(1) Regulations may prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on the premises of the club during such period or hours as are specified in the regulations.

(2) If any provision of regulations under this Article is contravened—

(a) the registered club,

(b) every official of the club at the time of the contravention, and

(c) any other person permitting the contravention,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’’ — [The Minister for Social Development (Mr Attwood).]

No 12: In schedule 2, page 25, line 25, at end insert

“31A(4)	Contravention of regulations as to irresponsible drinks promotions	5-6
31B(2)	Contravention of regulations as to pricing of intoxicating liquor	5-6”

— [The Minister for Social Development (Mr Attwood).]

No 13: In schedule 3, page 26, line 24, at end insert

“ . In Article 2(2) (interpretation) in the definition of ‘regulations’ after ‘subject’ insert ‘(except as otherwise provided in this Order)’ . ” — [The Minister for Social Development (Mr Attwood).]



**The Minister for Social Development:** As I did at Consideration Stage, when a similar group of amendments was moved dealing with other licensed premises, save clubs, I apologise to the Assembly for the late introduction of amendment Nos 7 and 8. This is unusual practice but, as Members are aware, the issue of irresponsible drinks promotion became more crucial and critical during the latter part of last summer, in particular. Consequently, I was minded to do an urgent consultation on a proposal to ban irresponsible drinks promotions, with the consequence that the amendments at Consideration Stage were tabled without there being full scrutiny. Similarly, the amendments before the House today have been tabled without full scrutiny.

However, the amendments aim to ensure that there is the same law across the spread of licensed premises and, subsequently, that the same regulations will apply, if it is the will of the Assembly, across the range of licensed premises. Today's amendments are consistent with the amendments approved by the Assembly at Consideration Stage, except that these amendments apply to licensed clubs.

## 2.00 pm

During Consideration Stage on 1 February, I introduced amendments that provided for new powers in the Licensing (Northern Ireland) Order 1996 to allow my Department to make regulations to prohibit or restrict irresponsible drinks promotions and other specified pricing promotions. The original policy intention was for that provision to be applicable to premises licensed under the 1996 Order and to clubs registered under the Registration of Clubs Order 1996. That intention was clearly stated in the consultation document on irresponsible promotions, in briefings provided to the Social Development Committee and during my speech at Consideration Stage.

Due to timing and resource constraints, the provisions to be included in the Registration of Clubs Order 1996 could not be finalised in advance of Consideration Stage. Not wishing to delay the progress of the Bill, I stated during Consideration Stage my intention to introduce measures into the Registration of Clubs Order 1996 by way of this amendment at Further Consideration Stage. In effect, therefore, amendment Nos 7 and 8 mirror the provisions included in the Registration of Clubs Order

1996 when the House discussed the Bill on 1 February. Amendment No 7, therefore, provides a power for DSD to make regulations to prohibit or restrict irresponsible drinks promotions. It defines what is meant by a drinks promotion and specifies activities regarded as irresponsible drinks promotions. Irresponsible promotions — those that encourage recipients to consume greater amounts of alcohol than they might otherwise choose to under more normal circumstances — can lead to problems, including health problems, crime and disorder.

I recognise that most registered clubs are well run and their management committees would never permit irresponsible promotions. However, it is important that irresponsible promotions of alcohol are restricted or prohibited on any premises permitted to sell or supply alcohol. It would not be appropriate, therefore, for registered clubs to be permitted to hold promotions that would be illegal if held in pubs. That is the essence and intention of the amendments. I do not intend to outline what might be regarded as an irresponsible drinks promotion. That is included in the Bill as advised by the Office of the Legislative Counsel. It will fall to the Minister for Social Development, whoever he or she may be, to come before the House to table regulations to prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on its premises during such period or hours as specified in the regulations. That includes happy hours, as amendment No 8 refers to.

Provision has not been made in the Registration of Clubs Order 1996 to restrict promotions where two or more alcohol products are included in a package. That provision is primarily targeted at off-sales premises, with supermarkets often selling multipacks of canned beer cheaper than water. As registered clubs are not permitted to sell alcohol for consumption off the premises, I believe that provision for that in the Registration of Clubs Order 1996 is not necessary at this time.

I recognise that bulk selling might present an issue for on-trade premises, which may, for example, provide five shots for £5 where the price of one is £3. However, I am satisfied that an activity such as that is covered by other examples of irresponsible promotions as provided for in amendment No 6. Furthermore, when making regulations, my Department will be able to modify them or extend or restrict their application and, therefore, has the facility

to, if necessary, amend the list by subordinate legislation in light of experience. In line with provisions in the Licensing (Northern Ireland) Order 1996, it will be a level 5 offence for any premises to hold an irresponsible drinks promotion, and the new penalty points provisions will be amended accordingly.

Amendment Nos 12 and 13 are consequential. Amendment No 12 amends the table of offences with penalty points in schedule 2 to include the penalty points attributable to the offences that relate to the contravention of the regulations governing irresponsible and specified pricing promotions. Amendment No 13 amends schedule 3 to provide that the regulations governing the irresponsible promotions and specified price promotions must be approved in draft by a resolution of the Assembly before being made.

I will make one further comment about a matter that was referred to earlier. It is about any licensed premises that, in a previous regard in respect of advertising, may be on the wrong side of the current law, whatever it might mean. I will reiterate what I said during Consideration Stage: this week, I and Minister Ford are due to meet the Chief Constable, Matt Baggott, about licensing matters that cover the range of licensed premises, not just clubs, where allegations have been made and where there appears to be prima facie evidence of breaches of the current law. We will have that meeting if Minister Ford is available, and he may not be because of a family bereavement in England.

I assure Members that my officials and, no doubt, Mr Ford's officials, through the assistance of those in licensed premises who are working on the right side of the law, have provided to us prima facie information and had previously provided that evidence to the PSNI on what they considered to be breaches of the law around advertising — although that might not be such an issue in the future — opening hours, closing hours, events that have been run in various licensed premises, and so on. Quite a volume of information and evidence is available in that regard and, as I indicated previously, I shall bring all those matters to the attention of the Chief Constable. I shall urge upon him that, with that level of offence, the PSNI and the other regulatory authorities, including the courts, should take a view and take all necessary and reasonable measures to ensure that the law, in all aspects, is being complied with.

**Mr F McCann:** When many clubs have their general meetings, they present tickets to members that allow them to get free drinks on one day a year. Is that caught in the legislation so that clubs are stopped from doing that?

**The Minister for Social Development:** I thank the Member for that intervention. The law enables a future Minister for Social Development to bring regulations before the Assembly. The regulations will define irresponsible drinks promotions. During Consideration Stage, I spoke at some length about what may well be viewed as irresponsible drinks promotions, subject to the approval of the Assembly. I also indicated what might not be viewed as irresponsible drinks promotions, and although it is a matter of judgement and, ultimately, a matter for the Assembly to make a call on, guided by the Minister and subject to the consideration of the Committee, there will be a clear view of what is on the wrong side of being irresponsible and what is on the right side of being responsible.

I do not want to pre-empt the view of a future Minister on the matter that the Member referred to, but if that is a once-a-year or very rare occasion, I would be surprised if a Minister or the Assembly were minded to consider that that was on the wrong side of what is or is not an irresponsible drinks promotion. It is quite clear, however, that there are many other examples of what could be considered irresponsible, and I have no doubt that, in the fullness of time — sooner, rather than later, and, I hope, in a matter of months — a Minister will come to the Assembly to seek its endorsement to rule various promotions as being on the wrong side of the legislation, if the Bill receives Royal Assent.

Where there are allegations of a breach of the law, whether in pubs, clubs or other licensed premises, and, moreover, where it has been claimed that the PSNI is not fulfilling its obligations to enforce the law, I shall bring chapter and verse to the attention of the Chief Constable on Wednesday. I hope that where there is clear evidence of breaches, the police will act in a proportionate manner and will ensure that the law is upheld. I ask the House to support the amendments.

**The Chairperson of the Committee for Social Development:** As I indicated during Consideration Stage, the Committee gave some consideration to irresponsible drinks promotions and how they

affect alcohol-fuelled public disorder and other important social problems. The Committee took the view that the whole of the retail alcohol trade, whether on-sales or off-sales, needs to take the issue very seriously.

The amendments relate to irresponsible promotions in the registered club sector. I remind the House that the Committee noted evidence from the Police Service of Northern Ireland that alcohol-fuelled disorder issues were rarely associated with the registered club sector. The question then follows: why should the amendments be considered or agreed? During the Committee's deliberations, members considered evidence on the competitive tensions between registered clubs on the one hand and pubs and hotels on the other. Some members felt that registered clubs were unfairly and wrongly competing with pubs and hotels, while other members argued that registered clubs made a positive contribution to their communities and were concerned that clubs are struggling to survive.

The Bill, as amended at Consideration Stage, introduced wide-ranging powers to restrict many different kinds of alcohol promotions in licensed premises such as pubs and hotels. The amendments put forward today are designed to ensure that those kinds of promotions will be subject to an equal level of restriction in registered clubs. The Committee generally feels that the amendments are necessary to ensure that registered clubs will not have an unfair advantage over pubs and hotels.

As I said at Consideration Stage, it is regrettable that the regulations of the type proposed by the amendments are felt to be necessary. I call again on those few irresponsible retailers to change their ways. On behalf of the Committee, I encourage the whole licensed trade to bring forward its own code of practice, which will curb all irresponsible promotions, particularly those that may lead to public disorder.

As I indicated at Consideration Stage, the Committee's support for the amendments in question is dependent on its review of the subsequent regulations and their application to truly problematical alcohol promotions with wider social or public order consequences.

Moving away from making comments as Chairperson of the Committee, I welcome the comments made in the latter part of the Minister's introduction about his upcoming meeting with

the Chief Constable. That is particularly important in the context of the Bill and the wash-up that is included because it has enlightened me, the Committee, the Minister and the whole House on some of the issues that are prevalent in the licensed sector. Evidence in the Committee's report includes a representative of the club sector freely acknowledging that breaches of the licensing regime happen on a very regular basis. The point is that we either have a licensing regime or we do not. The current conditions exist for very good reasons, not least to ensure that no particular advantage is given to one sector or that it does not encourage bad behaviour. Therefore, I think that that meeting is very important.

I do not think that anybody here is getting particularly het up about infractions that occur because of an oversight or misunderstanding about the law, but we are particularly concerned about repeat offences and breaches of the licensing laws, which are happening regularly by repeat offenders, probably in the full knowledge of what they are doing. There is an important need to stress that we value the current regime, otherwise, legislating as we have elsewhere in the Bill to have the penalty points regime is pointless. If we are going to have a penalty points system to enforce certain aspects of the law, it needs to be backed up by robust action taken by the police and the courts. Otherwise, we are legislating for fun. There is no point in us legislating if the people whose job it is to enforce the law do not take it seriously. Given some of the evidence that the Committee and the House has heard in previous stages of debate, there are questions about how seriously the current regime is being taken. Therefore, I particularly welcome the Minister's comments.

The second group of amendments are, effectively, just being consistent with what is happening for pubs, hotels and bars. That is to be welcomed, not least because we do not want to have any sort of distinction. An irresponsible promotion is such whether it is in a registered club or in a pub. I do not think that we can make any exceptions. We have to be very clear that if a promotion is irresponsible, we cannot have the situation in which it is permitted in one establishment but not in another. I reiterate the point about what constitutes an irresponsible promotion. Following an intervention from Mr McCann, the Minister seemed to indicate that the type of promotion that Mr McCann was talking about, where you can drink all you can



for free for a day, was not irresponsible. Equally, it could be interpreted that encouraging people to drink all that they can for free because they are club members has very much been caught by the Bill. It highlights the need for the Assembly to be clear.

That is why the Bill is good. It gives examples of what might be considered irresponsible promotions, rather than being definitive. The Member or, indeed, his successor, in bringing forward future regulations, needs to be careful that, in trying to catch what are transparently irresponsible promotions, he does not catch others that would not be regarded by most people to be irresponsible or, certainly, were not intended to be so and were not taken up irresponsibly by individuals.

### 2.15 pm

The big message that should come from the amendments should be the Assembly's encouragement of all sectors, including registered clubs, pubs and hotels, to act responsibly by their own accord. The Assembly is about to take a power to outlaw irresponsible drinks promotions. Sectors need to realise that they must act. As I said at Consideration Stage, in many respects, it would be best if the Assembly did not have to make regulations to outlaw irresponsible drinks promotions and the sectors took it upon themselves not to behave irresponsibly. The Minister or, indeed, his successor is being armed to go to the pub sector, the hotel sector and the registered club sector to tell them that the Department now has the power to outlaw irresponsible drinks promotions and that it is up to them to take it upon themselves to act voluntarily. That would be more welcome than the Assembly having to bring in regulations.

I am very much attracted by some examples of good behaviour, such as ongoing work by the alcohol forum in the north-west and Foyle. That is a good example of local authorities and others engaging on a voluntary basis those who sell alcohol in the community and trying to work out some of the problems that are addressed in the Bill. That approach is preferable in the longer term than simply outlawing things. It is to the Assembly's advantage to take that power. Hopefully, it will not need to use it and sectors will behave responsibly, but, at least, that power will exist.

I seek clarification from the Minister. Although I understand the situation, I believe that it may be worth putting it on record. The clubs sector is concerned about its advantage in being able to sell alcohol at lower prices due to members' fees and having lower overheads than pubs. The Bill does not affect its ability to do that. There may be future legislation on minimum pricing that may affect it. However, the Bill does not. It is worth putting on record that the Bill does not impinge on pricing policy — at this stage, anyway — but, rather, deals with how clubs promote the sale of alcohol on their premises. With all those issues considered, I very much welcome the second group of amendments.

**Mr Deputy Speaker:** I call Mrs Mary Bradley.

**Mrs M Bradley:** I do not wish to speak.

**Mr Deputy Speaker:** I call the Minister for Social Development to make his winding-up speech on the second group of amendments.

**The Minister for Social Development:** I thank the contributor to the debate on the second group of amendments. I will make one or two comments. First, I concur with the Committee Chairperson that what the licensed industry does of its own accord to positively encourage its members and licensed premises to act responsibly is important. As I said at Consideration Stage, we saw proof of that last summer, when Pubs of Ulster moved positively to deal with what was viewed to be irresponsible drinks promotions by a licensed outlet in the city of Belfast. At Consideration Stage, Mr Ramsey indicated that he was aware of what he considered to be ongoing irresponsible drinks promotions in the city of Derry, which had occurred the very week prior to the Consideration Stage debate. Therefore, although the licensed trade does intervene positively to encourage responsible practice, it remains the case that there are examples — hopefully, not many — of when the positive encouragement of the licensed trade falls on deaf ears when it comes to certain licensed premises. That is why it is very important to put in place a legal regime, as we are doing today, to mitigate the actions of those who, despite positive encouragement from their peers, continue to fall on the wrong side of the law or good practice when it comes to drinks promotions. That is why this week's meeting with the Chief Constable is important. Beyond the positive encouragement of the licensed trade and the legal regime

that the Assembly might vote for, we need to have the right enforcement. Without the right enforcement, bad cases will go unpunished and bad practice that will have bad outcomes for the quality and welfare of people's lives will begin to embed itself in what will, hopefully, be a very small sector of the licensed trade.

Simon Hamilton also raised the issue of minimum pricing. The Minister of Health and I are very close to signing off the consultation document on minimum pricing. I hope that that consultation document will go out quickly and will receive a generally positive endorsement. I can confirm to the House that the licensed trade, its representatives and the various trade bodies, as well as some of the major commercial outlets in the North, are watching this issue closely and making firm representations about their views on minimum pricing.

Without anticipating the outcome of the consultation, I believe that the Assembly, a future Minister and the Executive will have to be very strong on this matter, because there is going to be a lot of pressure brought to bear. In being strong, we should try, not only to get minimum pricing over the line and be the first jurisdiction on these islands so to do, but to make sure that the minimum price is effective, not set too low, and set sufficiently high so as to ensure that a new discipline is created, especially around bulk purchases. That will ensure that the worst impact of excess alcohol and any impact of excessive alcohol are mitigated. I endorse the amendments.

**Mr Deputy Speaker:** 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.

*The debate stood suspended.*

**2.30 pm**

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

## Oral Answers to Questions

### Finance and Personnel

**Mr Deputy Speaker:** Questions 5, 7 and 8 have been withdrawn. A written response is required for questions 7 and 8.

#### Capital Budgets 2011-12

1. **Mr A Maskey** asked the Minister of Finance and Personnel for his assessment of the recent joint statement by the First Minister and deputy First Minister, and the First Ministers and Deputy First Ministers of Scotland and Wales, which asserts that the planned cuts in capital budgets for next year will put the recovery of the economy in jeopardy. (AQO 1021/11)

#### The Minister of Finance and Personnel

**(Mr S Wilson):** Members will be aware that the spending review revealed a major cut of 40% in our capital spending over the next four years. That will have an impact on the local economy, particularly the construction sector, which now relies heavily on contracts placed by the public sector. About 56% of employment in the construction industry now depends on public sector contracts.

We took a number of steps in the draft Budget. We switched £252 million from current to capital spending. We also sought to supplement the resources available to the Executive through the sale of public assets, divesting ourselves of assets that we believe we no longer require. That will give us about another £450 million of assets to put into capital expenditure. Hopefully, by doing that, by the end of 2014-15 we will be spending £1.5 billion in that year on capital projects. That is in keeping with the long-term trend of capital spending for the Executive.

**Mr A Maskey:** I thank the Minister for that response. Does he agree that there is a need for additional fiscal powers to enable this Administration, and perhaps others, to better promote economic recovery and greater accountability, particularly of the banking sector? I heard representatives of the Scottish

and Welsh Administrations make the point that there was a need for additional fiscal powers.

**The Minister of Finance and Personnel:** We have to be very careful. As we saw in the debate about corporation tax, the Treasury will be happy in some instances to give more fiscal powers to the Executive. However, that always comes at a price. Those fiscal powers will never be granted without a monetary attachment.

If you are granted a fiscal power, but money is taken from you so that less is available in the block grant, the overall impact could be negative. We have to look within our existing resources to see the best way to release more money. I have also been exploring with people in the construction and insurance industries other ways in which we might draw money into the Executive without impacting on the block grant.

**Ms Ritchie:** The 10-year capital expenditure programme agreed by the former Prime Minister was not honoured by the coalition Government and is, I understand, going to the dispute resolution process of the Joint Ministerial Committee in London. Is the Minister optimistic about a successful outcome, and when will we know whether the Treasury will reverse the 40% cut to our capital budget?

**The Minister of Finance and Personnel:** It is not a case of reversing the 40% cut but of honouring the pledge to make capital spending available in Northern Ireland over the 10-year period. That pledge was made because we ran down our infrastructure during the Troubles, because money was diverted to spend on the security of Northern Ireland. As a result, we have been left with an infrastructure that is, in many cases, creaking and in need of repair. That is why the investment package was there.

We will simply be aiming for a recommitment that the £18 billion that was promised over the period will be delivered. Under the current spending plans open to us, there is no way that that £18 billion commitment will be met over the budgetary period.

We have to ensure that the Treasury and the Government stand by their commitments. My officials are discussing several issues with them. First, they are asking how they reached their figures. Secondly, they are asking how they expect us to spend £4 billion in the last two years of the investment plan, which is what we would have to do to meet the £18 billion target?

Thirdly, they are discussing how we can ensure that the resources are spread more evenly so that we can have a proper planned investment of capital over the remaining Budget period?

**Dr Farry:** How would the Minister respond to sections of the business community that have criticised the Executive for being too timid in transferring money from current expenditure to capital expenditure? Will he seek to avoid making a bad situation worse by blocking those Ministers who want to raid their already poor capital budgets to pay for current expenditure during the next year?

**The Minister of Finance and Personnel:** I have a lot of sympathy for the point that is being made by the business community. One of the reasons why we switched £252 million from current spending to capital spending was because of the arguments that were made by the business community.

I listened to a programme on Sunday as I was driving down the road, and steam started coming out of my ears. Business pundits were talking about the Executive being too timid, not switching enough into capital spend, and everything else. Yet, at the same time, they were saying that we must spend more money on health, training and education. I will probably not make too many friends in the business community by saying this, but they cannot have it all ways. We have a finite budget. If they want to switch money from current spending to capital spending, sacrifices will have to be made. It is very easy for the armchair critics to sit back and say that we have been timid, but all that they suggest is spending more money, not how to relocate the existing amount of money.

I hope, because it was a considered decision by the Executive to switch from current to capital, and it was the right thing to do, that we hold to that decision and that Ministers will not take the easy way out and try to put some of their capital fund back into current spending. I hope that Ministers look at some of the things that they have to do in their Departments to ensure that they cut back on current spending so that we can deliver on the capital programme, which is so important in the long run to delivering a good economic infrastructure in Northern Ireland.

**Mr Givan:** The Government also made a pledge, as part of the devolution resettlement, to allow access to Treasury reserves for any bid made for policing requests. As the Minister with lead

responsibility for negotiations, can he update us on any progress on the £200 million bid that the Chief Constable made to the Treasury?

**The Minister of Finance and Personnel:** I do not think that the £200 million access to the contingency fund was ever in any doubt. Indeed, the Westminster Government made it clear that they would honour it. At one stage, they went a wee bit shaky on it and said that access to the fund would be granted only after we had looked at our own resources. The suggestion was that we would get access to the fund only once we had gone through our monitoring rounds and looked at our reduced requirements to see whether we could, within our existing budgets, meet the demands of the Chief Constable. The Treasury has since firmed up on that and made it quite clear that the £200 million is available.

The second issue was whether or not the Chief Constable could guarantee that money and build it into his planning because of the dissident and security threat that his force was facing. The argument that the Treasury made was that the commitment was always going to be year on year, and that funding would have to be applied for annually, which would not necessarily have guaranteed that the money was spent in the best way. There have been extensive negotiations on that. My officials have been in discussion with the Treasury. We are going in the right direction, and we will be able to have not only access to it, but access in advance so that proper planning for that money and how it is spent can take place.

## Presbyterian Mutual Society

2. **Mr Girvan** asked the Minister of Finance and Personnel to outline the current position in relation to the resolution of issues surrounding the Presbyterian Mutual Society. (AQO 1022/11)

**The Minister of Finance and Personnel:** The ministerial working group, the First Minister, the deputy First Minister, the Minister of Enterprise, Trade and Investment and I, on behalf of the Executive, have managed to secure from the Government the resources necessary, first, for a £175 million loan and, secondly, for a £25 million contribution to the mutual access fund. Of course, as the Member will know from the Budget discussions that we have had, we have already allocated £25 million from our own Budget in Northern Ireland to that fund. We are also expecting a contribution of at

least £1 million —although I hope that it will be substantially more than that — from the Presbyterian Church, which has a responsibility in all of this, so that we can ensure that the small savers get a large proportion of their money back in the first instance.

The arrangements and details of the fund are being worked out by DETI. As far as repayment is concerned, a scheme will be put forward for acceptance by the savers. The £175 million will have to be repaid first, because it is a loan that the Executive have taken out. Once the property starts to be sold, the savers will get their money, and the repayment to the mutual access fund will come after that. If there is any surplus, the administrator will decide how it is to be distributed.

**Mr Girvan:** I thank the Minister for that information and breakdown. Investors seem to feel that there is some ambiguity about whether they will have to pay back the £25 million contribution from the Northern Ireland Budget.

If devolution were not in place, could the deal have been delivered? I am talking about the overall package of £175 million.

**The Minister of Finance and Personnel:** From the very start, we have sought to ensure that the Executive would help those who were hurt financially as the result of the collapse of the Presbyterian Mutual Society (PMS). Had we not had devolution and the commitment from the Ministers whom I mentioned earlier, there would have been no rescue package for the Presbyterian Mutual Society savers; their money would have been long gone. Considerable resources are involved. I know the resources that my Department discussed at official and at ministerial levels. I also know about the political capital that the First Minister and the deputy First Minister expended and the tireless efforts of the Minister of Enterprise, Trade and Investment in dealing with the problem. That would not have happened had we not had devolution.

There are those who I think wish that we had not been successful in getting this arrangement. I am talking about the kind of whingers that we have in the TUV, who scrutinise every statement to see how they can unsettle the savers in the Presbyterian Mutual Society. I think that they would prefer for those savers to lose out so that could make some cynical political capital from that.



He has been talked about as the Mr Nasty of Northern Ireland politics, but he is also the Mr Grumpy and the Mr Cynical of Northern Ireland politics. Of course, we all know who we are talking about — the leader of the TUV, who leads a party with very few followers. He is looking for a platform —

**Mr Deputy Speaker:** Minister, your two minutes are up.

**The Minister of Finance and Personnel:** He thinks that he can somehow or other capitalise on the misfortune of savers to give himself a political platform.

**Mr O'Loan:** We all hope that a sound rescue plan for the PMS savers can be put in place. Does the Minister agree that, if the Assembly is to lend £200 million to the scheme, Members, who will vote on the matter, are entitled to have the full details of an independent assessment of the risk involved in the scheme, not merely an assurance from the Minister?

**2.45 pm**

**The Minister of Finance and Personnel:** The Minister is required to do the due diligence exercise, which the Department has carried out. Believe you me, given the hoops that we have had to jump through for the Treasury, it has not been an easy exercise. We said all along that this is a 10-year deal, which shows the Executive's commitment. However, it depends on what happens in the property market. It is not without risk, and I do not want to be accused of trying to hide the risks involved. Members will have to vote on it on the basis that there is no guarantee at the end of the period that 100% of the commitments will be realised.

However, that is true of any situation that relies on the sale of property that has been devalued and in which there is a 10-year period over which that value has to be recouped. Neither the Minister of Enterprise, Trade and Investment, the First Minister and deputy First Minister nor I have ever tried to hide that, which is why we wanted the mutual access fund and the contribution from Westminster, which we have been able to secure.

**Mr McNarry:** There are many Mr Men about in politics from time to time, including Mr Funny. In light of some of the questions, I do not detect Members being begrudging on the issue, except

what the previous Member to ask a question was driving at.

Will the Minister confirm that the status of the very welcome contribution by the Northern Ireland Executive is not a loan?

**The Minister of Finance and Personnel:** There are three parts to the Executive's contribution. First, there is the £175 million that we will raise through the RRI: that is a loan that has to be repaid, and interest will be attached to it. Secondly, there is a financial contribution of £25 million from the Executive, which is contained in the Budget: that is a loan that will have to be repaid. The third element is a £25 million contribution from the Treasury: that is a gift to the Northern Ireland Executive, not a loan to the Presbyterian Mutual Society. Should money be available to cover that at the end of the period, it is up to the administrator as to how it is distributed.

### **Schools: End-year Flexibility**

3. **Mr Elliott** asked the Minister of Finance and Personnel, given the withdrawal of end-year flexibility, where the funding will come from to allow schools to access carried-over resources. AQO 1023/11

**The Minister of Finance and Personnel:** It is important to clarify that there was never an expectation of the Executive having to make an immediate payment from the accumulated reserves saved in the schools sector. Although the Executive may have lost access to all their accumulated end-year flexibility (EYF) stock through the unilateral and punitive actions of the Treasury, that does not undermine the prudent scheme that operated in the education sector. As the Member knows, school boards of governors were encouraged to exercise their function under the local management of schools (LMS), which enabled schools to carry savings from one year to the next. It was good budget practice, and it enabled them to save for two or three years for large items of expenditure that were required and that they could not achieve in one year. Such practice can continue into the forthcoming Budget period, and we assured schools that they can do that. Indeed, we assured schools that we want them to continue to do that. If the issue had been handled differently, the concerns of schools might not have arisen in the first place.

**Mr Elliott:** There has also been an indication that the Minister of Education may be preparing to convert some capital finance to resource finance. Is that feasible and practical in the current framework, and, if so, does it need the approval of the Executive or the Department of Finance and Personnel?

**The Minister of Finance and Personnel:** It is technically feasible because, as I stated in an earlier answer, we switched £252 million of our current spending into capital spending.

Normally, the money that the Treasury gives us for capital spending cannot be turned into current spending, but, because we voluntarily made that switch, we can switch it back if we wish. However, Ministers cannot simply do that; they must ask permission because the Budget statement makes it clear that the money has been switched into capital. If it has to be switched back, Executive approval is required.

Is it desirable? In an answer I gave previously to a Member, I indicated that it is not the situation that we would like to see. Only after a lot of consideration did we switch the current money into the capital purse. We did that for very good reasons, which, as far as I am concerned, still pertain. I would like that amount of money to be left intact.

**Mr McCartney:** Gabhaim buíochas leis an Aire as a fhreagra.

Does the Minister agree with me that, to challenge the British Treasury's smash-and-grab tactics, discussions with his Scottish and Welsh counterparts will assist him in ensuring that we can move forward on a joint platform?

**The Minister of Finance and Personnel:** I will not rise to the bait that my colleague on my left would like me to in discussing "smash-and-grab tactics" and everything else. I know that he is being mischievous and that he would like me to be mischievous. Most times, I would not mind indulging him, but I will not today.

The Member has made a very important point. He is right. Ours is not the only area to have suffered. Wales lost £385 million in the raid on in-year flexibility reserves. Scotland lost considerably less than that, but, nevertheless, it lost money. All three Finance Ministers have collectively raised this with the Treasury. Only last week I signed off on a letter from all three of us to the Treasury on the issue.

A new scheme will be introduced in the March Budget, and that fact shows that its withdrawal was a cynical exercise. The Treasury knows that we have to have some way of carrying some money over from one year to the next; otherwise all we will do is blow the money on things that are perhaps not necessary and not good expenditure. Sometimes, towards the end of the year, a capital scheme may slip, and we need to have the flexibility to carry over that money. The Treasury knows that we need such a method. Good, prudent management of resources indicates that we need it, and that is why the Treasury will reintroduce the scheme. I suspect that the only reason that the Treasury stopped it was because it saw that there was probably £800 million in the three devolved Administrations and decided to have some of it.

**Mr Bell:** I declare an interest as a governor of Regent House Grammar School and Donaghadee Primary School. Does the Minister agree that the savings were made through the good financial stewardship of schools that were prepared to make some short-term gain in the long-term best interests of the pupils? It is vital, as has been said, that that money is guaranteed, as schools have been let down by the Conservative Party — a party that the questioner campaigned for at the last election.

**The Minister of Finance and Personnel:** As I have made clear, it is important that schools have that flexibility. I have given an assurance, and people have asked how I can do it. My assurance is that not only will schools have access to the money that they have already saved, they will be able to continue to behave as they have in the past, saving up to 5% of their school's budget every year and carrying it over.

That can be done because the scheme is self-financing. Some schools will save money. Others, which have saved money, will spend their savings. By and large, over the period in which this has been operating, the amount of money that flowed in from new schools saving was offset by the schools that decided to spend what they had saved. Therefore, there has never really been a draw. In some years, there might be a small imbalance. Maybe more savings will be withdrawn than will be put in, or more will go in than go out, but that can be dealt with in the in-year monitoring rounds.

There is nothing for schools to fear. Even without end-year flexibility, we can do things

internally in Northern Ireland. I want to get that message over to schools, because I do not want them to feel that they have to squander money at the end of the year and not adhere to the sound financial planning to which the Member referred.

### **Banks: Business Lending**

4. **Miss McIlveen** asked the Minister of Finance and Personnel for an update on discussions he has had with local banks regarding increasing lending to local businesses. (AQO 1024/11)

**The Minister of Finance and Personnel:** I met representatives of local banks and the Institute of Directors on 6 December 2010 to discuss actions that could be taken to improve access to business finance and customer relations. The meeting was attended by representatives from the British Bankers' Association, Barclays Bank, Ulster Bank, Bank of Ireland, First Trust Bank, Northern Bank, Santander and HSBC. We discussed the implementation of the recommendations contained in the British Bankers' Association's business finance task force report. That report included 17 recommendations, not all of which are particularly applicable to Northern Ireland, but we wanted to determine which of them could be applicable and whether they would be applied in context. We hope to have a second meeting to discuss progress on the implementation of the report.

**Miss McIlveen:** I thank the Minister for his answer. Does he believe that the recent bail out in the Irish Republic will have any negative consequences for the Northern Ireland banking sector?

**The Minister of Finance and Personnel:** We have great concerns, which I have already raised on a number of occasions with Brian Lenihan, the Minister for Finance. My two concerns are as follows: first, the recent bail out indicates that there has to be a restructuring of the Irish banks. That could mean some branches being sold or the representations of Irish banks in Northern Ireland being reduced. There will be implications for jobs, for the banking network and for competition.

My second concern is that, as a result of the bail out, the banks have been told that their reserves are much too low and that they have to get their balance sheets in a healthier position and get their reserve levels up. That means that

any cash that comes in has to be used to build up reserves, with the result that there is less money available for lending. That will have an impact on Northern Ireland businesses.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle. The Minister is well aware that, when it comes to bank lending to businesses, although very often what is counted is the total amount that is lent to businesses to allow them to secure and grow, the terms that are applied and the interest rates that are attached are often what really counts.

**Mr Deputy Speaker:** The Member must ask a question.

**Mr Callaghan:** What discussions has he had with the banks to improve those conditions for local businesses?

**The Minister of Finance and Personnel:** I have had extensive discussions, although I am not always happy with the explanations that I am given. For example, it stretches the imagination as to how one local bank can now charge 11.49% over the Bank of England base rate for overdraft facilities. Out of the blue, some banks have forced people to pay huge fees to renegotiate their terms, even though they have been paying their loans or keeping their overdrafts within limits. I have never had a satisfactory explanation from the banks as to why that is being done. Some businesses are so badly down on their knees that the banks do not go after them, and I am worried that the banks go after businesses that are viable and have prospects, because they can get cash from them. The banks pursue those businesses, and the danger in doing so is they are going to damage good, viable businesses in Northern Ireland and put them in a situation in which they cannot grow or continue to operate.

## **Health, Social Services and Public Safety**

### **Motor Neuron Disease**

1. **Mr McKay** asked the Minister of Health, Social Services and Public Safety whether his Department is conducting any research to advance the drug treatments available to those suffering from motor neuron disease. (AQO 1035/11)



**3.00 pm**

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** No studies on drug treatment for motor neuron disease are under way in any of our health and social care trusts. Furthermore, health and social care research and development, which is in the division of the Public Health Agency that allocates research funding provided by the Department of Health, Social Services and Public Safety, is not currently funding any such studies.

Research into new treatments, including new drugs, is typically undertaken by the pharmaceutical industry or in specialised institutes and laboratories across the world. If new treatments were to become available in the UK, the National Institute for Health and Clinical Excellence (NICE) would be expected to assess them. NICE rigorously and independently assesses drugs and treatments and provides guidance to my Department on their use. That guidance is then assessed for its applicability to Northern Ireland.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Is his Department being proactive in co-operating and keeping abreast of developments through its counterparts in the South? Beaumont Hospital in Dublin, for example, is taking part in international trials for new drugs that may benefit sufferers of motor neuron disease. If those are approved, will the Department make them available to sufferers in the North?

**The Minister of Health, Social Services and Public Safety:** I was not aware that those trials were ongoing specifically in a hospital in Dublin. Trials are typically ongoing in a number of hospitals and in a number of countries. However, if new treatments become available after research, they will be assessed by the National Institute for Health and Clinical Excellence. It is on its recommendation that the Health Service is then able to fund particular treatments.

I understand Mr McKay's questions. It is a particularly difficult condition with a poor life expectancy. Work on the condition is ongoing. If we got the appropriate drugs that gave sufferers any anticipation of progress, I would not be slow in coming forward.

**Mrs D Kelly:** Will the Minister advise the House whether he agrees with the Belfast Trust's

decision to close neurology beds at the Royal Victoria Hospital? Does he have any concerns that it took that decision without consultation?

**The Minister of Health, Social Services and Public Safety:** There have been changes to the neurology unit in the Royal Victoria Hospital. Those have not altered the hospital's capacity to deliver the care that it delivers regionally. There have been ongoing discussions which, I believe, have been presented to the Health Committee. One of the big issues about the neurology clinic is the state of the building, which certainly needs investment. However, I am assured that the reconfiguration of beds in no way limits that clinic's capacity.

## **NHS: Interim Management and Support**

2. **Mr McLaughlin** asked the Minister of Health, Social Services and Public Safety how many times interim management and support (IMAS) has been called into trusts in the last three years. (AQO 1036/11)

**The Minister of Health, Social Services and Public Safety:** At the request of the trusts concerned, the interim management and support team made one-day visits to the A&E departments at Altnagelvin and the Royal Belfast Hospital for Sick Children. IMAS reported the findings of each visit in a letter to the respective trusts. IMAS separately provided input to the Northern and Southern Trusts in respect of the implementation of the service reforms.

I understand that IMAS is also working with the Health and Social Care Board and trusts in respect of the development of mental health services. When I established the Health and Social Care Board, I gave it responsibility for all performance management and improvement across health and social care organisations. I also expect all trusts to continuously look to improve how they deliver services to patients.

During 2009-2010, the board worked with trusts to secure improvements in performance against set standards for waiting times in A&E departments. As part of that process, additional external support for trusts was made available in the form of the IMAS team. I do not need to be advised about all that work as it is normal business and should be treated as such. I expect and require to be told of any serious issues or incidents. However, in respect of the

IMAS visits, there were no unresolved issues of which I needed to be formally advised.

**Mr McLaughlin:** I thank the Minister for his detailed answer. It cost almost £10,000 for IMAS to review the Belfast Hospital for Sick Children. Does that mean that the Minister has come to the view that that was not proper? What is the position on asking the RQIA to carry out such a review, given that it has been used quite extensively in the past?

**The Minister of Health, Social Services and Public Safety:** I think that the figure for all of the IMAS work in Northern Ireland is £11,000. If I am incorrect about that, I will write to the Member. My information is that the cost of IMAS going into the Royal Belfast Hospital for Sick Children was more like £3,000, but we will not fall out over a few thousand pounds. As I say, I will write to the Member about that.

The IMAS recommendations are part and parcel of the work done in the Health Service to seek constant improvements and efficiencies and to benchmark against actions that are undertaken in other parts of the UK. The interim management and support service, which is available to all trusts throughout the UK, makes recommendations on a frequent basis. It looks at certain procedures and makes recommendations. It looked at the procedures in Altnagelvin hospital, for example, and decided that those were worth taking to other parts of the United Kingdom.

**Mr Campbell:** Following the IMAS review and the discussions held between it and the Health and Social Care Board, will the Minister outline what reports he has received as a result and whether Assembly Members or the Health Committee will have sight of those?

**The Minister of Health, Social Services and Public Safety:** I normally expect to see reports of a serious nature and those about serious incidents. That is part and parcel of the routine work done in the Health Service. The performance management and improvement sector in the Health and Social Care Board is very much about delivering efficiencies and better practice. It does not simply measure what is done but looks at ways to do things better. If it discovers a serious incident, I expect it to report that to me.

Routine work such as that — there are reviews ongoing all the time, such as value-for-money

audits the whole way through — is normal practice. Indeed, the RQIA, which was mentioned, routinely goes into nursing and residential homes and fashions reports. If the RQIA sees something seriously adverse, I would see its report about that. That is part and parcel of what we look at in business. I spent many years in business, so I am familiar with that sort of routine performance management and improvement and with seeking productivity gains.

**Mr Callaghan:** The Minister said that he expects to see IMAS reports about serious matters. Does he agree that Members of the House should not read in the local newspapers about serious matters being investigated by IMAS? In what circumstances does he believe that such reports should be shared with Members?

**The Minister of Health, Social Services and Public Safety:** I have nothing further to add to the answer that I gave to Mr Campbell other than to advise the Member that just because something is in a paper does not mean that it is true. Just because a paper says that something is serious does not mean that it is. For example, a recent headline in a local paper stated that the A&E at the Royal Belfast Hospital for Sick Children was unsafe. IMAS never said that, but that was the interpretation used. So, I think that Members need to guard against that type of headline.

Reports go routinely to the board, and the board meets monthly and always in public session. I report routinely to the House, as I am doing today, and to the Committee, so there is constant reporting. If reports are serious, we will, of course, bring those reports forward. I expect to be told about such reports, and, when I am not told about them, I get upset, as does the House. However, please do not assume that because something is in a newspaper it is true.

### Western Health and Social Care Trust

3. **Lord Morrow** asked the Minister of Health, Social Services and Public Safety what action he intends to take to restore public confidence in the Western Health and Social Care Trust following recent negative reports. (AQO 1037/11)

**The Minister of Health, Social Services and Public Safety:** Members are aware that the Regional Health and Social Care Board recently carried out a review of aspects of the performance of the Western Health and Social

Care Trust. That review concluded that the performance standards that the trust is required to meet in respect of those issues have now been fully restored. The trust and the board took appropriate, responsive and proportionate action to make sure that issues were resolved and that there was no ongoing risk or danger.

**Lord Morrow:** I thank the Minister for his reply. I am sure that he would agree that the confidence of the public is paramount to trust in the trust. Will the Minister give an assurance today that we will see a turnaround in the future from, to put it mildly, all that bad publicity? In the past, the Western Trust has received a considerable number of negative comments. Will the Minister assure the House that we have heard the last of those negative comments?

**The Minister of Health, Social Services and Public Safety:** I say to Lord Morrow that I cannot give him that assurance, because of what I have already said in answer to Mr Callaghan's question. I cannot legislate for or determine what people are liable to read in the newspapers or the comments made in the newspapers. However, I can tell the Member that, for example, we have responded to that business in the Western Trust. There were a number of issues, and I can go through them as required. There was a full review of imaging in Altnagelvin. Let me also assure him that we had a governance review. What we concluded on top of that is that there are no concerns about the quality of the professional performance of the doctors, nurses and health professionals, who all perform well.

As far as some of the issues are concerned, some of the headlines were disgraceful. However, there are a couple of issues. For example, the issue at the reporting stage of X-rays is completely unacceptable. I have said to the House that that is not acceptable and I will not tolerate it. That is why we have taken the steps that we have.

**Ms M Anderson:** Go raibh maith agat. I appreciate what the Minister said. I remind him that, last week, he also said that he would be shocked if it were true that two of the four patients who had a delay in their cancer diagnosis were informed of that only on the day that the board and the trust appeared in front of the Health Committee. The Minister has probably discovered that that was, in fact,

the case. Given that the reviews that he talked about are carried out internally —

**Mr Deputy Speaker:** Question.

**Ms M Anderson:** This is a very important matter. The question is: will the Minister extend the independent review of oral medicine that he spoke about last week to include the debacle at Altnagelvin hospital? We still do not know how many patients the 18,500 X-rays represent.

**The Minister of Health, Social Services and Public Safety:** I have ordered the Regulation and Quality Improvement Authority to inquire not simply into reporting at Altnagelvin but reporting throughout all the trusts to ensure that we have a uniform and consistent high standard. That should give confidence to everyone.

Since Ms Anderson made her comments last week, I have enquired into when patients were told. I am assured by the trust that no patient was notified of their diagnosis as late as 3 February. Indeed, all diagnoses were available. I am told that patients were advised of their late diagnosis and that there were concerns about four of those patients on 8 July 2010, in September 2010, on 14 October 2010 and in November 2010. I am very interested to know whether the Member has information to show that the information that I have been given is incorrect. That is what I was assured by the trust. Patients have a right to be told immediately, and it is important to ensure that that happened.

The Member is also aware that Altnagelvin had a requirement for 13 consultant radiologists and got nine. At that stage, equipment needed to be replaced, and that has since been done. There have been improvements, and, clearly, the service is where it should be now.

**3.15 pm**

**Mr Gallagher:** Will the Minister admit that thousands of employees of the Western Trust and other trusts that have been the subject of controversial reports are dismayed and demoralised about those reports? They are not high earners; they are the lower paid and very hard-working employees —

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

**Mr Gallagher:** What consideration has the Minister given to their problems?

**The Minister of Health, Social Services and Public Safety:** Mr Gallagher makes an important point: staff are frequently dismayed and demoralised by the frequent criticisms and comments about their performance. If someone comments on trusts or hospitals, it is the people who work in those trusts or hospitals they are talking about, and, if someone complains about a service, the people who deliver that service are being complained about. All too often as I work through complaints, I discover that they are routinely unfounded. Where those complaints stand up, we will deal with them.

I will repeat what has been discovered in the considerations and what I have reported: there are no concerns about the quality of professional performance. We have very good staff throughout our Health Service, and we should be proud of them. They need, deserve and merit our support, instead of what I see as constant, almost guerrilla warfare against the Health Service from some sectors, particularly some parts of the media. I regret that because it has an effect on morale.

Around 70% of costs in the Health Service are wages. Around 80% of the staff are female and are overwhelmingly low-paid. They do a huge job, and they do not do it for the money. They do it to provide a service. I empathise with the sentiments behind Mr Gallagher's remarks.

**Mr Elliott:** Does the Minister have any progress reports from the Western Health and Social Care Trust on the developments at the south-west hospital and its progress?

**The Minister of Health, Social Security and Public Safety:** The south-west hospital is a major investment that I was able to announce in July 2007. It will be an acute hospital in that area that will deliver services for generations to come. There is much more to be done. The capital infrastructure of health in Northern Ireland is extremely poor. Many of our hospitals are 50 years old or older, and many of the mental health institutions that we operate in are 100 years old or older.

The Member will be aware that I prioritised four major capital projects: the Ulster Hospital ward block; the maternity unit at the Royal; and the Omagh local hospital and Altnagelvin radiotherapy unit in the Western Trust area. However, I need support from the House to enable me to provide adequate resources to

deliver the four major capital projects that I am looking at.

### **Mater Hospital, Belfast: Accident and Emergency**

4. **Mr Sheehan** asked the Minister of Health, Social Services and Public Safety whether the future of the accident and emergency facility at the Mater Hospital, Belfast is secure.  
(AQO 1038/11)

**The Minister of Health, Social Services and Public Safety:** The Mater Hospital, including the accident and emergency department, will continue to be an essential part of the network of hospitals that provide high-quality care to the people requiring the services of the Belfast Health and Social Care Trust.

**Mr Sheehan:** Go raibh maith agat. Ba mhaith liom buíochas a ghabháil leis an Aire as an fhreagra sin. I thank the Minister for his answer. I am sure he is aware that speculation is doing the rounds that the accident and emergency facility at the Mater Hospital is to be downgraded as a prelude to closure. Can he reassure us on that? Has he given the Belfast Trust a directive that the accident and emergency facility should not be downgraded and should not be closed?

**The Minister of Health, Social Services and Public Safety:** The way Mr Sheehan spoke was almost as if the accusation was that we are downgrading the A&E and that the hospital was closing. That is the sort of speculation that goes around, and I think Mr Sheehan has a strong role to play in ensuring that such speculation does not take hold. I have said many times in the House that the Mater Hospital plays a key and integral role in the delivery of hospital services in Belfast. Although the recommendation in the Developing Better Services strategy is for a local hospital, I have made the point that we see it very much as part of the Belfast delivery through the Royal, City and Mater Hospitals. The Mater Hospital is the regional centre for ophthalmology for the whole of Northern Ireland. It has a theatre block that, frankly, surgery in Belfast could not survive without. The future of the Mater Hospital is absolutely assured, and I have had discussions with the authorities about that.

I have no plans whatsoever at the moment to close A&E at the Mater. It will continue. It has



around 40,000 visits a year, which is a number that we could not replicate as things stand. We can take comfort from that. As the service evolves, there will be changes. I cannot say that this, that or the other will be there for ever and a day. I am still the Minister, and I will be for a number of weeks yet, Tom Elliott permitting — *[Laughter.]*

**Mr Storey:** And the voters.

**The Minister of Health, Social Services and Public Safety:** There will be no changes to the A&E department. I am confident of the voters, as is Mr Storey.

**Mr Humphrey:** Will the Minister provide certainty and clarity to the House on the retention of all medical care at the Mater as it currently exists?

**The Minister of Health, Social Services and Public Safety:** I could not say that about any hospital in Northern Ireland, including the Royal, the City and Altnagelvin. The delivery of services is evolving all the time. We will see changes, as I have said repeatedly. If, for example, a patient has cancer, they will not go to the Royal, the main regional hospital, they will go to the City because that is where the specialism is. If, on the other hand, someone, God forbid, were to go through the windscreen of their car on the way home, they will not go to the City. The chances are that they will go to the Royal. It is about specialism as well. We have specialism in delivering services because patients do better that way. That is what achieves the best outcomes.

**Mr A Maginness:** I warmly welcome the Minister's reassurances on the Mater accident and emergency unit and the hospital at large. I remind the House that a previous Minister, Bairbre de Brún, had major plans to diminish the Mater Hospital. Thank goodness that that was prevented by me and other Members.

Will the Minister consider the sharing of psychiatric services between the City Hospital and the Mater? A decision has been made to transfer, in part at least, psychiatric services to the City Hospital.

**The Minister of Health, Social Services and Public Safety:** That decision will be very much informed by the Bamford review of mental health. The proposal is for a single acute mental health hospital for the city of Belfast. There is also a strong lobby for such a unit to be on an acute

site because of the stigma associated with mental health. It should be seen in the same way as any other type of acute medicine. There is a consultation and, in due course, the report will be made public. I do not want to pre-empt it. However, with or without the acute psychiatric hospital, the Mater Hospital's future, as far as I can see, is assured. It has a very important role to play in the delivery of hospital services in Belfast. I see it very much as an extension of the Royal and the City complexes in Belfast and as a regional centre for ophthalmology and a number of other services and specialities.

## Home-Start

5. **Ms Purvis** asked the Minister of Health, Social Services and Public Safety if he will issue a directive to ensure that funding for Home-Start schemes continues beyond March 2011. (AQO 1039/11)

**The Minister of Health, Social Services and Public Safety:** Since the children's fund came to an end in March 2008, I have provided resources from my budget to continue to assist projects that were previously supported by the fund. Activities that contribute to the aims and objectives of my Department are being carried out. Those included four locally based Home-Start schemes: Down district; Armagh and Dungannon; Newry and Mourne; and Ards, Comber and peninsula area. I am committed to providing funding for those schemes until the end of the current financial year. As the Member knows, the Executive's draft Budget is out for public consultation. Until it is agreed, work on the detail of my Department's budget cannot be finalised. That means that, at this time, I am unable to give guarantees to any groups about the availability of funding beyond March 2011.

**Ms Purvis:** I thank the Minister for his answer. The Minister will agree that Home-Start is a good example of preventative spending on an early intervention programme for vulnerable families that keeps children out of care, thereby improving their lifetime opportunities and actually saving the public purse the cost of services — potentially £300,000 a child — in later life. What priority has the Minister given to such preventative spending measures in his budget?

**The Minister of Health, Social Services and Public Safety:** Ms Purvis will be aware that I place great store by preventative spending. One of the proofs of that is, of course, the



establishment of the Public Health Agency and all the work that it does, including the funding of more than 600 projects along those lines.

I should also say that, when the children's fund was abolished, all Departments had an opportunity to step in and pick up the funds that they saw as essential. As far as I know, my Department was the only one to step in, which we did in the case of Home-Start. We have funded around 25 Home-Start projects throughout Northern Ireland. Most of those are funded by money that comes from the trusts. Four of them were funded through the Department with project money, and they were told to seek alternative sources of funding by the end of March 2011. I understand that three of them — Down district, Armagh and Dungannon, and Newry and Mourne — have done that and are getting funding from the trusts. Furthermore, the trusts have assured them that they will continue to buy their services come April 2011. The fourth Home-Start scheme has still to make the step, and I am encouraging and will continue to encourage it to do so. As the only Minister who stepped in to support the type of activity that was previously provided through the children's fund, I feel that my record on the importance of Home-Start is clear.

**Mr Beggs:** Since the demise of the Executive programme fund for children, how are cross-cutting issues that affect many Departments being gauged effectively to ensure that benefits are shared? Does the Minister agree that gaps have arisen since the Office of the First Minister and deputy First Minister decided to axe Executive programme funding?

**The Minister of Health, Social Services and Public Safety:** I agree entirely with Mr Beggs. The children's fund was set up by the previous Executive and carried on through the direct rule interregnum until we came back into office, at which point the abolition of the children's fund was one of the first things to happen. I regret that, because so many of its projects were of real value in the area of prevention. That is why my Department stepped in to support the Home-Start schemes. I regret that a number of schemes that would have provided great support for children in need have gone by the wayside.

**Mr Lyttle:** I share my colleague for East Belfast's regard for the Home-Start scheme. In the absence of such schemes, how will the

Minister provide early intervention measures for hard-to-reach families and children?

**The Minister of Health, Social Services and Public Safety:** Home-Start is by no means the only arm with which we approach the delivery of children's services. In addition, we provide children's services in a number of areas, particularly around family intervention and children's support. That is not to say that I do not value Home-Start; I do, and it has an important role to play.

**Mr Deputy Speaker:** I ask the House to take its ease for a moment or two.

3.30 pm

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

## Executive Committee Business

### Licensing and Registration of Clubs (Amendment) Bill: Further Consideration Stage

**Mr Deputy Speaker:** We return to the debate on the Further Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill.

#### New Clause

Debate resumed on amendment Nos 7, 8, 12 and 13, which amendments were:

No 7: After clause 9, insert the following new clause

*“Irresponsible drinks promotions*

9A. After Article 31 of the Registration of Clubs Order insert

*‘Irresponsible drinks promotions*

31A. (1) Regulations may prohibit or restrict a registered club from carrying on an irresponsible drinks promotion on or in connection with the premises of the club.

(2) A drinks promotion is irresponsible if it

(a) relates specifically to any intoxicating liquor likely to appeal largely to persons under the age of 18,

(b) involves the supply of any intoxicating liquor free of charge or at a reduced price on the purchase of one or more drinks (whether or not intoxicating liquor),

(c) involves the supply free of charge or at a reduced price of one or more extra measures of intoxicating liquor on the purchase of one or more measures of the liquor,

(d) involves the supply of unlimited amounts of intoxicating liquor for a fixed charge (including any charge for entry to the premises),

(e) encourages, or seeks to encourage, a person to obtain or consume a larger measure of intoxicating liquor than the person had otherwise intended to obtain or consume,

(f) is based on the strength of any intoxicating liquor,

(g) rewards or encourages, or seeks to reward or encourage, consuming intoxicating liquor quickly, or

(h) offers intoxicating liquor as a reward or prize, unless the liquor is in a sealed container and consumed off the premises.

(3) Regulations may modify paragraph (2) so as to

(a) add further descriptions of drinks promotions,

(b) modify any of the descriptions of drinks promotions for the time being listed in it, or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(4) If any provision of regulations under this Article is contravened

(a) the registered club,

(b) every official of the club at the time of the contravention, and

(c) any other person permitting the contravention, is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) In this Article “drinks promotion” means, in relation to the premises of a registered club, any activity which promotes, or seeks to promote, the obtaining or consumption of any intoxicating liquor on the premises.’” — [The Minister for Social Development (Mr Attwood).]

No 8: After clause 9, insert the following new clause

*“Pricing of intoxicating liquor*

9B. After Article 31A of the Registration of Clubs Order (inserted by section (Irresponsible drinks promotions)) insert

*‘Pricing of intoxicating liquor*

31B. (1) Regulations may prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on the premises of the club during such period or hours as are specified in the regulations.

(2) If any provision of regulations under this Article is contravened

- (a) the registered club,
- (b) every official of the club at the time of the contravention, and
- (c) any other person permitting the contravention, is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’ — [The Minister for Social Development (Mr Attwood).]

No 12: In schedule 2, page 25, line 25, at end insert

“31A(4)	Contravention of regulations as to irresponsible drinks promotions	5-6
31B(2)	Contravention of regulations as to pricing of intoxicating liquor	5-6”

— [The Minister for Social Development (Mr Attwood).]

No 13: In schedule 3, page 26, line 24, at end insert

“ . In Article 2(2) (interpretation) in the definition of ‘regulations’ after ‘subject’ insert ‘(except as otherwise provided in this Order)’ . ” — [The Minister for Social Development (Mr Attwood).]

Question, That amendment No 7 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 8 made: After clause 9, insert the following new clause

“Pricing of intoxicating liquor

9B. After Article 31A of the Registration of Clubs Order (inserted by section (Irresponsible drinks promotions)) insert

‘Pricing of intoxicating liquor

31B. (1) Regulations may prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on the premises of the club during such period or hours as are specified in the regulations.

(2) If any provision of regulations under this Article is contravened

(a) the registered club,

(b) every official of the club at the time of the contravention, and

(c) any other person permitting the contravention, is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’ — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

### New Clause

**Mr Deputy Speaker:** I call Mr Fra McCann to move formally amendment No 9. The Member is not in his place, so amendment No 9 is not moved.

### New Clause

Amendment No 10 proposed: After clause 11, insert the following new clause

“Young persons prohibited from bars

11A. (1) Article 32 of the Registration of Clubs Order (young persons prohibited from bars) is amended as follows.

(2) In paragraph (13) for ‘9’ in each of the three places where it occurs substitute ‘10’.” — [Mrs M Bradley.]

Question put.

The Assembly divided: Ayes 50; Noes 28.

### AYES

Ms M Anderson, Mr Armstrong, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Dallat, Mr Doherty, Mr Elliott, Dr Farry, Mr Gallagher, Mr Gardiner, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr McDevitt, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Neeson, Ms Ní Chuilín, Mr O’Dowd,

Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey,  
Ms S Ramsey, Ms Ritchie, Mr K Robinson,  
Mr Savage, Mr Sheehan, Mr B Wilson.

Tellers for the Ayes: Mr Brady and Mr Gallagher.

## NOES

Mr S Anderson, Mr Bell, Mr Bresland,  
Lord Browne, Mr Buchanan, Mr Campbell,  
Mr T Clarke, Mr Craig, Mr Easton, Mr Frew,  
Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton,  
Mr Humphrey, Mr Irwin, Mr I McCrea,  
Miss McIlveen, Mr McQuillan, Lord Morrow,  
Mr Moutray, Mr Newton, Mr G Robinson, Mr Ross,  
Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr Bresland and Mr Hamilton.

The following Members voted in both Lobbies  
and are therefore not counted in the result: Mr  
Attwood, Mr Ford, Ms Gildernew, Mr G Kelly, Mr  
Kennedy, Mr McCausland, Mr Murphy, Mr Poots.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

## New Clause

**Mr Deputy Speaker:** I call Mr Fra McCann to  
move formally amendment No 11.

Amendment No 11 not moved.

## Schedule 2 (Schedule to be substituted in Registration of Clubs Order for Schedule 6)

Amendment No 12 made: In page 25, line 25,  
at end insert

“31A(4)	Contravention of regulations as to irresponsible drinks promotions	5-6
31B(2)	Contravention of regulations as to pricing of intoxicating liquor	5-6”

— [The Minister for Social Development  
(Mr Attwood).]

## Schedule 3 (Amendments)

Amendment No 13 made: In page 26, line 24,  
at end insert

“ . In Article 2(2) (interpretation) in the definition  
of ‘regulations’ after ‘subject’ insert ‘(except

as otherwise provided in this Order)’. ” — [The  
Minister for Social Development (Mr Attwood).]

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



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

## Welfare of Animals Bill: Further Consideration Stage

**Mr Deputy Speaker:** I call the Minister of Agriculture and Rural Development, Ms Michelle Gildernew, to move the Bill.

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

**Mr Deputy Speaker:** Members have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is one group of amendments, and we will debate the amendments in turn. The single debate will be on amendment Nos 1 to 8, which deal with the docking of dogs' tails. Once the debate on the group is complete, any further amendments 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.

We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 8, which deal with the docking of dogs' tails. Members will note that amendment Nos 2, 3 and 4 are mutually exclusive. Amendment No 5 is consequential to amendment No 1, and amendment No 8 is consequential to amendment No 7. I call Mr Peter Weir to move amendment No 1.

### Clause 6 (Docking of dogs' tails)

**Mr Weir:** I beg to move amendment No 1: In page 4, line 20, at end insert

*"or;*

*(c) for the purposes of showing a dog."*

*The following amendments stood on the Marshalled List:*

No 2: In page 5, line 5, leave out subsections (12) to (18). — [Mr Weir.]

No 3: In page 5, line 5, leave out subsections (12), (13) and (14). — [Mr Weir.]

No 4: In page 5, line 13, leave out subsection (14) and insert –

*"(14) It is a defence for a person accused of an offence under subsection (12) to show that—*

*(a) that person reasonably believed—*

*(i) that the event was not one for which that person paid a fee or to which members of the public were admitted on payment of a fee;*

*(ii) that the removal took place before the coming into operation of this section;*

*(iii) that the dog was one in relation to which subsection (13) applies; or*

*(b) the dog's tail was removed in the circumstances described in subsection (3)(a) or (b)." — [Mr Beggs.]*

No 5: After clause 6, insert the following new clause

*"Regulations specifying breeds of dog*

*6A. The Department may by regulation specify breeds of dog bred for the purposes of showing to which section 6(1) and (2) do not apply." —*

*[Mr Weir.]*

No 6: In clause 31, page 19, line 14, leave out "and (12)," . — [Mr Weir.]

No 7: In clause 59, page 33, line 10, leave out "section 56," and insert "sections 6, 56," . — [Mr Weir.]

No 8: In clause 59, page 33, line 11, at end insert

*"(2) Section 6 shall not come into operation until two years after Royal Assent." — [Mr Weir.]*

**Mr Weir:** I presume that you are also looking to me to address the amendments?

**Mr Deputy Speaker:** That would be very useful.

**Mr Weir:** I am delighted that you have given me the opportunity.

These amendments concentrate on tail docking. There was a wider debate of the issue at Consideration Stage, when the majority view was in favour of a ban, and amendments specifically relating to working dogs were accepted by the House. This is an attempt not to reopen that wider debate, although there is a range of views on tail docking, but to look at specific issues that have been raised by those involved in dog trials. I am sure that a lot of Members have received lobbying from many people involved with show dogs. These amendments try to address those concerns. There is a range of amendments, and I suppose that they are in descending order of preference.

Mention has been made that, in many ways, this legislation brings us into line with what has happened in respect of tail docking in England, Scotland and Wales. There is no doubt that registered breeders have seen a reduction in the numbers of those breeds that would normally have been docked. Figures from the Kennel Club show the difference in the number of registrations between 2006 and 2009-2010. Some of the more popular breeds that would normally have been docked, such as Rottweilers, Dobermanns, boxers and King Charles spaniels, have been fairly dramatically affected. For example, Rottweiler registration has gone down by just over 70%, Dobermann by 53%, King Charles spaniel by 40% and boxer by just over 37%. Indeed, some breeds that were customarily docked are in danger of extinction, with only one pinscher registered in 2009-2010.

There is a danger that this could be a vicious circle to a certain degree. It could drive down dog numbers because those animals are not bred, and that could lead to a situation in which the numbers are massively reduced or breeds are driven to extinction. It strikes me as being very strange: if the effect, particularly in the area of show dogs, is to drive down dog numbers because there is no market for them, it is somewhat beyond me how that can fit in with the general concept of the welfare of animals. Ultimately, it leads to a lot fewer dogs of particular breeds.

Concern has also been raised that this legislation will lead to economic loss for Northern Ireland. At the moment, for example, five championship shows are held at the King's Hall. That leads to direct income. In addition, bringing the pets in and getting them ready generates a substantial amount of income. About 37% of the entrants to those shows come from traditionally docked breeds. The secretaries who run those shows have confirmed that, should the number of entrants from docked breeds fall to the same level as on the mainland, it may become financially unviable to continue with the shows. That would lead to a large-scale reduction in income. There is also the potential that a range of native Irish breeds, such as the Glen of Imaal terrier, which is already on the endangered list, will be in danger of extinction. Consequently, amendment No 1 looks for an extension of the exemption to dogs that are for the purpose of show trials: for example, dogs that are with registered breeders. Regulations can be brought into place to cover that.

With amendment Nos 2 and 3, amendment No 2 is our preferred position, and if it falls, we will seek to push amendment No 3. The Bill seems to draw a distinction between a dog show at which a fee is paid and one at which it is not. That will have a major impact on dog exhibitors from Northern Ireland, Southern Ireland and Europe. Again, it is about removing tail docking as an offence. Our preferences have been indicated, particularly from an international perspective. A lot of EU countries do not have this prohibition and, consequently, it will disadvantage dog breeders here by comparison with breeders from those countries. Making this a specific criminal offence is not particularly helpful.

Amendment No 2 goes further than amendment No 3. Obviously, if amendment No 2 goes through, it will have a knock-on effect, as the Deputy Speaker said, on amendment Nos 3 and 4. We see a certain amount of merit in Mr Beggs's amendment. We prefer ours, because it goes further, but, in the event of our amendment being unsuccessful, we have no problem with Mr Beggs's amendment.

The other amendments look again, depending on other events in connection with this, at the position. If we are unsuccessful in excluding this as a category, the Department should have the opportunity, as a fallback position, to look at those breeds that traditionally are involved with tail docking and bring forward regulations from a show trial point of view. That is the purpose of that amendment.

In the wider context, people will undoubtedly make the case for a ban on tail docking. As anyone who has gone into this issue in any detail will know, that may be a reasonable position for many dogs but does not cover all dogs. For many dogs, the least cruel thing is actually to ensure that there is docking at an early stage. A number of dogs are greatly inconvenienced and in great pain at a later stage with a fully grown tail, which they then face the amputation of. This is an opportunity for us to provide a nuance to the general position that the Assembly has established.

Amendment Nos 6 and 7 are largely consequential on earlier ones. Finally, amendment No 8 does not directly impact on the issue of show dogs, but it at least creates a bit of breathing space by delaying the commencement Order. Again, that is not our preferred position. Action should be taken in

this legislation to look at the specific position of show dogs. However, at least a delay would allow the Department some opportunity to look at the issue again and bring forward regulations. As I understand it, the Department is not in a position to do that immediately anyway, so, effectively, this would slightly lengthen the delay. However, if we obtain what we want and get some of the earlier amendments accepted by the Assembly, amendment No 8 becomes redundant. It is very much our final issue.

There is a lot of emotion tied up in this issue. It is a very complex subject for anyone who looks at it. Our intention is simply to get it right and not to leave those involved in show trials in Northern Ireland at a disadvantage against anywhere else in Europe, and to ensure that we do not achieve something that we least desire: if this Bill goes through unamended, it will lead to a massive reduction in numbers for certain breeds of dog. I fail to see how the destruction or non-breeding of a range of dogs is in the broader interest of the welfare of animals. I commend the amendments to the House.

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

I advise the House that the Committee has not had the opportunity to discuss these amendments. My opposition, as Chairperson of the Committee, arises from the fact that they are contrary to the Committee's policies on tail docking, the showing of dogs with docked tails and the showing of dogs where the tail has had to be amputated following injury.

Those policies have been agreed by the Committee and, importantly, by the majority of the House following a vote on the amended clause 6 on 1 February.

**4.00 pm**

Amendment Nos 1 and 5 are two different ways of attempting to achieve the same outcome. Amendment No 5 is consequential to amendment No 1. Those amendments seek to offer protection against offences if a dog has had all or part of its tail docked for the purposes of showing a dog and, as a consequence, to reintroduce the cosmetic docking of tails. The amendment will seek to allow the routine or cosmetic docking of a dog's tail for no other reason than for the showing of a dog. It is not so much a back-door attempt to allow cosmetic docking as the opening of the floodgates to the unnecessary practice of cosmetically docking a dog's tail.

Members have decried the use of the term "cosmetic" as emotive. However, let us not beat about the bush: show dogs are bred to be put on show against breed standards, among which is that the tail should be docked. However, that is not a requirement placed in the standards by the Kennel Club but rather an option that is applied by owners. Breed standards are principally about the appearance of a dog, and tail docking is about improving the appearance. The 'Oxford English Dictionary' defines "cosmetic" as a treatment intended to improve appearance. It is cosmetic docking, pure and simple.

There are claims that the docking of show dogs' tails is prophylactic or preventative in the same way as working dogs' tails, as currently specified, can continue to be docked for welfare reasons through veterinary certification. The argument is now being made that show dogs' tails are docked for welfare reasons, and the Bristol University report 'Risk factors for tail injuries in dogs in Great Britain' is cited as proof. That report indicated that 36% of tail injuries were in-house and that 14.4% were a result of being caught in a door. On the face of it, those are worrying statistics until one delves deeper. The statistics are based on the number of reported tail-related injuries, which totalled 281; that is 281 out of a population of some 138,000 dogs surveyed — 0.23%. That equates to 101 dogs out of 138,000-odd that have had in-house injuries. When further information was sought, it was found that 30 cases out of a sample size of 138,212 required amputation.

I in no way wish to trivialise the pain that those dogs suffer, and I have no doubt that reputable owners and breeders value highly their animals' welfare. However, let us not create a smokescreen by saying that welfare is the justification for allowing routine docking of a tail. It is not. Many in-house injuries are the result of human interventions, such as closing a door on the tail. That does not justify the docking of a tail as distinct from the docking of working dogs' tails, which is permitted on the basis of the natural conditions in which it works. Indeed, in some circumstances, the pest that is being hunted can cause the damage.

The overriding objective for showing a dog is its appearance, and the removal of part or all of the tail to adhere to a breed specification results in the cosmetic docking of tails. It is not appropriate to alter the appearance of a dog to achieve a cosmetic outcome. The Kennel Club

and show dog owners state that it should be left to them to take the decision to dock or not. In other words, they support the elective docking of the tail. That is further proof that welfare is not the priority in the decision, unlike in the case of working dogs, but that the appearance of the dog is paramount.

**Mr Weir:** If the net effect of the passing of the current legislation is a massive reduction in the number of dogs, presumably the welfare of a dead dog is not particularly good in that regard. If the dog does not exist in the first place, that would surely actually go to the welfare of it. It is not just a cosmetic issue.

**The Chairperson of the Committee for Agriculture and Rural Development:** I thank the Member for his intervention; I will cover that as I continue. The Committee is totally opposed to cosmetic docking, and I was delighted that the House indicated at Consideration Stage that it too was opposed to it.

I now turn to the second and third amendments. The former seeks to remove subsections 12 to 18 from clause 6, and the latter seeks to remove subsections 12 to 14. The issue is whether it would be an offence to show a dog with a docked tail. As previously explained to the House at Consideration Stage, the Bill allows for dogs to be shown if the tail is docked before the ban is enacted. It will be an offence to show a dog if its tail is docked after the ban is introduced. The Committee has been very clear when it has said that, if you accept that the cosmetic docking of tails is wrong, it is also wrong to allow the continuation of events that perpetuate that practice. Those two amendments seek to do that, as they seek to allow dogs with docked tails to continue to be shown despite the removal of a docked tail as a requirement by the Kennel Club.

In addition, amendment No 3 would remove the vitally important offence of providing false information to a veterinary surgeon in respect of certification. As I indicated, the Committee's position is that you cannot ban the cosmetic docking of dogs' tails yet allow the showing of dogs that have been put through that unnecessary elective practice. The Committee is content that working dogs with legally docked tails can continue to demonstrate their working ability at dog shows, as the primary objective for docking the tail is on welfare grounds.

**Mr T Clarke:** In the early part of the Member's statement, he suggested that the Committee has not had the opportunity to discuss the amendments, so how can he, as Chairperson of the Committee, now say that the Committee has a view on various aspects? The Committee has not had an opportunity to discuss the amendments, which are a change from the position that was agreed in the House.

**The Chairperson of the Committee of Agriculture and Rural Development:** The Member will be well aware that there were opportunities to put amendments before this point, and the Bill has to move on.

As indicated, the Committee supported and indeed strengthened subsections 12 and 14 of clause 6 in Committee during Consideration Stage. The proposed amendments seek to undo what has been agreed, and the Committee stands opposed to them.

Amendment No 4, which is in the name of Mr Beggs, seeks to allow the showing of a dog whose tail has been damaged and has, unfortunately, had to be amputated. That was also discussed previously in Committee, and the Committee agreed that it should continue to be an offence. I make it clear that the overwhelming majority of breeders and owners value their dogs, and, as has been pointed out by other Members, they often spend more money on the dogs than on themselves. However, it is unfortunate that there are a few in society who would deliberately set two dogs on each other to make a profit, and I have no doubt that there are those who would deliberately damage a dog's tail so that it would be surgically removed, in order to make a profit.

Let us be clear: the proposed amendment is not limited to mature dogs but incorporates all ages of a dog from a newborn puppy upwards. How much more likely will be instances of damage to a pup's tail with the excuse that it was the bitch that damaged it when the reality is that it was damaged deliberately to secure a higher profit? The amendment will create a loophole that will allow that heinous act to be carried out. The Committee did not wish to see that loophole created. Our priority is to protect the dog from the few who would undertake those actions. Therefore, I hope that the House will agree with the Committee and oppose this amendment.

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



**The Chairperson of the Committee for Agriculture and Rural Development:** No, I have already given way twice. Members will all have an opportunity to speak.

Amendment No 6 seeks to remove the showing of a dog with a docked tail as an offence. Hopefully, the House will agree with the Committee position that cosmetic docking is wrong and that the showing of dogs with cosmetically docked tails only perpetuates that practice. The Committee believes strongly that the practice needs to be discouraged and is content that an offence be created. It is accepted in England and Wales that the showing of dogs with docked tails promotes the cosmetic docking of dogs' tails.

**Mr T Clarke:** On a point of order, Mr Deputy Speaker. How can the Chairperson of the Committee represent that as the Committee's view, given that the Committee has not had an opportunity to discuss that?

**Mr Deputy Speaker:** Thankfully, that is not a matter for this Chairperson but for that Chairperson.

**Mr Molloy:** Further to that point of order, Mr Deputy Speaker, this discussion has taken place time and time again. The Committee has not had an opportunity to discuss the amendments, yet the Chairperson is giving an opinion on them. In fact, he is even using deliberate damage as justification. How can the Chairperson represent the Committee when the issue has not been discussed?

**Mr Deputy Speaker:** I have already given my view on the matter.

**The Chairperson of the Committee for Agriculture and Rural Development:** The position that I have given is the Committee's latest position.

The final two amendments seek to delay the commencement of the tail-docking clause until such times as the Department brings subordinate legislation for a period of two years after Royal Assent. The Committee sought to defer the commencement of clause 45 regarding enforcement of the Bill by local government, and the Department has agreed to that. That has an impact on clause 6, as the penalty offences created in it would be enforced by dog wardens. That action was taken for positive reasons; namely, to allow

for further discussions on the Bill's impact on local government. The Committee agreed a period of a year to undertake those discussions, conscious that the issues needed to be addressed as soon as possible to allow for the introduction of all parts of the Bill.

The proposed amendments are negative. They seek to delay the introduction of necessary and timely welfare legislation aimed at protecting dogs. They could lead to further welfare problems, because, if the House agrees to a statutory start date, it will create a demand for dogs with docked tails, with only a few being successful enough to be shown. That will create a surplus of dogs in Northern Ireland that either will have to be rehomed or will end up as strays, impounded and subsequently euthanised. There is no concern for welfare; rather, there is support for the promotion of docked tails at shows. The Committee has an assurance from the Minister to defer and is content with that arrangement.

Accusations have been made that the Committee has not listened to the owners of show dogs, and they feel that they have been unrepresented during Committee Stage. On 2 March 2010, the Committee took evidence from Show Dogs Ireland. Although the organisation came to talk about the principles of the Dogs (Amendment) Bill, it gave an extensive presentation on tail docking and the showing of dogs. The Committee also received written evidence from the Council of Docked Breeds, and that evidence is contained in the report. Members will undoubtedly be aware of the content of that submission. Therefore, the Committee is content that appropriate representation has been made to and received by the Committee.

Docking the tails of farmers' dogs, which are used for herding or driving cattle and sheep, began early in Georgian times in England. The practice exempted the owner from a tax levied on working dogs with tails. Many other types of dogs were also docked to avoid the luxury tax. Even when the tax was repealed, the tradition of docking continued, and it does so today. However, community standards change, and legislation must reflect that. The practice of docking dogs' tails was acceptable and known as routine, elective or cosmetic, but it is no longer acceptable. After many hours of debate, the Committee accepted that. The House accepted it on 1 February, which is barely

two weeks ago. The Committee's position on its policies on the matter has not changed. It hopes that the House maintains its position again and opposes the amendments. I also repeat the Committee's established position as contained in its report.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. First, I agree with the Committee Chairperson. We discussed many aspects of the Bill on 1 February, including the Committee's amendment coming to the House. Overall, there is support for the amendment, but I did not agree with it from the outset. I would have preferred the more focused amendment that the Minister was proposing, because I saw a greater ability in it to enforce the legislation. The wider the debate becomes, the more groups are sought to be included, and the more reasons and opportunities are sought to allow more dogs' tails to be docked, the more it does a disservice to the House to continually look for ways to bring that forward.

#### 4.15 pm

One main aspect of the legislation is to protect non-farm animals and to prevent cruelty. That is what we are discussing today. We accept that exemptions have to be made for a number of working breeds, such as pointer retrievers, and that such calls were also made for terriers, spaniels and combined breeds. There is an understanding that there is real concern that worse damage can be done to a dog's tail through its work in undergrowth. That was clear in evidence to the Committee. A lot of lobbying and discussion has taken place on cosmetic docking, which is an emotive phrase. I agree with the Chairperson and his dictionary reference that it is docking that is carried out to improve appearance. It is not carried out on welfare grounds. It is carried out purely for appearance. Therefore, from that point of view, there is no way that I will support any of the amendments.

The Chairperson is correct to say that the Committee looked at ways to close loopholes that would allow dogs with docked tails to be shown, as has happened across the water; for example, when car parking fees were charged as a way to get round the legislation. Some people who argued for that now seek loopholes that would allow that to happen. I speak as a member of the Committee for Agriculture and Rural Development. We discussed that

issue at length over many weeks. It seemed like groundhog day. We went over the issue continually. Not once did I hear anyone in the Committee call for cosmetic tail docking. That never happened. People can look at the records. All Members are on record as saying that the matter is not about cosmetic tail docking: it is about benefitting the welfare of working dogs and allowing them to work. I heard that continually.

At the beginning, when I came to the matter, I was opposed to tail docking. After I heard the evidence, I was persuaded that there are some well-founded reasons for it. However, we simply cannot change our position. All parties were engaged at Committee Stage. Not once did I hear them call for exemptions for cosmetic tail docking. I put that on record. Some material was distributed —

**Mr T Clarke:** The Member has made several references to cosmetic tail docking. Can he show me exactly where that is referred to in the amendments? Perhaps prophylactic docking has been suggested. However, nowhere is it suggested that docking be permitted for cosmetic reasons.

**Mr W Clarke:** The Member may call it what he wants. At the end of the day, you cannot say that there should be exemptions for working dogs. Nobody has given me a clear rationale for allowing more dogs to have their tails amputated on medical grounds. That is what we are talking about. It causes pain. The matter is about animal welfare. The Member says that there is no reference to it. Throughout Committee Stage, it was referenced continually that exemptions were necessary purely on welfare grounds.

**Mr Ross:** I am missing the Member's argument. However, I am cognisant of the fact that the Assembly debated hare coursing. Perhaps, it would be useful if the Member reminded the Chamber of how his party voted in that debate, given the sudden importance that it attaches to animal welfare and to not wanting to cause animals pain.

**Mr W Clarke:** I am not here to talk about —

**Mr Deputy Speaker:** Order. I know that it is St Valentine's Day, and we are all going to like each other, but we cannot debate two Bills at the one time. We are debating the Welfare of Animals Bill, not the hare coursing Bill.

**Mr I McCrea:** On a point of order, Mr Deputy Speaker. I am not questioning you on the wider issue of debating one Bill or another, but surely the issue is animal welfare. If animal welfare is part of this Bill, and if hare coursing has an impact on animal welfare, surely it is the same issue.

**Mr Deputy Speaker:** I am sorry, Mr McCrea, but it is definitely not. We are on the Welfare of Animals Bill, and if we depart from it, we will be here until this time tomorrow.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. We are discussing animal welfare, and it has been pointed out that it is not part of this legislation. Hunting is not part of this legislation. The Bill that is before us today should be discussed purely on welfare grounds.

I am conscious of time, Mr Deputy Speaker, and I know that you want to get through this as quickly as possible. Members are talking about what is acceptable and about how we can allow docked dogs to be shown. That is basically what the Bill is about. It is about how we can extend the legislation to allow docked dogs to be shown. Under the current proposals, dogs that have had their tails docked before the new legislation comes into statute will be allowed to be shown. Therefore, that number of dogs will be allowed to be shown for their lifetime.

**Mr T Clarke:** Given that those dogs will be permitted to be shown for their lifetime, will the Member take Mr Weir's point that the numbers of a breed will continue to decline, if, for welfare reasons, people decide not to continue to breed that animal. Once those animals reach a certain age and are no longer shown, there will be no more of those breeds brought to shows, if people stop breeding them. That will bring about a decline in numbers.

**Mr W Clarke:** I do not think that there will be a decline in numbers. The dog-showing fraternity will have a sizeable time in which to prepare and look at their shows in a different manner. Why not have breeds of dogs with tails on show? In any case, all dogs on show would have tails. I do not see the reason for cosmetic tail docking. Nobody has stated that reason.

Members say that what happens should continue to happen. Slavery used to exist until some people decided that it was wrong and that legislation was required to end it. That is

what we are supposed to do here. We are here to improve legislation, improve the welfare of animals and prevent cruelty.

**Mr Ross:** I hate to return to the point, but the Member is now making a comparison between tail docking and slavery. However, he will not give the House any reason why he draws a distinction between tail docking and hare coursing. I invite the Member to explain why his views on animal welfare differ when he is talking about the Bill and tail docking from when he is talking about hare coursing.

**Mr W Clarke:** I draw the comparison to show that good legislation, when needed, has to be made, even if a number of people think that it is unpopular. I am sure that Francie Molloy will explain the distinction when he makes his contribution, if the Deputy Speaker permits him.

**Mr Ross:** The Member voted in favour of hare coursing. Therefore, I am asking the Member why he draws the distinction between hare coursing and the docking of tails.

**Mr Deputy Speaker:** Again, I advise the Member to discuss the amendments before us, which are about the docking of tails. I am not sure whether a hare has a tail; it is questionable. Will you continue, please, Mr Clarke, and we will try to get through this.

**Mr W Clarke:** I do not mind about the Members who were not on the Committee. That is what democracy is about — they can put down amendments. However, there were people on the Committee who voted on the Committee report and never raised any concerns, but they come to the House now to say that they have major concerns, which were not expressed before.

**Mr T Clarke:** I assume that the Member is referring to me. Is it not a defence that some people who wanted to give evidence had their meetings cancelled on more than one occasion and were never given the opportunity to come to the Committee to defend their position in relation to having dogs' tails docked?

**Mr W Clarke:** The running order of the Committee is not my responsibility. However, everybody had an opportunity through the public adverts to make written submissions on their position. That was clearly done.

**Mr T Clarke:** Will the Member not accept that I am not making any excuse for the general public about making representation to the Committee

on the Bill? My point is that there was a group of people who wished to make a presentation on the legislation, but were refused the opportunity. They were offered an opportunity, but the meeting was cancelled on no fewer than two occasions, thus preventing them from coming to give evidence to the Committee to put their case forward so that members could come to their own conclusions about what they had to say.

**Mr W Clarke:** I agree that there were groups of people who wanted to give information and, for one reason or another, the Committee could not fulfil that wish. On two occasions, members did not turn up to the meeting. When the meeting was organised, we could not get a quorum to attend it. That gives some insight into how seriously certain members were taking the issue; they would not go to the meeting. I think that the meeting in Ballymena was to meet the Dogs Trust and to look at microchipping, but that is straying into another piece of legislation. I will stay focused.

In my opinion, there was ample opportunity, except for having a public hearing, to provide the information to the Committee. At Committee Stage, all members knew about showing dogs. They were au fait with that aspect of the legislation and the impact that it would have on that fraternity.

**Mr T Clarke:** Will the Member give way?

**Mr W Clarke:** This is the last time, and then I am giving up.

**Mr T Clarke:** How would the Committee have had the opportunity to be au fait with everything, given — you have not answered the question — that they were never given the opportunity to listen to the evidence provided by those groups and to ask questions on it? It also seems strange that those groups came from one side of the argument. We got more than one opportunity to hear evidence from those in favour of docking, but we did not get to hear from the same number of people against tail docking.

**Mr W Clarke:** I do not agree with that. Again, it is not my position to organise the meetings. If, when that meeting in Ballymena was postponed, members had raised serious concerns at that time and said that they wanted to hear that oral evidence, they should have called for a meeting of the Committee to put proceedings in place.

**Mr Molloy:** Does the Member accept that, last week, I asked for the Committee to sit to hear that evidence, even if it was late? I was told that it was set in stone that this debate had to go on today. Nothing is set in stone if we are talking about the democratic rights of people. We should be in a situation where the evidence could have been taken by the Committee, even at a later stage, so that amendments could be made by the Committee for today's debate or for a debate later in the month. There is no reason why it had to be held today. Last week, the Committee would not facilitate the opportunity for the dog show people and others to give evidence that would have influenced amendments that could have come forward.

**Mr W Clarke:** I take on board what the Member is saying, but we are time bound by the legislation going through the House, and the slots have been allocated. The whole process —

**Mr T Clarke:** Will the Member give way?

**Mr W Clarke:** No. I am going to finish this point first.

We are limited in taking evidence. We had a Committee meeting last Tuesday. Members then wanted people to have an opportunity to present information orally before Thursday morning, when amendments had to be tabled. It was a very limited window of opportunity. We had Tuesday afternoon. We would have had to contact people who live in Spain and get them across to Ireland to give their evidence on the Wednesday, assuming that members would even have the time to get to that meeting to have a quorum. There are limits to what can be done.

#### 4.30 pm

**Mr T Clarke:** I accept that we have a very tight time frame as we come near to the end of this mandate. It is right and proper that we try to push as much legislation through before we get to that stage. As the Member's colleague Mr Molloy said, however, there was a possible opportunity to take evidence from that group, although I accept that it would have been at very short notice. However, would it not have been a useful exercise to give that organisation the opportunity, even on Wednesday? That would still have given the Committee ample time to table an amendment by 9.30 on Thursday morning. So, although we might have given that organisation short notice to come



here by Wednesday, we would have given it an opportunity to make its case heard.

**Mr Deputy Speaker:** I remind Members that we are not here to discuss process but the amendments. I hope that that is helpful. Thanks.

**Mr W Clarke:** I will briefly respond to that. Those people were given the opportunity to come on the Wednesday, but that was just not possible to arrange. So, we will put that one to bed.

After lengthy discussions, it was agreed that there would be exemptions. I think that that is what was stated. I know that the whole Committee was opposed to cosmetic tail docking. What is now happening in the Chamber is a smokescreen to cover the opening-up of that to other breeds. I am opposed to that as the Sinn Féin spokesperson and from a personal point of view. I will leave it at that.

**Mr Beggs:** Amendment No 4 deals with an issue on which I was lobbied by a dog owner who greatly enjoys showing her prize animal. She expressed concern that, should a show dog have an accident or infection requiring treatment that means shortening its tail, the owner would potentially be prevented from showing their dog, even if the tail was shortened by a short amount. Given the degree to which that owner values her outings with the show fraternity, I feel that the issue is worthy of a second look. I mentioned at Consideration Stage that the issue was starting to arise and that I would consider it at this stage.

Amendment No 4 simply adds another option to clause 6 that would not stop an owner from showing a dog. The first part of the amendment at paragraph (a) is essentially what is in the Bill. The addition is (14)(b), which states that there would be an exemption if:

*“the dog’s tail was removed in the circumstances described in subsection (3)(a) or (b)”.*

The exemptions in clause 6 (3)(a) and 6 (3)(b) apply if a tail has been shortened:

*“(a) by a veterinary surgeon for the purpose of medical treatment; or*

*(b) in order to prevent or remove an immediate danger to the life of the dog in circumstances where it is not reasonably practicable to have the tail, or, as the case may be, any part of the tail, removed by a veterinary surgeon”.*

So, we are talking about very restricted circumstances in which the exemption would apply.

**Mr T Clarke:** My colleagues have suggested supporting the Member’s amendment if our amendments do not make it through, and I will do that. When the Member was being lobbied by the dog owner, did he get any indication of how many dogs might be affected by amputation of their tail?

**Mr Beggs:** If I had been given more time to put this over, the Member would have heard me say that my information is that the exemption would affect a relatively small number of dogs. The Kennel Club, in its monthly gazette, lists dogs in its shows that may have had such an injury. That list may only number nine animals, of all breeds, in a month throughout the United Kingdom.

In evidence given to the Committee on 22 June 2010 with departmental officials, Mr Irwin, one of the Member’s colleagues, asked:

*“Does that mean that dogs that have their tails docked because of injury cannot be entered for a show?”*

The departmental official replied:

*“You are talking about an exemption that will apply on very few occasions.”*

So, clearly the officials believe that it would apply on very few occasions, which is supported by the number of exemptions granted by the Kennel Club at its shows. So, to be clear, the exemption will only be applied in exceptional circumstances where a difficult judgement has to be made.

We need to be careful that we do not place the owner or the vet in an impossible situation. The owner of a dog with a damaged tail might greatly value showing, so there is a potential for this to start affecting decisions about the treatment process. An owner may want their dog to have the best treatment, but they may also not want to risk losing part of the dog’s tail and not being able to show the dog. So, an owner may express a preference to try to save the whole tail when the veterinary advice is that the tail should be shortened in the best welfare interests of the dog. I am concerned that there could be a tension between the owner and the vet there.

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

**Mr Beggs:** I will just finish this point.

One of the reasons why I did not table the amendment at Committee Stage is that I recognise that there is a danger that unscrupulous dog owners could deliberately damage their dogs' tails. However, the experience of the Kennel Club in England and Wales is that the exemption is not being abused.

I also look positively at most dog owners. I do not think that the dog-owning fraternity would deliberately damage their animals' tails in order to shorten them. The risk of that happening is very low, and the figures back that up. One has to make a judgement on all of this. To get balance on the subject, I favour the dog owners, because the evidence is that there have not been large numbers of dogs gaining exemptions to show in England and Wales as a result of medical treatment. Therefore, we too should not preclude any dog that has suffered, be that through infection or an injury, and its owner from a show that is greatly valued by both of them.

I hope that Members understand my reasoning.

**Mr Molloy:** I welcome the Member's late conversion. Unfortunately, in Committee he did not move in this way. When I tried to say that dogs that are exempt should be allowed to be shown, because working dogs can also be shown, he was not supportive. In fact, the Member put forward proposals on parking charges at shows to cover what he called a loophole. He wanted the legislation to be even stronger than the Department wanted it to be. I cannot understand why the Member has tabled an amendment that would bring the Bill back to a different stage. Is he just responding to lobbying, or does he actually believe what he is saying?

**Mr Beggs:** The Member will recall that the Committee received evidence from the dog-showing fraternity that it uses a loophole in the legislation to show dogs that have had their tail docked. If we knowingly introduce legislation that has loopholes that can be abused, we will create bad legislation. For that reason, the Committee and I sought to close those loopholes. However, as I stated, I subsequently received information that an amendment for dogs that had their tail docked as a result of medical treatment was needed. I also received information that the number of dogs that gain an exemption for that in England and Wales is low.

When the amendment was discussed in Committee, I was concerned that it may have opened up the floodgates and a potential

for abuse. Therefore, I did not agree with it. However, having received further information and lobbying on the issue, I found that, on balance, there is a relatively low risk and there may be a higher welfare risk to dogs in not tabling amendment No 4. For that reason, I tabled it.

**Mr T Clarke:** The Member said that there might be a higher welfare risk to dogs if we do not accept his amendment, and, to a certain degree, I can accept that. However, there is an even greater risk if the amendments tabled by the DUP are not accepted. Pups are taken when they are five days old and given prophylactic amputations or whatever people want to call them as a preventative measure. The word "prophylactic" comes from the Greek for "advanced guard", and it means a preventative measure or something that fends off diseases or other unwanted consequences. Does the Member accept that a prophylactic procedure could safeguard those pups even further and prevent them having to go through amputation?

**Mr Beggs:** The amendments that have been tabled in the name of Peter Weir and his colleagues give a range of options with different effects. However, I have exposed the thinking behind them. Amendment No 1 will amend clause 6. Clause 6(3) states:

*"A person does not commit an offence ... if the whole or any part of a dog's tail is removed -*

*(a) by a veterinary surgeon".*

Earlier, I outlined the other exceptional circumstances covered by that clause, so that, if a dog is in danger, its tail can be removed by some other treatment or by someone who is not a veterinary surgeon. Amendment No 1 will amend clause 6 by adding:

*"or;*

*(c) for the purposes of showing a dog."*

Some Members said that the issue is not about appearance, yet amendment No 1 specifically allows docking so that a dog can be shown. It would allow people who wanted to dock their dog's tail a way to do so, simply by saying that they wanted to show it. If that is not removing a dog's tail for cosmetic purposes, I do not know what is.

**Mr T Clarke:** I remind the Member what I said earlier: "prophylactic" means "an advanced guard".

**Mr Beggs:** Amendment No 1 is not about an advanced guard; it is about allowing people to dock a dog's tail if it is being shown. Any Member who votes for that amendment is in favour of allowing a dog's tail to be removed by people who want to show their dog without a tail. That is what the law will say if amendment No 1 is accepted, and I ask Members to consider that carefully. It will negate many of the animal welfare provisions in the Bill. How on earth can medical treatment with a veterinary surgeon or emergency treatment that could affect the life of a dog be compared with the DUP amendment to allow tail docking for dogs that are shown? Whoever thought up that amendment has really shown their hand, because it is about showing dogs to maintain the look of a dog. The legislation would give effect to that if the amendment is accepted, and I am opposed to it.

#### 4.45 pm

The other amendments gradually come down the scale, essentially moving a decision further down the pipeline. Some of the other amendments pass the decision to the Minister at a future occasion, so that we will have to come back here and make the decision. The final amendment simply puts it off for two years. Essentially, we either avoid making the decision, or we delay the decision.

I remind Members what happened during Consideration Stage. It was made clear that any dog that had been docked prior to the introduction of the legislation would not be affected and could continue to be shown. We are talking about the showing of dogs after the introduction of the legislation and what would happen should their tail be docked. There will be a run-in period. The legislation forces people to make a decision on when they decide to dock their dogs.

We must bear in mind the fact that we have widened greatly the original legislation and included many breeds of working dog that have a higher risk of damaging their tail because they are working dogs. There are risks in having widened the legislation, as the decision to dock a tail must be taken very early on in the life of a dog. It must be decided early on whether the dog will be a working dog or not. If the amendments, particularly amendment No 1, were to go through, the owner of a young pup would be able to make an easy decision

to dock its tail and be able to show the dog as well as work it. On animal welfare grounds, the Committee made a strong argument for including working dogs in those that could be docked. However, there is the danger of opening that up to abuse. Someone could say that they are going to work a dog but, essentially, might just end up showing the dog because they like the look of a docked tail, rather than having it done on animal welfare grounds. For that reason, I propose amendment No 4 and oppose the other amendments.

**Mr T Clarke:** The Member again referred to the look of a dog. If a dog is one of the working breeds that are exempt, as has been discussed, surely, as the legislation stands and regardless of whether the Member's amendment is made, that dog cannot be used for show purposes. Someone who owns a gun dog cannot show that dog.

**Mr Beggs:** If someone decides that their dog will be a working dog, they will be able to show it in a working environment. There are criteria in the legislation allowing for that dog to be used for demonstrating purposes. However, if a dog's owner wanted it to be shown for cosmetic purposes, for its visual image, I agree that that would not be allowed. On animal welfare grounds, if someone wishes to breed dogs for showing purposes, they may well decide not to work the dog and keep it for showing purposes. In fact, a member of the dog fraternity told me that on frequent occasions there may be different bloodlines. There is the beautiful dog that is the image of what the breed should look like, and there is the dog that can retrieve the game and do the work. It is very rare that the categories flow together. I ask Members to support amendment No 4.

**Mr P J Bradley:** I declare an interest as an honorary member of the British Veterinary Association Northern Ireland. I am disappointed that anyone should, at this late stage, make an attempt to undo the very complementary work that the Committee for Agriculture and Rural Development, the Minister and her officials have put into the Welfare of Animals Bill over a long and testing period. It has been going on for quite a while, and a lot of work has been done. Thankfully, there were never any real political divisions during the debates. From time to time, some Committee members expressed personal concerns on specific issues, but most times reluctant acceptances were the order of the day.

We have reached this point in the Bill's progress because of the amicable agreement in the Agriculture Committee, which is made up of representatives of the DUP, SDLP, Sinn Féin, the Alliance Party and the Ulster Unionist Party. The DUP amendments surprised me a little. We were guided through the debates on the Bill by two members who, in my view, did an excellent job: the former Chairman, Ian Paisley Jnr, and, latterly, Stephen Moutray, whom I must congratulate on his earlier presentation, which represents the Committee's view or certainly my understanding of it.

Ian Paisley Jnr and Stephen Moutray could not be faulted in their respective roles, and they helped get the Bill to this stage. Other DUP members — Jim Shannon, William Irwin and, in recent times, Simpson Gibson — contributed to the Committee's efforts, and I have no recollection of any of them seeking to implement the suggestions now included in the amendments. I am a little surprised and baffled as to why my Committee colleague Trevor Clarke has lent his name to the amendments. I predict that, unless the DUP Chief Whip imposes a whip on the vote —

**Mr T Clarke:** Will the Member give way?

**Mr P J Bradley:** I will not. I will do as the Speaker does. I will look at the Hansard report in the morning and see what Mr Trevor Clarke had to say, and I will get back to him. All the amendments will be defeated heavily unless the DUP Chief Whip uses the whip.

As the SDLP representative on the Committee, I wish to express my opposition to the eight amendments on the Marshalled List, and I will make brief comments on each of them.

Amendment No 1 takes us right back to square one. As we have heard from other Members, if the amendment is successful, there would be nothing to prevent any dog owner taking his or her dog to the vet to have its tail docked on the pretence that he or she plans at some time in the future to enter the animal in dog shows. Therefore, I oppose that amendment.

I oppose amendment No 2, which would leave out six key subsections of clause 6, subsections (12) to (18). It more or less seeks to rubbish a lot of time spent in lengthy discussions and the conclusions reached by the Committee. That valuable work should not be sidelined on a mere whim.

I oppose amendment No 3, through which the Member seems to take a second bite of the cherry. As I stated previously, the SDLP is opposed to the exclusion of subsections (12) to (18) of clause 6. That includes subsections (12), (13) and (14), referred to in amendment No 3.

As to amendment No 4, I accept that Mr Beggs has only recently joined the Committee, and therefore I do not expect him to be fully au fait with all that took place during the Committee debates on the issue. I cannot support amendment No 4, because, if agreed, as he more or less said himself, it would create a loophole that would allow an unscrupulous owner to deliberately damage a dog's tail. I have no doubt that, if this amendment succeeds —

**Mr T Clarke:** Will the Member give way?

**Mr P J Bradley:** I will not give way. I heard enough earlier.

If amendment No 4 succeeds, some unscrupulous owners will be the first to take advantage of the loophole. That is a given, so I am opposed to that amendment as well.

Amendment No 5 has to be opposed simply because it reverses practically everything that has gone before, not only in Committee but everything presented to the full Assembly and agreed to by the full Assembly, as we heard from the Chairman in this very Building on 1 February. I will not refer to the other amendments.

**Mr Lunn:** I am not a member of the Committee, but I have followed the debate with some interest. At least Mr Beggs has become a member recently.

Because I spoke in the last debate, I have now had the full fury of the dog breeders and dog show fraternity heaped on my shoulders over the past couple of weeks. I listened with great interest to the previous debate and to what has been said today. I have read all the submissions and listened to phone calls from people involved and interested in the subject, and I have not heard one thing that makes me want to change my mind about the way the Alliance Party voted the last time, which was in favour of amendment No 2.

As other Members have said, amendment No 1 is nothing more than an attempt to allow the dog show fraternity to continue to dock their dogs' tails. I hear the word "cosmetic" used. The word does not matter much. "Cosmetic" means appearance. Why else would people who



want to show dogs dock their dogs' tails unless it is a requirement of the dog show and one that is based on appearance? I wonder how far I will get before Mr Clarke intervenes. It is just a question of appearances or beauty.

**Mr T Clarke:** The Member has read the amendments. Can the Member see where the word "cosmetic" is used? I asked Mr Willie Clarke that question earlier. As I said, prophylactic docking is used to prevent unwanted diseases or consequences.

**Mr Lunn:** I have heard the Member make that point several times today. Of course I cannot find the word "cosmetic", but I do not need to. *[Interruption.]*

**Mr Deputy Speaker:** Order. Members have been very good at giving way. That is much better than interventions across the Floor.

**Mr Lunn:** I do not need to find the word "cosmetic" to understand what this is about. It is about appearance. I wonder how many dog owners have dogs that are neither show dogs nor working dogs. I would have thought that the vast majority of dogs in this country do not belong in either category. I very much doubt that many of them have their tail docked except for the reason of occasional injury. I do not follow the argument in any way, except to say that it is purely to do with the narrow interests of dog show operators and people who show dogs, who want to keep things the way they are. I appreciate that it is a tradition and that things have been done in a certain way for many years, but that does not make it right. Sometimes we have to change things, and we have an opportunity to do that.

**Mr Molloy:** Will the Member explain whether his views are Alliance Party policy? In the Committee for Agriculture and Rural Development, his colleague Kieran McCarthy had an entirely different opinion. Are the Member's views party policy or his own opinion?

**Mr Lunn:** It is the opinion of our group.

**Mr T Clarke:** He has been whipped.

**Mr Lunn:** Hold on. I am sorry; was that an attempt at an intervention?

Kieran McCarthy is our spokesperson on these matters, but he has gone AWOL again today. *[Laughter.]* I have not read the Committee minutes, nor do I know what he said in

Committee. I do not think that he is trying to avoid the issue, but it has been left to me, and I am telling the House what the opinion of the Alliance Party Assembly group is. It is absolutely clear: we will oppose all the amendments, except for amendment No 4, as we have some sympathy for Mr Beggs's approach.

I hear the argument that a consequence of the Bill will be a massive reduction in the breeding of certain types of dog. Are all the Dobermanns in this country kept purely for showing? Does none of them have a tail? I do not believe that. I see plenty of Dobermanns, and they are being kept as pets. There is no regard in the amendments for normal practice, for the way in which people treat their dogs when they just keep them as domestic pets. Most of those dogs do not have their tail docked. There is no reason to do it, unless the dog is going to be shown or is a working dog. In the case of working dogs, we do not have a problem. It seems to be perfectly good sense.

I will not go on any longer, Mr Deputy Speaker. That is the way that we feel about the amendments. We will oppose all the amendments, except for amendment No 4.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. This debate is a repeat of the previous one. It is unfortunate that, when members discussed the matter in the Committee for Agriculture and Rural Development, we did not get the same arguments as those that Mr Beggs is putting forward now. In fact, he wanted to reinforce things and deal with the matter even more severely than the Department.

There is no evidence to support the statement that Mr Beggs and the Chairperson of the Committee made that unscrupulous dog owners would deliberately damage dogs' tails. Saying that members of the Kennel Club in particular and people who show dogs would do that shows clearly that the Member does not understand what those involved in the showing of dogs are about. If he did, he would know that they think more of their dogs than they do of themselves. They look after their dogs and show them with pride. The idea that someone would injure a dog's tail in order to have it medically treated does not stand up.

**Mr Beggs:** If the Member had listened carefully to what I actually said, he would have recognised that other people have told me that

that was a reason for not doing what I have done. However, because I believe that dog owners would not unscrupulously damage their pet's tail, I have tabled my amendment. It is not because of what the Member is saying; it is because I do not believe that dog owners, in general, would do such a thing.

The evidence in England and Wales indicates that the number of dogs that have been able to be shown because of medical intervention is relatively small.

#### 5.00 pm

**Mr T Clarke:** I want to clarify what Mr Beggs said. A look back at the Hansard report will show that he said in Committee that there may be unscrupulous people who would damage dogs' tails so that they could go through the procedure. If Mr Beggs wants to check the Hansard report and correct me on that, he may do so. However, I am 99.99% sure that that is what Mr Beggs said. I do not know whether Mr Molloy recalls that.

**Mr Molloy:** I do recollect that statement. I also recollect Mr Beggs talking about unscrupulous people who show dogs and organise dog shows using a loophole by charging for car parking, thereby getting around the legislation deliberately. Mr Beggs was going to reinforce the legislation and make it even stronger and more draconian than it is at present. I can understand why Mr Beggs is pulling back from that now. He is under pressure from constituents of his who show dogs and who, on reading the Hansard report, cannot believe some of what he has said over the past number of months.

**Mr Beggs:** Does the Member accept that there are unscrupulous puppy farmers who do many things to their animals? In putting forward legislation, one has to try to deal with all sorts of people. I have stated clearly today that, on balance, I do not believe that dog owners or pet owners would do it. That is why I tabled the amendment. Does the Member not accept that it was the dog-showing fraternity that indicated, in its publication, that it used the loophole of the car parking fee? It was not me who said that unscrupulous people would do that. In fact, it was the showing fraternity that indicated, in its news-sheet, that it does that.

**Mr Molloy:** We have heard all that before. Unfortunately, there was nothing new.

The reality is that this legislation is unnecessary and unnatural. The idea of trying to govern shows is outside the Department's remit. It should never have stepped into that arena. It is unnecessary to try to force the legislation on people who are involved in shows and those who are involved in the welfare of animals in that way. It would have been better if the Department had stuck to the welfare of animals that are within its control.

We have faced two issues. The first is that we have had very little or no consultation with councillors. They will be the people involved in the enforcement of dog licensing, because enforcement has been offloaded onto councils without consultation on the costs or implications. All councils were opposed to the offloading of legislation onto them in that way. Secondly, it has been exposed that the Committee system of taking information and consulting members of the public is inadequate. The Committee system of scrutinising Bills is inadequate. Members need to listen to what the public are saying on a number of issues, even if they do not agree with all that they hear. All that we have heard about is enforcement —

**Mr T Clarke:** The Member is absolutely right. I know that it seems strange that I have agreed with him in Committee so many times. The Member has just said that Committee members should listen. Would it not have been useful for them to have been given the opportunity to listen? Mr Lunn said today that he has read bits and pieces, and heard arguments. I reinforce the point that the Committee never had an opportunity to speak to people who support the continuation of this practice. Although the Member has said that we should listen, it has been very difficult to listen to those people. Mr Beggs has said that one person contacted him. Wow — one person contacted him. Does that person speak for all the people who have traditionally docked dogs' tails?

Like me, I am sure that Mr Molloy feels very disappointed that the Committee did not get the opportunity to listen to the hundreds of people who wanted to put forward their cases.

**Mr Deputy Speaker:** Order, please. I have been extremely patient. It really is time to address the amendments and the Bill.

**Mr Molloy:** I accept that ruling, Mr Deputy Speaker.

One of the issues is the process, which I know the Member spoke about earlier. If that process is flawed, the legislation will not be good, and that is one of my problems at present. The legislation that is being forced through is not good because it does not deal with the issues that the public are concerned about. At Committee, we did not get the opportunity to hear from the various different councils, organisations and people who are concerned about shows and tail docking and who have something to say about the Bill.

**Mr Deputy Speaker:** Order, please. You really have exhausted my patience. Will you please address the amendments?

**Mr Molloy:** Mr Deputy Speaker, I am addressing the amendments, which deal with the docking of dogs' tails and are a variation of the amendments that were tabled before. Mr Beggs's amendment deals with the legislation itself, and the legislation deals with the docking of dogs' tails. We did not get the information that we needed from all those concerned about tail docking and about how the legislation will affect that. I want legislation that is beneficial to those who look after the welfare of dogs.

The way in which Mr Beggs's amendment has come about is unfortunate. It is a reversal of his original position on shows and takes the legislation a step further than it needs to go. There is no justification whatsoever for that in the present set-up. Those who have issues with the showing of dogs have not been given the opportunity to make their presentations. At last week's Committee meeting, I said that we needed an opportunity to hear those people's voices, but that did not happen. Instead, it was indicated that those people had cancelled plans for them to attend last week's meeting. However, on their behalf, I want to make it clear that they did not do so. They wanted to give evidence, and the Committee should have been flexible enough to deal with that. That information has now, unfortunately, been lost, because it was not heard by the Committee and did not become part of the Committee report. That is a sad situation.

On a number of occasions at Committee, Mr Clarke exposed the issues dealt with by the other amendments tabled today. However, it is unfortunate that Mr Weir was not there as Whip to instruct all the other members to follow suit,

because better legislation would then have come through the Committee.

**Mr T Clarke:** I thank the Member for being complimentary about the DUP. However, I have to say that it is a pity that the Member was whipped to vote against the removal of clause 6 the last time that Members went through the Lobbies. He has been complimentary about our structures today. However, it is disappointing that he was whipped to go down the other Lobby the last day.

*(Mr Speaker in the Chair)*

**Mr Molloy:** As I said last week in the debate about coursing, there is no whip too long. I was not in any way criticising the DUP for its whipping process. I was simply saying that had we got support from across the Committee, we would have better legislation.

If I were the Minister or anyone else here today, I would not be taking great comfort from P J Bradley's commentary or support, because it will be short-lived. It will be only a matter of weeks before he is criticising the Department in some other way. The fact that he is a member of the Veterinary Association was never raised at Committee at any time whatsoever, so it is useful that that came out during this debate.

The issue that we have dealt with the past number of times is very important.

**Mr P J Bradley:** On a point of order, Mr Speaker. Was the Member referring to me?

**Mr Speaker:** Quite obviously, he was. I am sure that the Member would be happy to clarify that.

**Mr P J Bradley:** I will leave it up to him to check the Hansard report.

**Mr Molloy:** The Member can check the Hansard report, and so will I. In Committee, when this was being debated, the Member never stated that he was a member of any veterinary association.

**Mr T Clarke:** I have to come to the Member's defence. Although Mr P J Bradley was quite happy to slap me down today, I recollect that he did make reference to being an honorary member of the British Veterinary Association. I have to put that on record in his defence. However, while I am on my feet, I have to say that, given that he is an honorary member of the British Veterinary Association, and given some

of the comments that Mr Molloy and myself made about vets, he will know that it is better for them that the Bill goes through, because they will make more money.

**Mr Speaker:** I suggest to all sides of the House that we get back to the amendments.

**Mr Molloy:** Let me be very clear, Mr Speaker, that when the debate happened in Committee, Mr Bradley did not clarify that issue around the Veterinary Association.

It is unfortunate that today's amendments were not put through at Consideration Stage. They are in front of us now, late in the day, and, unfortunately, the legislation is going through in that way.

**Mr Kinahan:** I am extremely pleased to be speaking on the Welfare of Animal's Bill. At the risk of being holier than thou, I start by saying that some people are amazed by how much time we spend on smaller issues such as this rather than on life's more important matters. However, I am concerned that today we are trying to put too many rules on dog owners. Therefore, I will address all the amendments. I am amazed to see all the amendments that are going through, given the many other excellent clauses and actions in the Bill.

I got interested in the Bill only when it started on the matter of omitting working dogs from the tail docking ban. However, if Members think about it, they will realise that the issue of tail docking affects many other dogs. We have heard today that many of those dogs' owners were not consulted or given the chance to put their case. We have probably overstepped the mark in all this. We heard from one person that the Kennel Club was the right body to make a decision on tail docking, and it probably remains the right body to do that, rather than the Assembly trying to put it in legislation. The Kennel Club knows, from all breeders of all types of breeds, what should be happening with dogs. It is because of that that I decided to stand up and speak on the matter.

### 5.15 pm

We all know that it is best to dock a tail when an animal is very young, just as many things that we humans do to ourselves are better done when young. Given some of the things that older people, particularly in the film star world, do to their bodies, perhaps we are spending too much

time on the wrong thing. We are here for the welfare of animals.

I will read from one letter that I received. A Member has already said that one letter does not necessarily count as a lobby. However, it is our job to listen to everybody. I am sure that one or two other Members received this letter. It says:

*"Whilst attending a well known and respected veterinary practice in County Down 12 months ago, I heard an agonised screaming in the recovery room. I asked the vet what was creating such a terrible noise and he informed me that it was an adult Boxer in recovery from a partial tail amputation. To make matters worse this was the 2nd partial amputation the Boxer had undergone in 6 months for self inflicted tail damage. The vet proceeded to voice his disgust that this traditionally docked dog had been left with a tail and had so endured 2 surgical amputations, 2 anaesthetics and 2 very slow, extremely painful recoveries, due to a law passed by politicians who plainly had no knowledge of the subject they were legislating."*

I go back to my point that, if tail docking is to happen at all, it should happen at a very early age.

All of us who have dogs know that dogs wag their tails and will constantly amaze us by happily welcoming us home when, perhaps, we are not in the best of moods. They are still pleased to see us. They will wag their tails, and, in this modern world, they will damage them. When Members are knocking on doors canvassing and see dogs shut up in small back yards, think of the stone, wood and other things against which they will bang their tails. Dogs were not designed for the modern world that we have put them into. The Bill does not seem to look at how cruel it is to shut dogs in courtyards, to muzzle them and to damn them always to be on a lead. However, we are not talking about that today.

I am trying to get Members to think that we should leave this as a simple mechanism. We should allow dogs' tails to be docked, if the owner wishes, when they are small dogs, whether for cosmetic or prophylactic reasons. It is best to dock a dog's tail when it is very young.

I was an owner of miniature and giant schnauzers, which were neither show nor working dogs. When I was small, they arrived with their tails docked. Later, we got one from Scotland that had a tail. I had so much trouble with that dog. It was not a show dog or a



working dog, but when I took it for a walk, its tail would fill with burrs and other things. Members should try brushing those out of a dog's tail. That dog bit me every time I tried to do so, and yet it was my best friend.

We are concentrating on the wrong matters. We should leave this issue nice and simple so that it can be decided by a vet or by the Kennel Club. I know that this is an emotive subject, but we are going completely down the wrong track. I support the stronger amendments and, as Members can see, the Ulster Unionist Party is having a free vote.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh míle maith agat, a Cheann Comhairle. I will start by reflecting on what happened in the Chamber two weeks ago when we debated the amendments that were proposed at Consideration Stage. Eighty Members voted on the question that the amended clause 6 on tail docking stand part of the Bill; an overwhelming majority of 61 voted in favour. That sent out a clear message that the barbaric procedure of the cosmetic docking of dogs' tails is totally unacceptable in the North of Ireland.

For Members' clarification, prophylactic docking is non-therapeutic. It is the docking of a dog's tail as a precautionary measure, based on the premise that the tail may suffer damage in later life when the dog is working. Cosmetic docking is non-therapeutic and is performed so that a dog conforms to the breed standard and/or what the breeder may consider normal for that breed.

I am amazed that Peter Weir, Michelle McIlveen and Trevor Clarke have proposed amendments, which, if accepted, will allow cosmetic docking to continue, not just by the back door but straight in through the front door. I welcome the comments of many Members, particularly those of the Chairperson of the Agriculture Committee, which I found to be consistent with the Committee's report, and other Committee members, such as Willie Clarke and P J Bradley, concurred.

A key aim of the Bill is to prevent animals suffering unnecessary pain and distress, and docking a dog's tail for cosmetic reasons causes unnecessary suffering. It is not done for a dog's welfare. It is done purely for the sake of appearance. The Bill, as introduced, made it an offence to show a dog at an event to which members of the public are admitted

on payment of a fee if the dog's tail had been docked on or after these powers come into force. The Committee for Agriculture and Rural Development proposed an amendment to strengthen that offence and close any loopholes to prevent show organisers trying to circumvent the legislation by not charging an entry fee. I was grateful to the Committee, and that amendment has been made to the Bill.

How time — just two weeks — can change things. Trevor Clarke, a member of the Committee, has put his name to these ridiculous amendments to clause 6. Amendment Nos 1 and 2 are designed purely to allow cosmetic docking for show dogs; they are totally unworkable and would be impossible to police or enforce. Francie Molloy talked about councils enforcing that. However, they would have a far bigger headache if the amendments are passed today, as they would allow cosmetic docking to be done on any dog. Trevor Clarke's aim is to make clause 6 useless and to achieve what he failed to achieve at Consideration Stage when he tried to have the entire clause voted out of the Bill.

If amendment Nos 1 and 2 are made, the effect will be to negate clause 6, which would leave us in a worse position than before we introduced the Bill. When the clause is commenced, the current power in the Welfare of Animals Act 1972 will fall. If amendment Nos 1 and 2 are voted through, we will no longer have any powers to require pups to be docked before their eyes open. It will also be totally impossible to enforce the requirement that only a veterinary surgeon may undertake the procedure for show dogs. Amendment No 2 also makes it impossible to certify any exemption for working dogs. The North of Ireland will become the docking capital of these islands, which would send out the message that the welfare of dogs here is of no importance. I cautioned Members that that would be the result when Trevor Clarke tried to vote down the clause at Consideration Stage, but, of course, he has ignored that advice. He obviously does not care whether pups or dogs suffer.

One may well ask why show dogs are docked. Let us be very clear: there is no evidence or justification to support a case for docking dogs' tails for the purposes of showing. Show dogs are not docked to enhance the health or welfare of the dog, but to meet out-of-date breed standards that the Kennel Club has now changed. Allowing the showing of a dog with a docked tail is supporting and promoting

cosmetic docking. It will do nothing to change the mindset of breeders, puppy farmers — as other Members have highlighted — or show organisers. It will do nothing to change the fact that that should be the standard of that dog. The purpose of the Bill making it an offence to show a dog with a docked tail is to send out a clear message to breeders and the showing fraternity that tail docking causes unnecessary pain, suffering and distress to pups and must be stopped. It is also to send out the message that it is perfectly natural for a show dog to have a tail and that it is, frankly, barbaric to cut off a dog's tail just for presentation purposes.

From the debate, it is clear that the majority of right-thinking Members are opposed to cosmetic docking. In banning the showing of dogs with docked tails, the House is saying that the unacceptable practice of cosmetic docking must stop.

**Mr I McCrea:** Will the Minister give way?

**The Minister of Agriculture and Rural Development:** No.

I also caution against Members taking what they may think is an easy way out and voting in favour of amendment No 3, which is designed to remove the provision that makes it an offence to show a dog with a docked tail. I understand why someone who currently owns a docked dog would want to be allowed to continue to show that dog. That is already catered for in the Bill. Any dog that has been docked before these powers are commenced can be shown for the rest of its life; there is not a problem with that.

If amendment Nos 1 and 2 are rejected today, we will have banned cosmetic docking in the North of Ireland. However, if amendment No 3 is voted through, we must ask where the docked dogs to be shown will come from. It would have to be from Europe and beyond because cosmetic docking is already banned in Britain, and we have heard that the South is heading in a similar direction. Anyone who votes for amendment No 3 needs to be aware that they will be encouraging the transportation of very young pups with docked tails on long journeys from Europe and beyond. Although most people will bring those docked pups into the North legally, others will not. If we encourage that trade, we will risk the introduction of rabies and other diseases to these islands and consign young pups to further pain and suffering as a

result of not only the tail docking procedure but the long journeys that they will have to endure.

Members have expressed concern that our economy would suffer if dog shows were relocated to other places because dogs with docked tails cannot be shown at dog shows in the North. However, the Department of Agriculture, Fisheries and Food in the South, as part of its proposed new animal health and welfare legislation, has already consulted on a proposal to ban mutilations of animals, including the docking of dogs' tails. As part of the all-island animal health and welfare strategy, we are committed to ensuring that our respective animal health and welfare legislation is as compatible as possible. The South of Ireland is already moving in the same direction as us, so it is very unlikely that shows will be relocated. In addition, the Chairperson of the Committee for Agriculture and Rural Development advised the House two weeks ago that the EU is looking at banning the showing of dogs with docked tails, so it is obvious that the EU is also concerned about the practice.

It is also important to remember that a ban on showing dogs with docked tails was introduced in England and Wales nearly four years ago, and it has not impacted on the running of dog shows in Britain. As I listened to Roy Beggs, I felt that he was a bit confused about that, because he said that his proposed amendment was not being abused in England and Wales. However, there is no such exemption in England and Wales, where people have been banned from showing dogs with docked tails for the past four years.

The Chairperson of the Committee for Agriculture and Rural Development advised the House at Consideration Stage —

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

**The Minister of Agriculture and Rural Development:** No. After what I have listened to, I am in no humour to give way.

The Chairperson of the Committee for Agriculture and Rural Development advised the House at Consideration Stage that the Kennel Club had expressed its view to the Committee that, for the purpose of clarity, we should introduce an immediate ban on the showing of dogs with docked tails.

Amendment No 5 would give the Department the power to make regulations specifying the breeds

of dogs for the purposes of showing. Am I missing something here? Surely all breeds of dogs can be shown. Why would we waste taxpayers' money on making meaningless legislation?

Amendment Nos 7 and 8 — again tabled by the aforementioned DUP Members — are designed to delay the introduction of a ban on cosmetic docking for two years. No plausible explanation for delaying the implementation of those powers has been given to us, in spite of numerous interruptions to other Members' comments by the Members who tabled those amendments or, for that matter, anybody else. I listened very carefully to everything that was said today. Why should we allow the barbaric practice of cosmetic docking to continue for one minute longer than necessary, never mind two years?

I turn now to amendment No 4, which was tabled by Roy Beggs and would allow dogs that have had their tails amputated because of injury to be shown. Although I appreciate why the amendment was tabled, it has not been fully thought through. I understand that it was Mr Beggs who suggested an earlier Committee amendment at Consideration Stage to close loopholes around the showing of dogs with docked tails, so I am sure that he does not want to introduce inadvertently a different and more serious loophole

Some Members commented on the fact that amendment No 4 would create a loophole for unscrupulous breeders and owners to find a way around the ban on showing a dog with a docked tail. I have no doubt that the majority of people who show dogs genuinely care about their animals and would not dream of injuring them. However, let us be clear: there are other unscrupulous people who would do anything and might even be prepared to injure a dog's tail deliberately to ensure that it has to be amputated, thus making the dog eligible for showing. That is a genuine concern that I have with Roy Beggs's amendment, so I ask Members — the Alliance Party said that it is thinking about voting for it — to think very carefully. Amendment No 4 would create a loophole for unscrupulous people to deliberately injure dogs' tails, and the thought —

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

**The Minister of Agriculture and Rural Development:** I will on that one.

**Mr Beggs:** Does the Minister accept that, in its shows in England and Wales, the Kennel Club grants an exemption to members where fees are not paid and, therefore, not legislated for? In other words, the Kennel Club grants the dog-showing fraternity an exemption, although the number of exemptions granted is very low.

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

I do not understand the rationale behind that. There is no exemption in England and Wales. A person's ability not to pay into a show because he or she is showing docked dogs is irrelevant in this case.

I genuinely believe that, if amendment No 4 is brought forward, it will create a loophole for unscrupulous people. The thought might be shocking, but it will become a reality if the amendment is voted through. In addition, I can guarantee here and now that we would have a dramatic increase in so-called tail injuries to dogs such as Dobermanns, Rottweilers and boxers, to name but a few. I am sure that we can all picture a situation in which a person claims that his or her young pup has had its tail injured by children or in which the breeder claims that the bitch lay on the pup's tail and broke it, requiring it to be amputated, when, in reality, the pup was always destined for the show ring and the exhibiter's preference was to show it without a tail.

If Members agree to amendment No 4, we will put the veterinary profession in an untenable position, because vets will be called on to amputate an injured dog's tail when they suspect that the tail has been damaged deliberately just to facilitate showing the dog with a docked tail. At the same time, there will be insufficient evidence to do anything about it. Worse still, we will see a dramatic increase — believe me, this does go on — in laypeople removing a dog's tail to prevent or to remove a so-called immediate danger to the life of the dog.

#### **5.30 pm**

We have to be realistic. We should not make legislation to accommodate what is likely to be a very small number of show dogs that genuinely injure their tails during their showing life. To do so would create a major loophole in the legislation that would leave the way open for unscrupulous people to injure dogs to ensure that they end up docked. If we stand firm on this, it will become socially unacceptable to show a dog with a docked tail, irrespective of

why it has been docked. Ultimately, that is what we want to do.

I also cannot imagine why anybody would want to show a dog that has had its tail amputated because of injury. Whether a tail, a leg, an ear or whatever, surely showing is about demonstrating the best qualities of a breed, and how can a dog with no tail demonstrate the best qualities of a breed that is meant to have a full tail? Make no mistake, the amendments tabled by some DUP Members are a blatant attempt to legitimise cosmetic docking and to deliberately overturn the decision that the Assembly made on 1 February 2011 to ban cosmetic docking. Peter Weir mentioned dog trials. Dog trials are for working dogs to show off their skills, not for show dogs, so, again, there is a wee bit of confusion creeping in.

As I said, although amendment No 4, which was tabled by Roy Beggs, is well-intentioned, it basically introduces a loophole in the legislation through which a horse and cart could be driven. It will encourage unscrupulous individuals to deliberately injure the tails of pups and adult dogs to ensure that they are amputated, thus facilitating selfish and callous owners who do not care about the dog's welfare but want to show a dog with a docked tail at any cost.

I remind the Assembly that this is the last opportunity that we have to amend the Bill. Any late, ill-considered changes that are voted through today will be on the statute book for a long time. Some of the amendments are certainly ill-considered. They remove offences from the Bill but leave in the penalties for the offence.

Members, we have before us a good piece of animal welfare legislation. Let us not destroy it today and make us a laughing stock in Europe. I am sure that we want other countries to see us as legislators who make good, evidence-based policy and legislation.

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

**The Minister of Agriculture and Rural Development:** No, thanks.

We should not let ourselves be pushed into making knee-jerk amendments to good legislation in response to sustained lobbying from one or two individuals. I urge Members to oppose all of the amendments. In opposing the amendments, I remind Members that I am reflecting and maintaining the agreed policy

position of the Executive on tail docking. Go raibh míle maith agat.

**Mr T Clarke:** By this stage, everyone probably knows my position, so I do not think that I have to go into it in detail again. However, I would like to summarise what some of those who spoke in the debate said.

Peter Weir, who moved most of the amendments, was right when he said that not all of the evidence was taken. That is why I am fearful. Although the Minister outlined that this is our last opportunity to amend the Bill, whether she likes the amendments or not, everyone should be given an opportunity to put forward their opinion or case. I want to put on record that I am disappointed that we did not have the opportunity to take representations from people who own docked breeds.

I also agree with what Mr Weir said about registered breeders. The statistics are there. There has been a range of decline from 37% to 70% in the numbers in England since the ban came in there, and the same is likely to happen in Northern Ireland. Therefore, the Minister's statement that the matter will not cause any economic problems in Northern Ireland is totally misleading. The statistics are there in England. Although she can use figures from the Republic, where they are looking at something currently, the fact is that England has been through the process and the decline has been anywhere between 37% and 70% in some of the given breeds. Therefore, the provisions will drive numbers down and will, in turn, cause some loss to Northern Ireland.

I turn now to the Chairman of the Agriculture and Rural Development Committee, who is a member of my party. Although he referenced in his remarks his chairmanship of the Committee, most of his speech focused on a consensus on something that the Committee had agreed on. I have to disagree with that, because the amendments were tabled only last Thursday. The last opportunity that the Committee had to meet was last Tuesday, so it never had the opportunity to discuss the amendments put by Mr Weir or Mr Beggs today. For the Committee Chairperson to suggest that the Committee has come to a position on the matter is wrong.

Then we came to Willie Clarke, who one could believe was likened to the Minister's poodle, because he has toed the line ever since this Bill has come to the —



**Mr Weir:** Maybe his tail has been docked.

**Mr T Clarke:** I think that more than his tail has been docked, possibly.

Most of his time speaking — and I am sure that you are disappointed, Mr Speaker, that you did not actually hear his contribution —

**Mr Speaker:** I remind the Member not to personalise the debate. That is important.

**Mr T Clarke:** I am sorry for referencing the poodle, because it is a slight on the poodle.

**Mr Speaker:** Order. I say to the Member to be very careful. I asked the Member not to personalise the debate, and he should not do so.

**Mr T Clarke:** I am not personalising it: I am saying that it was a slight on the poodle.

**Mr Speaker:** Well, you are coming very close to doing it. So, just be careful.

**Mr T Clarke:** Most of his time was spent talking about animal welfare, Mr Speaker, and I know that you were not in the House during that time. Although he was very passionate about animal welfare, and I think that it is right that any Member should express concern about animal welfare, he was asked on one, two, or possible three occasions and could not give reasons why, when it came to hare coursing, he was not concerned about the welfare of that particular animal.

**Mr Ross:** Will the Member express concern that the Minister made the same argument when she said in her address at the end of the debate that this is a good piece of animal welfare legislation and that, if we do not pass it, we will be a laughing stock in Europe? Is Sinn Féin not a laughing stock, given that it has today opposed the amendments proposed by this party on the grounds of animal welfare yet only last week it brought forward its own amendments to allow the continuation of hare coursing? Is that not the biggest hypocritical position that Sinn Féin has taken in recent times?

**Mr T Clarke:** Yes. One could suggest that it is the biggest U-turn that they ever had. But, there we have it. We do not get consistency where Sinn Féin is concerned. Even in Committee, as we can see here today, there was a difference of opinion within Sinn Féin, and it is interesting to note that one of its Members, who is probably more likely to be in favour of our amendments,

has left the Chamber. During the whole debate in Committee, Mr Molloy and I were allied in trying to continue the practice of tail docking while wanting some protection placed on the welfare of animals by making sure that it is done by a veterinary surgeon. The Member was consistent.

**The Minister of Agriculture and Rural Development:** Will the Member give way?

**Mr T Clarke:** No. The Minister would not give way when she had her opportunity, and she had more than ample time to speak. I must say that it was difficult to listen to.

It is interesting that, on the previous occasion when Mr Molloy had the opportunity to vote this clause out, he was whipped into place by the Minister to do as he was told. We have seen that practice time and again by Sinn Féin. In the past, it has probably been known to do more than whipping.

I move to P J Bradley's comments, and I must clarify that he did, whether Mr Molloy agrees or not, declare an interest in Committee that he was an honorary member of the Veterinary Association. However, I think that that was a problem in a sense, because, as I said in Committee, I think that the fact that we are removing the opportunity for tail docking and are moving towards the possibility of more amputations is playing into the hands of the Veterinary Association in Northern Ireland, which could create more work for itself.

Mr Kinahan considered that his contribution was not valuable: I think it was. His colleague suggested that only nine dogs a month in the UK are affected by the amputation of tails, yet Mr Kinahan read out a letter from a dog owner in County Down whose dog has had two amputations. I think he made a very valuable contribution. The letter sets out very clearly the problems of a dog that has not had its tail docked. He said that it has to be done at an early age. The legislation suggests that it should be done within the first five or six days, which is something that we can all support.

**Some Members:** Will the Member give way?

**Mr T Clarke:** I will give way to Mr Beggs.

**Mr Beggs:** Will the Member recognise that my comment was in respect of dogs involved the showing fraternity?

**Mr T Clarke:** Yes, but I also put on record, as Mr Molloy said previously, that you did suggest in Committee that some unscrupulous owners would damage their dogs in order to have their tails amputated. It seems strange that you are coming with this amendment late in the day. However, it does go some way, and if our amendments are defeated, I will support your amendment.

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

**Development:** On a point of order, Mr Speaker. It is incumbent on me to point out that the Member is unaware of the impact that his amendment would have. His proposal would ensure that dogs' tails do not have to be docked before their eyes are open.

**Mr Speaker:** That is not a point of order. I have to say to the Minister that it is quite obvious that the Member has no intention of giving way, so I do not think that the Minister, or any other Member, should persist in trying.

**Mr T Clarke:** That is right, Mr Speaker. I will not give way, because the Minister was less than democratic when a few Members asked her to give way. She also refused to give way. The debate is not time driven, so we have as long as we want to speak on the subject. We were not stealing any time from the Minister, so she had the opportunity to come back to her points.

I support all the amendments that were tabled in my name and in the names of Peter Weir and Michelle McIlveen.

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

*The Assembly divided: Ayes 32; Noes 53.*

#### **AYES**

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Rev Dr Robert Coulter, Mr Craig, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kennedy, Mr Kinahan, Mr B McCrea, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir, Mr S Wilson.

*Tellers for the Ayes: Mr T Clarke and Mr I McCrea.*

#### **NOES**

Ms M Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley,

Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Mr Cree, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr McClarty, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.

*Tellers for the Noes: Mr Boylan and Mr Brady.*

*Question accordingly negated.*

*Amendment No 2 not moved.*

*Amendment No 3 proposed: In page 5, line 5, leave out subsections (12), (13) and (14). — [Mr Weir.]*

*Question put.*

*The Assembly divided: Ayes 31; Noes 55.*

#### **AYES**

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Rev Dr Robert Coulter, Mr Craig, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kennedy, Mr Kinahan, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir, Mr S Wilson.

*Tellers for the Ayes: Mr T Clarke and Mr I McCrea.*

#### **NOES**

Ms M Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Mr Cree, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr McClarty, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill,

Ms Purvis, Mr P Ramsey, Ms S Ramsey,  
Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.

Tellers for the Noes: Mr Boylan and Mr W Clarke.

Question accordingly negatived.

Amendment No 4 proposed: In page 5, line 13,  
leave out subsection (14) and insert

“(14) It is a defence for a person accused of an  
offence under subsection (12) to show that—

(a) that person reasonably believed—

(i) that the event was not one for which that person  
paid a fee or to which members of the public were  
admitted on payment of a fee;

(ii) that the removal took place before the coming  
into operation of this section;

(iii) that the dog was one in relation to which  
subsection (13) applies; or

(b) the dog’s tail was removed in the circumstances  
described in subsection (3)(a) or (b).” — [Mr Beggs.]

Question put.

The Assembly divided: Ayes 36; Noes 51.

## AYES

Mr S Anderson, Mr Armstrong, Mr Beggs, Mr Bell,  
Mr Bresland, Lord Browne, Mr Buchanan,  
Mr Campbell, Mr T Clarke, Mr Cobain,  
Rev Dr Robert Coulter, Mr Craig, Mr Cree,  
Mr Easton, Mr Elliott, Mr Frew, Mr Girvan,  
Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey,  
Mr Kennedy, Mr Kinahan, Mr I McCrea,  
Miss McIlveen, Mr McQuillan, Lord Morrow,  
Mr Newton, Mr Poots, Mr G Robinson,  
Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey,  
Mr Weir, Mr S Wilson.

Tellers for the Ayes: Mr Beggs and Mr Kinahan.

## NOES

Ms M Anderson, Mr Attwood, Mr Boylan,  
Mr D Bradley, Mrs M Bradley, Mr P J Bradley,  
Mr Brady, Mr Burns, Mr Butler, Mr Callaghan,  
Mr W Clarke, Mr Doherty, Dr Farry, Mr Ford,  
Mr Gallagher, Ms Gildernew, Mrs D Kelly,  
Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle,  
Mr A Maginness, Mr A Maskey, Mr P Maskey,  
Mr McCallister, Mr F McCann, Mr McCartney,  
Mr McClarty, Mr B McCrea, Mr McDevitt,  
Dr McDonnell, Mr McElduff, Mr McFarland,  
Mrs McGill, Mr McGlone, Mr M McGuinness,  
Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy,  
Ms Ní Chuilín, Mr O’Dowd, Mr O’Loan, Mrs O’Neill,

Ms Purvis, Mr P Ramsey, Ms S Ramsey,  
Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.

Tellers for the Noes: Mr Boylan and Mr Brady.

Question accordingly negatived.

## New Clause

**Mr Speaker:** I will not call amendment No 5, as  
it is consequential to amendment No 1, which  
was not made.

## Clause 31 (Penalties)

**Mr Speaker:** I will not call amendment No 6, as  
it is consequential to amendment No 3, which  
was not made.

## Clause 59 (Commencement)

**Mr Speaker:** Amendment No 7 is a paving  
amendment for amendment No 8.

Amendment No 7 proposed: In page 33, line 10,  
leave out “section 56,” and insert “sections 6,  
56,”. — [Mr Weir.]

The Assembly divided: Ayes 34; Noes 53.

## AYES

Mr S Anderson, Mr Armstrong, Mr Bell,  
Mr Bresland, Lord Browne, Mr Buchanan,  
Mr Campbell, Mr T Clarke, Mr Cobain,  
Rev Dr Robert Coulter, Mr Craig, Mr Cree,  
Mr Easton, Mr Frew, Mr Girvan, Mr Givan,  
Mr Hamilton, Mr Hilditch, Mr Humphrey,  
Mr Kennedy, Mr Kinahan, Mr I McCrea,  
Miss McIlveen, Mr McQuillan, Lord Morrow,  
Mr Newton, Mr Poots, Mr G Robinson,  
Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey,  
Mr Weir, Mr S Wilson.

Tellers for the Ayes: Mr T Clarke and Mr Givan.

## NOES

Ms M Anderson, Mr Attwood, Mr Beggs,  
Mr Boylan, Mr D Bradley, Mrs M Bradley,  
Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler,  
Mr Callaghan, Mr W Clarke, Mr Doherty, Mr Elliott,  
Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew,  
Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle,  
Mr A Maginness, Mr A Maskey, Mr P Maskey,  
Mr McCallister, Mr F McCann, Mr McCartney,  
Mr McClarty, Mr B McCrea, Mr McDevitt,  
Dr McDonnell, Mr McElduff, Mr McFarland,  
Mrs McGill, Mr McGlone, Mr M McGuinness,  
Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy,

*Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.*

*Tellers for the Noes: Mr Boylan and Mr Brady.*

*Question accordingly negatived.*

**Mr Speaker:** I will not call amendment No 8, as it is consequential to amendment No 7, which was not made.

That concludes the Further Consideration Stage of the Welfare of Animals Bill. The Bill stands referred to the Speaker.

I ask the House to take its ease before we move on to the Final Stage of the Transport Bill.

**Mr P J Bradley:** On a point of order, Mr Speaker. During the debate, a Member accused me of not declaring an interest as an honorary member of the Northern Ireland Veterinary Association. He was referring to discussions on the Bill as it went through Committee Stage. I ask you to check with the Committee and to report the findings to the House.

**Mr Speaker:** I thank the Member for his point of order; he certainly has it on the record.

## Executive Committee Business

### Transport Bill: Final Stage

**The Minister for Regional Development (Mr Murphy):** I beg to move

*That the Transport Bill [NIA 29/09] do now pass.*

It is not my intention to address the specific provisions of the Bill today. Instead, I will concentrate on the main purpose of the Bill, which is to provide new arrangements for the delivery of public passenger transport services in the North and to ensure our compliance with European law.

The current legislation governing the provision of public passenger transport services was established in 1967 in a very different set of circumstances. It needs to be revised to allow for the delivery of modern services that meet passenger need and to provide for innovation in the market, including the introduction of rapid transit services in Belfast. It will also allow the Department to work closely with stakeholders and local councils in the development of local public transport plans, which will inform the specification of contracts and deliver services that meet individual passenger needs, regardless of where they live. The passing of the Bill will allow for the creation of structures that will drive that change.

The legislation is designed to encourage passenger growth and to make public transport people's first choice, not the last resort. Members can also be assured that the reorganisation of structures and functions in my Department will provide the mechanisms to ensure more efficient provision of services through better allocation of resources according to public priorities.

The Bill is underpinned by reform proposals, which have been developed over the past four years in consultation with key stakeholders in the transport, community and business sectors, and informed further by a major public consultation exercise. I thank those stakeholders for their invaluable contribution to the development of this important legislation. I also thank the Chairperson of the Committee for Regional Development and the Committee members for their detailed consideration and scrutiny of the Bill during its Committee Stage,



and for their recommendations, which have now been incorporated into the Bill.

The Bill will assist in creating an efficient, effective and sustainable public transport system that contributes to the Executive's transportation, environmental, social inclusion and equality objectives while supporting the development of the wider economy. I commend the Bill to the House.

**The Chairperson of the Committee for Regional Development (Mr Cobain):** I express the Committee's thanks to the witnesses who provided evidence, to the Minister and the departmental Bill team for their co-operation and assistance during the passage of the Bill, particularly during Committee Stage, and also to the Assembly's Bill Office team and the Committee staff for their work in producing the report on the Transport Bill. I personally want to thank Committee members for the efforts and commitments that they brought to the pre-legislative stage and Committee Stage of the Bill.

### 6.30 pm

The issue before us is whether the Assembly is content to endorse the Transport Bill. As Members are aware from previous debates, the purpose of the Bill is to create an effective, efficient and sustainable public transport system that contributes to the Executive's transportation, environmental, social inclusion and equality objectives.

The Committee welcomed the opportunity to take forward the Committee Stage of the Bill. It considered the evidence received during its clause-by-clause scrutiny and agreed to all the clauses. The Committee's report made recommendations to improve the Bill. I am pleased to say that 12 amendments were made at Consideration Stage. All of those were agreed by the Committee and the Minister, signed jointly by myself and the Minister and passed by the Assembly. The Committee made other recommendations not involving amendments to the legislation. For the sake of brevity, I, like the Minister, do not propose to rehearse those today.

I thank the Members who contributed to the debates on the Bill. I am happy to advise that the Committee for Regional Development commends the Transport Bill to the House and recommends that it do now pass.

**Mr McDevitt:** I echo the thanks of the Minister and the Chairperson of the Committee to those from inside and outside the House who participated in the debate about and finalisation of the Bill. I also thank the Bill team and the Committee team, who did most of the work, as is always the case, to ensure that the legislation was in a fit state to be before us today.

I welcome the Bill, as amended. The amendments were important and substantial. They strengthened the Bill and put it in an appropriate context that considers not just the economic and social needs of our region but the need to ensure that public transport services are accessible to the people of this part of Ireland and that we design our public transport infrastructure and services in a way that meets the sustainability requirements of our region.

As the Bill becomes law, we must ensure that the resources are available to the House and the Minister, whoever he or she may be, at the Department for Regional Development, so that it can fulfil its potential. Tragically, that has not been so over the past few years. The financial commitment to sustainable transport has not met the statutory desire to see growth in sustainable transport.

I acknowledge the Minister's willingness to engage in a constructive debate with the Committee. I acknowledge his policy commitment to promote a more sustainable transport environment in our region, and I encourage him to continue to advocate that that be matched by the necessary investment to ensure that what we make law can become a reality for all our citizens.

**Ms Lo:** As the Minister said, the Bill is aimed at encouraging people to use public transport as their first choice. It is disappointing, though, that the Budget for the next four years does nothing to encourage people to use public transport when 86% of the Department for Regional Development capital spend will be on roads, which will encourage more cars, congestion and pollution.

The reduction in subsidy to Translink and community transport will also add to the negative impact on people using public transport and increase isolation, particularly for older people, young people, women and people with a disability. I am very disappointed about that. We may have the Bill, but we need the resources and budget to follow it.

**The Minister for Regional Development:** I thank Members for their contribution to the debate and their support for the Bill. I have no desire to elongate proceedings any further. The last two Members spoke about resources. Of course, we want to ensure that we have resources to go forward with the Bill and to encourage the development and promotion of public transport. An amendment has been tabled to the motion for the next debate that would take some money away from DRD. That is not consistent with arguing that we need more resources.

**Mr McDevitt:** I am grateful to the Minister for raising that point. I want to put it on the record, as it will be when the amendment is moved, that the amendment will not take any money away from sustainable transport; it will be focused entirely on reducing consultancy costs and senior executive costs in the Department. I am keen to assure Members that the amendment will not, in any way, undermine the Minister's ability to deliver public transport services.

**The Minister for Regional Development:** That remains to be seen, and whether that amendment is passed is a question for the next debate. Previous propositions from a number of years back talked about taking money from the Departments and putting it into social housing. It is useful that the debate that follows this will address the issue of resources.

Certainly, the last Member who spoke is aware, from being a member of the Committee for Regional Development, of the very substantial hit on the Department's capital budget proposed in the draft Budget. Given that my Department is probably the biggest capital spender in the Executive, he will be aware of the difficulties that that reduction has presented for us and the implications of it. He will know that we had to look at some major capital projects to transfer and free up some money to put into the public transport side, which we did. Those are unpopular decisions with the people who would have liked to see those major capital projects go ahead. Nonetheless, that is the proposition that we put forward, and obviously the budget will be debated and finalised at the end of the consultation process. We want to ensure that we have sufficient resources. We all recognise that we have a very difficult task in balancing the books.

The Member should also recognise that, given that the vast bulk of our public transport uses

roads, it is not simply a case of investment in roads versus investment in public transport. Investment in roads supports and encourages the use of public transport as well as other types of investment.

I thank Members for their contributions to the debate. I particularly thank the Chairperson of the Committee and Committee members for their support of the Bill. I look forward to continued engagement with the Committee as the implementation of the public transport reforms progresses.

Question put and agreed to.

Resolved:

*That the Transport Bill [NIA 29/09] do now pass.*

## Spring Supplementary Estimates 2010-11 and Vote on Account 2011-12

**Mr Speaker:** The next two motions relate to the Supply resolutions. One amendment has been selected to the motion on the Vote on Account and is published on the Marshalled List. As usual, I propose to conduct a single debate on both motions, during which it will also be convenient to debate the amendment. I shall call the Minister to move the first motion, after which the debate will begin. When all who wish to speak have done so, I shall put the Question on the first motion. No further debate will take place. After the second motion has been moved by the Minister, the amendment will be formally moved. The Question will be put first on the amendment and then on the motion, regardless of whether it is amended.

The Business Committee has agreed to allow up to four hours and 30 minutes for the debate. The Minister will have up to 60 minutes to allocate, at his discretion, between proposing and winding. All other Members who wish to speak will have 10 minutes. If that is clear, I shall proceed.

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

*That this Assembly approves that a total sum, not exceeding £15,345,417,000, be granted out of the Consolidated Fund for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 and that total resources, not exceeding £16,233,236,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 as summarised for each Department or other public body in columns 3(c) and 2(c) of table 1 in the volume of the Northern Ireland spring Supplementary Estimates 2010-11 that was laid before the Assembly on 7 February 2011.*

The following motion stood in the Order Paper:

*That this Assembly approves that a sum, not exceeding £6,654,663,000, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 and that resources, not exceeding £7,336,432,000, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2011-12 document that was laid before the Assembly on 7 February 2011. — [The Minister of Finance and Personnel (Mr S Wilson).]*

The following amendment stood in the Marshalled List: At end insert

*“; subject to a reduction in requests for resources for the following Departments:*

£0.7 million	Department of Culture, Arts and Leisure
£0.5 million	Department of Finance and Personnel
£0.7 million	Department of the Environment
£7.0 million	Department of Justice
£3.8 million	Department for Regional Development
£9.4 million	Office of the First Minister and Deputy First Minister

*; and requests the Minister of Finance and Personnel to consider the allocation of the resultant reductions to the Department of Education for the promotion of community relations, to the Department of Enterprise, Trade and Investment for tourism development, to the Department of Health, Social Services and Public Safety for frontline health and social care services, to the Department for Employment and Learning for student finance and to the Department for Social Development for tackling poverty; and calls on the Minister to consider the identification of further financial resources for these purposes prior to the publication of the Main Estimates 2011-12 and the related Budget Bill.” — [Ms Ritchie.]*

Before we proceed with the debate — I hope that he is not going to flee the Chamber — perhaps the Member for North Belfast, Mr Cobain, who is also a member of the Business Committee, ought to issue an apology on behalf of that Committee to the wives, girlfriends, lovers and partners of Members, staff and pressmen who must stay here tonight, instead of going out for romantic evenings and candlelit dinners. It has been described as the cruellest cut of all; I do not know whether that is true. However, I hope that the Member for North Belfast bears that in mind, and, if he speaks in the debate, perhaps he will say something about it.

Two weeks ago, during the take note debate on the draft Budget, the emphasis was on planning for the future and for the next four years in particular. However, today's debate is about the final spending plans for the current financial year, the last year of the Executive's first Budget, 2008-2011. The first Supply resolution seeks the Assembly's approval of the Executive's final spending plans for 2010-11, as detailed in the spring Supplementary Estimates (SSEs) that were laid before the Assembly on 7 February. The second resolution requests interim resources and funding for the first few months of 2011-12 in the form of a Vote on Account. I request the levels of Supply set out in the resolutions under section 63 of the Northern Ireland Act 1998, which provides for the Minister of Finance and Personnel to make recommendations to the Assembly leading to cash appropriations from the Northern Ireland Consolidated Fund.

The amounts that I ask the House to vote in supply are considerable: over £15 billion of cash, over £16 billion of resources and over £2 billion of accruing resources for spend and use by Departments and other public bodies in Northern Ireland. The first Supply motion sums up the spring Supplementary Estimates that are before the House for approval. I remind Members that those SSEs reflect all the in-year changes that were made since the Main Estimates were approved by the Assembly last June. They reflect the departmental expenditure limit (DEL) changes that were agreed in the monitoring rounds in June, September and December, as well as the annually managed expenditure (AME) funding that was agreed by the Treasury since the approval of the 2010-11 Main Estimates last June.

This is the debate, as the financial year 2010-11 draws to a close, in which I want to pause and look back over the past financial year. With your indulgence, Mr Speaker, I want to take a few moments to reminisce. The expenditure plans for 2010-11 were first set in the Budget in 2007. This time last year, those plans were reviewed and revised by the Executive, and they were agreed by the Assembly last April. Members will remember clearly that the Chancellor's announcement on 24 May of £6 billion of savings in public expenditure in 2010-11 resulted in a £127·8 million reduction in the Northern Ireland allocation. That caused much consternation in the House, but the Executive discussed the options and were able to address that pressure through the monitoring rounds process. In addition to addressing the £128·7 million pressure, the monitoring rounds also facilitated Departments to declare reduced requirements and the Executive to reallocate that funding to high-priority areas.

As to the current expenditure position in 2010-11, the amount of current reduced requirements in the first three monitoring rounds was again much reduced, with some £45 million in comparison to £90 million, £135 million and £176 million in the three preceding financial years respectively. On that note, I voiced my disappointment today that that good performance did not continue into the February monitoring round.

#### **6.45 pm**

I will not repeat the details, but suffice it to stress that Departments must practise good financial forecasting and management and not leave the surrender of reduced requirements until the February monitoring round. That puts the Executive in a difficult position, as it is often too late, at that stage, for other Departments to use the resources that have been unspent. Therefore, they are lost to Northern Ireland.

On the capital front, the big issue exercising Members at this stage last year was the £200 million shortfall in DARD's budget arising from the Crossnacreevy site. Members predicted all sorts of doom. Although I assured them that we could handle the £200 million shortfall in monitoring rounds, many did not believe it. However, the outcome was that the Executive were able, in the June monitoring round, to address the shortfall from slippage and other projects such as the strategic waste



infrastructure and the Royal Exchange project. The purpose of monitoring rounds is to reallocate reduced requirements from one area to another area of need.

Leaving aside the slippage in the two large projects just mentioned, the remaining capital reduced requirements in the first three monitoring rounds amounted to only £62 million, which is a sign that, by and large, the delivery of capital projects is being progressed on the ground as planned. Of those capital reduced requirements, the Executive decided in December, through the Treasury end-year flexibility arrangements, to carry forward £23 million into 2011-12 in light of the very difficult capital position next year.

Despite the restrained financial position in current and capital during the three in-year monitoring rounds, some significant allocations were made to Departments, hence the revised Estimates before the Chamber today for approval in the first motion. Members will recall that, in June, £20 million was allocated to the Department of Health, Social Services and Public Safety under the first call on available resources, and that was established in the 2008-2011 Budget settlement. That was to provide the Health Department with certainty, at an early stage in the financial year, of the full £20 million allocation and to facilitate effective planning in its use of resources.

In December, £3.6 million of capital was also allocated to equipment and capital works; £1.9 was allocated to meet the increased cost for some Departments of new functions or the expansion of functions arising from the devolution of policing and justice; and £2 million was allocated to DARD for animal disease compensation, which was a statutory and therefore inescapable cost for that Department. DARD also received £4.6 million in respect of modulation match funding for the Northern Ireland rural development programme, the woodland grant scheme and environmentally sensitive areas, and £2.6 million towards the Agri-Food and Biosciences Institute pensions.

To address the flooding difficulties encountered in Fermanagh last year, OFMDFM was allocated £1.4 million after a cross-departmental bid. The Department of Education was allocated £16 million towards capital works in light of concern over the level of investment in the schools infrastructure, ever mindful of the additional

benefit that that support would give to the construction sector during the recession.

The Department for Employment and Learning received £16.5 million to address the statutory student finance pressures arising from a greater uptake as a result of the economic downturn, and £1 million for health and safety works in the further education sector. The important Bombardier CSeries project was allocated £28 million, with the resultant impact on jobs and investment for Northern Ireland, and my Department received £2 million towards the cost of the 2011 census and £6.1 million for the accommodation costs of Northern Ireland Departments.

The Executive were also able to give £2 million to DOE to contribute to the significant pressures caused by the shortfall in planning receipts and £1.6 million for the e-PIC planning system. In addition, a capital investment allocation of £2 million was given to DOE in assistance to local government for the cost of new recycling and composting infrastructure.

The Department for Regional Development was allocated £5.1 million for provisions, £7.5 million of capital for roads structural maintenance and the A2 Broadbridge Maydown to City of Derry Airport project. DETI pressures amounting to £3.7 million for remedial work on abandoned mines and inescapable Harland and Wolff employee liability claims were also met. With the economic benefits associated with contractually committed urban regeneration projects in mind, the Executive allocated £10 million in the June monitoring round to DSD, and, of course, the cash cost across Departments of addressing the equal pay liability of £120 million was met in-year.

Those are just some of the departmental expenditure limit allocations in the monitoring rounds, but Members must not forget that, in addition, provision was made in the AME exercises and the SSEs in 2010-11 for, among other things, £2.8 billion of non-contributory and income-related social security benefits to the most vulnerable in our society. That funding provides mainly for expenditure on disability benefits, income support, pension credit, jobseeker's benefit and housing benefits, which are all very necessary support for families and people in need in Northern Ireland in these difficult economic times.

Before leaving the detail of the SSEs, I want to inform the House that some additional headroom has been built into them over and above the December monitoring position. At the preparation of the SSEs in January, it was thought prudent — as the SSEs in the Budget Bill are the final statutory ceiling on spending plans — to include headroom amounting to around £20 million to provide the Executive with the flexibility in the February monitoring round to make allocations if resources became available. That forward thinking was particularly important this year in the light of the closure of the end-year flexibility scheme, which means that any resources not used in 2010-11 cannot be carried forward and will be lost to the Executive. The SSEs also include a few technical adjustments that were processed in the February monitoring round. Such adjustments do not give additional spending power to the Executive. I emphasise to the House that such headroom has been included on the condition that the resources, if allocated in February monitoring, must be used only for the agreed purpose. Virement approval will not be given later to cover excess spending in any other areas. I am sure that Members will appreciate the wisdom of that course of action, and the February monitoring outcome has borne that out.

Let us turn to the second part, which is the Vote on Account; that is, turning from the current year and looking ahead to 2011-12. The second motion before the Assembly seeks approval to the issue of cash and resource Vote on Account to ensure the seamless continuation of services into the next financial year. I stress to the House that the amounts of cash and resources proposed are totally unrelated to the current Budget 2011-15 process; rather, they are an advance of around 45% of the final 2010-11 provision. That is to enable services to continue into 2010-11 until the Main Estimates reflecting the first year of the Budget 2011-15 are prepared and presented to the Assembly for approval.

I commend to Members the 2010-11 spring Supplementary Estimates, the 2011-12 Vote on Account and the Supply motions tabled. At the end of today's debate, I will endeavour to deal with any issues that have been raised on the spring Supplementary Estimates and the Vote on Account.

**Mr Speaker:** I call Ms Margaret Ritchie to address the amendment.

**Ms Ritchie:** I take this opportunity to summarise the position of the SDLP on the Supplementary Estimates and the Vote on Account, associated with the Executive's draft Budget.

The spring Supplementary Estimates are, in effect, a tidying-up of the finances for this year, the year that we are in. Although it is a little confusing, particularly for our friends in the media, it is little to do with the Budget for the next four years. Again, the Vote on Account is a resolution to supply resources to allow initial spending into the first year of the Executive Budget. We think that it is the first stage of a flawed Budget and a flawed process, but, whatever we think of it, we will not vote to leave public services unfunded at the start of the next financial year.

Nonetheless, we are advised that the procedure is such that, if any party or Member in the House wishes to amend the draft Budget, they must first amend the Vote on Account. Given that the Vote on Account relates only to a very small part of our draft Budget, the SDLP's technical amendment is representative of the type of change that we want to see in the overall Budget for the next four years. We, of course, welcome the fact that we have a draft Budget, as it means that people now have some idea of what the future holds. However, there are fundamental deficiencies in the draft Budget, and, although we can and must put them right, let me tell the House what is wrong and what needs to be fixed.

First, the draft Budget is largely the application of what was handed down by the coalition Government. The settlement envisaged cuts of some £4 billion, and, when we net out receipts and a rates increase, the draft Budget envisages cuts of £3.2 billion. Bizarrely, one party that negotiated the draft Budget, including the £3.2 billion in cuts, is still inviting us to fight the Tory cuts. It agreed to those cuts, but wants us to fight the cuts. Is that stupid or dishonest, or is it both?

We can mitigate the cuts. The SDLP has produced a Budget document entitled '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 pretended that the draft Budget already contains billions in new revenue. That is not true. When

we strip away normal receipts, there is little new money. In fact, it amounts to less than 1% of the total draft Budget.

The Budget is crucial for the economy 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 draft Budget must be about much more than which Ministers are winners and which are losers, although it is easy to see the DUP/Sinn Féin carve-up even at that level. However, it must deliver on an economic strategy. That is our second criticism: the draft Budget is not related to any economic strategy.

All economic commentators recognise the need to rebalance the Northern Ireland economy. That means reducing the public sector and making it more efficient; focusing on job creation; and investing scarce capital in the right areas. In fact, we look forward to the coalition Government's proposals for doing that for Northern Ireland. However, where are the proposals in this draft Budget to move assets and activities from the public sector to the private sector? Where is the plan to generate jobs in the short term and get the economy moving? Again, the SDLP's 'Partnership and Economic Recovery' document provides many answers.

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

Let us sell the DRD car parks. They would do better in the private sector, generating a major receipt to fund other priorities. We should dispose of other assets that have a revenue stream. We also suggest looking at the Port of Belfast, among other areas. Indeed, consider Northern Ireland Water. The solution to the problem of making Northern Ireland Water perform better does not simply lie in bringing it back into DRD, as the Minister for Regional Development proposes. Is it really going to 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 job creation? There needs to be more investment in the tourism and construction sectors, which are indigenous and job rich.

## 7.00 pm

Our third criticism is that the draft Budget is simply not joined up. Each Department has been given a haircut, but there has been little thinking outside 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 have been in a much worse place if the DUP and Sinn Féin had failed to reach meaningful agreement, because they have failed to reach agreement on parading, education, minority languages and North/South co-operation, to name a few. We are all paying the price for that. I welcome the fact that they have reached agreement, albeit on a seriously flawed Budget.

However, we now have a Health Minister who says that he has been allocated a capital budget to build a radiotherapy centre in Derry, but not the budget to run it. Only today, we were told that there are major delays in ambulances' delivery of patients to A&E centres, which is also because of the budget deficit. I understand that the Health Minister was treated disgracefully by the First Minister and deputy First Minister at the last Executive meeting.

In education, we have inadequate provision for the schools modernisation programme, which is of huge importance if we are to tackle the real failures and inequalities in our education system. We face the unacceptable prospect of hiking student fees, which is entirely avoidable and will only start to make third-level education the preserve of the rich once again. Our amendment will ensure the capping of student fees and no hike.

Another issue is, of course, housing. With the 40% overall reduction in capital, the housing budget has been cut by — would you believe it? — 40%. That means that, instead of building perhaps 2,000 houses in each of the next four years, we will now build only 50% of that — 1,000 houses. We have not reprioritised our capital programme, but just spread the pain around. Incidentally, if anyone can identify an area of investment that does more to stimulate jobs, reduce human misery and meet important social policy objectives than investment in newbuild social housing, let us find more money for it.

Despite such shortfalls in housing, education and student finance, there is £80 million for a new Sinn Féin-inspired community fund. The so-called social investment fund is to be directed

to the party's chosen groups. I can only call it a slush fund. It is a disgrace, and the House should not tolerate it.

How do we sort all this out? We should forget about personalities and do what is genuinely best for the North. We should abandon the silo approach. The SDLP will not be territorial about the Budget. Our objections to the Budget reach far beyond the confines of DSD. We have listed some of the areas in which more resources are needed. As a party, we have shown how that can be achieved. I do not believe that anyone in the House truly believes that the DUP/Sinn Féin draft Budget cannot be significantly improved on.

I hope that the Executive will heed what we are saying and work to arrive at a final Budget that my party can support. In the meantime, as a start, we today call for a reduction in expenditure on corporate overheads, consultancy, travel and overtime, and a reallocation of resources to front line health, student financial support, job creation in the tourism and construction sectors and anti-poverty measures. We call on the Executive and the Minister of Finance — he is not listening at the moment — to make a greater effort to find additional sources of revenue and capital.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his opening remarks and his explanation of the spring Supplementary Estimates and Vote on Account.

At its meeting on 2 February, the Committee for Finance and Personnel took evidence from DFP officials on the spring Supplementary Estimates for 2011 and the Vote on Account for 2011-12. Though routine, those are, by necessity, complex matters, and I thank the departmental officials for assisting the Committee. The spring Supplementary Estimates, the Vote on Account and the associated Budget Bill give Departments the authority to spend and to set control limits on which they can be held to account by the Assembly. The Committee has approved accelerated passage for the Budget Bill, which will be introduced by the Minister later today. I have written to the Speaker to provide confirmation of that.

The opening Budget position for 2010-11 was agreed by the Assembly on 20 April 2010, following the review of the Executive's spending proposals that were set out in the 2008-2011

Budget. The spring Supplementary Estimates reflect the changes that have been made to that opening Budget position as a result of the monitoring rounds in June, September and December. Additionally, some headroom has been built in to facilitate any allocations made by the Executive in the February monitoring round, the outcome of which was announced earlier today.

The Committee previously considered the inclusion of headroom in the spring Supplementary Estimates and understands that although Estimates need to be taut and realistic, that is a necessary measure, because the outcome of the February monitoring round is not normally announced until early March. Given that the Budget Bill, incorporating the spring Supplementary Estimates and the Vote on Account, must be passed by the end of March, it is not possible to wait until that time to finalise the Estimates. However, in their evidence to the Committee, DFP officials explained that, in view of the removal of end-year flexibility, it was particularly important to ensure that sufficient headroom was built in this year to ensure that any reduced resources declared as part of the February monitoring round could be reallocated and used in this financial year, rather than being surrendered back to the Treasury and lost to the Executive.

Members also understand that headroom is not indicative of the amount of reduced resources that may be declared in February. For those Departments that indicated an intention to bid for resources in February, and where those bids have initially been assessed as reasonable, the upper limit to which they can spend is increased by building in headroom. The Department in question will then have the Assembly's approval to spend up to that limit if, and only if, any additional funding is allocated to it. The departmental officials stressed that DFP's Supply division will monitor the allocations to ensure that they are used only for the agreed purposes.

The Committee for Finance and Personnel has again undertaken an active role in scrutinising the quarterly monitoring rounds throughout the 2010-11 financial year. The Committee has received timely briefings on the Department's position prior to each monitoring round, followed up with written responses to queries raised. In addition, following the Minister's statements in plenary sittings on the outcome



of each monitoring round, the Committee was briefed by DFP officials on strategic and cross-departmental issues relating to public expenditure and on the implications for DFP as a Department. The Committee recognises the value of monitoring rounds in allowing funds to be reallocated in-year. However, the ability of that process to cope with a significant amount of new or emerging spending pressures is limited, particularly in view of the declining amount of reduced requirements being surrendered in the monitoring rounds. That issue will need to be examined, going forward.

I turn now very briefly to the motion on the Vote on Account for 2011-12. That practical measure, which provides interim resources at approximately 45% of the 2010-11 provision, enables Departments to ensure that public services continue during the early part of the financial year until the Main Estimates 2011-12 and associated Budget are debated before the summer.

A LeasCheann Comhairle, I would like to speak briefly from a personal and party perspective, particularly about the SDLP's amendment. I listened to Margaret Ritchie's opening statement, and I think that the SDLP needs to answer quite a few questions, particularly about the detail of its amendment. I listened to Ms Ritchie's robust defence of the Health Minister, Michael McGimpsey, which in itself is indicative of the SDLP/UUP/Tory alliance that seems to be emerging. Furthermore, her attack on the fund for the worst-off communities in our society was nothing short of disgraceful. It is nothing short of disgraceful that that fund, which would go towards the worst-off communities in each and every one of our constituencies, is being attacked by the SDLP. That is yet another aspect of the Tory agenda.

**Mr McDevitt:** Does the Member agree that, if the Executive were genuinely serious about a fund to work on behalf of the most marginalised and poorest in our community, they would allow the Department with lead responsibility, the best expertise and understanding of the needs of the most marginalised and needy in our community to lead on that fund? That has not been the case, and it is for that reason that the fund has little credibility.

**Mr Deputy Speaker:** Before Mr McKay answers that, for Members' information, where you do give way, an extra minute will not be given.

**The Chairperson of the Committee for Finance and Personnel:** Conall McDevitt has let the cat out of the bag. He said that the SDLP is attacking OFMDFM because DSD did not get the money. That is the SDLP's political agenda. The party says that it is attacking the fund because it is a slush fund, but really it is because DSD did not get more money. That is the reality of the situation, which is, quite simply, disgraceful.

The SDLP needs to bring detailed proposals to the House. If the SDLP is serious about passing its amendment today, where are the details? What is going to happen to the Justice Department and the £7 million —

**Mrs D Kelly:** I throw a challenge back to the Member. Where is the Sinn Féin fight against the Tory cuts in this Budget?

**The Chairperson of the Committee for Finance and Personnel:** The way in which we challenge the cuts, as the Member should know, is by trying to mitigate them. This Budget has been handed down by the British Government. We need to face up to that challenge and mitigate cuts by using revenue-generating proposals, which the Executive have discussed —

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

**The Chairperson of the Committee for Finance and Personnel:** I am not going to give way again, because I have only three minutes left.

The SDLP, which is so serious about coming to the House with its revenue-generating proposals to save us from this deficit and cut, did not come to the House until December. When the SDLP came forward with its proposals, they included ideas that Ministers had been discussing at the Budget review group. Therefore, it is misleading —

**Ms Ritchie:** Will the Member give way?

**The Chairperson of the Committee for Finance and Personnel:** No, I will not give way.

The amendment is indicative of the kind of politics that the SDLP has adopted with regard to the Budget, the Assembly and the Executive. It is mischievous, and it is simply wrong. It is absolutely mischievous to come to the House today to propose that we take £7 million out of the Justice Department, £3.8 million out of the Department for Regional Development and nearly £10 million out of OFMDFM. How many jobs would that cost? What impact would

that have? If the SDLP wants us to back those proposals, it has to outline the details. The SDLP cannot come here, throw figures in front of the House and expect to get any support. The SDLP needs to go back upstairs to its offices — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Chairperson of the Committee for Finance and Personnel:** The SDLP needs to go back upstairs to its offices, do its homework and come back to us. We will then consider its proposals. You have to take this issue seriously.

**Mr Deputy Speaker:** Order. Mr McKay, please refer all your remarks through the Chair. If other Members wish to listen to the argument, they should please remain silent.

**The Chairperson of the Committee for Finance and Personnel:** Members of the SDLP need to catch themselves on. There is a better way to mitigate Tory cuts. The Budget review group is taking forward proposals for additional revenue, which should be allocated to front line services. That work must continue, and that is how we will mitigate cuts. We will not mitigate cuts by coming into the House and throwing down figures that are not thought out and have no detail whatsoever. Members of the SDLP need to catch themselves on. I look forward to the rest of the debate.

**Mr Hamilton:** Some of us on this side of the Chamber would quite happily sit back and let this domestic carry on all evening. To use the old saying: we do not get involved in domestics. However, this issue is much too serious for us to do that, as entertaining as the very adult debate that was going on for the past five minutes was.

As others, including the Minister, said, what is usually a technical, tidying-up exercise has today, unfortunately, been made into a bit of a mess. We are well used to attempts at political point scoring and grandstanding on occasions such as this. There was a previous attempt by another party to take a penny off the Estimates to try to make a broader point. Other parties at times said that they would oppose the Estimates going through on the Vote on Account, even though the ramifications of that opposition would be that money would run out in Departments very early into the next financial year.

## 7.15 pm

I was thinking as I listened to the SDLP leader introduce her party's amendment that, if a creature from Mars came into this Chamber and listened to what she was saying, they might conclude that there is no intelligent life on this planet. They may also believe that the SDLP has had absolutely no role whatsoever in any matter to do with Budgets, finances and public spending in Northern Ireland. In fact, they may even conclude that the SDLP has no Members in the Executive. Perhaps that party's opposition to the Budget will lead to it leaving the Executive.

The SDLP has the right to oppose the Budget and should just go ahead and do that, if that is what it wants to do. Margaret Ritchie also indicated that she was not going to speak about the draft Budget. She said that the discussion today was about the Estimates and the Vote on Account. When she proceeded, I waited — two minutes passed, three minutes passed, five minutes passed — and I thought, surely now, she will turn to the amendment. Seven minutes passed, eight minutes passed, nine of her 10 minutes' speaking time passed, and there was still no reference to the amendment, which, whatever one may think about it, involves serious ramifications.

Having said that she was not going to spend any time talking about the draft Budget and then ignoring that by talking about it for about nine minutes and 50 seconds, I thought that the Member would at least have shown the House the courtesy of addressing the amendment before us to give Members some detail behind what is an absolutely detail-less amendment.

This may be very technical, very dry and, dare I say it, quite boring stuff, but when the Finance Minister comes before this House, he brings considerable detail. It is not as if he moves the motion, we debate it and everything carries on. There are details behind it. I know that I am not allowed to use visual aids, but while the Deputy Speaker is distracted, I am going to wave this document around nonetheless. It is not a best-seller; I accept that. I do not know whether it is downloadable in Kindle format. I am sure that if one could download or purchase it, it would not be very popular, but there it is. I accept that it is not a well-read document, but the detail is there. I dare say that once it is printed, probably nobody goes through it and tots up the totals

again, but that is the detail. That is what the Finance Minister produces and gives to us. What we have in contrast is a few lines of an amendment with no detail.

**Mr McDevitt:** I understand the point the that Member is trying to make, but the fact is that, as unpalatable as it is to bring an amendment to the Supply resolution and Vote on Account, if you do not do that, you are not in a position to exercise your democratic right to seek to influence the outcome of the Budget. It is painful and no one particularly wants to do it, but if you do not do it, you have no rights procedurally in this House. I am sure that if the Deputy Speaker wants to confirm that, he can do so.

Secondly, the Business Office issued specific guidelines as to how people should address the debate and how they should address speaking to the amendment. Further guidelines were issued to state that the debate should not be just on the amendment; even the proposer of the amendment must address the full debate. I agree that it is a difficult and technical way to go about this, but it is the only way to go about it, and the Member must at least acknowledge our right to do so.

**Mr Hamilton:** I thank the Member for his intervention; he did at least try to give some explanation. Perhaps now he should stop writing leader's speeches for the SDLP and start giving them. It was certainly more useful than the contribution that was made. The fact is that, whatever the technicalities, the Member cannot expect the House to take the amendment seriously, no matter how serious his intent may be.

**Mr A Maginness:** You do not understand the procedure.

**Mr Deputy Speaker:** Order.

**Mr Hamilton:** We are being asked to vote for what is before us. On the one hand, we have this document from the Finance Minister and, on the other, we have this amendment from the SDLP, in which there is no detail. The fact is that we are well used to this approach in the Assembly. We are well used to Members coming forward with limited information. They ask for the world but give no information in return.

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

**Mr Hamilton:** Hold on a second. Let me continue.

To be fair, what is before us is a little better than some of the other things that we get. It is a slightly more sophisticated approach than that which the Health Minister, for example, takes. He wants more money for health but does not give any explanation of from where that might come. At least the SDLP is saying which Departments the money should come from, but that is not without consequence. It says that it will take money from this Department, that Department and the other Department and that it will give it to certain Departments for certain types of expenditure, and that is fine. The easy part is saying where the money goes to, but saying where it comes from is a bit more difficult. That has not been answered. I will give way very briefly.

**Mr McDevitt:** I will be very brief. If you feel it appropriate, Mr Deputy Speaker, you may wish to advise the House as to the fact that very specific guidelines were given as to how the amendment must be prepared and the fact that it must identify very specifically the way in which one must go about proposing an amendment on the Supply resolution and the Vote on Account. I wish that the system were different, but the fact is that if a party wants to exercise its right to try to promote a positive debate, it must go about it in this way.

**Mr Hamilton:** Yes, but whatever about —

**Mrs D Kelly:** Further to that point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** Order. There was no point of order.

**Mrs D Kelly:** On a point of order, Mr Deputy Speaker. Further to Mr McDevitt's intervention, will you ask the Speaker's Office to confirm that the direction that was given to our party was that no opportunity would be given to provide a detailed analysis of the draft Budget? Ms Ritchie was able to make only a few remarks in her contribution and could not go into the detail. However, if the Speaker wishes to change the direction that was given, our party will be happy to provide a full and detailed response in a motion to the House.

**Mr Deputy Speaker:** Thank you for that point of order. The Member and her colleagues have every opportunity to explain their amendment

throughout the debate. However, the Speaker will be duly notified, and if he needs to respond, he will. I call Mr Simon Hamilton.

**Mr Hamilton:** Thank you, Mr Deputy Speaker.

**Dr Farry:** Will the Member give way?

**Mr Hamilton:** If he is very brief.

**Dr Farry:** Does the Member agree that this is not about questioning the procedure of what the SDLP is doing today but about questioning why a party on the Executive would want to seek influence in the House rather than around the Executive table? Moreover, why would the SDLP table an amendment that, if made, would have major consequences yet not explain any of those consequences?

**Mr Hamilton:** If I had known that it would be such a sensible intervention, I might have afforded the Member more time. The fact is — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Hamilton:** The fact is that I could not care less about the process — *[Interruption.]* There is some sort of sideshow going on at the minute.

I could not care less about the process. The mover of the amendment had 10 minutes in which to explain in detail the effect on the Department of Culture, Arts and Leisure, the Department of Finance and Personnel and the Department of the Environment. The SDLP proposes to take £7 million from the Department of Justice, £3.8 million from the Department for Regional Development and £9 million from the Office of the First Minister and deputy First Minister. It had ample time to explain what it would do, from where it would take that money and what the ramifications would be. Everybody knows that all the Departments that I have mentioned —

**Mr A Maginness:** Will the Member give way?

**Mr Hamilton:** No.

Everybody knows that those Departments are under pressure now and going forward. There is no explanation of from where that money might be taken. There is plenty of explanation about where it is to go to but nothing about from where it is to be taken. It could hit front line services. There is no rationale whatsoever for a single —

**Mr A Maginness:** Will the Member give way?

**Mr Hamilton:** I am not giving way.

**Mr A Maginness:** The Member is misleading the House.

**Mr Hamilton:** I noted something there, Mr Deputy Speaker, that you may want to take up with the Speaker. I will raise it with you later. The point is that there is not a jot of detail anywhere in the amendment about the effect on the Departments that are listed —

**Mr A Maginness:** It is there.

**Mr Hamilton:** With respect to the Member, it is not in any way the detail that is required to take a decision. The SDLP comes forward with proposals that would militate against any increase in student fees. They are proposing to take £20 million from various Departments to fill a £40 million gap.

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

**Mr Hamilton:** That does not add up in anybody's language. Even the SDLP can work out that sum: £20 million does not fill a £40 million gap. The fact is that no detail is coming before us. We are being asked to vote on a pig in a poke, and they should be ashamed of themselves.

**The Chairperson of the Committee for Regional Development (Mr Cobain):** I am sure that the Minister is glad that another two Members of the Business Committee have arrived: Mr Pat Ramsey and Lord Morrow, who he was attacking a short while ago. I stood up for you, Lord Morrow. *[Laughter.]* I proposed 45 minutes for this debate to the Business Committee, but I was outvoted by the SDLP, the DUP and Sinn Féin, all of which wanted four and a half hours. I just wanted to put that on record. *[Laughter.]*

As the Chairperson of the Committee for Regional Development, I am pleased to contribute to the debate on the spring Supplementary Estimates and the Vote on Account for 2011-12. Last week, the Minister for Regional Development wrote to the Committee, setting out the main changes arising from the 2010 monitoring rounds, as reflected in the 2011 spring Supplementary Estimates. In the Department's spring Supplementary Estimates, provision has been included for an allocation in the February monitoring round of up to £8.6 million for the City of Derry Airport. The bid



was made on ministerial direction, and the Committee is seeking additional information on the proposed allocation. This morning, the Minister alluded to the fact that there is no business case for that amount of money. That disturbs the Committee.

The Committee for Regional Development scrutinised the quarterly monitoring rounds in 2010-11 and responded to the Department on specific bids and easements in each monitoring round return. Based on its monitoring round scrutiny work, the Committee has two issues to raise: the need for flexibility in managing funding to deliver large-scale roads and waste-water infrastructure projects and the need for adequately resourced roads structural maintenance. Those issues are of strategic concern, not just for the Committee for Regional Development but because they cut across and underpin the economic and social well-being of the whole economy and all the people of Northern Ireland.

I turn first to funding for structural maintenance. The Committee has continually raised the need to provide funding for structural maintenance that is adequate and timely. It has done that in comments on the DRD monitoring round returns and on the Floor of the House during previous debates on the Budget and the Programme for Government. The quality of our roads infrastructure obviously and directly influences journey times and reliability; enhances or detracts from the tourist experience; enables or hinders access to rural education and training opportunities and to cultural, sporting and leisure services; enhances or hinders the competitiveness of Northern Ireland businesses; and, through its multiplier effect directly and indirectly on the economy, supports employment in Northern Ireland. Structural maintenance spending also has road safety implications, on which the Committee's views are well rehearsed.

Funding for structural maintenance must approach the levels set out in the Snaith Review. Professor Snaith recommended funding of approximately £112 million per annum for structural maintenance and additional yearly allocations to address the backlog in structural maintenance of over £700 million. Each year, we underspend in that area and, therefore, contribute to the backlog. After this year's prolonged period of winter weather, the need for

roads structural maintenance is more pressing than ever.

I recognise that the Department is responding to the Committee's concerns on the issue by bidding for more structural maintenance funding at earlier stages in the monitoring round. However, allocations are not approaching the levels recommended by Professor Snaith, and the problem looks set to worsen in the next Budget period, when we will move from a record level of £92 million allocated in 2011-12 to two years of allocations of less than half the recommended level: £52 million and £56 million, respectively.

That is simply not acceptable, and that level of underfunding simply cannot continue. The Committee will, of course, continue to pursue this matter during the draft Budget process and in the Budget debates.

### 7.30 pm

The second point of concern that I wish to raise relates to the need for flexibility on in-year and end-year funding allocations for large-scale infrastructural projects, such as water or road schemes. The Committee noted that, in the February monitoring round, Northern Ireland Water surrendered £13 million. Severe weather delayed work by two weeks in December and two weeks in January. Looking forward, 70% of the allocations for road schemes in the draft Budget are ring-fenced, and year two and year three allocations to Northern Ireland Water are only two thirds of the level agreed by the Utility Regulator's price control final determination. Unless some flexibility is introduced into the system of managing in-year funding, there is a danger that even more funding will be lost to those vital investment areas. I think that we can all agree that every effort should be made to support and facilitate investment in our water and sewerage infrastructure.

I want to make two or three points on the Budget as a member of the Ulster Unionist Party. To say that people who are socially and economically marginalised will not be influenced by this Budget is nonsense. We all know that, as far as the housing commitment is concerned, we need 2,500 new social homes every year. To keep pace, we will build 4,000 over the next four years, and that, obviously, has an impact on homelessness figures. People will be driven out of the social sector into the private-rented sector.

Mr McKay, who is just leaving, made the point that there will be increased rents, increased rates, increased bus and rail fares, an increase in child poverty and pensioner poverty, an increase in the level of social exclusion, and on and on. Therefore, to say that socially and economically marginalised people will not be affected by this Budget and that people are working to soften the impacts is nonsense. However, those are issues that we can discuss in more detail.

**Mr A Maginness:** Does the Member also accept that there are serious pressures on the health budget that have prompted the Chief Medical Officer to say that there may be serious redundancies in the Health Service? Furthermore, the head of the health board has indicated that the Health Service will be minus £1 million a day, which will lead to very severe consequences for the Health Service in Northern Ireland.

**The Chairperson of the Committee for Regional Development:** I thank the Member for that intervention. I think that everyone knows that people who rely on and are affected by public services most are those who are most vulnerable, so any resource implication for the Health Service would have a major effect on such people. However, as I said, we can discuss those issues in more detail when we come to the Consideration Stage of the Budget Bill.

**Dr Farry:** I support both the Supply resolutions. In doing so, I stress that the Alliance Party has its own clear views on the best way forward. Indeed, we set those out in our own paper, 'Shared Solutions'. However —

**Mr A Maginness:** Will the Member give way?

**Dr Farry:** That is a bit brief. OK, fire away.

**Mr A Maginness:** Does the Member recall that the leader of the Alliance Party, Mr Ford, recommended this Budget to the public; a Budget that you yesterday referred to as being full of holes? *[Laughter.]*

**Dr Farry:** No more than 20 minutes ago, the SDLP leader said that she welcomed the fact that a draft Budget was published before Christmas; a draft Budget that the SDLP did not do anything to get out. How can you welcome something that you did not play a role in getting out to people? Frankly — *[Interruption.]*

**A Member:** Will the Member give way?

**Dr Farry:** Oh, steady on, let me move on a bit; in a minute. There will be plenty to interrupt in a minute.

It is important that we recognise that we have five parties in the Executive. Parties have to decide whether they are part of that Executive or not. You cannot be inside and outside the Executive at the same time. People are crying out for leadership, not for Members to play games with the most important decision that the Assembly and Executive will have to take over the forthcoming weeks — the most important decision of the four-year mandate.

When proposing its amendment, the SDLP referred to the Executive as though they were some distant body with which it had no relationship and no contact. The Executive are the SDLP as much as they are the Alliance Party, the Ulster Unionists, Sinn Féin or the DUP. The Executive comprise every one of the parties in here.

**Mr D Bradley:** Will the Member clarify the Alliance Party's change in position? When it came into the House at the beginning of the mandate, the party trumpeted itself as the official opposition. Will the Member state clearly that his party is no longer the official opposition and is part of the Executive?

**Dr Farry:** When the Alliance Party entered the House it was not part of the Executive. For Mr Bradley's benefit, he may recall that, last April, David Ford was elected by the House to be the Minister of Justice and to join the Executive. That is the evidence; I do not need to clarify it for the Member.

We are clear that we are members of the Executive; we are not playing games with this matter. We have considerable concerns about the detail of the Budget, but the way to address those concerns is around the Executive table. If a party cannot live with what is finally negotiated and approved by the Executive and brought to the House, it has to consider its position in the Executive. You cannot be inside and outside the Executive at the same time, especially on the most important issues that go to the coherence of any Government: the striking of the Budget and the Programme for Government. You are either in or out, particularly on the Budget, and the SDLP and the Ulster Unionists have a big decision to take over the coming weeks.

The amendment is in order; I have no difficulty in accepting that it is sound, procedurally. What confuses me is that the SDLP seeks to address the matter on the Floor of the Assembly rather than by briefing its Minister to fight his corner at the Executive table. If the SDLP is unhappy with what is agreed, it should withdraw from the Executive and fight the Budget on the Floor of the House. That is the only honest and coherent approach to take; otherwise it is simply gesture politics. Indeed, the fact that there was no explanation of the amendment gives further cause for concern, because, quite frankly, bringing something of this magnitude to the House today merits a proper explanation, particularly when one thinks of the consequences for the Departments concerned.

Perhaps SDLP Members will put meat on the bones of the amendment as the debate goes on. However, it is bizarre that the person who moved the amendment did not address that point. They are doing things the wrong way round. I have to draw attention to the cuts proposed for justice at a time when the Executive, and the Justice Minister in particular, are fighting for additional money from the Treasury to address the security threat in Northern Ireland. Indeed, the SDLP wants to give more powers to the police in Northern Ireland, because it wants to transfer intelligence gathering from MI5 to the PSNI. The party is entitled to make that argument, but in doing so, and if it is successful, that will mean putting more resources into the PSNI.

**Mr McDevitt:** The Member may or may not be aware that the Department of Justice has a bit of a problem with its spending on consultants and, in particular, its spending on lawyers. In fact, the sum mentioned in the amendment is but a drop in the ocean of what the Department of Justice, by the Member's own Minister's admission, could save on extraordinary expenses for outside bodies that are not core to the delivery of justice services in this region.

**Dr Farry:** Yes; and the Alliance Justice Minister is incredibly serious about addressing the problems of the cost of justice and legal aid. However, the way to do so is through a departmental spending plan, which the Justice Minister was one of the first to provide before Christmas, rather than arbitrarily mucking around with the figures. One cannot address those problems overnight.

**The Minister of Finance and Personnel:** Does the Member recognise that the main danger in the proposal is that once we start to tamper with the Department of Justice's budget, which is ring-fenced specifically to ensure that the Treasury does not count it as part of the general Northern Ireland Budget and gives it special treatment, we will open the door for the Treasury to renege on promises that it made on EYF, contingency fund applications, etc?

**Dr Farry:** The Minister is quite right. Of the 12 Departments, the Department of Justice is unique in having that special arrangement. The judgement call was made that ring-fencing its budget would be in the Department's best interests over the coming years. It is important to stress that ring-fencing does not mean protection of the budget; the two are distinct concepts. Ring-fencing means that expenditure in the Department of Justice will follow the flows of that of the Home Office in London on justice matters. On balance, it works out that it is in the Department's best interests to pursue that avenue. Ring-fencing is something that people should tamper with only with great discretion, so, given that, I think that the amendment is particularly reckless.

There is no doubt that tomorrow we will have a chance to discuss the Budget in further detail. However, I stress that my party has concerns about the approach that has been taken to the expenditure profile in Northern Ireland in recent years and to what we are seeking to do over the coming years. There is a way that my party will want to make its views known. I fully expect that changes will be made to the draft Budget, which was published in December, when it finally emerges from the Executive in the coming weeks. We are going down the route of having a consultation process. We have to take that process seriously, and a lot of constructive feedback will come through that will need to be taken into account.

I would like to make one comment in response to some of the remarks that Mr Cobain and some SDLP Members made about the Budget being socially unjust. That may be the case, and the level and pace of the cuts coming from the UK Government are certainly having a disproportionate effect on the poorer regions of the UK, including our own. I must say that the four other parties in the Chamber are actually making that situation worse through the populist role that they are playing on the issue

of revenue raising. In particular, I identify with people who talk about the Health Service and its need for more money. I identify with them not in a reckless manner that says that more money should be poured into the Health Service, but in a manner that says that pouring money into it can be done sensibly while demanding greater efficiency levels. If people are not prepared to bite the bullet on revenue raising, however, in keeping with what happens in the rest of the UK, they cannot turn around and demand that investment in the Health Service should also follow the same levels as those in the rest of the UK. The two have to be done synchronistically.

I have one other comment to make about revenue raising, and I will make it to see whether the SDLP rises to the bait. Can I welcome the support that the SDLP has given tonight to water charges? That is a very brave step for it to take, given that it is a change of position. Whenever that party talks about the mutualisation of Northern Ireland Water —

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

**Dr Farry:** I have no time, unfortunately. The Member can come back to that point.

I happen to agree with the mutualisation of Northern Ireland Water, but the consequences would be that Northern Ireland Water would be self-financing, which means that there would be water charges. Therefore, I welcome that party to reality, given its conversion.

Indeed, the same logic applies to the Ulster Unionist Party, with the exception of its deputy leader. He is the brave man in the party who can talk sense, once in a blue moon. With that, I had better stop.

#### **The Chairperson of the Committee for Agriculture and Rural Development**

**(Mr Moutray):** I will speak as the Chairperson of the Committee for Agriculture and Rural Development. Given the time of night, I intend to keep my remarks brief.

The Committee continues to examine the proposed budgets for the next year, and it will make a detailed response to the Department in due course. The Committee has expressed its disappointment at the Department's failure to secure a hardship package for potato and vegetable farmers following the adverse weather conditions that were experienced

around this time last year. Indeed, in the lead-up to Christmas, such weather conditions hit the same sector and small sheep farmers in severely disadvantaged areas. The Committee believes that, given the easements that have been made at departmental and Executive level, an intervention could have been made that would have provided a much-needed boost to the sector.

The Vote on Account will obviously introduce the Department into a budgetary period in which it is proposed to relocate the main policy branches from Dundonald House to some, as yet unknown, location outside greater Belfast. I reiterate that the Committee is in favour of the relocation of jobs to outside greater Belfast. However, this is not the time for "testing viability" or enacting a "personal commitment", as the Minister previously indicated. Rather, it is a time for being prudent, as is being asked of the rest of the economy.

#### **7.45 pm**

The Committee is also concerned about the impact that the transfer of responsibilities from veterinary surgeons to lay testers and the continuation of a failed TB policy will have on animal health in Northern Ireland. It is imperative that the high standards of animal health currently employed in Northern Ireland are maintained, because they go directly to the competitiveness of the agriculture sector.

The Committee is scrutinising and will continue to scrutinise the Department's budget to ensure that money is used in the most efficient and effective manner.

**Mr McLaughlin:** That was brief. Well done.

We must acknowledge that many issues in what we call a Budget debate have still to be addressed and reformed. In many instances, our process is more about dividing resources, particularly when the block grant is interfered with during the Budget period or Programme for Government term. When we are faced with predictable and progressive reductions in the block grant, it becomes all the more difficult to describe this as a Budget process.

However, what emerged during the too-short time frame that we gave ourselves to agree a Budget was that we started to develop procedures that will stand the test of time. The Budget review group, which involves Ministers



from each party on the Executive, will address three essential tasks. First, the group will scope out suggestions based on the draft Budget. In doing so, it will examine the proposals from different parties and stakeholders, and advise the Executive accordingly. The group will then move on to examine the revenue-raising proposals, some of which will require legislation and others that can be deployed and developed properly only over a four-year period. The group's third key task is that of examining arm's-length bodies, quangos, etc, and helping to drive out further efficiencies. In circumstances in which we do not have fiscal control, those are, necessarily, the tools that we have to deploy.

Every party had the opportunity to make its input, which is interesting, given the tabling of tonight's completely gratuitous and self-serving amendment. The SDLP was a beneficiary of that process and produced its own economic proposals a week before the publication of the draft document. Obviously, the SDLP had been listening carefully and put its hand up to say: "This is nothing to do with us, governor." The SDLP produced its document on the basis of strategic development, which I support and hope will continue to develop. The senior group of Ministers from key Ministries can do a service, and not just for the remaining term of this Assembly. It can lay the groundwork for the successful completion of another term.

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

**Mr McLaughlin:** I have been watching the SDLP Members, and they are having a ball. If they do not mind, maybe I will not give way. I always enjoy listening, but this business of the SDLP popping up and down is not helping the debate. I would be interested in hearing the SDLP explain the rationale behind its amendment, and it might need as much time as it can get for that.

Let me make just one point, because the SDLP might want to pick up on it. I thought all along, until tonight, that the SDLP was in favour of consultation. SDLP Members may complain about whether enough time was left for the public consultation. I accept that it could have been better. However, the SDLP want to scrub all of that. It tabled an amendment that, if adopted by the Assembly, would rubbish the consultation process. That is a strange position for the SDLP to adopt. I look forward to the SDLP explaining how it will tell people that it does not really want to hear what they have to say and would prefer

to dictate, be prescriptive and put it to the Assembly —

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

**Mr McLaughlin:** No, sorry. The Member will have his chance to answer when he is called to speak.

Why did the SDLP abandon the idea? Even if it was a truncated consultation period, we still have two more days to go to make the best use of it, but the SDLP does not seem to be interested in seeing that process run its full course. That point should be addressed by the SDLP when it has the opportunity.

Stephen Farry made a very interesting point. I do think that the SDLP has either made a terrible mistake or it has, in fact, signalled a change in direction. The initiative that it is suggesting leads inevitably towards the introduction of water charges. Let me say for my party —

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

**Mr McLaughlin:** No, sorry, I have already explained why I am not giving any more ground to the SDLP Members from that party have had and will have ample opportunity to explain themselves.

Our position is that we will go before the electorate on 5 May, and we will defend our political position and our political decision. We took a decision. We listened to all the naysayers and the wise pundits who tell us to introduce water charges. Everyone knows that, even if the Assembly acceded to that, it would not go anywhere near to addressing the deficit caused by the decision that was taken at Westminster to take £4 billion out of the Executive's funding.

So we have to address the question of it driving out further efficiencies. We have an inescapable duty to address the question of devising revenue-raising funding so that we can help to bridge the gap. Four billion pounds is a very significant challenge, one that requires all parties to pull their weight. There must be no semi-detached parties — the SDLP used to be very critical of the DUP in that regard — in the Executive. Parties are either in the Executive or they are not.

**The Chairperson of the Committee for Education (Mr Storey):** As the Vote on Account 2011-12 foreshadows and includes elements

of year 1 of the Department of Education's expenditure in the context of Budget 2010, it is only right that a number of issues are laid before the House. We are in a situation in which we will face difficulties in the delivery of service because of the current structure of the financial settlement.

I note the Department of Education elements of the Vote on Account on page 2 of the paper before the House. On 31 January 2011, during a debate on the take-note motion on the Executive's draft Budget, I reported to the House that the Committee for Education was awaiting the draft spending proposals from the Minister and that some Committee members had serious concerns that the Department's draft Budget document contained little information on how the proposed savings would be achieved and on the actual impact of savings, particularly in relation to front line services. There can be no service in education that is more front line than the classroom. That is where we will see the impact of what is really going to happen as regards education. We can talk about restructuring and various arm's-length bodies. We can have ideas about how we can do things more efficiently. However, it behoves us all, irrespective of the political ideology that we aspire to and regardless of the differences that we had in relation to how we got here, to give serious consideration to what the impact will be.

Let me put it in context: I do not think that any Member will be able to escape dealing with the consequences in their local area. It will not be enough just to say that it was one party or another that was responsible; it will ultimately be the judgement of the people of Northern Ireland that we were collectively responsible for delivering the reductions that challenge our education system.

Unfortunately, the Committee still awaits spending proposals and the essential information on those proposals. We will meet again tomorrow to discuss the issues further in relation to the draft Budget. It is very difficult, if not nigh impossible, for any scrutiny Committee of the House to provide substantive views to any Minister when there is a lack of clarity — not on what is proposed to be saved but on what is actually proposed to be spent.

However, on the basis of the information that is available, the Committee did provide an interim response on the Budget to the Finance and

Personnel Committee, as requested, on 28 January. It is available for Members to view on the Committee's web page. I want to highlight an important element of that response as regards a savings proposal that is of concern to the Committee: the aggregate schools budget. That is the money that goes directly to fund our schools and classrooms. The saving in year 1 — 2011-12 — is almost £27 million. It builds up to a colossal £184 million in year 4 of the Budget period. That is almost one fifth of the cuts to the school budget. We might all ask how that sits with the Minister's admirable desire to ensure that front line services are protected. If we are to have such an attack on the aggregate budget, which pays for the teachers, the heat and the lighting — as core as front line funding can get — then that gives us some sense of how this Budget will challenge us all.

**Mr P Ramsey:** Does the Member accept that early years education is vital if young people across Northern Ireland are to achieve the attainment levels that we are all aiming for — particularly in Protestant schools, as well? Significantly less money is provided here. It is £2,000 per child in Britain and £630 per child in Northern Ireland. The Minister of Education tells us that early years funding will be protected within her budget, but there is no information on where it is going to be spent. Does the Member agree that there is worry and concern in the voluntary sector and among schools about where this early years provision is going to come from?

**The Chairperson of the Committee for Education:** The Member makes a valid point. This is where we all have to realise that the rhetoric must meet and match the reality. The difficulty with the Budget as it currently sits is that the rhetoric is not meeting the reality of the finances, either in the current draft or in what will ultimately be published as the final piece of work. The Member makes a valid point in relation to early years. I am concerned — speaking as a Member, not as Chairperson — that we are seeing what has been referred to by other members of the Committee as a situation where early years as an overarching representative group is being divided. The Member will be aware that we have statutory provision and voluntary and community provision.

There is now an increasing issue out there, and people are coming to us and saying that they do not know where the financial allocation has come from, where it is going to or how it

is being structured, and that it seems to be hit and miss and does not seem to be a coherent overall policy. We must remember that it took us a long time to get the early years (0 – 6) strategy, and there is no consensus out there on an overarching early years policy. So, again, if we are missing the foundations — we have not been able to find a coherent policy that everybody has agreed to — it will compound the problems and make the situation far worse.

### 8.00 pm

When the Committee asked how the savings in particular lines in the draft Budget were to be achieved through school rationalisation, it was informed by the Department:

*“No detailed plans or estimates are in place to reshape schools provision through rationalisation and restructuring.”*

Even if we get to the stage where there is an agreement on how to reshape or restructure, there are, according to the latest information from the Department, no detailed plans or estimates in place. It seems as though rationalisation is a stab in the dark, and it seems to be a case of crossing our fingers and hoping that it does not take place.

As I said, the Committee will meet again tomorrow to finalise its response not only to the Finance Minister but to the Minister of Education. That final response will, I trust, reflect the main points and the concerns. Furthermore, I hope that some proposals put forward by stakeholders will be made available to Members, because I take the point that it is easy for us all to say what should not be done but a bigger challenge for us all to say what should be done.

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

### The Chairperson of the Committee for Education:

It is imperative for us all that, if we value the future of this Province and this country, we value our children and ensure that, through the decisions that we make in this House, we do not hinder their future.

**Mr B McCrea:** I must confess that, in listening to the measured tones of those who spoke before me, I wonder what message we send to the people of Northern Ireland. As I have listened to the debate rage over the past number of weeks, a number of things have struck me. The debate on health seems

to illustrate that, if nothing else, Northern Ireland, in this case, is severely challenged in comparison with its need.

I am also struck by the education issues that Mr Storey has just spoken about. I really cannot understand why the debate is not even more robust on the issue of education because, in comparison with health, the education budget has been slashed. There has been a huge reduction from a significant budget, yet there is relatively little comment about it. I agree with the Chairman of the Education Committee that the problem is that we get relatively little detail about how the Minister proposes to deal with the issues. I have reached the conclusion that one of the problems in the entire process is that many Ministers feel that they will not be in post after the election and, therefore, are stating an ideological position and saying, in the words of some other people, that there is no money left. That is no way to treat the process or the children in all our communities.

I do not have an overview of every Department, but I was privy to a brief from the Department for Employment and Learning, which also feels that it is in particularly challenging straits. So, if we are in a situation where Northern Ireland appears to be doing less well than other parts of the United Kingdom in the big-spending budgets of health, education and employment and learning, you have to wonder who is making money.

Of course, we all knew that there would be cuts, because that is coming from a general downturn in money from the Treasury, but it seems that we are not really finding a way of putting more money where we think our priorities are. The education capital budget concerns me greatly. The plan is to transfer £41 million, which is all that remains of the capital budget, into revenue just so that a way can be found of managing redundancies. I have never heard of that happening before. It was a big issue that that money could be transferred from revenue to capital, but it seems really strange that it would be transferred from capital to revenue. We will pay for the knock-on effects of that for generations.

When I pressed the Department of Education on how much money it was likely to want, it came out on the record that, to make people redundant to the levels that we might conceive are necessary, £200 million will be required. A bid for that £200 million was made to DFP but it

was not met. It is an unfunded liability, and the Department will not be able to make redundant the people whom it needs to make redundant to make the savings because it has to spend £200 million to save £150 million.

Somewhere along the line, someone has to explain what the better way forward is. I realise that I am skating on thin ice, but I heard Jim Wells talk about health issues. I put out a similar issue when I asked whether we wanted to make people redundant or whether we wanted to find a better, negotiated way forward. There is no doubt that, in constrained financial circumstances, a creative, constructive and progressive dialogue is needed with all the stakeholders.

What worries me most about the education budget is that it will result in compulsory redundancies, compulsory closure and compulsory mergers. It will be totally and utterly unplanned. It will be chaotic and will be to the detriment of Northern Ireland for generations, and every pupil who is at school now will bear the brunt of our decision making or, rather, our lack of it.

I wonder about the Budget process. Many people have said to me that this is only the fluffy stuff to get us through the next election. It is smoke and mirrors to keep people happy. The real eye-watering cuts will come after the election because the money is simply not there. If we seek to be the Government, all of us are beholden to speak up and to explain to the people of Northern Ireland what we are really going to do.

**Mrs D Kelly:** Does the Member share my concern and acknowledge that the Budget process, such as it is, flies in the face of best international advice and is against DFP's own guidelines in that there is no Programme for Government and no investment strategy, which should have come before the Budget?

**Mr B McCrea:** I thank the Member for her intervention. I have no doubt that she will talk further on that issue.

It seems that the Programme for Government is where it is; it is so general, so banal and, in this case, so absent that we can plan for nothing. Mitchel McLaughlin said that you are either in the Executive or you are not. Actually, we were supposed to work for a Programme for Government — *[Interruption.]* If the Member for

Lagan Valley wishes to intervene, I am more than happy to accept his comments; otherwise, I shall continue.

The silo mentality is an issue: we do not have one Budget but 12. People work individually in circumstances that are not known to anyone else and, therefore, one cannot rely on the decision-making process. Mrs Kelly mentioned international comparison. When I look at how other countries manage their financial processes and seem to have better outcomes for the money that they spend, it seems to me that they take the long term into consideration. Whether health, education or any of the other major spending programmes, they are not done on a simple three- or four-year timescale but on a much longer one. That is the only way that you will see some improvement.

Mervyn Storey said that it is easy for all of us to point out deficiencies and deficits and to say what we would do differently, but I am totally convinced about the value of early intervention in almost every sphere that we look at — whether it is justice or education. It is about getting in early, and we should fund that as a priority.

**Mr McCallister:** Does the Member agree that early intervention is key, not only in education and justice terms, but in what has happened with the Public Health Agency? Investing early and proactively to prevent crises before they happen is absolutely key to formulating Government policy, but, sometimes, early intervention does not always fall neatly into one Department or another.

**Mr B McCrea:** I take the Member's point. We need to get away from the silo mentality into cross-cutting, cross-departmental working. We need to focus more on outcomes than on processes. That is at the heart of Northern Ireland's problems. We are utterly obsessed by process, even if it does not deliver the outcomes that we want. We should be outcome-focused, and, in education, we should be child-focused.

In conclusion, there are particular issues that we need to look at. I am completely convinced that the voluntary grammar principle is the right way to administer education. That is a different debate from the debate on whether we want academic selection or anything else, and we will deal with that another time. However, devolving budgets, the curriculum and control of schools to their headmasters and headmistresses is the right way to go. We cannot do it from some



bureaucratic, centralised function that delivers nothing.

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

**Mr B McCrea:** I am sorry, but I do not have time. I will finish by saying that statutory nursery provision is the way to go. It has to be long term with proper education and proper standards.

**Mr O'Loan:** The draft Budget that has been brought before the Assembly is poor and needs to change. I agree with Stephen Farry, who said yesterday that it is deeply flawed. Others in the Chamber think likewise, and it will be interesting to see what response they make to it.

The motion, which is the Supply resolution for the Vote on Account, is the first formal motion to come before the Assembly that deals with the draft Budget as presented. The SDLP's amendment puts down a marker that the draft Budget is not satisfactory and needs to change. The construction of the amendment is straightforward. It suggests the removal of a very modest proportion — something like 1% — of the administrative costs of certain Departments and a larger percentage from OFMDFM, represented by its contribution to the social investment fund. We put that down simply as a marker of dissatisfaction with the draft Budget. We understand that the final Budget will be presented to the House on 14 March, and we hope that it will be a very different presentation. I hope that the Minister is genuinely listening. All Members should take the opportunity to reinforce what we are saying about the need for change. Members who think that the draft Budget is not at its best and needs to change should take the opportunity to demonstrate that by supporting the amendment.

We want to see change over the four-year period. We want to see a Budget that will be presented annually, that will be reconsidered and that will meet the needs of the time. The Minister has referred to the Budget as being a living document, and the First Minister has expressed a welcome for a Budget that will alter in relation to conditions.

However, when I have probed the Minister and his officials on that issue in Committee, he has resiled somewhat from that position and has referred to what can be done in monitoring rounds, which is a weak mechanism for strategic improvement of the Budget. That is unfortunate, and it reinforces my concerns that the current

consultation phase may not actually bring about much change in the draft Budget. I hope for better.

**8.15 pm**

The first thing that I look for in the draft Budget, and, indeed, in almost any document that comes in front of me, is its basis. I recall my days in teaching — the Minister probably recalls his, too — when I advised my students that when they meet any new piece of theory, any teacher explains something new to them, or when they go off to university and hear lecturers introduce a new topic, they should listen to the introduction — the foundation stone of the new piece of theory and the principles on which it is built — more carefully and acutely than anything else and put forward a challenge, if it is needed, at that point. Ask the difficult questions then. I have done the same with the draft Budget. I find that it does not meet that test.

Compare where we are now with where we were four years ago when there was a new Assembly, a very new political dispensation, and people wondered what would come out of it. Even in that difficult situation, we produced a substantial Programme for Government. There was some basis on which the Budget was built. It was not a perfect Budget. Indeed, my party opposed it at the time. We can, however, concede that there was Programme for Government.

Four years later, we should all be in a better position. We have a lot of experience under our belts. We know that things that were not thought of then have been thought of since. We should present better documentation and offer to the electorate more considered proposals as examples of what can be achieved during the next four years. Devolution has bedded down. The Assembly should know what it wants.

**The Chairperson of the Committee for**

**Education:** I thank the Member for giving way. Many elements of his comments relate to structures and processes. Will he not admit in the House that structures that relate to the number of Departments, for example, are the very thing that his party has failed to join with the rest of the House to change? The former leader of his party used to say that we cannot cherry-pick the Belfast Agreement. Everybody knows that the foundation that he and his colleagues laid for devolution was, ultimately, flawed. It is up to him and his party to bring forward proposals to change it.

**Mr O'Loan:** As regards proposals and details about the Budget, no one has presented more detail than my party. I hope that before the end of my speech, I will be able to comment on that.

We have a Budget that the Minister himself agrees with me is "made in Whitehall". I find it surprising that a DUP Minister who has been quick to condemn the Ulster Unionists for their cohabitation with the Conservatives is, apparently, entirely happy to welcome the offspring of that cohabitation into the Assembly. We have a Budget that simply passes on Tory/Lib Dem cuts to Northern Ireland. It is an inconsistent position. Sinn Féin's position is equally inconsistent. It said that it would not accept Tory cuts. However, in the presentation of the Budget, it does exactly that.

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

**Mr O'Loan:** I have little time left, so I will not.

The Minister actually said that, at the end of the day, it is about sharing out money among Departments. There is potentially much more to a Budget than that. External critiques of the Budget have been quite serious. PricewaterhouseCoopers, reporting for NICVA, said that to some degree, the Budget looks like a patch-and-mend approach, rather than fundamental reform of the structure of government and the public sector. Queen's University's School of Sociology, Social Policy and Social Work's poverty and exclusion in the UK project found that job losses and cuts in the value of key benefits will reduce living standards and increase poverty. That absolutely opposes what we thought every party in the Assembly stood for. The project team proposes a Budget that will protect living standards at the lower end and improve the quality of life of those most affected by the recession. That is the potential of a good Budget.

There is so little provided in the Budget for the economy, so I will refer to 'The Jobs Plan' that was presented by the eight major business bodies in Northern Ireland. That plan says that we can produce 94,000 jobs by 2020. The draft Budget is most certainly not a 2020 vision. If we were to ask whether the Budget stands the test of producing that jobs plan, we would quickly concede that it does not. 'The Jobs Plan' states that decisive political leadership is required to create stability and confidence. I noticed at a Committee meeting that the Minister condemned the Health Minister for not

being collegial in his approach. Is this a Budget that was created by a collegial process? We know the answer. Had we been at the table, seriously, around the delivery of the Budget, it would have been a very different Budget.

One of the key points that the eight business organisations want to see in the Budget is the reforming and re-engineering of how public services are delivered to enhance productivity and outcomes. Yet there is no joined-up thinking in the Budget on how our public sector will change to respond to what was being offered at Westminster.

We call for something different, and we have provided the material for that. As I say, no party has produced more detail. In our document, 'Partnership and Economic Recovery', we state how the Tory/Lib Dem Budget can be altered. We can find the money that they have taken out of the Budget. We can find efficiency savings that will produce £1.5 billion. We can find expenditure reductions that will produce £0.4 billion.

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

**Mr O'Loan:** We can replace all the budgetary cuts and more, and we can use those to shield vulnerable households and to support economic growth. I call on the Minister to provide a Budget that will do those things.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I rise to speak against the amendment, and I do so for several reasons. I have read the amendment carefully. When I picked it up from my pigeonhole on Thursday night, I looked through it and accepted the fact that the SDLP or any other party certainly has the right to bring forward an amendment. However, it is the reason for bringing forward an amendment or a motion that is always most important. This is clearly not a serious attempt to reallocate any budget or funds within any Department. Tonight, we are dealing with sums in the region of £6.5 billion to Departments.

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

**Mr O'Dowd:** I will not, thanks.

The SDLP figures in front of us are £21 million. There is a bit of a difference between £21 million and £6.5 billion; there is a major deficit there. I will read further through the SDLP amendment.

**Mr McDevitt:** On a point of order, Mr Deputy Speaker. Mr O'Dowd might want to consult with the Business Office on the modalities of making an amendment to the Supplementary resolution and the Vote on Account, which requires —

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

**Mr O'Dowd:** I will read further through the amendment. It requests that the money be allocated in a certain way. The SDLP talks about allocating money to the Department of Education for community relations. The Department of Education's budget is over £300 million short. The community relations element of the Budget was somewhere in the region of £1 million, so the SDLP proposals leave the Department of Education £299 million short. However, that is the amendment. The SDLP has brought it forward and is telling us that it makes economic sense.

I accept the calls from the SDLP Benches that the Business Office told them to bring the amendment forward this way. However, that does not stop any Member outlining the rationale behind an amendment in a speech. It does not stop any party in the Chamber producing documentation to back up its amendment or motion and circulating it among the membership.

None of those things has been done. What we are seeing is a frivolous attempt to gain more speaking time in the Chamber, to gain media attention and to say that they opposed the Tory cuts. However, as my colleague Daithí McKay pointed out, during the leadership speech at the SDLP conference, the SDLP told us that one of the parties that it can do business with is the Ulster Unionist Party. The Ulster Unionist Party is the sister party of the Tory Party, yet the SDLP tells us that it is prepared to do business with those people. They are full of contradictions.

The one common thread that I have found in tonight's speeches — and Margaret Ritchie let it slip — is the privatisation agenda. They tell us that if we privatise DRD car parks, it would be a good thing, and if we privatise the Water Service, it would be a good thing. Of course, none of that is backed up with any detailed argument.

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

**Mr O'Dowd:** I will not. It struck me, when they were talking about the privatisation agenda, that

perhaps the reason why they were so keen not to name their corporate donors is that some of those donors may have an eye on the odd car park here or there or the odd water service here or there. Perhaps those are the people whose interests they are now serving.

**Mr McDevitt:** Step outside and say that.

**Mr O'Dowd:** No problem.

They also tell us that, according to their source in the Executive, the Health Minister was treated disgracefully by the First Minister and deputy First Minister at the last Executive meeting. I thought that Executive meetings were confidential, but it appears that they are not for the SDLP. It appears that a detailed briefing is given to the SDLP after each Executive meeting. I doubt that those briefings are accurate because I doubt whether either the First Minister or the deputy First Minister treated the Health Minister disgracefully.

I will tell you who has been treated disgracefully: the patients who have been waiting for 18,000 X-ray results, the 118 patients of the Royal School of Dentistry, and the children and their parents who rely on the children's hospital at the Royal. If the SDLP and others paid more attention to those issues rather than the feelings of the Health Minister, our whole system might be in a better shape.

I believe that the Health Department and the health budget deserve more support, but I do not have any confidence in our Health Minister. I believe that it is not a case of our Health Minister walking out of the Executive, rather that he needs to walk into the Executive to start working as a Minister in a collective along with the rest of his Executive colleagues, instead of going out and selling scare stories to any radio or TV presenter who is prepared to give him airtime. It is disgraceful that we have a Health Minister who is prepared to target front line services instead of looking at efficiencies within his Health Service. That is an Executive responsibility.

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

**Mr O'Dowd:** I will not, thanks.

That is what being a Minister and being in Government are about. We hear much from some of the Benches about solo runs, but the only way that we are going to work our way through the current economic crisis is if the Executive

work together. We have been criticised for us and the DUP coming forward with a draft Budget, but surely that is a sign of progress. If other parties had put their shoulders to the wheel and entered those discussions in good faith, I agree that we could have had a better Budget.

It is a draft Budget. I believe that it can be improved. In fact, I believe that calling it a Budget is somewhat unfair, because it is a draft. It is an allocation of funds from the British Exchequer, ungraciously known as the block grant, ignoring the fact that billions of pounds of tax flow from this island into the British Exchequer.

Some people in the Chamber say that Sinn Féin said that we would oppose the Tory cuts, and here we are, introducing a draft Budget. The alternative is this, and it is very simple: either we do our best with what we have been given and we try to raise extra resources, or we collapse the institutions.

That is the alternative. The SDLP is not giving us any other alternative. It produced a document on the eve of the draft Budget being published.

### 8.30 pm

The British Chancellor stood up around 20 October 2010 and announced the cuts to our Budget. From that date until the draft Budget was published, the SDLP and others lectured and lambasted Sinn Féin for not agreeing a Budget straight away. They told us: "Give us a Budget, give us any Budget, just give us a Budget". We said, "No, we will not give you just any Budget. We will sit down and work this through as best we can and see what we can come out with at the other end".

**Mr McNarry:** Who with?

**Mr O'Dowd:** Who with? Everyone. We published proposals in late autumn, put them out to everyone and asked for meetings with one and all. The Budget review group is going through those in detail. The SDLP knows the detail; it published most of it in its policy document. We now need to progress and not bring forward £21 million of adjustments. We need to bring forward imaginative thinking.

As an Irish republican, I believe that we have to grab hold of our economic destiny. As a people on this island, we have to move forward collectively. The only way forward is through an all-Ireland economic recovery plan brought forward through the North/South Ministerial

Council for the people of this island rather than relying on the ungraciously known block grant so that we become masters of our own destiny.

That is not talking about turning our backs on our nearest neighbour. We should have a relationship with Britain based on mutual respect, not subservience, and based on mutual economic benefit, not on one economy dominating the other. If we continue to talk in the Chamber about how we divide up the block grant, we are going nowhere. We need to start building an economy that works for the people and is not based around privatisation for certain donors to the SDLP. That is the future for this society: we take control of the reins of our economic destiny, or we still have mock debates about a block grant.

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

Many issues could be raised in the debate, and I hope that, when I have said my bit as Chairperson of the Committee, there will be time left to deal with some of the issues that we have had to listen to today.

I am pleased to take part in the debate as Chairperson of the Committee for Justice and to support the Supply resolution for the 2011-12 Vote on Account. I am concerned — I know that the Committee will share my concern — about the amendment, which calls for a reduction in resources for the Department of Justice of £7 million. If Members have any difficulty in accepting that, they should read the Committee's unanimously agreed submission, although, from listening to some Members today, you would think that they had not attended that Committee meeting.

The Committee for Justice considered in detail the Department of Justice budget proposals for 2011-12 and beyond. The Committee did not come to the conclusion that the draft budget for 2011-12 was overly generous or provided capacity to take money out of it without having implications for the delivery of front line services, including front line policing. It is proposed that the Department of Justice budget is ring-fenced in 2011-12. The result would be that the Department of Justice budget would receive the direct Barnett consequentials arising from changes in the level of funding of the Home Office and the Ministry of Justice as a result of the UK spending review settlement for Whitehall Departments. The effect of that would be an overall reduction in its cash baseline of £82 million or 7.2% by



2014-15. Taking account of inflation, the real term impact is significantly greater. It is, therefore, clear that the Department of Justice is facing a very challenging budgetary period in 2011-12 and beyond.

To meet that challenge, the Department has skewed its budget proposals towards the priorities of policing and security. So, for example, the PSNI has the lowest percentage baseline reduction of all areas, and the directorate that provides back office support in the Department of Justice will be expected to deliver the biggest savings. In nearly all the draft savings delivery plans seen by the Committee, there are references to achieving savings by suppression of posts, redeployment in headcount, workforce modernisation, absorbing vacancies, natural wastage, reductions in office equipment, reductions in training costs and reviews of the frequency of research work etc. In addition, two bodies that largely deliver front line services, namely the Probation Board and the Police Ombudsman's office, have indicated that there may need to be redundancies for them to achieve the savings that they are being asked to deliver.

The position that I have outlined does not suggest that the budget has a lot of fat in it. I note that the Member suggested that the reduction should come from spend on corporate overheads, such as travel, consultancy expenditure and legal advice expenditure. The Committee questioned the Department on its approach to reducing consultancy spend and received a commitment that it would cut as much as possible, if not all, of its use of consultants. The Department said that it aimed to get as close to zero spending as possible in that area. Anything over the value of £10,000 will need ministerial approval.

The specific issue of spend on legal advice was also raised. Officials indicated that the Department by and large uses in-house legal services from the Departmental Solicitor's Office but pays for them through an in-house hard charge. External solicitors are generally used for such things as conveyancing, buying and selling and the setting-up of contracts. Again, officials confirmed that that area would be scrutinised closely to ensure that any savings that could be made would be made.

Given those commitments and the situation that will arise as a result of the draft savings delivery

plans, there is no evidence that there is the capacity to take a further £7 million out of the Department of Justice's budget. I also ask how that would be done if the budget is ring-fenced, and I ask the Member to clarify her position on the ring-fencing of the DOJ budget and whether she supports it.

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

**The Chairperson of the Committee for Justice:** I will give way in a moment or two.

Finally, I want to draw Members' attention to one other very important issue, which, if it is not resolved in our favour, will have serious implications for the Department's proposed budget and the Executive Budget as a whole.

**Mr O'Loan:** I have known Lord Morrow for some time, and I am, therefore, slightly surprised by what he is saying. When officials come before him, does he always accept what they say at face value?

**Ms Ní Chuilín:** I am also a member of the Justice Committee. At no stage did I hear any of Mr O'Loan's colleagues on the Justice Committee talking about their concerns around the budget or about making savings. In fact, I heard them argue quite forcefully for making sure that the budget was ring-fenced. So, I am also at a bit of a loss at the SDLP's amendment. It is pure politicking. Fair play to you, but that is what it is.

**The Chairperson of the Committee for Justice:** Ms Ní Chuilín makes the point admirably when she says that there was absolutely no contention from the SDLP members of the Justice Committee about the budget. Indeed, they were quite enthusiastic and fought with the rest of us to ensure that the budget was maintained and that policing remained at the fore.

Before I was interrupted by Mr O'Loan, I was talking about the bid for £200 million from the Treasury reserve to fund exceptional security pressures identified by the Chief Constable over the next four years. The bid has been with the Treasury for some time, and the Department is still waiting for confirmation that it has been successful. The implications of that bid not being met or being only partially met are such that to propose reducing the Department of Justice's budget by £7 million at this time appears to be neither sensible nor logical.

Some of the stuff that Members from the SDLP have trotted out today beggars belief. The party adopts a semi-detached approach. Its attitude is to embrace good news stories but to stand back, howling and growling, when difficult decisions must be taken. The SDLP will not get into a position in which its Members must take responsible decisions.

In its amendment, the SDLP has cobbled together the figure of £22.1 million of reductions. I suspect that it is only a coincidence that the amendment does not call for any money to be taken from DSD. I wonder why that is. Some day the party may explain that, but I suspect that it will not be today. The SDLP has tabled an ill-thought-out amendment that gives no rationale, contains no sensibility and has no credibility, yet its Members have the audacity to come to the House and try to defend it. Consecutive Members who spoke took Members from that party and shot their fox to pieces, yet they still feel that the amendment is something with which it should push ahead.

If the SDLP wants to be taken seriously, it is going to have to have a rethink. I suggest that that rethink includes withdrawing the silly bit of work that it has put together and recognises that it is ill thought out, has no basis and cannot possibly work. Quite frankly, all that that party is doing is playing silly, stupid politics, and this is too serious a matter to play politics with. SDLP Members should hang their head in shame and tell the House that the amendment was a regrettable move and that they now see that it lacks credibility.

The SDLP adopts the approach of being in and out of the Executive. One day it is there, and sometimes it is not. What sort of an approach is that? The party owes the House an apology today for wasting its time with such nonsense.

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

**The Chairperson of the Committee for Justice:** I call on the SDLP to do the decent thing and acknowledge that it has got it wrong yet again.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak to the House on behalf of the Committee for Culture, Arts and Leisure. Cuirim fáilte roimh an díospóireacht.

The Committee has advised the Department on the management of its annual budget, both capital and revenue, through the mechanism of the quarterly monitoring rounds. Sessions were held with departmental officials in June, September, December and February about the monitoring rounds and the revised spending plans. During those evidence sessions, the Committee was updated on a range of adjustments that affected spending profiles as the year progressed. It took an active scrutiny role throughout the 2009-2010 budgetary year, and the Department briefed the Committee on its position prior to each monitoring round and provided detailed written responses to queries that Committee members raised. On all occasions, the Committee robustly challenged the Department to explain its reasons for making bids and surrendering resources.

The Department proportionally has the smallest budget, and even small changes to its baseline can have a disproportionate effect on major capital projects and smaller projects that are designed to deliver across the spectrum of culture, arts, libraries and sports. Indeed, that is a crucial point in the context of the recommendation in the amendment that there be a £0.7 million cut in the Department's budget. DCAL accounts for 1% of the Executive's total expenditure, and it is sustaining proportionally the second largest cut — £14.5 million — in the current spending round. Public spending on culture, arts, leisure and sport equates to other Departments' underspend. To mitigate the impact of reduced requirements, the Committee has consistently asked the Department to consider having a range of other projects in a state of readiness in cases, for example, in which money cannot be spent in-year.

In the context of the February monitoring round, the Committee asked the Department to consider establishing a contingency fund for such circumstances. In September, the Committee was briefed on a reduced requirement of over £4 million for the 50 m pool and a reduced requirement of £8.15 million bid for stadia development. The Committee was concerned at the potential impact that those reduced requirements could have on the development of much needed sporting infrastructure. That is why the Committee welcomed the draft Sport NI capital budget of £133 million, which will enable those important projects to progress. That is good news for sport. The Committee acknowledges the

long-term benefits that that will bring to the development of sport in this region.

### 8.45 pm

The Committee notes that the spring Supplementary Estimates for DCAL detail plans to surrender £897,000 in capital and that DCAL made no bids in the February monitoring round. The Committee will continue to encourage the Department to maximise its spend and ensure that capital projects progress as quickly as possible.

On a final note, the Committee remains of the view that the overall allocation to the Department of Culture, Arts and Leisure is inadequate. DCAL is still suffering from the legacy of the past, during which the British direct rule Government consistently undervalued the contribution that sport and the arts make to all sectors of society, including health — particularly preventative health and mental health — the economy and tourism, to name but a few.

In the amendment, there is the suggestion of reducing DCAL's resources by £0.7 million. During the debate, I thought that those in the SDLP who tabled the amendment were going to outline a list of projects and programmes that they would happily see go to the wall, should that money not be required. I thought that Mr O'Loan, the Deputy Chairperson of the Committee for Culture, Arts and Leisure, would have outlined what projects he thought could easily go to the wall to allow that £0.7 million cut to take place. We are consistently hearing that more, not less, is needed if we are to retain jobs in the community arts sector, for example. The particularly popular Places for Sport programme, which allowed sporting clubs at community level across all sports to build up essential infrastructure, was shelved by the Department recently. The Committee has consistently asked the Department to bring back such a contingency.

**Mr O'Loan:** I thank the Member for giving way. I presume that he is not speaking for the Committee but expressing his own view. He will have heard clearly the rationale that the SDLP presented for how the amendment was constructed. Does he agree that no reason has been given why the Department of Culture, Arts and Leisure received a 17.7% cut in its budget, the second worst of all Departments? Curiously, the administration side of the Department, as opposed to the funding for arm's-length

bodies, was cut by a much smaller percentage. Therefore, there might well be an argument that there is fat to be trimmed. Does he also agree that the effect of the very substantial cut in the DCAL budget will be to produce cuts at arm's length, because the primary mechanism by which it delivers its services is through arm's-length bodies? Does he further agree that, as well as the creative industries, the whole standing of Northern Ireland in the international community is very much influenced by the quality of the arts and museums sector?

### **The Chairperson of the Committee for Culture, Arts and Leisure:**

I thank Mr O'Loan for his contribution. Throughout the debate, it seems that Declan wants to take up the speaking time of every Member, having had a lengthy opportunity to present his own case. However, I genuinely wanted to draw out from Mr O'Loan some of the very points that he made during my contribution, because he did not make them during his own contribution. I thought that it was useful to ask him to elucidate some of his thinking about what projects may or may not go to the wall.

When you are asking for an increased and enhanced budget for the Department of Culture, Arts and Leisure, it seems ridiculous to suggest a £0.7 million cut to that very Department. It lacks logic, which is something I used to attribute to people such as John Hume and Seán Farren, who are mathematicians. They seemed to have expertise in such disciplines.

I heard a little more from Declan O'Loan regarding where exactly the cuts might be exacted in the Department of Culture, Arts and Leisure. However, I certainly do not want them to fall on community sports infrastructure or the community arts sector, and I would like Mr O'Loan's support for that. There should be more, not less, for the Department of Culture, Arts and Leisure, because investment in culture, arts and sport is a wise investment. The Arts Council said that every £1 invested in the arts delivers £3.60 for the wider economy. We want more, not less, for culture, arts and sport.

Any suggestion to reduce the budget of the Department of Culture, Arts and Leisure, which is the smallest budget of them all and takes a disproportionately large hit, is a very negative message to send out to the very people who should be inspiring us.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):** I welcome the opportunity to relate to the House the Committee's view on the draft Budget. At this stage, the Committee is in a position to put forward only an interim response to the proposals set out in the draft Budget. There are two main reasons for that: the lack of detail supplied by the Health Department to date; and the lateness of the limited information received. The draft Budget for 2011-15 was published by the Department of Finance and Personnel on 15 December. However, the Health Department published its own consultation only on 13 January. That has resulted in the Committee having a mere two weeks to formulate views on what is probably the most significant set of public spending plans that we have dealt with in the past 20 years.

Furthermore, the information that the Department published on its website and on which it briefed the Committee does not contain a detailed breakdown of either the proposed expenditure or savings delivery plans. That is despite the fact that the draft Budget document states that Ministers are expected to provide that information as part of the public consultation exercise.

The Committee took oral evidence from the Department on the draft Budget on 13 and 20 January. Further information was requested from the Department following both those meetings. However, it did not arrive until 27 January. Indeed, it arrived in the middle of a Committee meeting, which is not acceptable because it does not afford the Committee the opportunity to carry out a detailed and thorough scrutiny of the draft budget, which is one of the key functions of all Statutory Committees of the Assembly. Over the past 19 months as Chairperson of the Committee, I discovered that a recurring theme is the lack of willingness of the Department to bring information to the Committee and to give it adequate time to scrutinise the budget. The Department spends 40% of Northern Ireland's entire block grant, and you would have thought that this would have been an absolute priority as far as the Minister is concerned, but he has been extremely dilatory in that respect.

I now turn to the key issues that the Committee wishes to highlight about the draft Budget. First, I acknowledge, on behalf of the Committee, the fact that health and social care have historically

been underfunded in Northern Ireland. Spending on health and social care should be maximised where possible. However, funding needs to be matched to identify priorities. Secondly, the Committee is of the view that we must not fall into the trap of putting so much focus on money for health services that we forget about social care and public safety. All three are vital areas of work for the Department. At times, there is a tendency for some people to view social services in particular as the Cinderella service, and that simply cannot be allowed to happen. Furthermore, the Committee is concerned that at present only 1.6% of the health budget is spent on the public health agenda. It is the Committee's view that, if the population's health is to be improved in the long term, we need to prioritise public health so we can cut the number of people with conditions such as cancer, heart disease and diabetes.

The Committee also discussed the funding allocated to the Department in comparison with allocations made in England. It received a briefing paper from the Assembly Research team on that issue.

I will now turn to the more technical aspects of the draft Budget. In previous years, as the House will know, the Executive committed the Department of Health, Social Services and Public Safety to having first call on the available in-year money to the limit of £20 million.

**Mr McCallister:** Given that there has been so much debate about coalition cuts and given our current position, I wonder whether the Chairperson of the Committee for Health, Social Services and Public Safety will elaborate on the distinction between the allocation by the coalition Government in England and the allocation in Northern Ireland. That is central to the debate.

**The Chairperson of the Committee for Health, Social Services and Public Safety:** There is a bit of grey area and some confusion there. I had asked the Department of Health, Social Services and Public Safety to check the sums, as it were, to determine whether, as we have been told, the allocation is the same as in England and whether the statistics bear that out. That is the best that we can say at present, because there is some dispute about the accuracy of those figures. However, I ask the Minister of Health, Social Services and Public Safety to give us an assurance on the issue of



the £20 million monitoring round money. There was some confusion in the Health Committee about the issue, but I understand that the agreement that had been reached with the Health Department has ended. Therefore, I ask whether the Department is now in a position to bid for in-year monitoring round money as any other Department can, and, were pressures to arise, whether it could bid. Until now, in return for the £20 million allocation, the DHSSPS has not been bidding in the normal monitoring rounds. It would be helpful if the Health Minister could clarify that because that may provide some easement of the pressures that may arise. The Committee has also asked for clarification of whether the arrangement on the £20 million could be resurrected.

When officials briefed the Health Committee on the draft Budget, they emphasised that, at present, there were considerable cash flow difficulties in year 1. The Committee understands that there may be some flexibility to move money from capital to revenue. I ask that that be looked at as a potential solution to assist the Department to meet year 1 pressures. John Compton, the chief executive of the Health and Social Care Board, made the point that some flexibility may enable the Department to overcome some of the difficulties that it faces. To move capital into revenue, at least in year 1, might help matters. I suspect that a few other Departments may be asking for the same level of flexibility, but I want the Health Minister to let us know what discretion the Department has in that field.

Although that may be one solution, the Committee believes that the Department needs a more proactive attitude towards looking at where efficiencies could be made. The Committee has identified a range of areas that the Department should be exploring to find efficiencies. One of the main areas is the purchasing of drugs. We spend £600 million a year in Northern Ireland on the purchase of drugs for hospitals and GP surgeries. In the prescribing of drugs, it is important to err towards the use of generic drugs rather than branded products.

Efficiencies could also be made by looking at senior salaries in the Department, the appointment reminder systems, the overuse of agency staff, innovations and improvements in the use of IT and the clinical excellence awards for consultants, which are better known as

consultants' bonuses. Time after time, we said that, at £11 million a year, there is a serious question mark over whether those should remain. That additional money could be used for front line care. More recently, we discovered that we were paying skilled tradesmen bonuses amounting to £1 million a year to retain electricians, plumbers and joiners. We know that we do not need those bonuses any more, because any advertisement in the newspapers for any of those positions would attract hundreds of applications, given the downturn in the construction industry.

Unfortunately, the Department seems to have paid little attention to the matter of potential efficiencies. In particular, little reference was made to the forthcoming performance and efficiency delivery unit (PEDU) review of the Department and what efficiencies it could be expected to yield. Indeed, the Committee had expected PEDU to complete its report before the draft Budget was published. We are disappointed to learn that little progress has been made on that exercise.

The Committee looked carefully at the bids that the Health Department submitted to the Department of Finance and Personnel before the publication of the draft Budget. We enlisted expert assistance for that task and took evidence from two academics who work in health economics. The Committee has concerns about the Department's bids for pay increments. Given the size of the Department's workforce, the sums are staggering. Some £78 million is required by year 4.

The Department's position is that pay issues are agreed at a national level in GB, and it is contractually obliged to pay the increments. However, it is fair to say that the Committee has concerns with the notion that a devolved Assembly has no power to negotiate locally. If it is a choice between potential redundancies and finding pay increments, I know where many of us would place our vote.

#### **9.00 pm**

The Committee also has queries about the bids put forward for the Department regarding the funding to meet demographic changes. The Department emphasised that Northern Ireland has an ageing population, which will put significant strain on health and social care services because older people cost the Health Service nine times more than a person

of average age. However, the evidence that the Committee received from the two expert witnesses queried the Department's position on that matter. For example, it is not clear whether the Department's figures take into account the potential savings associated with healthier ageing or whether it factors in the dominant effect in respect of need, particularly if acute care is determined by the proximity to death and not age per se. The number of deaths in Northern Ireland is predicted to fall over the next five years. Therefore, the effect of ageing on demand for acute services over that period is likely to be more modest than the Department suggested.

The Department advised the Committee that the current draft Budget proposals could result in 4,000 job losses. However, when we sought further information such as the function, location and grade of those job cuts —

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

**The Chairperson of the Committee for Health, Social Services and Public Safety:**

That information was not forthcoming. There seemed to be a lack of clarity on whether the Department is proposing natural wastage or redundancies. I emphasise that the Committee does not wish to see further redundancies but requires more clarity on the issue.

**Mr McElduff:** On a point of order, Mr Deputy Speaker. Will you just hear me out on this brief point of order? When I asked how many Members are left to speak, I noticed that there is a plate of small mints in front of you. Given the late hour and the fact that it is Valentine's evening, I thought that Love Hearts may have been more appropriate.

**Mr Deputy Speaker:** Mr McElduff, thank you for that point of order, which is not a point of order. The Member knows full well that those sweets were not provided this evening. I understand that the Member has organised a table for him and his wife, but that she does not play snooker. *[Laughter.]* Having listened to the Member, who is a proponent of the draft Budget, I am very disappointed that he has not raised that issue with the Minister of Finance and Personnel prior to now.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Tá áthas orm páirt a ghlacadh sa díospóireacht seo. Ba mhaith liom

mo chuid cainte a dhíriú ar sheirbhísí thús líne san oideachas. I will direct my remarks towards the education budget and focus, in particular, on the effects that the Budget will have on front line services.

As the Chairperson of the Education Committee pointed out earlier, the aggregated schools budget is that which serves front line services right down to the classroom. It is the budget that provides for teachers and classroom assistants. However, in the education budget, we see a reduction of £26 million in the first year, £85 million in the second, £114 million in the third, and £180 million in the fourth. That is a devastating blow to front line services in education.

It is quite clear from the answers that the Minister of Education gave in response to my colleagues Margaret Ritchie and Thomas Burns during Question Time on 1 February 2011 that the Education Minister is not prepared to say openly and honestly what effects the cuts will have on front line services, including teaching and classroom assistant jobs. A major teaching union told us that it estimates that the cuts will equate to the loss of 5,000 teaching jobs. In response to that, the Minister said:

*"I am not going to go down the same road as other Ministers by scaremongering and making all sorts of wild guesstimates about job losses in order to position my Department for any additional funds."*  
— *[Official Report, Vol 60, No 6, Part 1, p410, col 1].*

I told the Minister that it is time that she came up with estimates of the job losses that will result from the cuts.

*(Mr Speaker in the Chair)*

It is also time that she began to put herself in a position to gain extra funds for her Department, rather than standing on the sideline looking on while others try to make the case on her behalf. Those estimates from the teachers' unions were confirmed by the management side when the CCMS said that it was an accurate estimate that 5,000 jobs could be lost from the teaching force because of those cuts.

The Minister is telling us that she will not be in a position to assess the impact of her cuts until the remaining £840 million of revenue has been allocated. She says that only at that stage can the impact on all educational services be properly assessed. However, the fact of the matter is that the £842 million to which she

refers has already been allocated and will not be available to be bid for, so where will she get the additional money from? Does the Minister expect us to believe that she is proposing deep cuts to schools' budgets without knowing the potential impact? I contend that the public, the schools and the teaching profession have the right to know the answers to those questions. The Minister's "Live, old horse" attitude simply is not good enough.

The Minister of Finance and Personnel has said that £1.6 billion in revenue is potentially available. He has also told us that the £842 million to which the Minister of Education refers has already been allocated through the Budget. The remainder of that sum of £1.6 billion has not yet been realised and will not be available to be bid for until it is realised. In fact, during the Budget debate on 31 January, he said:

*"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."* — [Official Report, Vol 60, No 5, p341, col 1].

So the Minister of Education is telling us that she is going to supplement her budget with money that does not exist. I think that she should come clean. I think that she is displaying a remarkable degree of ignorance about the facts of the budget and is creating a false expectation about future extra funding that is far from assured. She needs to tell the facts of her actions and tell the education community the truth about the budget situation. From where exactly will she get the extra resources that she says are there? Maybe she is thinking of redirecting £80 million from the slush fund into education. If she does so, I would certainly welcome that. We need to reshape the education budget.

**Mr McGlone:** Does the Member accept that the Minister of Education is not alone in doing that, given that the Minister of the Environment has based some computations in his budget around an imaginary £4 million that is supposed to be raised through a plastic bag levy, which in all probability will not be legislated for and will not exist, and that the Minister is, therefore, projecting cutbacks on the basis of imaginary moneys and 'Alice in Wonderland' budgets?

**Mr D Bradley:** I thank the Member for his intervention, and I could not agree more with him.

We cannot allow the education system to suffer the degree and depth of cuts to front line services that are contained in the Education Department budget. We must mitigate those cuts in every possible way. Therefore, I propose that we reshape the education budget. We must see the Minister's spending plans, which we have not seen as yet. We must remember that education is a key economic driver for the present and the future. If we sell education short, we will sell the economic prosperity of future generations short as well.

**Mr Callaghan:** Gabhaim buíochas leis an Chomhalta deis a thabhairt domh, tríd an Cheann Comhairle. An aontaíonn an Comhalta liom go ndearnadh an Buiséad i Sasana, i Whitehall i Londain agus go bhfuil sé ag tabhairt isteach na Tory cuts i dTuaisceart na hÉireann? Chomh maith leis sin, ba cheart náire a bheith ar Shinn Féin agus ar achan pháirtí anseo a thugann tacaíocht don Bhuiséad seo.

**The Minister of Finance and Personnel:** Tory cuts? Is there no Irish for that?

**Mr Speaker:** Order.

**Mr Callaghan:** Does the Member agree that this Budget was stamped "Made in England", manufactured in Whitehall and is being implemented here by Sinn Féin, the DUP and their new-found supporters in the Alliance Party who are doing the bidding of their spiritual leader, Mr Clegg? Does he agree that they should feel shameful in supporting such a Budget?

**Mr D Bradley:** I thank the Member for his intervention, brief and all as it was. I agree with him.

I will return once again to the education budget before I finish. As I said, this is an education budget that we cannot accept. The Chairperson of the Committee for Education has made that clear, and I agree with him. The SDLP has revenue-raising proposals, which are outlined very clearly in our document, 'Partnership and Economic Recovery'. I hope that the Minister of Finance and Personnel and the Executive as a whole will examine carefully those proposals and use them to raise revenue, which can be used to mitigate the deep cuts to education that

will have a severe impact on young people in Northern Ireland, not only now but in the future.

A Cheann Comhairle, tá mé fíorbúioch díot as an seans a bheith agam labhairt sa díospóireacht seo.

**Mr Bell:** Today, many people are waiting to see the outcome of elections down South and the impact that that will have on the future of their banks. In church yesterday, I spoke to some people in the banking sector who are concerned about their jobs and are looking to the House for a collective and consensus approach that will lead to jobs being protected and secured, a reasonable chance at an economic recovery and a jobs-led economic recovery. What they are not looking for is the level of financial incontinence that is exhibited by the SDLP amendment.

Even with basic mathematics, one can see that the figures do not add up. A lot of claims are made for many millions of pounds, but nothing of detail is said. It is the poorest form of attempted opposition that I have witnessed in a long, long time. The amendment says that we should take £22.1 million out and then just look at the other things, but it does not say what needs to be cut. The amendment does not seek genuine consensus and does not say how it will protect front line jobs across the sectors. The amendment picks random figures out of the air, dresses them up as some sort of opposition and tries to take the half-pregnant approach, whereby the SDLP is not really in, not really out, just half pregnant. The SDLP is in the Executive, but not really part of the Executive. As Members saw in the Housing Executive debate, if the SDLP's own Minister had paid more attention to that executive rather than criticising this Executive, the whole of Northern Ireland may have been better served.

**Mr A Maskey:** Following Dominic Bradley's contribution and the intervention from his colleague, is the Member not surprised that we are in this predicament? The SDLP fought the last Westminster election campaign on the basis that it needed to be returned to Westminster because it was the party that would stop the Tory cuts that were promised well before that election. Given that we have SDLP MPs, I find it difficult to believe that we have had any cuts at all.

## 9.15 pm

**Mr Bell:** I think that the SDLP's claim that it was going to stop the cuts carries about as much intellectual weight as the proposed amendment. This is playing games with people's lives. We cannot not implement the Budget. If the SDLP wants to go down the Republican route of Newt Gingrich and say that it will oppose and stop the Budget, close down services, put people out of jobs and then say that it has done its job, that is highly irresponsible.

If it is pointing fingers at MPs in MLAs' sister parties, the SDLP should acknowledge the deficit created by its sister party, the British Labour Party. The Labour Party led us into the financial hole and deficit and refused to address it, and then, we are led to believe, when it left office, that party left a little note saying, "Sorry, there is no money left." The SDLP then comes to this House and point fingers at other parties.

**Mr McGlone:** I have a number of issues with that point. First, we take our seats and advocate and speak for people —

**Mr A Maskey:** It is a great job that you are doing.

**Mr McGlone:** Well, it is a lot better than some people do.

**Mr Speaker:** Order.

**Mr McGlone:** May I make the point —  
[Interruption.]

**Mr Speaker:** Order.

**Mr McGlone:** Perhaps the Member can outline what his party's Budget position will be on student fees. It has already advocated a position of utter opposition at Westminster. We are very anxious to hear from this side, because the DUP has already outlined very clearly that our students' future is paramount to the future of society. I am sure that the Member supports that. I am very interested to hear whether his party's support for this Budget will be a continuum —

**Mr A Maskey:** [Interruption.]

**Mr Speaker:** Order.

**Mr McGlone:** — of the views of his party at Westminster.

**Mr Bell:** I rise secure in the knowledge that it was not a member of my party who introduced student fees.



**Mr A Maskey:** Who was it?

**Mr Bell:** It was Seán Farren, if memory serves me correctly. It was the SDLP that introduced student fees. It was Mr McGlone's party that has caused every student in Northern Ireland to pay their £3,290 and now the party's employment and learning adviser —

**Mr Speaker:** Order. The Member should not point. If the Member wants to point at me, I have no problem with that.

**Mr Bell:** Sorry, Mr Speaker, I have been watching coverage of the House of Commons too much. People are allowed to point there.

It was the SDLP, under its Minister, that brought a bill of £3,290 to every student in Northern Ireland when it introduced student fees in contravention of what it had said previously. I will not take any lectures on this. Let me address the point head on, because the Member made a fool of himself. Look at the detail: the deficit in student fees is £40 million, and the SDLP's proposed amendment, even if that lunacy were to be accepted, is worth £22.1 million. The SDLP would have to explain to students why it is not going to try to finance the other £18 million. It is a £40 million deficit. I await Margaret Ritchie's response on that, perhaps after Conall McDevitt writes it for her.

We must ensure two things.

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

**Mr Bell:** No. I think that the SDLP has given enough away in student fees.

Vital for the future is ensuring that our universities are resourced properly, because students are leaving Northern Ireland. Somewhere between 25% and 30% of them are leaving, some to study in the Republic, although the vast majority are leaving to study in other parts of the United Kingdom. My fear is that that is not good and that they will not come back. We need to ensure that the universities here — both our universities — get an adequate resource.

I am not going to play the game. There is a budgetary cake that has to be sliced. It is the most immature and irresponsible of politics to say that I am going to take my slice out but that I am not going to say from where the extra part of my slice is going to come. That is what has got to be done. Contrary to what the SDLP might have pledged to do to stop the cuts, it has

not. It has failed. The Budget cake is smaller, and it should have been for every Member of this House to look at how we cut the cake, taking cognisance of other Departments that have to provide services and taking cognisance of the fact that there are other Departments — apart from the Department for Social Development — that may require money to keep their front line services running.

That was the job that the House was to do; it is the job that we are expected to do, but the SDLP has failed to do it. It will have to explain that job to people. It is a half-pregnant argument.

**Mr Callaghan:** I thank the Member for giving way. He referred to half pregnancy. I am not quite an expert on pregnancy, but it seems that the Member is half pregnant with ideas of economic competence. He has challenged the SDLP to put forward proposals to deal with the budgetary situation that we face. Our 'Partnership and Economic Recovery' document states clearly on page 7 that: "'Partnership and Economic Recovery' sets out how the £4 billion shortfall can be addressed so that further resources can be released to target key priorities."

Eighteen months before that document, the SDLP published another economic paper; it is widely available, including on our website, for the Member to review. It sets out other ideas of how to tackle the budgetary issue. It is utterly disingenuous for the Member to settle for the simplistic argument, which betrays the good people of the North, that it is simply a matter of cutting up the cake that Westminster provides us when better ways are available and could be acted on.

**Mr Bell:** We have heard a lot of the normal gobbledegook. I do not want to impersonate the honourable Member for South Belfast, but we hear about conversations and ideas. I hope that the SDLP, when summing up, tells us what front line jobs it will cut to finance that nonsense and what money it will take out of the other Departments to come up with this —

**Ms Ritchie:** Will the Member give way?

**Mr Bell:** I have 17 seconds left, so it is not possible.

**Ms Ritchie:** Will the Member give way?

**Mr Bell:** No. It is incumbent on people to be responsible, to protect front line jobs and not to grandstand.

**Ms Lo:** Since my party colleague Dr Farry has given an overview of our evaluation of the Budget, I will focus on the Department for Regional Development's draft budget. Even as the newest member of the Committee for Regional Development, I am aware of the many serious financial constraints on the Department, particularly on the capital spend. I welcome the many good income-generation ideas from the Department. However, the draft departmental budget on transport is a departure from previous priorities. It is a backward step on the Department's policies, especially on sustainable transport, public transport reform and rural and community transport.

Investment in roads takes the majority of the available money to the detriment of an integrated, inclusive public transport system; a disproportionate 86% of the Department's capital budget goes towards roads. Some of it could have been redirected to railways for new trains, for example. Such capital expenditure could reduce environmental impact. Of the total roads allocation, 70% is going to two projects: the A5 and the A8. The scale of those schemes means that there is no scope for allocation towards other necessary major road schemes, such as the A6 and the York Street flyover. Reducing the subsidy for Translink is unwise at a time when many Northern Ireland households, due to the recession and rising fuel costs, may look to sell the family car and depend on public transport. Added to that is the reduction in investment in community-led alternative transport solutions.

The impact, I am afraid, will be far reaching. The potential for an increase in —

**Mr Callaghan:** I thank the Member for giving way. The Member referred to the A6 project. If I picked her up correctly, she is suggesting that, in the face of budgetary constraints, many families are selling their cars and depending more and more on public transport. Although that might be the case, is the Member aware of the widespread dismay in the north-west at the draft Budget, which would mean, for example, that the A6 Derry to Dungiven upgrade will, in effect, fall off the table until after this Budget period, with hugely adverse consequences for

the economy and society in the north-west of the North?

**Ms Lo:** I thank the Member for his intervention. Yes, I hear what he is saying.

Increased fares and a decrease in services will force people into cars and will do nothing to stop pollution and congestion or to support sustainability. Many people who do not have access to cars or who do not drive face escalating social exclusion because they will no longer be able to access trains or buses. However, due to cuts to community transport and elsewhere, they will have no alternative. Surely, cuts to public and rural transport go against the long-term vision for transport in Northern Ireland, which is to have a modern, sustainable and safe transportation system that benefits society, the economy and the environment and that actively contributes to social inclusion and everyone's quality of life.

Such drastic cuts to public transport will do nothing to improve sustainability or benefit the environment because, as a result of declining service levels and price rises, car drivers will not be incentivised to give up their cars. The pathetic amount of funding to develop pedestrian walkways and cycle lanes will discourage active travel, which has tremendous cost-benefit gains, whereas building roads results in much lower financial gains.

Sadly, public transport cuts will have an obvious and far-reaching effect on the most vulnerable in our society, namely, older people, disabled people, young people, women, and the unemployed. All are less likely to have access to private transport and, therefore, they depend on public transport. Any reduction in unprofitable routes could cause those groups to be cut off entirely, resulting in serious levels of social exclusion.

Transport impacts on all aspects of our life. Where it is limited or not available, there is a negative impact on all aspects of life, making it difficult to access employment, healthcare and education. Given the financial climate, there is a clear need for joined-up thinking, to find new solutions to transport problems. The Health Department, the Department of Education and the Department for Regional Development need to work together to conduct a cross-departmental review of all transport expenditure in order to identify potential for sharing resources. Education and library boards

have buses that are idle during evenings and weekends. If those buses were to be shared with the health sector and used for public transport, there is potential for a very effective public transport system. Sharing resources creates clever and innovative solutions without the need to invest in capital purchases, saving money for the three Departments while improving access for all.

Cuts to the transport programme for people with disabilities and to the rural transport fund will lead to an increase in rural isolation, exclusion and deprivation by the end of the Budget term. Reducing the RTF by £1.7 million will, alone, result in as much as a 30% reduction in passenger trips; a small amount of money, but a huge impact on people. Funding reductions in the Shopmobility scheme and door-to-door services will limit access to transport for disabled and older people, further increasing their social isolation.

### 9.30 pm

DRD has targeted the Community Transport Association for cuts. As the regional infrastructure body for community and voluntary transport, it is an easy target. However, the impact will be a reduction in the quality of services. In delivering front line services, why not make sure that such services are of a quality and a standard that are suitable for vulnerable people and those with disabilities.

Finally, the Finance Minister's suggestion to transfer £30 million from the Belfast Harbour Commission can be seen only as a half-baked idea that has not been well thought through. According to the commission, there was no consultation on that proposal prior to its announcement. Even if that were to happen, the change may have to be made by primary legislation in Westminster. However, with taxation not being a devolved matter, money collected would go to the Treasury, with no benefit at all to Northern Ireland. We must take a serious look at how to balance building more roads, which will increase car use, with investing in public transport and cycle lanes to encourage more people to cycle or to take buses and trains.

**Mr Gallagher:** We have had quite a lengthy debate. A little bit of it has been constructive; quite a lot has been more about substituting rational argument around the SDLP amendment with what have been, in essence, smearing remarks.

It is not as if this is the first time that the Assembly has had a technical amendment tabled to the Budget. There is precedent for that. When the Budget was being set for 2001-02, the DUP begged to move the following amendment:

*“subject to a reduction of expenditure, as necessary, on the following spending areas —*

*North/South Body: Foyle, Carlingford and Irish Lights*

*North/South Body: Languages*

*North/South Body: Waterways Ireland*

*North/South Body: Trade and Business Development*

*North/South Body: Special EU Programmes*

*North/South Body: Food Safety Promotion*

*Tourism Company*

*North/South Ministerial Council Secretariat*

*Civic Forum”.* — [Official Report, Bound Volume 8, p79, col 1].

Lord Morrow —

**Dr Farry:** Will the Member give way?

**Mr Gallagher:** I will give way shortly; just give me another few minutes, please.

Lord Morrow said that our amendment was a shame and that we were a semi-detached party. It is quite clear that his was a semi-detached party at the time when the DUP amendment was tabled. I want to express my feeling that some amnesia has quite clearly overcome Lord Morrow. From the remarks of Members such as Mr Craig, a little epidemic of amnesia could be spreading. It also appears to have come across to this side of the Chamber, because John O'Dowd railed against the amendment and absolutely forgot that the draft Budget was signed up to by his ministerial colleagues as well. [Interruption.]

**Mr Speaker:** Order.

**Mr Gallagher:** Mr Hamilton was sent out to lead for the DUP and he resorted to the usual approach of some DUP Members, which is that they are right about everything all the time and everybody else is wrong. It is sad that some of them — [Interruption.]

**Mr Speaker:** Order. Allow the Member to continue.

**Mr Gallagher:** It is sad that some of them have not yet realised that the world does not work that way. The most amusing, if it were not a serious matter, intervention came from the Alliance Party through Mr Farry, who, again, supported Sinn Féin and the DUP. Of course, as we all know, the Alliance Party will always support Sinn Féin and the DUP in exchange for the justice job. That is a fact in the current Assembly.

I know that many members of the public agree that, fortunately, there is someone in the Executive to take a principled stand, and it is the SDLP Minister, Alex Attwood. He does not take such a stand only today; he took it weeks ago when he highlighted the elephant in the room in this debate, which is the £32 million secret fund in OFMDFM that the community and voluntary sector has not been told about. It will be interesting to see whether anyone is prepared to bring that out into the open this evening. The SDLP is consistent. We stand for openness and transparency.

**Mr Callaghan:** Is the Member aware that not only have we not been told — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Callaghan:** Is the Member aware that not only have we not been told the exact purpose of that social investment slush fund, but, apparently, certain selected groups have been invited to secret briefings that have not been made available to all community and voluntary groups?

**Mr Gallagher:** That is exactly why the public want openness and transparency from the Executive for a change. That is why we have consistently stood for those principles and why we will continue to ensure that the whole book, with respect to the Budget, is open to the public.

**Dr Farry:** I thank the Member for giving way, and I remind him that the Alliance Party is not the patsy of any party in the Assembly. Indeed, we have recently backed several SDLP motions and amendments, and were the only party to do so on those occasions.

Mr Gallagher talks about principled stances by the SDLP. In the interests of transparency, will he clarify for the House whether, in the event that Mr Attwood votes against the Budget at

the Executive table, the Minister and his party will remain part of the Executive? You cannot be inside and outside the Executive at the same time. That is not a matter of principle; it is a matter of political expediency.

I also stress that this is the fourth Member from the SDLP to speak in the debate. At what stage will anyone speak to the amendment? No one disputes the right of a party to bring an amendment to the Floor, but we want them to justify what they are doing.

**Mr Gallagher:** Mr Farry knows very well that we are at the beginning of the Budget process. We are on the first rung of the ladder — *[Laughter.]*

**Mr Speaker:** Order.

**Mr Gallagher:** We are not at the stage — *[Interruption.]*

**Mr Speaker:** Order. The Member must be heard.

**Mr Gallagher:** We are not at the stage of approving the Budget. All I can say is this: let us see how the argument develops. As I said — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Gallagher:** We submitted a technical amendment and we stand by it.

I am also my party's spokesperson for health — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Gallagher:** Although the DUP, all those years ago, thought that it would push aside the all-Ireland arrangements, I want to say a few words about the all-Ireland health strategy that the SDLP has always promoted here. To give the Finance Minister an example, I want to welcome the money-saving measures taken by the Belfast Trust when it bought computer equipment in Dublin and stored it securely there at a saving of at least £7 million over the next six years. By anyone's standards, that is a good example of co-operation, particularly in the Health Service. I welcome the fact that the Belfast Trust is engaging in innovative ways of saving money. I impress upon the Finance Minister that that is what all Departments should be seeking to do. If they also save £7 million over the next six years, it will mean that more money will be released for front line services.



My colleague Mr Farry asked what we are going to do. The SDLP did not vote for the previous Budget, because 3% of the efficiency savings that we were asked to vote for were about cutting front line services. We do not want to see any more of those front line services cut. We want a firm assurance this evening that this Budget will not have a further adverse impact on front line services.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):**

I will begin by making some remarks about the concerns that the Committee for Employment and Learning has about the Budget, and I will finish by making some personal and party remarks.

Over the next two weeks, the Committee intends to hold a special meeting to discuss the implications of the Budget on the Department for Employment and Learning. As many Members know, the recession has not yet ended here in the North. Unfortunately, the cuts that this Budget will impose mean that there will be consequences, such as further job losses and constraints on DEL. Again, as many Members know, there are inescapable pressures on DEL, because it has to provide employability skills training and job skills programmes, such as Steps to Work. It is inevitable that more people will require that assistance. One of the biggest concerns for many Committee members is the increase in tuition fees and how higher education in particular is being targeted. Indeed, some £40 million is being taken from that element of the Budget.

It is also true that Committee members are concerned because it appears that the Department will not make any savings until the final year of this Budget cycle. That is a concern, because we think that the Department should be leading by example on some matters.

Where tuition fees in particular are concerned, the Committee will be hearing later this week from Professor Gregson from Queen's University, Belfast and from presidents of the various student unions. We want to ensure that education remains available on the basis of the ability to learn, rather than the ability to pay. Many Members will rightly be proud of Northern Ireland's record in widening access for and participation of people from all community and socio-economic backgrounds. We wish to maintain that, and we are anxious that this Budget will have an impact on that.

The Committee is also concerned about the number of people who have lost their jobs and who will need assistance from the colleges so that they can retrain and further their own educational needs.

**Mr Dallat:** Can the Member tell us what is in this Budget for the 250,000 people in the North who cannot read or write and who, because they do not have any qualifications, cannot put them on a CV? Those people were promised equality under the Good Friday Agreement. What is in this Budget for those people, who are now unemployed and have no qualifications?

**The Chairperson of the Committee for Employment and Learning:**

I welcome the Member's intervention. In fact, when officials from the Department appeared before the Committee last week, we asked them that question, and we also asked them about the impact of essential skills training, given that it has to be picked up and paid for by DEL. A failure at education level is, therefore, being picked up later by DEL. We want to get it right first time.

Some of my colleagues commented that there needs to be much stronger investment in early years training. We all know that the prime time for children to learn is when they are under the age of seven.

Mr Speaker, I will move on to my concerns and those of my party, if I may. I listened carefully to what many Members said when they attacked the SDLP. It is quite clear that they did not listen to what the party leader, Margaret Ritchie, said in her opening comments when she was speaking to the amendment. Mr Speaker, you may now be aware of what we said about the Business Office's ruling on drafting an amendment. In fact, tabling an amendment is the only opportunity that any party in the Chamber has to have any influence on amending this Budget.

Some Members commented on the amounts of money that the party was suggesting should be surrendered at this stage, but that was just an example. Some Members tried to score petty points. Mr O'Dowd said that our party produced its document on the eve of the Budget. Mind you, some Members will find it strange that, in Upper Bann, Mr O'Dowd is dropping leaflets round people's doors titled 'Say No to Tory Cuts'. The leaflet shows a big picture of him beside a particular — *[Interruption.]*

**9.45 pm****Mr Speaker:** Order. Allow the Member to continue.**Mrs D Kelly:** He let the cat out of the bag today and on 'The Stephen Nolan Show' within the past two weeks, when he said that they were now having to mitigate and that the only other thing that he could do would be collapse the institutions because that was the alternative. Why does he not tell the people that when he is throwing the leaflets into their houses? There is an old adage that you can fool some of the people some of the time but you can't fool all the people all of the time. Well — *[Interruption.]***Mr Speaker:** Order. Members must make their remarks through the Chair.**Mrs D Kelly:** There is some interference in my ear. I am not really sure what it is, but it sounds like a lot of whingeing to me.**Mr McGlone:** Did I hear the Member correctly? Is Sinn Féin dropping leaflets urging people to stop the cuts that it is implementing?**Mrs D Kelly:** Yes, indeed. The leaflet has a huge picture of Mr O'Dowd beside a huge poster with 'Say No to Tory Cuts' on it. Members will recall the posters that said no to water charges, and it is like those. A couple of years ago, those posters and billboards mysteriously disappeared practically overnight, when Sinn Féin removed them. I suspect that this leaflet will also disappear and become part of the selective memory. Of course, we all know that Sinn Féin is trying to fight an election in the South of Ireland by saying no to cuts, burning the bondholders and all sorts.

Last week, Queen's University produced an excellent paper that raised many concerns about social policy. The draft Budget will impact more adversely on women than on any other group. Welfare reform stands to lose more than £600 million each year right through to 2015. There are discrepancies in the draft Budget. I am sure that the Finance Minister will address the issue of the inflation rate. When the draft Budget was set out, there was talk of inflation at about 2% or 3%. Economists now predict an inflation rate of 5% by the end of the year, and that will also have an adverse impact.

Although Members talk about no compulsory redundancies or job losses, we all know that many posts are not being refilled. For those

seeking employment, that has an obvious impact on the availability of jobs. It also means less disposable income for families across the North. Many who work in jobs that depend on people spending, particularly in the retail sector, stand to lose out. People are very concerned.

Unfortunately, Mr Farry has left the Chamber. I wonder does the Alliance Party concur with its colleague Seamus Close who, only yesterday, called the draft Budget a daft policy on BBC Radio Ulster. The consensus among Sinn Féin, the DUP and the Alliance Party on the Budget and many other decisions makes for a cosy corner indeed.

The draft Budget contains no Programme for Government or investment strategy. As I remarked earlier, the Minister's Department's guidelines state that there should be a Programme for Government and an investment strategy before a Budget. That is best practice within the European Union, yet the Assembly cannot do that. One must wonder why. Many of my colleagues referred to the social investment fund. In fact, some called it a slush fund. As a member of the Committee for the Office of the First Minister and deputy First Minister, I have asked on numerous occasions for the criteria to access that fund and the terms and conditions. I have yet to get an answer.

One of the main partners in the Budget likes to describe itself as a party of equality. There is no equality in this Budget. It does not look after the most vulnerable and disadvantaged in society. It looks after party political interests. Shame on them all, Mr Speaker.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness):** The Executive have, quite rightly, put the economy at the very centre of government. That is an admirable objective, which I think all of us in the House support totally. However, if one looks at this Budget, one can see that, even though there is that aspiration to put the economy at the very centre, it does not do that in relation to the Department of Enterprise, Trade and Investment. The Committee for Enterprise, Trade and Investment believes that the proposed reduction in capital investment in DETI of 63.9% gives considerable cause for concern. If we have that substantial reduction, how can we revive this economy and work towards putting it at the very centre of government?

Invest Northern Ireland consumes approximately 65% of the Department's budget. It is the main engine for attracting investment into Northern Ireland, encouraging local investment and creating jobs. However, Invest Northern Ireland will be greatly affected by the proposed departmental allocation. The Executive's economic strategy is ambitious and plans to launch the economy on an upward trajectory. However, the strategy is completely at odds with the proposed Invest Northern Ireland allocation, which the Committee believes seems doomed to launch the economy into a downward spiral. My view is that, given the way in which it is manifest and expressed, if we do not improve this Budget and we allow it to remain as it is, not only will we remain in recession, but we could go into depression. That is a problem for all of us in the Chamber, and we should not take it lightly. We have to work our way out of recession, but this Budget does nothing to assist in doing that.

Invest Northern Ireland has a large number of future commitments that will have to be met prior to funding being provided for new business activity. Invest Northern Ireland is already committed, probably for the next two years. Where will the extra money come from to provide that which is necessary to attract further business into Northern Ireland, to revive and re-energise our economy and to give our people work? The proposed allocation will reduce significantly the level of new business that Invest Northern Ireland can support in future years. That is fact; I am not putting any spin on that. Those are the Committee's concerns.

The Committee is very concerned that the Budget will have a long-term negative impact on our economic recovery and future job prospects and, in the longer term, on achieving the step change that we need to drive our economy forward. We want our economy to move forward, but we want a step change. We want to attract high-value jobs to this part of the world. We will not do that on the basis of this Budget if we do not provide Invest Northern Ireland with the means of trying to attract new investment here.

All the pieces were, in fact, coming into place. Invest Northern Ireland and the Minister had been working tirelessly to bring new high-value investment to Northern Ireland, and they should be given credit for that. We are in the unique and enviable position of having our own US economic envoy. Declan Kelly has

done enormous work for all of us, and the First Minister and deputy First Minister have recognised that. Of course, the Minister of Enterprise, Trade and Investment has recognised it as well. All of us in the Chamber owe him a great debt of gratitude. We cannot let his good work and his good offices down; we have to enhance what he has done. We have to progress from where he has left off.

It is beginning to look as if we may have the powers, in the foreseeable future, to vary corporation tax and to reap the benefits that that can bring. That may be one way of assisting the Department and assisting the development of investment and jobs in Northern Ireland. Are we going to throw it all away when we are beginning to see the benefits that all this good work and commitment is bringing to us? At last week's meeting, the Committee discussed the need to increase the Budget allocation for Invest Northern Ireland, particularly in the first two years of the Budget period. The only alternative is to provide Invest Northern Ireland with the end-year flexibility that it needs to meet its commitments and still be in a position to provide support for new business activity. However, I fear that the Department of Finance and Personnel is refusing to concede that. It is something that I believe we can perhaps persuade the Minister to look at again positively so that we can have that flexibility.

**Mr D Bradley:** The Member referred to the end-year flexibility that the Minister is providing for the Education Department. I listened to what the Minister said about that scheme, and basically he is saying that the same money will circulate within the scheme and that we should live in hope that the receipts will be greater than the spend. Does the Member agree that that sounds very much like:

*"a Ponzi, or pyramid, scheme, a fraudulent investment venture whereby investors, for a while, receive unusually high or consistent 'profits' that mainly only come out of money put in by subsequent investors. The hierarchical payment structure eventually collapses, leaving many participants out of pocket."*

Such schemes are illegal in the business world and highly dubious in any setting, so does the Member agree that such a scheme is not very reassuring for school principals and boards of governors, who will want much more certainty from the Finance Minister? The Minister has

offered to explain the scheme to me in private, but I would much rather he did it in public.

**The Chairperson of the Committee for Enterprise, Trade and Investment:** I agree; I will leave that to the Minister to explain. *[Laughter.]* I hope that there is no suggestion that the Minister is another Mr Madoff. I assume that he is not going down that road.

The Committee welcomes the fact that the Minister intends to prepare a case for an improvement in the proposed allocation. We accept that and hope that that case will be persuasive.

In general terms — speaking as an SDLP MLA — I have heard little positive support for this Budget from any outside source. The academics are opposed to it, the various voluntary organisations are opposed to it, and the trade unions are opposed to it.

**Mrs D Kelly:** Sinn Féin is opposed to it.

**The Chairperson of the Committee for Enterprise, Trade and Investment:** No, you are wrong; John O'Dowd of Sinn Féin is opposed to it. The reality is that this is a Tory Budget.

Sammy Wilson is acting out George Osborne in this Assembly. He is doing his bidding. When we established devolution here, we thought that we could change things for the better. We did not want Westminster to force us to act as its proxy, and it is shameful that this Executive are acting as a proxy for the Tories. Mr Sammy Wilson has opposed —

**10.00 pm**

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

**The Chairperson of the Committee for Enterprise, Trade and Investment:** Mr Sammy Wilson has opposed the Tory Government at Westminster. Let him do that in reality here by revising the Budget substantially so that it can be acceptable.

**Mr Speaker:** I call the Finance Minister to conclude the debate. He has 45 minutes.

**The Minister of Finance and Personnel:** Believe me, they will get 45 minutes. I can tell you that much.

I thank Members for taking part in the debate. I thought that when having such a debate on Valentine's night, we would all look dewy-eyed

across the Chamber at each other and maybe get a few candles in the middle. Mr McElduff wanted Love Hearts to be given out to Members as well. I am glad that it did not go down that route, and, indeed, we have seen that there will not be too much loving between the SDLP and Sinn Féin on all this. However, I have enjoyed it. I have learnt that the Irish for Tory cuts is "Tory cuts". *[Laughter.]* The SDLP accuses me of engaging in some kind of pyramid selling scheme with the EYF. At least I do not try to engage in the feeding of the 5,000.

Let us look at the amendment. The amendment says that the SDLP wishes to save £22.1 million. What will it do with that £22.1 million? It will allocate money for community relations. That is dead easy because, as Mr O'Dowd pointed out, we only have to find £1 million. That seems perfectly feasible. It wants the Department of Enterprise, Trade and Investment to have more money for tourist development. Does it want that money to build hotels, for the Gobbins path or for the Giant's Causeway? We do not know how much money is there, but the sum is certainly getting bigger.

That £22 million will also save front line services and social care services in the Department of Health, Social Services and Public Safety. We are getting more ambitious. It will also pay for student finance, which we have quantified at £40 million, and it will pay for the Department for Social Development to tackle poverty. If the SDLP had even listened to its own Minister, it will know that he needs about five times that amount to tackle poverty. So, the amendment will provide the five loaves and two fishes out of which we will do all that, and, even better, we will have 12 baskets over to use for the education budget and the health budget.

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

**The Minister of Finance and Personnel:** I will finish in a wee minute.

That is the kind of miracle that we are supposed to expect from the SDLP amendment. I will give way to the speech writer for the leader of the SDLP.

**Mr McDevitt:** I presume that he is referring to me, Mr Speaker. I wonder whether the Minister is particularly concerned about what he thinks is the chicanery or three-card trickery that the SDLP is pulling off. He is obviously no longer concerned about the way that he was able to stand up in the House of Commons on 10



December and tell all his constituents that not a single penny extra would be paid on student fees and yet bring to the House a Budget that delivers increases to families in Northern Ireland.

**The Minister of Finance and Personnel:** I will deal with student fees later on in the speech when I get to some of the points that were made by the spokesperson of the Committee for Employment and Learning.

Let us put one thing to the side. Yes, the SDLP is perfectly entitled to bring an amendment to the House, and, yes, it is perfectly entitled to put figures in it. However, it is not entitled to pretend that, once it has £22 million, it can make it serve about £1 billion worth of spending. That is the trick that it is trying to pull off here today. *[Interruption.]*

Well, listen. The amendment:

*"requests the Minister of Finance and Personnel to consider the allocation of the resultant reductions".*

The resultant reductions are £22.1 million to do everything that I read out. We will not do that for £22 million or, indeed, for £222 million or, indeed, for £1,022 million, so it is a bit of chicanery. Let us face that fact: we know that it is a bit of chicanery.

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way in a moment or two, because I want to deal with some of the other issues that the SDLP spokespeople raised. We were told by the leader of the SDLP that she understood that the debate is not about the Budget and that it is about the money that was spent last year and the money for the Vote on Account for the first few months of this year. Since she said that, we heard nothing else but criticism of the Budget.

The SDLP was concerned not only that all those things were inadequately funded but that it was a DUP/Sinn Féin carve-up. The proposed amendment contains no reference to the Department for Social Development, because that Department is held by the SDLP. It contains no reference to the Department for Employment and Learning, because that Department is held by the Ulster Unionist Party. It has no reference to the Department of Health, Social Services and Public Safety, because that Department is held by the Ulster Unionist Party. Of course, the SDLP hopes that the carve-up in its amendment may entice some Members from the Ulster

Unionist Party to support its dopey amendment. I suspect that the Ulster Unionist Party, weak as it is at times, will not be taken in by that SDLP carve-up into which it is attempting to drag the Ulster Unionist Party. The SDLP criticises a DUP/Sinn Féin carve-up.

A number of SDLP Members said that the Budget is unimaginative and has not looked at ways to raise additional revenue. Of course, that ignores the fact that the Budget includes £842 million of additional revenue. As some Members rightly pointed out, I sought to be prudent in the Budget for next year. Although there were proposals for another £800 million, we have not included that because we cannot be sure that that money will be available.

Let us look at some of that revenue raising and some of the efficiency measures that the SDLP proposes to see whether it would leave us in any better position. The SDLP said that it has efficiency measures, one of which is to freeze pay for people in the public sector earning over £31,500 a year. Will that produce more efficiency than the Budget? I suppose that, with SDLP mathematics, it might. The proposal in the Budget is to freeze pay for anyone who earns over £21,000, but the SDLP's proposal is to exclude thousands of people from that pay freeze. Somehow or other, it argues that that proposal is likely to drive more efficiencies than the Budget proposal, or else we are already behind in the efficiency savings.

The SDLP says that that does not matter, because it has magic ways to raise more revenue. For example, it suggests that £280 million could be raised by refinancing the Housing Executive debt, which could be spread over a longer period.

What will that do, especially since the Housing Executive debt is coming down to the point where interest payments are getting substantially lower? We will find that revenue costs will be built into the Budget for a much longer period. It will not reduce the debt; it will increase it.

They then said that they will raise money from a £90 million bond, and, on top of that, the Executive will borrow £600 million. Perhaps they should have asked their former leader how public expenditure works, because if we had raised money from a bond and borrowed £600 million as an Executive, would that have been additional revenue to the Northern Ireland Executive? No, it would not, because the Treasury would have said that it would take

the £690 million that we had raised off our block grant. That is the beauty of it. We pay no interest on the money that we get in the block grant, but we would pay interest on the money that we borrowed for bonds or on Executive borrowing. We would lose £690 million. On top of that, we would pay interest on that £690 million. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Finance and Personnel:** The Member can shake his head all he wants, but that is a fact; that is how the Treasury works. The wonderful revenue raising that we were told would fill the gap, along with the 12 baskets left over after we had eaten the loaves and fishes, would cost us more money. The SDLP suggested that the capital realisation task force could raise asset sales of an additional £240 million over the Budget period. Most SDLP Members recognise that we are in a recession. Indeed, Mr Maginness believes that we will be in a depression by the time I have finished with the Budget. However, after listening to their leader, followed by other Members of the party, I was in a depression.

According to Mr Maginness, we will be in a depression in the middle of which we will sell not £100 million of assets but £240 million. We are going to raise all that revenue; we are going to borrow it and pay interest that we do not have to pay; we are going to refinance and pay interest for longer than we have to; and, in the middle of a depression, we are going to sell nearly two and a half times more assets than the Executive plan to sell. The Executive have taken a cautious approach.

Those are the SDLP revenue-raising measures, which, on top of the £22.1 million, will finance health and social services, student loans and the tourist industry and address poverty. I would not have moved such an amendment if those were the economics behind it.

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

**The Minister of Finance and Personnel:** I will give way to the Member. He is always good for a laugh.

**Mr McDevitt:** The Minister may not have wanted to move an amendment, but in 2001 Nigel Dodds was more than happy to come to the Chamber to move an amendment. Our amendment is nearly 200 words, but he managed only 64.

**The Minister of Finance and Personnel:** I love it when SDLP Members make interventions, because sometimes I forget what I want to say and they prompt me. I had forgotten that I wanted to deal with that point. The DUP brought forward such an amendment about cross-border bodies in 2001, but we did not suggest that, somehow or other, we could refinance the Assembly's whole Budget by cutting money on cross-border bodies, on the Civic Forum, and on some other structures of the Belfast Agreement that we did not like. At least, we were not ambitious; we just wanted rid of the institutions. We were not trying to finance the Budget by getting rid of them. *[Interruption.]*

Anyhow, the difference is —

**10.15 pm**

**Mr Speaker:** Order. The Minister must be heard.

**The Minister of Finance and Personnel:** The difference is this, Mr Speaker: we have neutered them now.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** We have also got efficiencies from them on a year-to-year basis; 3% cuts in their budgets and, even better still, support from the Dublin Government. Therefore, we have actually improved the situation.

Let me deal with some other points that were raised by the leader of the SDLP. She also complained — in fact, it came through in a number of SDLP speeches — that there is no provision for job creation anywhere in the Budget. Let us look at some facts.

Through looking at assets that we do not need and could dispose of and through other revenue-raising measures, we have raised £852 million, which will be available for the capital Budget. That will go into Northern Ireland's infrastructure. In order to build that infrastructure, construction jobs will be created. An infrastructure will be built that makes Northern Ireland's economy more attractive to investors and enables more effective communication within that economy. That is the kind of thing that industry tells us it needs to make the economy more attractive. Despite the fact that we have had 40% cuts in our capital budget, by the end of the period, in 2014-15, we will spend £1.5 billion on capital projects, which is equivalent to the long-term trend of capital spend. It is out of sync, of course, with

the peaks of the past two years. However, it is in line with the long-term trend for construction spending and capital spending in Northern Ireland. That is the first indication that we have put job creation at the forefront.

We have also given additional money to the Minister of Enterprise, Trade and Investment. As a result of that allocation, she has indicated that she will be able to create 4,000 additional jobs. We are putting money into — I find it difficult to say it — the green new deal. It is all about energy conservation. I will use the terminology that people understand. We have put money into that, which, in turn, when that fund is fully resourced, will create 3,500 jobs and will also help to reduce the impact of fuel poverty on households.

We have put money into the Department for Employment and Learning for assured skills training for graduates and so on. For what purpose? To attract exactly the kind of high-quality jobs that Mr Maginness mentioned. We have kept the cap on manufacturing rates at 30%. In doing so, we have released around £90 million in overheads to make manufacturers more competitive in a market where they say that they need to maintain competitiveness. We have made rates allowances for small businesses. I could go on and on. The nonsense that there is nothing in the Budget to create jobs is either the result of people not reading it, not understanding it, or closing their eyes because they would rather make political points.

**Mr Bell:** Write it in Spanish.

**The Minister of Finance and Personnel:** Perhaps, if it were written in Spanish or Irish, some of them would understand it a bit better. As I said, my understanding of Irish has improved tonight. I am pleased to be able to say that.

Let me move on to other points that were raised. I will come back to some of the SDLP's points later. The Chairman of the Committee for Finance and Personnel mentioned work that had been done with officials. I want to acknowledge the work that the Chairperson and the Committee has done with officials to look at spending plans and to review work that had to be done.

Mr Cobain, who is not here, talked about structural maintenance. This year, the Minister for Regional Development has had a capital budget of £54 million to address the defects

in the road network. In February monitoring, we have already allocated another £8 million for structural maintenance. Looking ahead, the DRD share of the capital budget is going to increase over the period, despite all of the reductions that there have been in the capital budget.

Mr Farry raised a number of points. At least he always brings some life to a debate. Just when the debate was flagging and when Members thought that they had enough, he brought some life to it. The one thing that I will say to him is this: the Alliance Party has recognised what is involved in being in the Executive. David Ford is no pushover when it comes to fighting for his budget, but he also knows where to fight for his budget. He does not do it on 'The Stephen Nolan Show' or in the pages of 'The Belfast Telegraph'. He does it in the places where the decisions are made. There is a place for Ministers to make a case for more money for their budgets.

**Ms S Ramsey:** Where is the UUP?

**The Minister of Finance and Personnel:** They are not here, of course. That is how interested they are.

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

**The Minister of Finance and Personnel:** I will give way in a minute or two. There are Ministers who believe that their budget allocation has not been sufficient. The place to fight that is at the Executive, where the decisions are made. I wanted to come to that point, because a number of Members raised it. There has been every opportunity at Executive meetings for Ministers to take a collegiate approach to the Budget process.

I learned something else tonight. According to Mr Gallagher, we are at the beginning of the Budget process. God help us if we are only at the beginning of the Budget process. We have about three or four weeks left before we have to allocate to Departments. That is how out of touch the SDLP is. It thinks that we are at the beginning of the Budget process. It started last June. Catch up; wake up and find out what is going on.

The Alliance Party Minister has fought his case and has fought it in the proper place. I will give way to Mr Callaghan, and I hope that he addresses me in English and not in Irish.

**Mr Callaghan:** I mBéarla amháin. Only in English. The Minister has told us about what a fine gladiator the Minister of Justice is in fighting for his budget, but have we not also been told on a number of occasions that the Department of Justice's budget is ring-fenced?

**The Minister of Finance and Personnel:** The Department of Justice's budget is ring-fenced, but do not forget that that is not what the SDLP would have done, because, despite the dissident threat and the threat from terrorists, it wants to take money away from policing. If we had a police service that could not provide safety in Northern Ireland, I am sure that one of the prerequisites for job creation would disappear.

Not only has the Minister of Justice had his budget ring-fenced, but additional finance has been made available to him. Through the Department of Finance and Personnel, he has also been fighting with the Treasury to ensure that end-year flexibility has been maintained and that the access to the contingency fund, which was to be on a year-on-year basis, would be available to him at the beginning of the four-year period so that he could properly plan his spending. He has fought his case. He has fought it in the Executive. He has got Ministers behind him, and he has fought it with the Treasury, along with Ministers. That is the way for Ministers to do their jobs. They should not go out carping in public, simply for the sake of grandstanding. If they are really interested in protecting their budgets, they should talk to their Assembly colleagues and try to persuade them and show them in some ways how the money can be found.

The issue of legal aid was also raised with him. *[Interruption.]* The Justice Minister was obviously sitting in his room listening to all the nice things that I was saying and thought that he should come down to bask in the glory of it all. Well, he is too late. I have finished with him now, so I am moving on. *[Laughter.]*

Mr Moutray, on behalf of the Committee for Agriculture and Rural Development, raised the issue of the hardship fund for potato farmers and sheep farmers who have suffered as a result of the last year's frost. Applications were made for those two groups in three monitoring rounds. However, they were the lowest priority bids that the Minister of Agriculture and Rural Development put in, and, given the pressures that there were in the monitoring rounds, it was

not possible to meet them. Yes, an application was made, but given the limited funds available and the priorities that the Minister attached to the bids, it was not possible.

Mr McLaughlin talked about a very important matter: the process of setting the Budget. He outlined very well the approach that we have taken. It answered — probably as effectively as I could — the criticism from the SDLP that somehow or other there were two Budget processes, one that went on between the DUP and Sinn Féin and one in which the rest of the parties were simply informed afterwards that that had happened. That was not the case. From the very start, when we met in Greenmount in July, we decided that this Budget was going to be of such significance that it could not be in the ownership of one party, one Minister or a couple of parties.

For that reason, we set up the Budget review group, which had one representative from all the parties on it, along with the First Minister and deputy First Minister. It met regularly and churned out ideas. Of course, as Members have pointed out, once some of those ideas were churned out, the SDLP stole them and put some of the good ideas in its document. Unfortunately, the SDLP put them in alongside so many bad ideas that they were all diluted anyway.

**Ms Ritchie:** Will the Minister accept the fact that, some 18 months ago, the SDLP was the only party to produce proposals on the Budget? I notice that the Member for Strangford Mr Bell is nodding his head. That seems to be all that he is — a bit of a nodding dog. *[Interruption.]* If I can continue, the SDLP was the only party to produce concrete proposals on 8 December 2010 that actually contained figures, numbers and detail. It was the first financial document brought forward by any political party. We were not cogging. *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ritchie:** It was the DUP and other parties that copied our proposals. *[Interruption.]*

**The Minister of Finance and Personnel:** I think that I have got the gist —

**Lord Morrow:** On a point of order, Mr Speaker.

**Mr Speaker:** Lord Morrow has a point of order.



**The Minister of Finance and Personnel:** We will have a point of order. Let me get the answer out, for goodness' sake. I think that I have got the gist. Some 18 months ago, the SDLP brought forward flawed proposals. It did not learn anything in the ensuing 18 months and then brought forward another set of flawed proposals. Yes, the proposals had figures in them, but I have just gone through some of the figures, which only make a mockery of the proposals. The figures are all about — *[Interruption.]* Mr Speaker —

**Lord Morrow:** On a point of order, Mr Speaker.

**Mr Speaker:** Lord Morrow is trying to make a point of order. Allow him to make a point of order.

**Lord Morrow:** I am now slightly confused as to who chairs the proceedings in here. *[Laughter.]* Is it in order for a Member to refer to a Member opposite as a dog? *[Laughter.]*

**Mr Speaker:** I did not pick it up. Let us look at Hansard and see.

**10.30 pm**

**Lord Morrow:** On a point of order, Mr Speaker, maybe the Member should be given the opportunity to think about whether she said it. Maybe she would have the courtesy then to withdraw the remark and save you having to look it up.

**Mr Speaker:** OK, maybe I will give the Member the opportunity.

**Ms Ritchie:** Mr Speaker, I would prefer that you examined Hansard. However, if there are suggestions that I said things that people maybe did not like, that is their interpretation. However, if I could have — *[Interruption.]*

**Mr Speaker:** Order. Let the Member continue.

**Ms Ritchie:** What I meant was that the Member for Strangford — I know that we are not supposed to gesticulate here — kept moving his head from side to side, and I wondered what that could possibly have meant. Maybe that Member could explain himself.

**Mr Speaker:** Minister, continue.

**The Minister of Finance and Personnel:** I do not know whether there are any dogs in the Chamber, but some of them are certainly barking on this side.

Let me move on to the points made by Mr Storey and Mr McCrea on the education budget. Nobody can deny that the education budget will be quite challenging over the next four years. The budgets that all Departments will have to administer will be challenging and will require Ministers to make some hard decisions. However — I have said this time and time again, so I am saying nothing new to the Chamber — if the budgets are challenging, it is even more important for Ministers to provide as much information as possible at this stage.

I reject one comment. An SDLP Member said that this was not the real Budget, that this was just the fluffy stuff and that we would see the real Budget after the election. The fact is that we have a four-year Budget that allocates cash sums to Departments, so it is totally transparent. We know the capital expenditure of each Department and what each Department will have in resource spending. So, the nonsense that somehow or other another Budget is lurking after the election is, once again, one of the scare stories that we expect from the SDLP. If the Members across the way want transparency, they should read the Budget document, and they will get the figures and be able to see where the money will be spent.

Of course, Ministers need to give details, certainly for the first year. Here, again, however, is where we get inconsistency from the SDLP. Over the past year, all I that I have heard from the SDLP is that the Budget set four years ago was far too prescriptive. The SDLP said that an economic recession requires the ability to dance and jig, and, therefore, there needs to be a bit of flexibility. Members of the SDLP cannot have it both ways: either they want something that is so prescriptive that they know line by line what will be spent over the next four years or they want something that is flexible, malleable and can respond to circumstances. They should make their mind up; they cannot have it both ways.

I must say that Mr O'Loan sends me into fits of depression. A black cloud hangs over his head, and he hopes that that black cloud will extend to the rest of us. I asked some Members, "Was that a speech or a gurn?". We heard from him that the basis is not right and there is no Programme for Government and no investment strategy. How, therefore, can we have a Budget? Had we had the luxury of having the Budget debate in May or June, maybe we would have had a Programme for Government against

which to measure it. His Minister can tell him that, when the Executive were considering the Budget, we looked at the long-term aims of the Executive, what we most wanted to protect and the objectives that we wanted to achieve. The Executive wanted to grow the economy, protect health and protect the vulnerable, all of which is reflected in the Budget.

When we were looking at the investment programme, my officials had long talks with the SIB about the things that should have priority investment. It is significant that a lot of the priorities that the SIB set are reflected in the investment programme. So, to say that there is no strategic thought behind it simply because there is no printed Programme for Government —

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will, but let me finish the point.

We do not have, as the SDLP wants, a new Programme for Government, but we do have the existing Programme for Government. Let us look at the objectives in the existing Programme for Government and hear what the SDLP would change. For example, would the SDLP not have growth of the economy as the top priority? According to the Member for North Belfast Mr Maginness, that is what he wants. According to Mr O'Loan, that is what he wants. Well, that is what is reflected in the Budget. Do they not want to protect the Health Service? I have heard nothing but "health", "health", "health" from some Members on the SDLP Benches tonight. Again, that is reflected in the Budget. They talk about protecting the poor. That is reflected in the Budget. So, what would be new in a new written Programme for Government?

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way, but only for an intervention, not another speech. The Member had ample opportunity at the beginning of the debate to make a speech and did not take it. She is not going to take up my time for speeches as well, so, if I interrupt her after 15 seconds, it is not because I am a charlatan and an ignoramus, it is just that I want to take a short intervention and then try to answer it.

**Ms Ritchie:** I thank the Minister for giving way. Does he accept that he acknowledged in an answer to me that there probably should

have been a Programme for Government? Is it not unusual for any Government or Cabinet to prepare a new Budget for a four-year period without first having a Programme for Government on which to base it?

**The Minister of Finance and Personnel:** I do not think that the Member even listened to me. We do have a Programme for Government; I even told her what the priorities in it were. I have challenged the SDLP to tell me —

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** No, I will not give way. We could have this Punch and Judy show all night, for goodness' sake. I have asked the SDLP what it would have in a Programme for Government that is different to the priorities that we have set.

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** No, I am not going to give way. I want to get on.

**Mr Speaker:** Order. It is obvious that the Minister has no intention of giving way now, so the Member should not persist.

**The First Minister (Mr P Robinson):** Will the Minister give way?

**The Minister of Finance and Personnel:** On the basis that Margaret Ritchie cannot sack me and the First Minister can, yes, I will give way.

**The First Minister:** What would be the sense in the fag end of the Assembly agreeing a Programme for Government as it goes into an election, when it will be the job of the new Assembly and the new Executive to set their Programme for Government?

**The Minister of Finance and Personnel:** If we had set a new Programme for Government, I suspect that the SDLP would have said that we were being presumptuous and that, given its economic recovery plan, the public would flock to the SDLP standard and return a massive SDLP contingent to the Assembly who would certainly not want to inherit a Programme for Government set by Peter Robinson or Martin McGuinness. The First Minister made the point and made it very well that the SDLP might well have been the first to complain that we were presuming that the electorate would return us with the same strength and we were, therefore, imposing our Programme for Government on it,

regardless of the democratic outcome of the election.

Mr McCrea talked about the capital to current switches and whether they were possible under Treasury rules. They are not possible under Treasury rules, but, given that some of the money that we have transferred from current spending to capital is available to us and we can do with it what we want, Ministers have the opportunity to make those switches.

I have dealt with a number of the points that Mr O'Loan made. He talked about the monitoring rounds being weak. Over the four-year period, we allocated about £2,000 million through monitoring rounds and the other adjustments that were made to the Budget. Therefore, I do not think that it is weak. Mr O'Loan also referred to —

**The Chairperson of the Committee for Health, Social Services and Public Safety:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will in a minute or two.

Mr O'Loan referred to the Budget being made in Whitehall, and, given that 90% of our money comes from Whitehall, it will of course impact on the Budget. He also said that a collegiate process was not used and that, had the SDLP been around the table, it would have been a very different Budget. I must tell Mr O'Loan that the Minister for Social Development was not only around the table but in the inner sanctum of the Budget review group. Maybe Mr O'Loan's faith in the Minister for Social Development is misplaced, but he was there. He had the chance to put his fingerprints on the Budget, and he did so. Therefore, if Mr O'Loan does not like the outcome, maybe he should take it up with the Minister for Social Development and not me.

**The Chairperson of the Committee for Health, Social Services and Public Safety:** It is unlikely that the Minister will get to my contribution in the time that he has left. He mentioned monitoring rounds, and he will know about the £20 million first call that health had on any available resources. My understanding is that that agreement has lapsed. Will the Minister confirm whether the Minister of Health, Social Services and Public Safety is able to pitch or apply for money in future monitoring rounds to relieve any pressures that may develop in his budget?

**The Minister of Finance and Personnel:** I will skip a few contributors; some of them are not in the Chamber anyway. The Chairman of the Health Committee raised a number of important points, and, given the controversy around the health budget, I should address some of those points. First, he is right: the £20 million first call for additional resources that was available over the four years of the Budget to the Health Minister has been withdrawn. However, importantly, there was a pay-off for that withdrawal. In the past, the Health Minister could make applications in monitoring rounds only if he could show that what he was claiming for was exceptional or unforeseen, and that restricted his ability to make applications. That will no longer be the case.

The Chairman of the Health Committee said that someone who gave evidence said that the important thing was to have some flexibility in the Budget. The Minister has flexibility to change money from capital to current. If money is underspent in one area, he can move it to another area and does not have to surrender it. That flexibility is worth an awful lot in a budget the size of the health budget. The Minister also has the ability to make applications during the monitoring periods for exceptional circumstances, and he has never found the Executive wanting when it came to such applications. Finally, the 5% savings that were required from the health budgets in other parts of the United Kingdom are not required from the Health Minister here for his budget over the four-year period. All that gives considerable flexibility and is probably worth far more than the £20 million first call on available resources that was previously available. Indeed, even with the withdrawal of that £20 million, additional moneys have been made available to the Health Minister. He was let off with £30 million worth of cuts — Tory cuts, as Mr McDevitt, the Member for South Belfast, would say — in September, and he was given an additional amount of almost £20 million in the monitoring rounds on top of the other £20 million that he received. Considerable generosity was shown, because we recognised the importance of the health budget and the need to deal with some of the pressures on the Health Minister.

That said, considerable efficiencies could and should be made, and we cannot simply keep pouring money in when a Minister does not look for savings. One need only look at the number of hospitals for each 100,000 of the population,

which is five times higher here than in parts of England and two and a half times greater than in Scotland. Furthermore, the number of hospital beds for each 1,000 of the population is about 33% higher in Northern Ireland, and the number of nurses for each 1,000 of the population is about 25% higher than other parts of the United Kingdom. All that shows that there are opportunities to make efficiencies.

### 10.45 pm

I now come to my remarks on the final contributions made. Anna Lo talked about the public transport implications and the Harbour Commissioners. I want to set something straight about the money from the Harbour Commissioners: the suggestion about the money from the Harbour Commissioners came from the Minister for Regional Development. In discussions with the Harbour Commissioners, he reported to the Executive that there was the potential to release £125 million. We have sought to be as cautious as we can on that. We have not front-loaded the money but have put it into the final two years of the Budget, so that, if there is a requirement to change legislation, as Ms Lo rightly pointed out, we have time to do that and, therefore, find that we can get the money. We had a discussion with the Harbour Commissioners, and, even without a change in the legislation, they can contribute to infrastructure projects that will benefit the harbour. Therefore, over the next four years, they could contribute to any improvements in the road network close to the harbour without any change in the legislation. We have a double safeguard. Under the existing rules, projects may attract money from the Harbour Commissioners. If that is not possible, we have two years to change the law. If we were to do that, the money would not go back to the Treasury. The Member got that wrong. The money would come to the Northern Ireland Executive.

The Member also talked about the public transport implications of the Budget. I was surprised by her comments, given that, over the next Budget period, we will take delivery of 20 new trains and see all the improvements to stations to facilitate those changes. The Coleraine to Londonderry track will be upgraded, costing £11 million, and there will be a provision for bus replacement and bus service delivery.

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

**The Minister of Finance and Personnel:** I will give way in a minute or two. Furthermore, the concessionary fares scheme —

**Mr Speaker:** I remind the Minister of the time.

**The Minister of Finance and Personnel:** Sorry. I would have given way, and I know that the hour is late. I suppose that people want to get home, and there are still two motions to get through.

In conclusion, I thank Members for their contributions. I recommend the spring Supplementary Estimates and the Vote on Account to the Assembly. I recommend the amounts of Supply in both motions before the House and ask Members to support them.

**Mr Speaker:** Before the Questions are put, I remind the House that the votes on the motions require cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That this Assembly approves that a total sum, not exceeding £15,345,417,000, be granted out of the Consolidated Fund for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 and that total resources, not exceeding £16,233,236,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 as summarised for each Department or other public body in columns 3(c) and 2(c) of table 1 in the volume of the Northern Ireland spring Supplementary Estimates 2010-11 that was laid before the Assembly on 7 February 2011.*

**Mr Speaker:** We now move to the motion on the Vote on Account and the related amendment, which have already been debated.

*Motion proposed:*

*That this Assembly approves that a sum, not exceeding £6,654,663,000, be granted out of the Consolidated Fund on account for or*



towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 and that resources, not exceeding £7,336,432,000, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2011-12 document that was laid before the Assembly on 7 February 2011. — [The Minister of Finance and Personnel (Mr S Wilson).]

**Amendment proposed:** At end insert

“; subject to a reduction in requests for resources for the following Departments:

£0.7 million	Department of Culture, Arts and Leisure
£0.5 million	Department of Finance and Personnel
£0.7 million	Department of the Environment
£7.0 million	Department of Justice
£3.8 million	Department for Regional Development
£9.4 million	Office of the First Minister and Deputy First Minister

; and requests the Minister of Finance and Personnel to consider the allocation of the resultant reductions to the Department of Education for the promotion of community relations, to the Department of Enterprise, Trade and Investment for tourism development, to the Department of Health, Social Services and Public Safety for frontline health and social care services, to the Department for Employment and Learning for student finance and to the Department for Social Development for tackling poverty; and calls on the Minister to consider the identification of further financial resources for these purposes prior to the publication of the Main Estimates 2011-12 and the related Budget Bill.” — [Ms Ritchie.]

**Mr Speaker:** I remind the House that the vote on the amendment does not require cross-community support.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 15; Noes 65.*

## AYES

Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Callaghan, Mr Dallat, Mr Gallagher, Mrs D Kelly, Mr A Maginness, Mr McDevitt, Dr McDonnell, Mr McGlone, Mr O’Loan, Mr P Ramsey, Ms Ritchie.

*Tellers for the Ayes: Mr Callaghan and Mr McDevitt.*

## NOES

Ms M Anderson, Mr S Anderson, Mr Beggs, Mr Bell, Mr Boylan, Mr Brady, Mr Bresland, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Cobain, Mr Craig, Mr Cree, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gibson, Ms Gildernew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr I McCrea, Mr McElduff, Mrs McGill, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Mr Molloy, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O’Dowd, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.

*Tellers for the Noes: Mr Bresland and Mr Frew.*

*Question accordingly negatived.*

*Main Question put and agreed to.*

*Resolved (with cross-community support):*

*That this Assembly approves that a sum, not exceeding £6,654,663,000, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 and that resources, not exceeding £7,336,432,000, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for*

*Northern Ireland for the year ending 31 March 2012 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2011-12 document that was laid before the Assembly on 7 February 2011.*

## **Budget Bill: First Stage**

**The Minister of Finance and Personnel (Mr S Wilson):** I have lost my notes.

I beg to introduce the Budget Bill [NIA 11/10], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the years ending 31st March 2011 and 2012; to appropriate those sums for specified purposes; to authorise the Department of Finance and Personnel to borrow on the credit of the appropriated sums; to authorise the use for the public service of certain resources for the years ending 31st March 2011 and 2012; and to revise the limits on the use of certain accruing resources in the year ending 31st March 2011.

*Bill passed First Stage and ordered to be printed.*

**Mr Speaker:** I inform Members that written notification has been received from the Chairperson of the Committee for Finance and Personnel confirming that the Committee is satisfied that, in accordance with Standing Order 42(2), there has been appropriate consultation with the Committee on the public expenditure proposals contained in the Bill. The Bill can, therefore, proceed under the accelerated passage procedure. The Second Stage of the Bill will be brought before the House tomorrow, Tuesday 15 February 2011.

## Committee Business

### **Damages (Asbestos-related Conditions) Bill: Extension of Committee Stage**

**Mr Speaker:** The Business Committee has agreed to allow up to one hour for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. The Minister will have 10 minutes to respond. All other Members who wish to speak will have five minutes.

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

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 23 March 2011, in relation to the Committee Stage of the Damages (Asbestos-related Conditions) Bill (NIA Bill 10/10).*

The Damages (Asbestos-related Conditions) Bill completed its Second Stage on Monday 17 January 2011 and was referred to the Committee for Finance and Personnel for its Committee Stage. Before going any further, —  
[Interruption.]

**Mr Speaker:** Order, Members.

**The Chairperson of the Committee for Finance and Personnel:** I would like to place on record the Committee's concern and empathy for all those people who have been exposed to asbestos during their working lives and for their families who now face the future with uncertainty, having witnessed friends and colleagues suffer the consequences of that exposure.

I will not rehearse the history of how the Committee has sought to actively engage with the Department of Finance and Personnel on the Bill prior to its introduction and to encourage that the final Bill be brought to the Assembly early enough to facilitate full and proper scrutiny at Committee Stage. Members can read that for themselves in the Official Report of the debate at Second Stage. I will, however, remind the Assembly that the Committee was also proactive in taking the step of issuing its public call for evidence before formal Committee Stage had even commenced. Although that was an attempt to bring forward the first step in the Committee Stage process, the fact is that the formal scrutiny of the Bill could not start until Committee Stage had begun. Since the commencement of Committee Stage, the

Committee has continued to prioritise the Bill within its exceptionally heavy work programme, which includes among other things preparing a co-ordinated report on behalf of all Assembly Committees about the Executive's four-year draft Budget.

It is appropriate at this point to also remind the House of the unique purpose of the Committee Stage of a Bill. It is distinctive in that it provides an opportunity for an independent and in-depth scrutiny of the provisions of proposed primary legislation, and that involves a series of consecutive steps. Step one involves inviting written evidence from all interested parties, including the wider public, and, as explained, the Committee brought forward that step. Step two normally involves holding oral hearings, which importantly provide members with the opportunity to probe issues in detail. It is worth noting that such oral evidence sessions are not a feature of other engagements on proposed legislation, such as, in this case, the earlier DFP consultations on the policy and on the draft Bill.

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

Step three requires the Committee to undertake detailed analysis of the evidence, including identifying issues of concern, commissioning further research or advice where necessary and seeking clarification and resolution of outstanding concerns from the Department. Step four sees the Committee carrying out a careful clause-by-clause scrutiny of the Bill. Following all of that work, the final step involves preparing, considering and agreeing an evidence-based report that sets out the Committee's opinion on the provisions of the Bill to the Assembly and that may include proposals for amendments to the Bill that may be proposed at Consideration Stage.

Given the necessity for the steps that I outlined, it is hardly surprising that, aside from those Bills that properly receive accelerated passage, very few Bills have ever completed their Committee Stage in the Assembly within the period of 30 working days referred to in Standing Order 33(2). When making its decision to seek an extension to Committee Stage, the Committee carefully considered a number of options on how to take forward its scrutiny of the Bill. By seeking to undertake a full and proper scrutiny, members have chosen what is by far the most difficult and labour-intensive option. In seeking this extension, the Committee recognises that

the Bill may not complete its passage during this Assembly term. However, let me be clear: members have not arrived at that decision lightly. Indeed, bringing this motion before the Assembly this evening serves to highlight how seriously the Committee takes its scrutiny role and its wish to be given the opportunity to fulfil that role properly.

The Committee has already taken on board concerns raised about the Bill's impact on the human rights of some of the key players. Members are grateful to Monica McWilliams, chief commissioner in the Human Rights Commission, and her staff for taking the time to give evidence to the Committee and to help members to think through those issues. That is an example of just one issue that members are considering as they scrutinise the legislation, and it highlights the complexity of the situation that we are dealing with.

The Committee now intends to use this extended time to address the key gaps that it has identified in the evidence that it has received to date. In particular, members are keen to hear the personal testimony of those who have been exposed to asbestos and developed pleural plaques.

Before concluding, I advise the Assembly that I received a letter from the Minister last Friday afternoon asking that I seek approval from the Committee to amend the extension of Committee Stage from 23 March to 9 March to enable the Bill to go through the legislative process before the end of this Assembly's mandate. Given the procedures in Standing Order 15, such an amendment would not have been possible, even if the Committee had met today and agreed to rescind its previous decision of a 23 March deadline. That said, I am sure that the Committee will give the Minister's letter due consideration when it meets on Wednesday and will decide whether it is feasible to attempt to conclude the remaining evidence gathering and subsequent steps and bring forward the Committee report two weeks earlier. It will be for the Committee to decide how it wants to proceed on that matter, and I am sure that members will take the Minister's concerns and letter into account.

I assure the Assembly that allowing the Committee additional time to complete its work will not be in vain, even if the Bill ultimately does not pass through all stages during the lifetime of

this Assembly. There is nothing to stop the Bill from being reintroduced at the start of the next mandate, which is now only three months away. That initiative could be taken by either the Department or the next Committee for Finance and Personnel, if they are supportive of the proposed legislation and minded to do so. To take time now to do the Committee scrutiny work properly can only help to ensure that everyone is in a more informed position, which will be more beneficial to the Assembly in making any final decisions on the Bill, whether in this mandate or the next. I ask Members to support the motion.

**Mr O'Loan:** The hour is fairly late, so I will not speak at any length.

There is an important point of principle about how the Assembly does its business. I ask Members to take that very seriously. The Bill has been in gestation for a considerable time. From time to time, the Committee engaged with the issue and with departmental officials. However, it was only very late in the day that the Bill was presented to the Assembly and, after Second Stage, came before the Committee.

The Chairperson of the Committee outlined clearly how the Committee saw the issue. Essentially, only two options were open to the Committee. One possibility was to seek an extension, which the Committee has done. As the Chairperson pointed out, an extension is sought for virtually every Bill that comes before the Assembly. Indeed, I think that some consideration has been given to extending that natural period so that extensions do not have to be routinely sought. The full Assembly ought to be aware of that point. The other possibility was to terminate within the unextended period of 30 days and agree a short report that would state that we were unable to complete our work.

There is real work to be done. It is difficult to establish the principle of the Bill. To decide whether it is at all appropriate for a legislature to determine whether a particular occurrence to the human body should constitute a remediable injury is a significant and difficult point. That decision will require the Committee to take legal advice and opinion, as well as other types of advice. For example, we want to hear from sufferers of the condition, if "sufferers" is the right word for a condition that undoubtedly has an effect on the body but is symptomless and does not do harm to bodily function. Therefore,



it is not an easy Bill to engage with. I believe that the Committee was right to feel that it must give the Bill full scrutiny.

If we had gone the other route of not having an extension and had submitted a report that stated that it was not a full report because we had not had time to garner evidence fully on the matter, the Bill also ought not to have prospered. In those circumstances, if that were to be the Committee's report, it would not have been appropriate for a Minister to pursue the Bill.

Indeed, if any Minister were to bring forward a Bill in those circumstances, the Assembly ought to assert itself and say that it has not had the information needed in order to form a view. However, I am led to believe that that would not happen, which I think says quite a lot for the quality of this Assembly. We have to think about our democratic practice.

#### 11.15 pm

We are where we are. The Committee feels that further work and full scrutiny of the Bill needs to be done, which would require an extension of Committee Stage. That is the matter before the Assembly, and I believe the Assembly should accord with the Committee. I do not think that any such request that a Committee has brought before the Assembly previously has been challenged, and it should not be challenged on this occasion.

**Dr Farry:** It is unusual that we are debating the extension of a Committee Stage. It reflects the perception that the Bill is causing controversy. I am here to defend the decision of the Committee. If anyone needed proof that we have open and frank disagreements with the Minister, myself included, this is one example that would confirm that.

It is routine that the Assembly grants extensions to Committees. Very few Bills go through in the very narrow six-week window set out in Standing Orders. Apart from the Budget Bills and other matters that go through with accelerated passage, I think that only the Justice Bill managed to complete its Committee Stage in that period. That was a very short Bill on which political agreement had already been found.

The problem is not the fault of the Committee. The Bill was introduced at a relatively late stage, in December 2010. There has been no major difference in how officials have briefed the

Committee because of the nature of the Bill. The issue has been around for at least three years, so if we are in difficulties, it is because the Department only presented the Bill towards the end of December.

It is important that we, as a Committee, take our duties of scrutiny very seriously. This may be a test of the respect that the Executive have for the Committees and the process by which the Assembly legislates.

There is considerable controversy around the Bill. It is not simple and routine legislation that we all know will be nodded through. Significant concerns about the Bill have been raised by key stakeholders. I recognise that there are those who advocate in its favour, but there is clear opposition from the insurance industry and the business community, notably the Confederation of British Industry (CBI). One only has to look at its response to the draft Budget to see how strongly its concerns about the Bill have been expressed. Indeed, it wonders why the Executive and Assembly would create a financial liability at present when, arguably, they do not need to and when they are in a very difficult financial situation with a whole host of pressing concerns, including further investment in the economy.

The medical evidence that we have received to date has been very critical of the need to legislate, and the point has been clearly made that pleural plaques are asymptomatic. They are only a marker of exposure to asbestos. They do not indicate any higher risk of developing asbestosis. For example, if two individuals worked in a situation where asbestos was present, one may have pleural plaques and the other may not. They would both have the same risk of developing asbestosis; the one with pleural plaques would not have an enhanced risk. Concerns were also expressed about the impact the Bill would have on the Health Service, with people seeking scans, X-rays and so on. Also, fear would be spread in that people may falsely expect things to happen if they are diagnosed as having pleural plaques.

A whole host of other angles need to be explored. We need to hear about the cost implications from DETI officials, we need to hear directly from the CBI as a representative organ of business, and we need to hear from those who suffer from pleural plaques so that they can give their own

opinion on the matter and so that we can have a balanced view.

The most compelling factor that the Committee has to take into account is the inevitability that there will be a legal challenge to legislation that is passed by the Assembly, just as there is currently in Scotland. A situation in which we cut short a request from the Committee to address the issues and, subsequently, see the first example of a piece of legislation from this Assembly being challenged in the courts, would potentially undermine the reputation of the Committee and the Assembly. We need to act very maturely and give this matter proper scrutiny.

We are in the dying days of this Assembly. This is the first time that —

**Mr Deputy Speaker:** Will you bring your remarks to a close?

**Dr Farry:** OK. I will leave it there. Thank you.

**Ms Purvis:** It will probably come as no surprise that I do not support the motion. The Committee should not move to extend the Committee Stage because it would essentially kick the legislation into touch. I also find the Minister's reported disappointment and dismay at the motion slightly disingenuous.

I first raised the issue of constituents with pleural plaques with Peter Robinson when he was Finance Minister, not long after the House of Lords ruled that the condition was no longer considered eligible for compensation. At that time, Minister Robinson indicated that he was supportive of bringing forward legislation to reverse that ruling for Northern Ireland. When Mr Robinson's successor, Nigel Dodds, was Finance Minister, he announced that he would recommend a change to the law to allow those who had been negligently exposed to asbestos and diagnosed with pleural plaques to pursue claims for compensation. The current Finance Minister, in October 2009, stated that he would also support a change in the law. Three DUP Finance Ministers over four years all indicated that they would move on this issue, but the legislation was not brought forward until the week before Christmas last year. I find the Minister's assertions that the Committee is subjecting those who suffer from the illness to unnecessary delays highly disingenuous.

I also question the Minister's timing. He was well notified by the Committee last November that the delay in introducing the legislation put at risk its viability. In addition to the long delay in tabling the legislation, its arrival coincided with the draft Budget, which made it almost impossible for the Committee to manage such a workload. The Minister has to take some responsibility for that situation. That said, I do not support the decision that was taken by the Committee for Finance and Personnel, of which I am a member, to extend the Committee Stage and essentially kill the legislation. We could have found ways and means to facilitate the legislation, which, as I have described, has been under discussion for a long time.

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

**Ms Purvis:** I am coming to it. Options were outlined by Mr O'Loan. In Committee, I supported the option that would have terminated Committee Stage within the 30-day statutory period by agreeing a short report in the time available, but allowing the legislation to proceed through its further stages in the Chamber. I am always an advocate for and a proponent of careful scrutiny of draft legislation. In this case, however, the Committee has looked at the issue in a fair amount of detail, and we have precedent to consider in Scotland. I firmly believe that all the evidence and information that was available to the Committee and elsewhere would have been made available to Members. Additionally, many of those affected by the legislation are older or infirm. They have already waited for five years for legislative action to be taken.

I do not see what is gained by the Committee in continuing to scrutinise the Bill if the motion is agreed. I have stated in Committee that the legislation will fall at the end of this Assembly's term. There is no guarantee that the scrutiny or completed evidence will be considered or taken up by the next Finance Minister or the next Finance Committee. There is no obligation on either to do so. That is a lot of time and resources allocated to something that may bear no fruit.

Finally, I offer my apologies to those individuals, many of whom I have heard from first hand, who have the condition. I hope, at this eleventh hour, that we can keep the Bill on track in this mandate.

**The Minister of Finance and Personnel**

**(Mr S Wilson):** The Committee's motion asking for an extra four week's deliberation appears to be fairly innocuous, and I know that, as Members

have pointed out, such motions usually go thorough as a matter of routine with little or no concern. However, I believe that, as a number of Members have pointed out, the motion would sound the death knell for the Bill, and, in doing so, it will crush the hopes of many working men and women who see the Bill as their only way of accessing justice.

A number of Members complained that the introduction of the Bill was delayed and that they have not had sufficient time to test the issues. First, I wish to make it clear that there were a number of reasons for that, including the fact that there were legal challenges. Scotland led the way in that, and we wanted to see what happened to those legal challenges, which were successfully resisted by the Scottish Parliament and the courts. The Scottish Bill was shown to be competent; the courts ruled that it was perfectly reasonable, and, of course, our legislation is mirrored on it. Waiting was the right thing to do, because, had we brought our Bill forward sooner, I am absolutely sure that it would have been argued that we did not know whether the Scottish courts would throw the Bill there out. The Scottish courts did not throw it out, and the equivalent to the Attorney General in Scotland ruled that it was competent for the Scottish Parliament.

To the Members who complained that maybe the six-week window was too narrow and who wanted to be sure of the facts, I point out that the Committee has been involved right from the start. When the Bill was introduced, the Committee was kept at the heart of the process. It had sight of and was briefed on the initial policy consultation, and it was briefed on the consultation on the draft Bill. After each of those consultations, there were briefings from my departmental officials and from the Departmental Solicitor's Office (DSO). The Committee also had a pre-introductory briefing from DSO officials, and, as far back as October 2010, the Committee commissioned its own research paper, including numbers, costs and international approaches. Of course, that paper is available in the Assembly Library. In January this year, a follow-up research paper looked at the Bill.

To date, the Committee has taken evidence or received submissions from all those involved in the debate, including the Confederation of British Industry, plaintiffs' solicitors, defence solicitors, the Association of British Insurers,

the insurance industry, the Royal College of Physicians, individual medical experts, and even the Northern Ireland Human Rights Commission. One can hardly say that the Committee has not been briefed. Indeed, the Second Stage debate was one of the best that I have heard, with Members displaying greater knowledge of the Bill than they have displayed for many other Bills discussed here.

It must also be remembered that the process is not taking place in a vacuum, because, of course, there has already been considerable debate about pleural plaques outside Northern Ireland. I mentioned the legislative process in Scotland and the fact that its Bill has gone through the Scottish Parliament and the courts. In addition, three Bills have been introduced in the UK Parliament. Unfortunately, all those Bills fell when the UK Parliament was prorogued. Nevertheless, as well as the involvement that the Committee has had to date, all that background knowledge has been available to it.

The Chairperson of the Committee began by saying that the Committee has sympathy with those who suffer from pleural plaques. However, in this case, sympathy is not sufficient. Sympathy will be no good if, as a result of this extension, the Bill falls, and be in no doubt, it will fall; it will be consigned to the waste basket.

The only people who will be happy about the Bill being consigned to the waste basket are the insurance companies that have lobbied hard against it. They have used all kinds of tactics to evade their obligations. They are the same people who took the premiums from employers. They took the money to cover the liability, but now they do not want to pay out and they have sought to preclude access to the courts for victims. On many occasions, they have successfully resorted to the courts. They have tried to whittle away the rights of working men and women by arguing about the level of knowledge of exposure, challenging the concept of joint and several liability and labelling those with pleural plaques as the worried well who do not merit compensation. They have argued about the date on which the breach of duty that gave rise to injury occurred.

### **11.30 pm**

Let us be clear about it: the Bill will fall if this extension to Committee Stage is given. In my view, the Committee has had enough time for its members to reach conclusions on the Bill. If

it falls, the Bill may not be reintroduced if there is a change of Minister. Indeed, even were it to be introduced, given the way that the insurance companies have weighed this up, we can be sure that one of the challenges that they will make will be that so much time has passed, the Bill should not proceed. They will argue that there has been far too big a time lapse.

**Mr McLaughlin:** Would the Minister agree that because we know that the insurance companies will take this to court, one of the worrying, possibly fatal flaws in the process is that they will prevent money getting to victims? So, no matter how supportive we are of the principles in the Bill, we cannot deliver support to those victims to whom we would like to see it delivered. The fatal flaw on which the legal challenge may be upheld is that the Committee was not given enough time by you, the Minister, to complete its scrutiny process. It would be a very important and a very strong endorsement of the legislation for you to point to the fact that the scrutiny Committee had sufficient time and was content that it was allowed to examine all the evidence. We are not in that position.

**The Minister of Finance and Personnel:** First, how would such a challenge be mounted? The Committee will have sufficient time according to the Assembly's Standing Orders, which lay down the time that there should be for the scrutiny of a Bill. I have outlined to Members all the work that was done before the Bill ever reached the scrutiny stage. The scrutiny that there was —

**Ms Purvis:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way in a moment or two; let me finish the point.

The scrutiny included the policy document and the policy consultation, the scrutiny and the consultation on the draft Bill, the advice given by the Departmental Solicitor's Office and by officials, and the two research papers that the Committee received. No one can argue that the Committee has not informed itself about the issues.

Yes, the insurance industry might mount a legal challenge and it might stop money going out. However, I must make it clear to Members that the one thing that would help the insurance industry and be even more fatal would be if, as a result of a vote here tonight, the Bill were to fall. We would have aided and abetted that industry in its being able to say that it does

not just challenge the Bill, it challenges even the concept that the Bill should be allowed to proceed because of the passage of time. Then, there is no hope.

I say to the Member that, as far as court challenges are concerned, the insurance companies have not been successful in challenging the Scottish Act. Even were they to be successful in a subsequent challenge, we have time to amend our Bill. Therefore, all those things point us in the direction of not giving insurance companies the opportunity, and not aiding and abetting them in their stalling tactics, to deny ordinary people a just process.

I would just sum up —

**Mr O'Loan:** I thank the Minister for giving way. I think that another Member also requested that he give way.

It is worth repeating, I guess, where I think responsibilities lie, and I am somewhat concerned by the strength with which the Minister speaks about the Committee having examined this issue adequately. It is for the Committee to determine whether it has examined the matter adequately. It is not for the Minister, who happens to be the promoter of the Bill, to comment on that or to decide on behalf of the Committee that it has had enough time.

Secondly —

**The Minister of Finance and Personnel:** I am not —

**Mr O'Loan:** I am making a second point.

**The Minister of Finance and Personnel:** I am not taking a speech from the Member.

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

**The Minister of Finance and Personnel:** All I will point out is that I have already indicated the process that the Committee has gone through. The Committee may well argue that it has not informed itself sufficiently, but I say to any reasonable person that if the Committee had sight of the policy document and the consultation document and was briefed after that, —

**Mr Deputy Speaker:** We are running over time.

**The Minister of Finance and Personnel:** — briefed on the Bill, briefed on the consultation, done two reports and received all the information that was received, that is fairly substantial



information for the Committee to inform itself. I, therefore, ask Members to reject the motion.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Thank you, a LeasCheann Comhairle. Committee motions of this type are usually passed without much, if any, debate. However, this has provided a useful opportunity to highlight the complexity and controversy around the Bill and to underscore the importance of the Committee Stage in the parliamentary process. I thank the Minister and Members for their contributions and the many Members who have stayed behind to listen to the debate, particularly at this late hour.

I prefer to avoid entering into the blame game, but I have to respond to the fact that the Minister publicly criticised the Committee for making its decision to seek more time to scrutinise the Bill as that decision could prevent the Bill from becoming law during this mandate. I put on public record that as far back as November last year, the Committee expressed its serious concerns about the Department's tardiness in introducing the Bill to the Assembly. At that time, the Committee emphasised the need to expedite the proposed legislation if it was to be given a reasonable chance of completing its passage through the Assembly before dissolution. It is clear that those concerns have now been realised and the Department has made a crucial mistake in trying to rush the Bill through.

Indeed, under normal procedures, the timetable that the Department was following for the Bill to have completed its Assembly passage before dissolution would have required the Committee Stage to have been completed in 25 days and not even the 30 days set out in Standing Orders.

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

**The Chairperson of the Committee for Finance and Personnel:** I will not give way.

I have already explained how even the 30-day time frame is realistic only in the most straightforward and non-controversial cases. I also advise Members that if the Committee were asked to report prematurely and before the remaining evidence is collected, it would be required to tell the Assembly that the body of evidence it has received to date suggests that the legislation should not proceed. Even the Department's summary of responses to the draft legislation states:

*"It will be clear...that the majority of the respondents registered strong opposition to legislative change."*

That is why the Committee cannot be rushed or shoehorned into undertaking an incomplete scrutiny and producing a half-baked report.

I have explained that the Committee has been prioritising the Bill within an exceptionally busy work programme, and no doubt each Committee member will endeavour to ensure that the remaining scrutiny work is carried out as fully and as efficiently as possible. Indeed, over recent weeks, the Committee has been meeting for up to five hours at a time, while members are also mindful of their responsibilities to other Committees and to the Chamber.

The fact that there are key gaps in the Committee's evidence base has been highlighted. These must be addressed to ensure that Members are able —

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

**The Chairperson of the Committee for Finance and Personnel:** No, I will not.

These must be addressed to ensure that Members are able to take decisions based on a balanced body of evidence. I have already mentioned that the Committee hopes soon to hear first-hand testimony from the people with pleural plaques. There are also public liability matters to be considered, and I am grateful that officials from the Department of Enterprise, Trade and Investment have made themselves available to appear before the Committee later this week.

Similarly, there are implications for the business community, and members have yet to hear from the representative body, the CBI. Independent advice will also need to be received on what, if any, implications the proposed legislation will have on the law of tort or negligence.

At last week's meeting, the Committee heard from medical professionals, who, in their clinical opinion, considered that the Bill does not provide the most appropriate mechanism of support for people with pleural plaques. However, the Committee has sought to identify other medics who may take a different view, and so there must be time to hear the other side of that particular argument.

As I outlined in my opening remarks, time is also needed to carefully analyse all the emerging considerations from the evidence, to get issue-

by-issue responses from the Department, to seek to reach a Committee position on issues of controversy and to undertake clause-by-clause scrutiny before considering and agreeing a Committee report for the Assembly.

Finally, and Stephen Farry referred to this, I would like to say in passing that I should refer Members to the ongoing legal challenge to equivalent legislation that was passed by the Scottish Parliament and to the significant risk of a legal challenge here, should the Bill be enacted. That risk should not be underestimated. That prompted the Committee to ask what would happen to the Assembly's reputation if, under legal challenge, the process of scrutiny were called into question in a judicial review.

If the Assembly permits the extension to the Committee Stage, Members would in no way be suggesting that those who are experiencing hardship as a result of exposure to asbestos should not be fully supported. By allowing the Committee time to scrutinise the Bill properly — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Chairperson of the Committee for Finance and Personnel:** — and to consider all the issues, we can ensure that victims of asbestos exposure receive the most appropriate support, which they properly deserve.

I will now refer to Members' contributions, mainly those of members of the Committee for Finance and Personnel. Declan O'Loan outlined how important it is that the Committee receive full and appropriate information before it considers legislation. Stephen Farry said that it is also important that the Assembly and the Executive take the Committees and their scrutiny function seriously. He also outlined that insurance companies and the CBI oppose the legislation, and he referred to the medical evidence that has been received. It is important to emphasise again that we need to take more medical evidence, because there is another argument to be heard about that.

Dawn Purvis was very passionate, and she made her views very clear. She has raised the issue on behalf of constituents with various Finance Ministers over the past four years. She does not agree with the motion, and when there was a vote on the matter at the Committee, it was clear that the complexities of the legislation and the process around it mean that there was a mixture of views on it.

The Minister referred to the reasons for delay from the Department's perspective. He gave his view that the Bill would fall if the extension were agreed. Mitchel McLaughlin said that full scrutiny of the Bill is needed, and he said that a fatal flaw would be highlighted if the scrutiny process were incomplete and rushed through at this stage.

From a party perspective, I echo what Mr McLaughlin said. It is important that the Committee is given time to consider the Bill. There would be a possible flaw if the Committee were found to be at fault at a later stage, so it is important that we complete this process. As I said, there is a possibility that we could complete the process earlier than the date that was outlined. That matter will be discussed at the Committee later this week. I have no doubt that the issue will raise its head in the days ahead, and I urge Members to support the motion.

*Question put.*

*The Assembly divided: Ayes 36; Noes 40*

## **AYES**

*Ms M Anderson, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Dallat, Dr Farry, Mr Ford, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lunn, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Dr Farry and Mr McKay.*

## **NOES**

*Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Cobain, Mr Craig, Mr Cree, Mr Easton, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Ms Purvis, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.*

*Tellers for the Noes: Mr Craig and Ms Purvis.*

*Question accordingly negatived.*

## Renewable Energy

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 15 minutes in which to propose and 15 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness):** I beg to move

*That this Assembly approves the report of the Committee for Enterprise, Trade and Investment on its inquiry into barriers to the development of renewable energy production and its associated contribution to the Northern Ireland economy; and calls on the Minister of Enterprise, Trade and Investment, in conjunction with her Executive colleagues and relevant bodies, to implement, as applicable, the recommendations contained therein.*

Before commenting on the substantive matter that is before the House, I express my gratitude to the people who assisted the Committee during its inquiry. In particular, I want to thank the Committee secretariat for its outstanding work in supporting the inquiry, as well as the Assembly's Research and Library Service for the very high quality of the research and analysis that was provided to us, the Hansard staff for their accurate reporting of evidence sessions with all those who came before the Committee to provide oral evidence, and the Printed Paper Office for its prompt and professional handling of the draft report.

The Committee is very grateful to all those who participated in its workshop on renewable energy, which launched the inquiry, and to everyone who provided written and oral evidence, including officials from the Department who assisted the Committee in the course of the inquiry. I thank my colleagues on the Committee for their constructive and positive approach to identifying what the Committee believes to be the main barriers to the development of renewable energy and the solutions that we need to implement to benefit business, consumers and, indeed, the economy.

Mr Deputy Speaker, it is not my intention to go through all the recommendations in the report. What I intend to do is highlight the key areas that we need to address and consider the consequences of not addressing them.

As we all sit here in this warm, well-lit Chamber, we do not always appreciate the constant heat and light that we take so much for granted. The saying that you do not miss the water until the well runs dry was never truer than this winter. Some people had intermittent supplies of water, some had no water for a few days and others were left without water for a very long period. That situation created considerable hardship for a great many people.

Think what it would be like to be without heat or electricity for long periods, without the prospect of any remedy. Can you imagine the circumstances, Mr Deputy Speaker, if throughout the year, none of us could rely on the electricity supply or the energy that we need to heat our homes in the winter time, or, indeed, on the heat and electricity needed to run schools, hospitals and businesses and to keep the economy moving? Imagine sitting in this Chamber in the sure and certain knowledge that, at any time, we might be left in the dark. I mean actually in the dark — metaphorically, we sometimes are in the dark. [Laughter.]

**Dr Farry:** Given the late hour, I remind the House that 40 years ago, one of my North Down predecessors, MP for Bangor, Bertie McConnell — who, as Members will know, had a career in politics despite being blinded during the Second World War, in which he was an artillery officer — was here when the lights did go out in this Chamber. The word went out for everyone to join hands with Bertie and to let his guide dog lead them out of the Chamber.

**The Chairperson of the Committee for Enterprise, Trade and Investment:** Thank you for that humorous anecdote.

This, however, is the reality for our future: an unreliable, unaffordable, unmanageable energy supply. That is the way it will be unless we take steps now to create our own vision for our energy future. That is the key recommendation from the Committee's inquiry.

Over recent years, we have increased our dependence on large-scale wind-generated electricity in an attempt to secure our energy future. We will further increase our dependence on wind in the years to come.

The target in the Department's strategic energy framework is that 40% of our electricity consumed should come from renewable sources by 2020. There is a huge reliance on wind energy to

achieve that target. However, the infrastructure and the interconnection needed to achieve the strategic energy framework target just nine years from now are nowhere in sight. We need to radically improve the grid infrastructure in the west to get the renewable electricity generated there into homes and businesses in the east. We need to build the North/South interconnector to balance and manage the peaks and troughs in demand. In fact, according to the Utility Regulator, not having the interconnector is costing us in the region of £20 million a year. That highlights the need to prioritise the public inquiry process —

**12.00 am**

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

**The Chairperson of the Committee for Enterprise,**

**Trade and Investment:** Give me a moment.

It highlights the need to prioritise the public inquiry process so as to ensure that key infrastructure projects such as the North/South interconnector are considered a top priority.

**Mr Weir:** As any sensible person would, I welcome the interconnector as positive way forward. However, does the Member not think that there is a slight degree of irony in the fact that, any time that issue is discussed at the Committee for the Environment, his party and Sinn Féin seem determined to block either the route of it or, indeed, the methodology used for the overhead cables? If they were strongly committed to that, they would take a different attitude.

**The Chairperson of the Committee for Enterprise,**

**Trade and Investment:** There is a debate to be had on that. I do not want to make any partisan political points. The important thing is to get the public inquiry under way. Let us have certainty one way or t'other. If there is a negative result, let us look at alternative routes and alternative technology. If there is a positive one, let us move forward with that. It is a top priority.

The Executive's energy remit is, unfortunately, spread across at least eight Departments with limited joined-up thinking and limited communication between policymakers and, worryingly, with very limited meaningful communication between policymakers and those who are regarded as experts in the field of renewable energy. To secure our long-term energy future, we need to develop a shared vision for renewable energy. We need to integrate our

energy remit, bring policy responsibility for energy under a single Department and drastically improve the way government communicates with the public, business and the renewable energy sector.

The Department has limited resources to devote to renewable energy. What resources it has seem to have concentrated largely on wind, because the Department has given itself a target and because, according to the Department, wind is a well-developed and mature technology. Officials informed the Committee that policy is not — I underline this — wind-driven but reflects what is happening in the marketplace. However, is it not the case that the market is driven by incentives that government provides for it? That has been demonstrated in other countries such as Germany and Denmark, which have thriving renewable energy industries. We need to provide incentives at appropriate levels to stimulate the development of renewable energy technology.

It is essential that developers are not overly compensated through incentivisation but equally important that incentives are provided at levels that give developers and investors an adequate return on their investment. That has not always been the case. Through appropriate incentivisation, many European countries have been able to develop renewable technologies other than wind, including anaerobic digestion, biomass and geothermal energy, to the extent that technologies considered to be emerging here are either well established or becoming established in other regions. In short, we are falling behind. Our energy future is not only about ensuring that we have a range of energy technologies in our energy mix but about ensuring that we maximise our potential to develop those technologies and bring them to market in Northern Ireland rather than having to rely on imports.

We must provide the appropriate incentives to potential renewable energy users. We must provide the appropriate support to renewable energy businesses, and we must provide the appropriate opportunities for renewable energy research and development. We must ensure that the renewable energy technologies that we need are developed here so as to avoid having to import products and services that have been produced in other regions and to maximise our potential for renewable energy-related exports.



Members may have heard the saying that there are three types of people: those who make things happen, those who watch while things happen and those who wake up one day and say, "What has happened?". We are at the forefront in large-scale onshore wind energy production. We are making things happen. In areas such as energy from waste, electricity infrastructure and research and development, we seem to be merely watching while things happen. With technology such as anaerobic digestion, biomass and geothermal energy, we are in danger of waking up some time in the not-too-distant future when those technologies are fully established across Europe and saying, "What happened, and how come we missed it?".

It is our responsibility, here in the Chamber, to make things happen to secure our energy future. No one else will do it for us. That is the challenge. We have to get it right ourselves, and there are long-term benefits for businesses and, indeed, the consumer. The job potential is substantial. Even conservative estimates talk about 15,000 jobs by 2015 in the renewable energy sector. That is a substantial number of jobs for our people, and they are sustainable jobs at that. That is the challenge. In areas such as research and development, there are wonderful opportunities for our people, our universities, our research institutes and so on. There are also wonderful opportunities in manufacturing the sort of equipment, such as plant machinery, that is necessary for the renewable energy sector. Finally, there are opportunities in producing green, renewable energy. In Northern Ireland, we have the right conditions to do that, but we have to focus our minds.

The recommendations from the Committee's inquiry are spread across many Departments. There are recommendations for the Executive, the Department of Enterprise, Trade and Investment, the Department of Agriculture and Rural Development, the Department of the Environment, the Department for Regional Development and the Department of Finance and Personnel. The recommendations are spread across so many Departments because the energy remit is spread across many Departments.

Central to the report and key to implementing the report's other recommendations is a recommendation that was alluded to in the Barnett review originally, which was supported by the Executive and the Assembly. That

recommendation was to bring all responsibility for energy policy and strategy under a single Department. If we do not achieve that, it is difficult to see how we can develop — never mind achieve — a long-term vision for our energy future. If we do not have a long-term energy vision, it could put our lights out, literally.

Colleagues from the Committee for Enterprise, Trade and Investment will address discrete areas in the report, and I look forward to hearing their contributions. The Committee has worked very well collectively in a non-partisan manner. The report is intended to be of assistance to government, not to batter government and the Department and criticise the Minister. It is focused on getting on with developing the renewable energy sector. We have to do that collectively, whether that is in the Committee, in the Assembly, in the Executive or in society at large. I am happy to say that this is the best report to have been produced in this mandate from the best Committee in the Assembly. I recommend the report.

**Mr Irwin:** The report has come about as a direct result of the circumstances that Northern Ireland finds itself in, mainly its high dependence on fossil fuels as a source of energy and the fact that the market for those fuels is prone to massive fluctuations. That has also added to the implications of the EU targets on how much energy we derive from fossil sources and our need to vastly decrease our dependence on such fuels.

The current energy situation cannot continue, and we have set a target to become 40% reliant on renewable energy sources by 2020. As well as presenting a challenge, it presents us with an opportunity to enable the Province to become more dependent on our energy production and to lessen our reliance on imported energy.

An area of energy production that interests me from an agricultural perspective is anaerobic digestion and biomass. In the past few days, there has been a welcome development in respect of the viability of anaerobic digestion, with double the support now being made available under the Northern Ireland renewables obligation. The Minister worked extremely hard to achieve that, and it will be widely welcomed by those who are at the forefront of the supply and use of renewable technology.

Anaerobic digestion is working well in other countries, and the report states that more

research is required to apply capacity for generation to Northern Ireland using waste water treatment sludge and agricultural waste and to assess how quickly we can establish such facilities. I welcome the report's recommendation to encourage the various Departments to pursue that issue with the Northern Ireland Authority for Utility Regulation.

Biomass is another area that has created a lot of interest in Northern Ireland. It represents a real opportunity to generate significant amounts of energy and to address another important issue: the disposal of agricultural waste, especially poultry waste, in an environmentally friendly way in order to meet EU directives.

The well-publicised Rose Energy plant not only has the capacity to create power but has generated a lot of public opinion against such facilities. We are living in an age where people agree on the need for renewable energy, just as long as it is not within five miles of their front door. As politicians, we understand their position all too acutely, but we must also understand the need for that type of technology. The negativity shown towards the physical hardware used in the production of renewable energy is another barrier to development, and there is a real need for the Department and the Executive to inform the public to a greater degree on the absolute importance of the 2020 target and what it entails.

I welcome the fact that the DOE has acknowledged that the planning process needs to be shortened, and the report contains a number of possible ways of cutting the time frame for that. I could comment on the highly controversial North/South interconnector, which is the subject of much debate in my constituency. However, it is late, and the issue will be debated at a number of levels in the future.

In closing, I welcome the report and the fact that it is an acknowledgement of the important issues that we need to sit down and address. I hope that the matters will be treated with the utmost consideration by each Department and agency that has an interest in the promotion and production of renewable energy. The next mandate will be an important one, and I am glad that the report has laid an important foundation on which to build.

**Mr Cree:** I welcome the opportunity to speak on an issue of major concern. Northern Ireland suffers from high energy costs and has done for a long time. Our dependence on coal and oil

has now given way to a dependence on oil and natural gas. Both are finite resources, and we need to find suitable alternative fuels to reduce our dependence on oil and gas in the future. We need to rebuild our generating capability and to explore other resources used widely across Europe. The Government's energy policy and the strategic energy framework need to be developed to include a wider mix of energy types and stretching targets. I fully support the development of anaerobic digestion, energy from waste, geothermal and renewable heat and wind energy. I want to concentrate on the latter.

### 12.15 am

We are on target to achieve our 2012 figure. However, the target of 40% by 2020 is more problematic. There are no milestones along the way. In promoting onshore wind energy, we have the difficulty of balancing the national need with the interests of local communities. There is also the problem of planning and the protracted time lapse owing to planning and the Planning Appeals Commission.

Denmark is recognised as having led the way on wind generation. It now has more than 6,000 wind turbines for a population roughly three times that of Northern Ireland. The national power company in Denmark has now stopped supporting new generators. Three reasons are given for that. First, there is the public backlash; communities have just had enough. Secondly, electricity prices in Denmark are the highest in Europe. Thirdly, the cost of subsidies paid to wind farm developers has been excessive. The wind does not always blow at peak times in Denmark, so it is not there when needed. At other times, surplus energy has to be sold to surrounding countries, often at a loss. Its carbon footprint has not reduced significantly, because conventional power plants continue to fire up to meet the shortfall. The intermittency of the overall operation causes major problems. Too much wind means that wind farms are turned off. No wind means that they cannot operate. Wind energy cannot be stored. Average production is around 30%.

Major investment is required to upgrade the grid to deal with the enormous number of new connections required by 2020. Much of that will be required in the west, where the new interconnector is planned. In Great Britain, the Government have announced that they intend to share the financial benefit of onshore wind

farms with communities. There is potential to consider a similar application in Northern Ireland.

A further downside of depending solely on wind turbines for electricity generation is the impact that they have on wildlife. Bats, birds of prey and large numbers of small birds are killed by wind turbines. Unfortunately, that is a negative impact of that form of green energy.

There is definitely an urgent need for wind generation, but it has to be managed. It is only part of the mix of alternative energies. The Committee for Enterprise, Trade and Investment took evidence from a wide range of interests. Its recommendations are worthy of support from the House. There is one Member from Strangford in the Chamber. In greater North Down, we have the first example of a working tidal generator. We need to exploit tidal and marine technologies, which are predictable and reliable. We need to encourage more action on renewable heat. At Duncrue in Belfast, there is an electricity generation plant powered by methane collected from the old waste site on ground adjacent to the harbour. Why is there only one such plant in Northern Ireland? There are many waste sites that have been closed for a long time. We need to take forward other renewable opportunities; for example, ground source heat pumps.

The target under the strategic energy framework is 10% of heat from renewable sources by 2020. However, targets alone do not deliver anything. Government must have determination to show how targets will be met. I commend the work of the Committee for Enterprise, Trade and Investment in researching and producing the report for this morning's debate. I trust that the House will support it.

**Dr Farry:** Good morning, Mr Deputy Speaker. I hate to break up the cosy consensus in the Committee and speak as a non-member. I apologise for the absence of Sean Neeson, who, as Members know, has been keen on this inquiry. I, too, pass on my party's congratulations to the Committee and its staff on the report. I will not go as far as the Chairperson and say that it is the best Committee and the best report that has been produced during the mandate. However, I, certainly regard it as an extremely comprehensive and impressive piece of work. I hesitate to say that it is a useful reference point for future debates, because it has to be more than that; it has to be a living document.

Its recommendations must be taken forward, and Departments must be challenged on their implementation of those over years to come.

The welcome investment in renewable energy in Belfast harbour, particularly in wind technology production, is a clear sign of Northern Ireland's potential to become a world leader in that regard. Given our industrial heritage of transforming and in light of our port facilities and the transportation problems that often exist, we may be able to take advantage of growing opportunities around the world.

It is important that we place the report in context. Although the Minister of Enterprise, Trade and Investment is here to respond to the debate, there is a need for an overarching strategy across the Executive on renewable technology and renewable energy. DETI has an important leadership role in respect of our overall targets and the economic support for renewable energy. However, it is also important that we acknowledge that there is a disparate set of Departments that bring different things to the table. For instance, OFMDFM has responsibility for sustainable development. The Department of Finance and Personnel has responsibility for the large government estate, control over building regulations and rates rebates for low- and zero-carbon homes. DOE has responsibility for planning policy, particularly PPS 18 and the supplementary planning guidance, and permitted development. DSD looks at housing, and DARD looks at the rural aspects. I have not been creative enough to think about how the Department of Justice interacts with this issue; perhaps we can talk about renewable prisons.

I will comment on some of those responsibilities. Some Members have touched on planning. We need to be serious about whether we are committed to seeing this through and forget about having any degree of Nimbyism. That is the case regardless of whether it is Belfast City Council saying no to an energy-from-waste facility or opposition to a North/South interconnector, particularly from those who are the strongest advocates of North/South co-operation. There is a strong economic argument for this. As we look to the future, it is also important that we engage in a degree of scientific rationalism. That extends from, at one extreme, avoiding a situation where we deny the realities of climate change to, at the other extreme, not buying into stories regarding the

health risks from overhead cables, when there is no scientific evidence to back that up. Let us have a balance and follow the evidence.

It is also important that we have some type of economic and environmental model for what we are doing across Departments. We must understand all the economic and financial levers and other policy levers that are at the disposal of the Departments and ensure that we have a clear understanding of where we want to go, how we get there and how we deliver those outcomes. In parallel with that, I stress that we talk a lot in the Chamber about the green new deal; it is a key part of the potential final Budget. All parties subscribe to it. At the moment, the green new deal is, perhaps, overly dominated by energy efficiency in homes, but it also extends to issues regarding renewables, the grid and, as a slight aside, how we invest in public transport.

I have read most of the Committee's report, and I have found it extremely useful and informative. I look forward to the recommendations being taken forward.

**Mr Frew:** It is of the utmost importance that the Assembly takes heed of the inquiry's recommendations. We are living in a time when the only certainty around energy prices is that they will increase. Given the pressure that will come down regarding EU targets for reducing the amount of energy that we consume from fossil fuels, it is vital that this is a live, working report that all sections of government will put into practice via the recommendations. The Assembly should welcome and embrace the report. As the Chairperson has done, I take the opportunity to commend the Committee, Committee staff and all parties and bodies who gave evidence on the issue.

The report reflects the importance of this issue, and it has the future very much in mind. Given the size of the report and the detail in it, it would not do it justice if I skimmed over all of the issues in the time given to me. That is why I will talk about only a few.

Grid infrastructure is something that has troubled me over recent years. Coming from the electrical installation sector, I know only too well of the capabilities, restrictions and weaknesses of our grid. Indeed, recommendations 18 and 19 state that a plan for infrastructure development must be prepared and implemented, with input from all key stakeholders. The timescales for

infrastructure development must be included and must plan for the appropriate infrastructure to be in place in time to meet the 40% target for renewable energy.

The Department of the Environment and the Planning Appeals Commission should prioritise the public inquiry process so as to ensure that high-priority, key infrastructure projects, such as the North/South interconnector, are dealt with as a top priority. It is clear to me, having heard and read the evidence, that there was consensus that the current electricity grid infrastructure required major investment for upgrading and reinforcing. In fact, there is a belief held by some that, in its present form, the grid cannot cope with the amount of renewable energy being generated now or within the next few years, with the projects coming forward.

Several respondents to the inquiry stated that the absence of a government grid infrastructure development plan is an obstacle, with limited evidence of a structured approach to grid development. I welcome the fact that ESB has promised £1 billion to achieve that end, and I would certainly welcome the Department's plans to work with NIE as it develops its options for grid development. It is vital that a plan for infrastructure development is prepared and implemented to assist in meeting the 40% target for consumption from renewable sources by 2020.

Several respondents told us of the need for further interconnection on the grid. Of course, we know that the Department considers the proposed North/South interconnector to be an essential requirement to meet its 40% target. The Utility Regulator informed the Committee that not having the North/South interconnector is costing the Northern Ireland economy approximately £20 million a year. I heard the Chairperson mention that figure.

Of course, we know that NIE submitted a planning application for the interconnector in December 2009. That was subsequently referred to a public inquiry, which may not be heard until late 2012. That is totally unacceptable, and the Department of the Environment and the Planning Appeals Commission should prioritise the public inquiry process so as to ensure that high priority, key infrastructure projects such as the North/South interconnector are dealt with as a top priority. Parties in the Chamber should have the conviction to know that that is right. We know that some parties object to the



North/South interconnector. It is urgent and essential for Northern Ireland that that should go ahead. Parties should have the conviction to back it, the way that my party had the conviction to back Rose Energy for the largest proposed waste energy plant. It is essential that that gets the go-ahead, and it is important that we look at the issue as a whole. The North/South interconnector is certainly something that we should look at.

Recommendation 25 is concerned with public buildings and renewable energy. Government must take a more active role in the promotion of renewable energy and in reducing public sector dependence on carbon-intensive energy sources. It is important that government is seen to lead by example. The Government should bring forward a plan —

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

**Mr Frew:** — to develop the renewable energy potential of public buildings. That must include targets and timescales for increasing the deployment of renewable energy right across the public sector.

### 12.30 am

**Dr McDonnell:** Like the Chairperson, I add my thanks and deep appreciation to all those across our society who contributed to this report, whether Committee staff, Assembly staff or, indeed, the public, who made contributions and submitted evidence.

I endorse the excellent inquiry report without reservation. Energy is the lifeblood of our economy and the cornerstone of our quality of life. If we forget that, we run the risk of a declining quality of life and a declining economy.

I thank you, Mr Deputy Speaker, for being here at this ungodly hour to chair the discussion. You obviously drew the short straw this morning and ended up with the graveyard shift. I also thank the Minister for being here at this unreasonable hour and for her insight and encouragement to all of us who have a deep interest in this subject.

The economy, employment and hope for the future are issues that occupy most people, and most people, whether young, middle-aged or senior citizens, are apprehensive about the economy. Beyond the veil of fear, underlying people's anxiety is the ever-increasing cost of energy. People know that the threat of high energy costs not only saps their sometimes

meagre income and creates fuel poverty, but saps our whole economy and potential to earn a living.

Fossil fuel will get scarce in the not-too-distant future and will eventually run out. China's insatiable appetite for energy may ensure that that scarcity comes sooner rather than later. We have no choice but to find alternative sources of energy if we are to sustain our economy and create the jobs that are necessary. Renewable sources of energy are many, and it is not appropriate to cover them here tonight. There is everything from wind power, tidal power, biomass, biogas and even bio-fuels to replace some of the fossil fuels. We have energy from waste, and heat pumps can tap into the Earth's heat miles below the surface.

However, renewable energy is not cheap. In most cases, it is a bit more expensive than using fossil fuels, but it will be much cheaper than oil and fossil fuels in a few years' time. What is important, however, is not just the cost of the energy but its availability. If we could harness the tides in this country in Strangford Lough, Larne Lough, Lough Foyle and Carlingford Lough, we could export energy.

If we could harness all the wind that we have out there — indeed if we could harness some of the wind that we have in the Chamber, and, God knows, there was a hell of a lot of it blowing in all directions earlier this evening — we could export energy. Biomass has potential, but we would need to quadruple the number of trees that we grow to ensure that there is enough to meet demand. The difficulty is striking the market balance and making sure that there is a supply. A lot of biomass is a chicken-and-egg situation. Biogas has great potential, but I will not go into that because I want to be as brief as possible.

Aside from the safety, security and sustainability of supply of renewable energy, the second great appeal is its potential to create jobs, often in rural areas where, perhaps, good-quality, sustainable jobs are scarce. Renewable energy opportunities are highly labour intensive, and much of the cost of renewable energy is challenged into labour costs.

The inquiry report is one of the most important pieces of work to emerge from the Assembly in this mandate, a point that I believe the Committee Chairperson made. I commend the report to colleagues across the Assembly and

urge them to read it and to pay attention to it. It focuses on insuring our people and economy against dramatically rising fossil fuel prices and on creating jobs, stability and sustainability. However, that is only a start. Our renewable energy industry is in its infancy and, as such, is fairly fragmented. In spite of that, it employs some 2,000 people in Northern Ireland and has a turnover in excess of £1 billion. However, if we got our act together and removed some of the barriers referred to in the report, the development of renewable energy would employ 6,000, 8,000, and perhaps 14,000 or 15,000 people.

There is much to be gained. I commend the report fully and urge the Minister to do all that she can to help us to remove the barriers that exist out there.

**Mr Givan:** I thank the Committee staff for their excellent work in pulling together a lot of this information and organising our evidence sessions. I hope that the report will not be put on a shelf and forgotten about, as has happened with many reports in the past. This report will be useful as we look to the future and develop the renewable energy sector.

Today, we hosted a delegation from Germany. One of the businessmen in that delegation said to me that he could see the potential for Northern Ireland to develop its economy through renewable energy opportunities. Good work has been taking place in that field, and there is good work that can go forward into the future. Renewable energy is an area of our economy that we will want to focus on.

I will briefly touch on the planning aspect of the report. The report highlights a number of recommendations on the consistent application of Planning Policy Statement 18 (PPS 18), which is the primary policy document that is used by planners to assess applications. A lot of those who gave evidence did not have a problem with PPS 18 and, indeed, welcomed it. Likewise, the supplementary planning guidance, which was something that was developed in conjunction with the Department, was welcomed. Wind-energy representatives whom I know have particularly welcomed the guidance that came with the planning policy statement.

It is important that the planners who adjudicate on the applications apply the policy in a consistent manner. Some people complained that that was not happening. We recognise that,

sometimes, people will make allegations about inconsistency. However, when it is put to them to provide evidence, I find that, at times, it is not forthcoming.

Action Renewables made the poorest presentation to the Committee. The allegation was made that the specialist unit that the DOE established to deliver and to consider planning applications on, for example, wind farms had been disbanded and that the good work and the expertise that had been gathered had been got rid of. Upon further investigation, it was found that that was not the case. So, the presentation was ill-informed and the allegation that was made was wrong. When groups come before Assembly Committees and want to make a case through a presentation, it is important that they get the facts right, particularly when they are going to engage in a lambasting exercise against some Departments and Ministers. So, it is important that we put on record that, when people come before Assembly Committees, they must make sure that they know their position before they make accusations. I was pleased to find out that the specialist unit is still in existence and that applications are being turned around at a quicker rate than they had been previously.

Members touched upon the priority that should be given to the interconnector. It has been given ministerial priority. The Committee made the point that the Planning Appeals Commission needs to develop ways in which it can hear article 31 applications concurrently rather than one at a time. Dealing with them one at a time is creating a delay in the system, and the Planning Appeals Commission, which is independent of government, needs to put mechanisms in place.

Political leadership is necessary. Nimbyism is something that we all have to battle with. When people come to us, we have to give them local representation. However, on some occasions, that has been to the detriment of applications related to energy-from-waste facilities. The Committee noted in the report its disappointment that Belfast City Council decided not to proceed with the energy-from-waste facility that was proposed by Arc21. That was regrettable. My colleague Peter Weir made the point that political representatives on another Committee are arguing vigorously against the interconnector. However, on the Committee for Enterprise, Trade and Investment, we are making the very clear point that the

interconnector is vital to our infrastructure. So, political leadership is needed on such issues, which will be important as we look forward to developing what can be, on some occasions, controversial applications.

I welcome the report and support its recommendations. It is something that the Executive will be able to draw upon as they drive forward this agenda.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I am obviously delighted to be here with you all this morning. I was going to give the House my Valentine's Day speech, but it is too late. We have moved on, so I cannot now tell you how much I enjoyed being with you all on Valentine's night. Instead, we will talk about the report that is before us.

I welcome the publication of the Committee for Enterprise, Trade and Investment's report, following what was a thorough inquiry to identify the main barriers that are inhibiting the development of renewable energy production in Northern Ireland. I join with Members in thanking the Chairperson of the Committee and Committee members for their time and efforts over the months of the inquiry. I also thank the wide range of interested organisations and individuals that took the time to write and present evidence to the Committee. It would be remiss of me if I did not also mention my departmental staff, who spent a considerable amount of time preparing a detailed response to the call for evidence and in oral briefings with the Committee. They did so while progressing a significant volume of other high-priority work in the wider renewable and energy policy area. Dr McDonnell has told me on many occasions that the energy area in DETI is growing all the time, and that is a message that I hear loud and clear.

I will not go through all the detail and specifics in the report. I have only just received a copy of it, and it needs and merits detailed consideration. I will consider the report and respond fully to the Committee in due course. However, on a general note, it is reassuring to see that there are clear synergies between the Committee's recommendations and what the Department is doing now and plans to do in the future in a number of areas.

I am grateful to the Members who stayed behind to add to the debate. At one point, I thought that it would be me and the Chairperson of the

Committee on our own, but I am glad to see that other Members have stuck it out.

**Mr Bell:** You wish, Alban. *[Laughter.]*

**The Minister of Enterprise, Trade and Investment:** Yes, back to Valentine's night again. It is clear —

**Mr Bell:** That would not be a quorum.

**The Minister of Enterprise, Trade and Investment:** No, it would not be a quorum.

It is clear that there is cross-party agreement on this important issue. Members place a different emphasis on the different areas of renewable energy that interest them, and that came through in the range of speeches that we heard tonight. Some talked about anaerobic digestion, while others talked about wind energy, but it is important that we look at all the issues. Behind those issues is the need to create security of energy supplies, which the Chairperson spoke about at the very start of the debate; the need to reduce our carbon emissions in the electricity sector; and what I call the nice by-products of renewable energy — the opportunities for job creation. We have heard about such opportunities just recently. There was the announcement about DONG Energy and Belfast Harbour, and there were some smaller announcements, such as Harland and Wolff's very good announcement that it has a contract with Siemens to manufacture the substations for the Gwynt y Môr wind farm off the coast of Wales. Great opportunities are coming down the line, and they must be grasped.

That leads me to the strategic energy framework, which was approved by the Executive in September 2010. As we know, the framework was developed around four key goals: the building of competitive markets; ensuring security of supply; enhancing sustainability; and developing our energy infrastructure. Renewable energy hits on each of those four goals. It helps with the diversity of fuel supply and customer choice and adds to our security of supply and sustainability. As regards our final goal — developing our infrastructure — it brings huge challenges, for example, in the area of grid management and development, which Mr Frew referred to and to which I will return.

**12.45 am**

Throughout the development of the framework, it became evident that none of the key goals

exists in isolation and the success of each depends to a large extent on the achievement of the other three. In light of that, we have prepared an implementation plan that is aimed at mapping progress against all the actions that were identified in the strategic energy framework (SEF) 2010 document. I will now consider the recommendations that the Committee made in the report to see how they can be built into that action plan.

SEF sets out our strategic position on renewable energy and, as we know, sets challenging renewable targets of 40% of electricity consumption from renewable energy and 10% from renewable heat by 2020. Members will appreciate that our efforts are focused on providing the appropriate policy and legislative framework and incentives to assist those technologies that are most likely to be able to deliver the targets at the greatest benefit to the Northern Ireland economy. Large-scale onshore wind is the main source of our renewable electricity, not only because of our plentiful resource but because it has a very well-developed, mature technology. It is likely that large-scale wind installations will continue to provide a significant portion of renewable electricity to 2020. However, as the Department and I have said on many occasions, it is not the only technology that is available. Indeed, many Members made that point.

**Mr Bell:** I appreciate the Minister giving way at such a late hour. Will she look at the successful example, which has been mentioned, that was set in Strangford Lough with marine turbines there? As we know, Strangford Lough is a designated European Union special area of conservation, and what has been achieved there shows that work on renewable energy can be done, even in areas of outstanding natural beauty, in an environmentally friendly way that is effectively monitored, offers opportunities for renewable energy, supports renewable energy and maintains the environment.

#### **The Minister of Enterprise, Trade and Investment:**

I think that the Member and all the representatives from Strangford should be very proud of the marine current turbine in Strangford Lough. It is the first of its type in Europe, if not the world, and the way in which it has developed over the past few years will lead us to look at more new technologies in that area. However, the Member made a good point. Strangford Lough is our most protected piece

of water, yet we are able to put a renewable energy installation into it. Doing so involved DOE working closely with DETI and with the Department of Energy and Climate Change, as it now is, in Westminster to ensure that that could happen. We always have to take environmental assessments into account when looking at renewable energies, but we should not let that take away from some of the opportunities that there are for us.

We are working towards a call from the Crown Estate later this year that has the potential for at least 600 MW of offshore wind and 300 MW of tidal and wave in the medium term. A range of other technologies, such as anaerobic digestion, energy from water and geothermal, will also contribute to our targets. Members are aware that I made an announcement just last week about the development of anaerobic digestion in so far as state aid clearance has come through from Europe. That will allow us to give four renewables obligation certificates (ROCs) for anaerobic digestion, and I understand that that is the highest incentive anywhere in Europe. That is something that we should also be proud of. I have spoken to a number of farmers who are thinking about putting anaerobic digesters on their farms, and that clearance has given them the incentive to go forward.

Incentivisation, planning, infrastructure, which refers to the electricity grid, and, most importantly, public acceptance are barriers that we need to overcome. Many Members talked about Nimbyism. It is a huge issue for us, and it has been tackled by the sustainable energy interdepartmental working group, which is known as the SEIDWG. As I have often said, that is a very snappy name for the group that brings all Departments together to look at renewable energy issues. A paper was cleared recently at the Executive that will allow us to move forward with the marketing strategy for renewable energies and the need to communicate in a joined-up way. We hope to appoint a marketing agent in the first quarter of the 2011-12 financial year. The theme of the work of that marketing agent will be to deliver a joined-up message that partners outside of government can also join in with.

There has been much discussion in the House about the grid. The North/South interconnector is very much a part of that discussion on infrastructure, and the Committee makes a very specific recommendation on the interconnector



and urges its prioritisation by the Planning Appeals Commission. I am delighted to see that. Not only is the interconnector a vital element of our future infrastructure, but it will play a key role in facilitating growth to meet our 40% target in renewable electricity generation. It is also essential for competitiveness in the single electricity market and, therefore, improved consumer choices and prices. As the Chairperson of the Committee said, not having the interconnector in place is costing consumers at least £18 million a year. That is a significant cost that we need to take into account when we talk about the North/South interconnector.

We all know the difficulties that we have with the grid: the amount of wind that comes into the grid in the west of the Province and the fact that the grid is weakest there. The regulator will have a key role to play as we look at grid development in future. That must be done in a cost-effective way. There must be no gold-plating. Consumers are the people who pick up the tab, and I do not want to see any extraneous costs as a result of the upgrading of the grid. In fact, we would very much like to see the creation of a grid development working group — comprising officials of the Systems Operator for Northern Ireland (SONI), Northern Ireland Electricity, the Department, the Planning Service, and the Utility Regulator — as a first step in improving dialogue on grid infrastructure so that we can move the issue forward. Over the past couple of years that I have been in office, there has been much talk about grid infrastructure in the Chamber and in Committee, but there is now a need to get down to — if I can put it like this — the nitty-gritty, so that we can get on with working on grid development in the next mandate, because it is a vital issue that we really need to take forward.

As I said, I am content to take receipt of this report. It chimes very well with some of the work that the Department is carrying out and plans to carry out in the future. It is good, complementary evidence-based work. Therefore, I welcome the report and look forward to taking the matter forward, looking at it in detail and giving a fuller report to the Chamber.

**The Deputy Chairperson of the Committee for Enterprise, Trade and Investment (Mr Butler):**

Go raibh maith agat, a LeasCheann Comhairle. I thank everyone who took part in the debate. It started off on St Valentine's Day, 14 February,

and we are now in the early hours of 15 February. However, as the Chairperson has said, even though some of us have missed St Valentine's Day, I am sure that we would rather be here debating this very important report.

As Deputy Chairperson of the Enterprise, Trade and Investment Committee, I want to restate the Committee's appreciation of everyone who contributed to the inquiry. I reiterate the thanks of all the members to the Committee staff who did so much work to compile the report that we are debating.

The report provides the Committee with a valuable insight into the renewable energy sector and the barriers to its future development. In his opening remarks, the Chairperson of the Committee, Alban Maginness, highlighted the impact that there could be if we do not get our energy policy right. The Committee believes that if the Department adopts the recommendations in the report, it can only lead to a more certain and secure future for all of us.

A number of Members, including Stephen Farry, stressed the need for an overarching strategy for renewable energy across the Executive. It was also recognised that it is important to apply the principles of the green new deal, which has been mentioned in the Assembly.

The work of the sustainable energy departmental working group goes some way towards addressing one of the key recommendations of the report: the idea of a single Department driving the renewable energy debate.

The Department of Agriculture and Rural Development, through the Agri-food and Biosciences Institute, has been working over the past number of years to develop an anaerobic digestion market. However, the Committee for Enterprise, Trade and Investment believes that DETI has not put the appropriate incentives in place to drive the development of anaerobic digestion. Such problems demonstrate the requirement for a more joined-up approach to developing policies. The Committee also believes that communication between government and the public, and between government and the renewable energy sector, needs a more joined-up approach. Government's vision for the renewable energy sector has to include a way of providing consistent, efficient and easily accessible advice and support for business and for the public.

The strategic energy framework document was mentioned in the debate, and William Irwin stressed the importance of reducing Northern Ireland's dependence on fossil fuels. He said that anaerobic digestion and biomass can help to achieve the 2020 targets and that more work needs to be done to determine how best to apply technologies in the North. The Committee welcomes and endorses the strategic energy framework document but believes that much more is required to be done. Interim targets need to be put in place between now and 2020, and targets must be included for electricity from renewable sources other than wind.

Leslie Cree mentioned the need to have less reliance on wind energy and renewable heat. Key performance indicators and measures need to be put in place, and targets must be set well beyond 2020. We must have a longer-term renewable energy vision.

Several Members mentioned grid infrastructure and the interconnection problems. Paul Frew, who referred to his experience in the electricity sector, highlighted the need for a public inquiry into the issue to be publicised. Paul Givan also mentioned the issue. We need to make decisions on the required investments in our grid and the interconnection as quickly as possible. The Department of Enterprise, Trade and Investment relies on the interconnector to make up its 40% target for renewable electricity and to drive the single energy market. The interconnector needs to be built without delay. If it is not to be built, the Department must consider alternatives with the utmost urgency.

The Chairperson said that appropriate support for research and development in renewable energy must be brought forward. The Committee has always believed that opportunities were missed to take advantage of funding under the EU seventh framework programme. We have to be in a position to take full advantage of opportunities for funding and research and development in the renewable energy field under the next EU framework programme.

Several Members mentioned support for business. Paul Givan mentioned the German ambassador's visit today and the discussions that took place about opportunities for renewable energy here. Local small and medium-sized renewable energy enterprises need support in order to grow and to develop and to help to meet our energy needs. The green new deal will be a significant aspect of such support. That

issue was also raised by Alasdair McDonnell, who said that energy is the lifeblood of the economy, the economy needs to be sustained and our energy future needs to be secured.

Paul Frew raised the issue of renewable energy in public buildings. Small and medium-sized enterprises need more targeted advice and support. The Department of Enterprise, Trade and Investment and Invest NI must review the support provided to local businesses in the renewable energy field, including technical support for indigenous businesses to develop skills and to grow internal renewable energy markets.

I thank the Minister of Enterprise, Trade and Investment for her constructive comments about the Committee's report. She mentioned, for example, the need for security of energy supply and the need to reduce carbon emissions; job creation in the renewable energy field, which is very important; and the goals that were set out in the strategic energy framework document.

The Committee will very much welcome the Minister's comments, and those of her Department, about developing a renewable energy sector, which could bring maximum benefits to consumers, businesses and the economy. I commend the report to the House. I hope that the Minister will take on board what has been said and that action will be taken in the next mandate.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Committee for Enterprise, Trade and Investment on its inquiry into barriers to the development of renewable energy production and its associated contribution to the Northern Ireland economy; and calls on the Minister of Enterprise, Trade and Investment, in conjunction with her Executive colleagues and relevant bodies, to implement, as applicable, the recommendations contained therein.*

*Adjourned at 1.00 am.*



# 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.**

## Regional Development

### **Spatial Planning: Joint Consultation on a Draft Spatial Strategies on the Island of Ireland — Framework for Collaboration Document**

*Published at 10:00 am on  
Monday 14 February 2011*

#### **The Minister for Regional Development**

**(Mr Murphy):** I am pleased to inform the Assembly members that consultation on a draft Spatial Strategies on the Island of Ireland – Framework for Collaboration document will commence on Tuesday 15 February for 8 weeks until Monday 11 April. This consultation will be done jointly with the Department of the Environment, Heritage and Local Government in the South.

The document examines the key planning challenges faced by both parts of the Island and discusses the potential for collaboration in spatial planning. It sets out a framework for collaboration at different levels within the public sector which should result in mutual benefits. These benefits can be at the local border area level and at the larger Island level.

The Framework is a non-statutory approach to providing advice and guidance at relevant spatial or geographical scales. It should encourage policy makers in the public sector to take account of the wider impact of their work, to recognise and exploit opportunities for a wider perspective and to avoid “back to back” planning.

Cross-border co-operation and collaboration provide opportunities to boost the economic performance and competitiveness across the Island and more can be achieved through collaboration than competition.

Co-operation, or collaboration, between regions for territorial development is accepted as good

practice within the European Union and is promoted in the European Spatial Development Perspective, and the EU Territorial Agenda.

I welcome your contribution to the consultation process. The consultation document will be available on the internet from 15 February 2011 at [www.drdni.gov.uk/shapingourfuture/](http://www.drdni.gov.uk/shapingourfuture/). However, if any member would prefer a personal hard copy, it can be obtained by contacting Louise Fitzpatrick on 90540642

Please note the above statement is embargoed until 10.00 am on Monday 14 February.









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Belfast: The Stationery Office

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ISSN 1463-7162

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

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

Printed in Northern Ireland by The Stationery Office Limited

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ISBN 978-0-339-50461-5



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