

# Official Report (Hansard)

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They should be sent to:

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

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

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Wilson, Brian (North Down)  
Wilson, Sammy (East Antrim)

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# Northern Ireland Assembly

Wednesday 23 March 2011

*The Assembly met at 10.30 am (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Speaker's Business

### End of Mandate

**Mr Speaker:** Before we begin today's business, I would like to take this opportunity to make some brief remarks to mark the end of this four-year term of the Assembly. I will also give party leaders or their nominated representatives an opportunity to speak for up to five minutes, and I will be reasonably flexible about that five minutes.

There may be some disagreements in the Chamber about the achievements of the past four years, but I hope that this morning we can set aside those disagreements and reflect on the past four years. This is the first devolved Assembly in a generation to complete a full term. That is an achievement of which Members should be very proud. It is a very historic achievement for politics in Northern Ireland. In that time, we have held 277 plenary sittings and approved some 69 Bills. Ministers have taken over 11,624 questions for oral answer and 32,411 questions for written answer. That, in itself, is historic.

I want to mention the Members who are retiring from this place before the election, including a number who have given long and distinguished service to their constituencies in this place and in politics generally. We in this House all know that politics is not an easy business. There are many seasoned politicians in the Assembly this morning from all sides who have been in politics for a lifetime, and they could certainly testify that politics in Northern Ireland has not been easy. Members often find that they are subject to criticism rather than praise. Recognition of the time and effort required to be a Member and to undertake constituency work is sometimes very rare. Therefore, I thank all the Members who are retiring for their service to the House

and to their constituencies. Some Members, especially some of those who are retiring today, have given a lifetime of service to the people of Northern Ireland, sometimes at great cost not only to themselves but to their families.

Those watching our proceedings may not appreciate all that is involved in making this Building function. However, the business of the House could not proceed without the efforts of so many others. Some Members have not been keen on our recent late sittings, but we should appreciate the patience of staff who have to work on in this Building to see business finished. Therefore, on behalf of Members, let me express heartfelt thanks to the staff who work in all parts of this Building and beyond for allowing us to undertake our duties inside and outside the Chamber. The staff are probably keener to see the election than we are.

When I first got the job of Speaker, some Members told me not to worry, as I would only have to chair a few plenary sessions, but I always knew that there would be a wee bit more to do than that. I am humbled to have been Speaker, especially since the Assembly has completed its first full term in a generation. However, I could not have done it without the co-operation of all Members, and I thank all Members for their co-operation through some very difficult times in the Assembly. However, at the end of the day, we all rose to the occasion.

I commend all Members for their work and wish them well for the future. I believe that Northern Ireland's best years are ahead of us.

**The First Minister (Mr P Robinson):** When this term began, most people doubted that the institution would survive, but nobody, not even the wreckers who want to bring devolution to an end, can question its stability or sustainability. However, it can be improved, and the St Andrews

Agreement made that a legal requirement of the next mandate.

Everyone knows that the people to deliver change are not those who have opposed our very existence or those who have spent their every waking moment trying to undermine the progress that we have made. However, in spite of them, we have achieved much. Let me give you a flavour of that. Mr Speaker, you have already drawn attention to the fact that we have completed the first full Assembly term in 40 years; the collapses that characterised the failures of past Administrations are consigned to history. We have assumed responsibility for policing and justice, which is a task that challenged and eluded politicians for generations. We have created more and better jobs than at any time since records began, and, amazingly, we did it against the backdrop of a global recession. We secured a record £2.6 billion of inward commitments for investment and £500 million in annual salaries. We resisted pressures to increase rates and introduce water charging, thereby maintaining the lowest local taxes in the whole of the United Kingdom. Those decisions mean that, on average, every household in Northern Ireland is £1,500 better off because of our Administration.

We extended free travel to everyone over 60 years of age, and there are now 61,000 SmartPasses in circulation. Some five and a half million journeys have been made. That is the most generous scheme in the whole of the United Kingdom. The Executive have invested more in infrastructure, schools, hospitals, roads and houses than any previous Administration since records began. We have purchased more than 200 new buses and 20 new trains. That is another record. By the end of the term, we will have passed almost 70 Bills in the Assembly. The Executive have reached more than 1,600 proposals by agreement, which is more than any previous Administration in the Province.

That is only a snapshot of the work that the Executive have delivered. Although there is much more to improve, the one unalterable fact is that the Executive have achieved more than those who went before. In short, it has been a good start and a significant improvement on the previous Executive, but we have so much more to do.

In closing, Mr Speaker, I thank you for the manner, the authority and the impartiality with

which you have carried out your role. You have served us well and, in doing so, you have served democracy and Northern Ireland well, and we thank you. I extend my appreciation to the team around you and to all our staff in the Building and at other locations, wherever they may be. Like you, I wish a happy retirement to all our colleagues who are standing down and to those of us who may find ourselves retired without having planned it. To those in other parties, in case I do not see them again, I say that, if, in the heat of battle, I have said something that has hurt or offended them, I apologise and hope that the wounds will heal. It is a tough trade that we are in, and I really do wish them well for the future.

I particularly wish my colleagues Lord Bannside and Lord Browne well. Ian has contributed so much to our community over a very long and distinguished career. He was instrumental in laying the foundations for the return of devolution to Northern Ireland. Quite simply, we would not be here today without his valued contribution. Wallace has been with me through thick and thin in east Belfast. He has been an excellent servant of the people, and you will not find a more genuine and sincere representative. Both Members will now be giving the House of Lords and the nation the benefit of their wisdom, and we hope that they will come back from time to time to see us all.

No matter what party or interest people may represent in this place, if you can walk away from the house on the hill content that you have, to the best of your ability, served your community effectively, diligently and well, you will find that, in politics, there is no greater achievement or cause for satisfaction. We serve the people. It is the greatest responsibility and the highest honour that democracy can bestow.

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

Dia daoibh go léir. Go raibh maith agat, a Cheann Comhairle. I echo the words of the First Minister and thank all the staff in the Building for the tremendous support that we have received over the past four years, particularly your staff, the people around you, the Deputy Speakers and all those involved in catering over the four years. Most importantly, I thank the women from all parts of Belfast who clean the Building when we are not here. I always make a point of speaking to them, and I have great friendships with many of them. On my way in this morning, I met a woman who is 77 years of

age. She has been here for 11 years; she has been with us during all that time.

It is tremendous that we have come through four years. It is the first time in almost 100 years that a locally elected Administration, elected by and truly representative of our community, has survived a full four-year term, taken vital decisions and passed legislation of benefit to that community. That has been a wonderful achievement.

A Cheann Comhairle, I pay tribute to you for the way in which you have conducted yourself. I regard my contribution to the decision to appoint you as Speaker as one of the wisest decisions that we took in the past four years. You have been fair not just inside the House but outside it and considerate in all your dealings. I thank you for your contribution.

I remember sitting in a small sitting room in Downing Street in 2003 with Tony Blair and Jonathan Powell. Tony Blair was almost at the point of despair about whether there would ever be a restoration of the institutions, institutions that had collapsed three times in the years before. However, I knew my fellow Ulster men and women better than that. I was always confident that we could restore the institutions. Although it took five years, it was a momentous day when, on 8 May 2007, the First Minister at the time, Ian Paisley, and I came together to effectively launch this adventure, which has lasted for the past four years and, I think, has brought huge benefits to our entire community. One of his first comments to me was that we could rule ourselves and that we did not need direct rule Ministers coming over here telling us what to do. We then, of course, wrote to those Ministers, who were holed up in Stormont Castle, and asked them to leave, which they did. However, when the First Minister and I arrived in the building, we found that they had not just left but had taken all the light bulbs with them.

#### 10.45 am

The Member for Newry and Armagh christened us the "Chuckle Brothers". However, I would like to think that we showed leadership. I also think that my relationship with him will undoubtedly go down in the history books, and I want to pay tribute to the leadership that he showed. Many people out there have their own views about the past, as well as about my past and his past. However, I think that we showed that we are politicians who live for the here and now, for

the future and for building a better future for all the people we represent. I thank him and his good wife, Eileen, both of whom I regard as huge friends of the peace process and friends of mine.

When Peter came into the job of First Minister, some of the media tried to describe us as the "Brothers Grimm". However, I think that we have proven that we are anything but that. I think that he, too, is a huge friend of the peace process and that he has made a massive contribution. I have been honoured to work not just with Dr Paisley but with Peter Robinson through these momentous four years.

I also thank all my colleagues on this side of the House and our ministerial colleagues for the contribution that they made. As regards the way in which we have moved forward, I will not regurgitate the achievements that the First Minister outlined, but there have been many. If people reflect honestly, they will see that, in the face of a world recession and as a result of our efforts in foreign direct investment, we have brought about thousands of new jobs, even though people told us that we would not get one. We provided £700 million for the building of the schools estate, and we did vital work to support rural communities, the elderly and children. The last thing that we expected was a world recession and a newly elected British Government reneging on commitments that the previous Administration had made.

We are looking to the future, and we are looking very determinedly to the achievements that we have made. The transfer of policing and justice powers was huge. I think that we have shown that we can work together. At the beginning of this Assembly term, I said that, given that we had never had conversations with many Members in the House, the next four years would be rocky. However, in the meantime, we built up important relationships, and I think that the House can go from strength to strength in the new Administration. I look forward to the work ahead and to taking real decisions that will have huge benefits for those who are unemployed and who are dependent on our taking wise decisions for the betterment of themselves and their families. Go raibh míle maith agat.

**Mr Elliott:** Mr Speaker, I also want to put on record my thanks to you, your Deputy Speakers and, indeed, as the First Minister and deputy



First Minister said, the staff at the Assembly. It is a pleasure to come here and work with those staff; I will not say the same about some of the political representatives here. I noted that the deputy First Minister thanked the cleaning ladies, but I want to include the gentlemen cleaners because there a number of them here as well. I am afraid that he was being sexist in that respect, but we will call it quits at that.

I also noticed a hint of an apology from the First Minister. That is very rare in the Chamber, but I will take it in the spirit that it was meant. I suppose that we can all live in a political bubble, and, when we hear him say such things, we actually think that maybe there is change here. However, I then reflect on some of the past and more recent campaigns, as well as on some of the issues that arose from those campaigns and on what is probably to come in the next few weeks. So, I will take it in the spirit that it was meant today.

I want to put on record my thanks to colleagues who are retiring, either voluntarily or through forced retirement, and may not be back here. In particular, I thank my party colleagues the Reverend Robert Coulter, Lord Empey, Ken Robinson, George Savage and Billy Armstrong. They have been excellent servants, not only of the Ulster Unionist Party and the Assembly but of the people. That is what we all should be: servants of the people. I thank them for their support.

Over the past four years, we in the Ulster Unionist Party put health as a significant priority. We have delivered on putting patients first. We introduced free prescriptions, put record investment into the Fire and Rescue Service and Ambulance Service and completed the review of public administration within the Health Service, the only Department to complete the review of public administration. We put in place the new south-west hospital in Enniskillen, which I am extremely proud of, as are, I am sure, other colleagues from Fermanagh and South Tyrone. We also made new investment in Downe.

Employment and learning is another area for which the Ulster Unionist Party takes great credit. Of our full-time undergraduates, 41.7% come from socially disadvantaged backgrounds, compared with 28% in Scotland. That is a huge achievement for this Assembly and for the Department for Employment and Learning.

That comes with a downside. Some of the frustrations that have come out over the past four years have been pretty obvious not only to me but to the wider public. One of the biggest disappointments to me personally and to the party has been the failure around education. The failure to resolve the education fiasco within the Administration is one thing about which I continually hear that my constituents are disappointed.

There is also frustration in the business community. People want to know why we cannot just get things moving much more quickly and fluently up at the Assembly and Executive to allow those in business to invest and to put people in this community first, as they want to do. They are the people at the heart of the community in Northern Ireland. The total number of people claiming unemployment benefit in Northern Ireland is 59,100. Those figures are up 3,500 or 6.3% on last year, compared with a decrease of 8.1% in the United Kingdom. The most recent Labour Force Survey (LFS) suggests that the current rate of economic inactivity — jobless people not looking for work — is 28.4%. That is considerably higher than the UK average. I appeal for much more productivity from the Assembly and the Executive to deliver for the business community, which could redress the balance in the job market.

Although we can look at our successes in the Assembly, we cannot forget the failure of the Executive to meet for over five months.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Mar leascheannaire an SDLP, tá mé an-bhrodúil seasamh anseo inniu agus labhairt ar son an pháirtí, go háirid mo bhuíochas a ghabháil leis an Tionól seo agus le comh-bhaill de chuid an pháirtí s'againne.

I am particularly heartened and proud to be here today to thank you, the Assembly, its Members and its staff, and to thank my party colleagues for their work, support and co-operation through the past four years in this mandate.

I thank those who have resigned from the Assembly from our party ranks — Carmel Hanna from South Belfast and Mark Durkan from Foyle — for their term in this Assembly. They played a role as Ministers at various times through the lifetime of the Assembly, and I am sure that their role has been respected by many others across the community. I welcome



their replacements, Conall McDevitt and Pól Callaghan, to our ranks. Tá fáilte romhaibh beirt.

I thank PJ Bradley and Mary Bradley, two of my party colleagues who have served their constituents in this Assembly and at constituency level exceptionally well, as well-known, well-established grass-roots community workers. I thank them for their sterling service to their constituents, their party and their country. Go raibh maith agaibh beirt.

I also wish well those from other parties who will not seek re-election, many of whom I have become acquainted with and count as friends, as they move back to what many of us now regard as normal life. As public representatives, we perhaps do not get that chance. I wish them all very well in their new life or, as they may see it, their return to normal life.

In the Assembly, we have had differences and various points of view. However, I hope that, as the institution builds, we gradually come to respect one another, our diverse views and our differing political opinions, as we work together for the common good. The peace process has completed its task, and stability is now taken as read. The political process must now deliver much more. People look to the Assembly for hope. All our people want prosperity, jobs and a decent Health Service and education system. That is especially the case among our young people, far too many of whom now leave this country on boats planes. It is up to us to give them hope and stability for their future.

I wish to thank party colleagues who have served the party extremely well and with dignity and honour at ministerial level. My colleague and party leader, Margaret Ritchie, and Alex Attwood succeeded in delivering the highest level of newbuild social housing for many years for the many people who await what many of us take as the most basic right — a roof over their head. I pay special tribute to them.

At a personal level, Mr Speaker, I have already commended you for the time that you have put in and for your patience. I also commend the Deputy Speakers, who have put so much into the Assembly, and all the Assembly staff, who provide support to make the place work and to facilitate our job as elected Members. I pay tribute especially to the staff of the Committees on which I served during this mandate: the Environment Committee, the Committee for Agriculture and Rural Development and the

Public Accounts Committee. This year, the Public Accounts Committee shone a bright light into the mediocrity of some elements of the public sector and the bad practice of some people within it. However, as an elected representative, I have worked extremely well with many others in that public sector. Unfortunately, I cannot pay personal tribute to those people because we would be here all day, but they know who they are.

Finally, despite the combative nature of this Assembly at times, Members have got to know one another and maybe established friendships. I hope that we will ultimately lay the building blocks for the trust that is so necessary to bring about reconciliation in this part of our country, the reconciliation for which the people of Ireland have yearned for so many years. I look to the future and to our receiving a mandate in which that trust will be solid and reconciliation will see a new society and a new Ireland. Ar aghaidh linn le chéile chuig an ré úr sin. I look forward to that new society.

**Mr Neeson:** I welcome the fact that the Assembly has completed its four-year mandate for the first time since its establishment in 1998. My main priority, as former leader of the Alliance Party and an Assembly Member, was to protect the Good Friday Agreement and latterly the St Andrews Agreement. It has also been a priority for the Alliance Party that devolution in Northern Ireland must be based on power sharing across the political parties. Although we would prefer a voluntary coalition, we are prepared to accept and work with a mandatory coalition. Events over the past four years have shown that devolution, although not perfect, is much better than unaccountable direct rule. However, there is still much progress to be made on creating a truly shared future for all our citizens in Northern Ireland.

Northern Ireland has become a much more multicultural society, particularly over the past decade or so. The Alliance Party has frequently raised the issue of a shared future in the Assembly during this mandate. I firmly believe that progress is being made on that issue, which is vital to the people of Northern Ireland. Last year saw the devolution of policing and justice powers, which, in many ways, was the final piece in the devolution jigsaw. I am very proud of and impressed by the work carried out by David Ford in his role as Minister of Justice.

**11.00 am**

From my perspective, I am very proud of the achievements of the Northern Ireland Assembly and Business Trust (NIABT). Formed in 2002, we faced difficult years when the Assembly was in limbo. However, in the past four years, progress has been made, and more than 80 companies are members of the trust. I am very grateful to the members of the trust's board and our officials for their major contributions. I also want to pay tribute to you, Mr Speaker, because you have been a great supporter of the Assembly and Business Trust as its president. That is only one aspect of the outreach programme that the Assembly Commission spearheads. It is important that we give ownership of the Assembly to the people of Northern Ireland. I am particularly pleased that all the Assembly Committees, along with the Assembly and Business Trust, held meetings outside Parliament Buildings in various venues throughout Northern Ireland.

Yesterday, the Assembly Commission had a presentation from the Northern Ireland Assembly Youth Panel, with a view to establishing a Northern Ireland youth assembly. That shows that great progress has been made in political life here in Northern Ireland.

Of course, one of the Assembly's main roles is to pass legislation. Although we got off to a slow start, at least in recent times there has been a plethora of Bills, which meant, at times, late hours for elected Members and officials. I hope that that is a sign of things to come. However, if I could make one change to legislation, I would change the rules relating to designation. What we have at the moment perpetuates sectarian and sectoral politics. Hopefully, as we move forward, we will become more mature when voting in the Assembly.

As you know, Mr Speaker, all politics is local. I am disappointed that the Minister for Regional Development has left the Chamber, because, once again, I wanted to raise the issue of the A2 between Carrickfergus and Belfast. *[Laughter.]* We have been waiting for improvements to it for over 30 years. At least the point has been made.

As Members know, I will not be standing for re-election to the Assembly. I want to pay tribute to my Alliance Party colleagues and staff, particularly my constituency staff, for their help and support over the years. I also want to thank

all Assembly staff, who have ensured that we have an Assembly that works. Finally, I want to say that, over the years, I have made many good friends in all political parties in the Assembly. I wish all the best to those who are standing for re-election.

**Mr Speaker:** I have had a request from Dr Paisley, now Lord Bannside, who is very much the Father of the House, to say a few words this morning. This is a historic day for the Assembly: Dr Paisley's political life spans well over two decades, and it is only right and proper that the Father of the House say a few words here this morning.

**Lord Bannside:** It seems that some of us are finishing our course. It is 41 years since I walked in here as an elected Member for my constituency in Antrim.

Now, I feel as if I look only 41, but that is not so, for the facts are against us. We are all moving away from youth to middle age. When we look at one another, we see that we have spread a bit in our middle age and are weakening in our old age. However, facts are facts. As an elected representative, very early in my political life, I had a maxim printed on all my papers that went out to the people: all men equal under the law, and all men equally subject to the law.

In my time, I have faced Prime Ministers. Thank God, only one of them was a female: the rest of them were males. *[Interruption.]* Well, she was a very clever woman. She was mightier at her task than any man whom I saw hold that office in my day. In my time, I faced Prime Ministers, Secretaries of State, a number of Taoiseachs and even a few American Presidents. My message to them all was the same: Ulster would have stable government only if all parties, irrespective of our differences, signed up to supporting the rule of law, the institutions of the state and the police.

I was, of course, told that that was impossible. I was told that republicans would never agree to that. I was told that it could not be, but I proceeded to advocate it, and, eventually, it has come to pass. It has come to pass because all of us were prepared to put our country before our political past, and that has been good for us all.

Of course, there are many Job's comforters around. There are moaners and complainers, pessimists and prophets of doom, with faces longer than any Lurgan spade. *[Laughter.]* I

apologise to the Lurgan people, but, for the first time since the collapse of the Northern Ireland Parliament, we can all say that the Assembly was democratically elected and has completed a full term. We are not being thrown out by English politicians; we are going to our people to get a renewed mandate. This is an Assembly that has been tested, particularly when terrorists murdered two soldiers and a police officer. Even in such times, the foundations did not give way. Today, as we mark this milestone, our thoughts and prayers are with those broken-hearted families.

There is a job to be done, and that job needs to be done. We face hard financial times ahead, and difficult decisions will have to be taken. As the Assembly sits in this place, all eyes will be upon it. We share this Province, and we have to make a shared future in it. We have a rich history, and, despite our size and problems, we have, in the past, made a contribution to the world as well. It may not be too large a contribution, but it is still there, and it is larger than most have made.

As we sit in the House today, we look back with great sorrow, and our thoughts and prayers are with the bereaved.

However, we also have hope that, at long last, we will get away from the things in the past that we now deplore; that we will go forward with the help of Almighty God to a place where all of us will be proud that we are Ulstermen and Ulsterwomen; and that we have done our best in the most difficult of circumstances to do what we can for a coming generation.

What you do in the next meeting of this House will affect a lot of young people. We want our young people to have a chance in life. All that I can say to you all is God bless you, God bless Ulster, God save us from the things that disgrace the name of Christianity and bring us in to an experience where young people will be proud, no matter their religion or politics, to say "I come from Ulster."

**Some Members:** Hear, hear.

**Mr Speaker:** I thank everybody for their kind words. Let us move on.

I inform Members that the Employment Bill and the Budget Bill have received —

**Lord Morrow:** On a point of order, Mr Speaker. At our last sitting, I brought to the attention

of the House a very serious matter, which I left with the Speaker. It was in relation to the refusal of the Minister for Social Development to give me an answer to an oral question but yet we discovered that that answer was given to someone else and the details were released to the press. In light of the very bad manners and disgraceful action by the Minister for Social Development, is it in order for this matter to be brought to the attention of the new House with a view to looking at procedures and how best to protect the House and this Member from being treated with that sort of contempt in future?

**Mr Speaker:** I thank Lord Morrow for raising that point of order. As you know, Lord Morrow, I have spoken to the Minister, and I know that you have done likewise. I have written to the Minister and I await his reply. I agree with you: the Committee on Procedures, in the new mandate, will be extremely busy. There are a number of issues that that Committee needs to look at, particularly this one. I certainly agree with Lord Morrow on the issue.

**Lord Morrow:** Further to that point of order, Mr Speaker. The Minister did not seek me out; I happened to bump into him in the corridors, and he stopped me. However, it was most disappointing. It does not reflect on me as a Member; it reflects the contemptible way in which all Members are treated when they submit a question for oral answer.

**Mr Speaker:** To be fair to the Minister, I spoke to him and I requested that he have a meeting with you. I made that absolutely clear to him, and he said that he would do that. Let us move on.

## Assembly Business

### Employment Bill: Royal Assent

#### Budget Bill: Royal Assent

**Mr Speaker:** I inform Members that the Employment Bill and the Budget Bill have received Royal Assent. The Employment Act (Northern Ireland) 2011 and the Budget Act (Northern Ireland) 2011 became law on 22 March.

## Ministerial Statement

### Health: Capital Priorities

**Mr Speaker:** I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement to the House.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I wish to make a statement about my capital priorities for the next four years. The announcement is being made in the context of the recent Budget settlement and the ever-increasing demand for health and social care services and the ageing profile of the health estate.

Everyone in Northern Ireland has the basic right to high-quality health and social care services that are delivered in modern and well-equipped buildings. The significant challenges that face the health and social care services can be overcome only with radical changes to the way in which services are delivered and configured. Too many of our hospitals and healthcare facilities are no longer fit for purpose. Many are potentially unsafe and are of such poor quality that we should not expect staff or patients to tolerate it. Over a third of the estate is more than 50 years old.

Up to two thirds of our buildings require significant investment to bring them up to current standards. The fact is that we will spend £400 million just on essential maintenance and the replacement of critical clinical equipment and emergency vehicles over the next four years. Despite the urgent need to build new and modern facilities that will deliver efficiencies and improve care, the money is simply not there to do it.

#### 11.15 am

Under the current investment strategy for Northern Ireland (ISNI), the proposed allocation to my Department for the Budget period was approximately £1.3 billion, which was nowhere near enough to allow many much-needed key investments to proceed. I made a bid for £1.8 billion for the new Budget period, but it was not met. The final Budget allocation slashed my available capital spend to £851 million, which is almost £500 million less than the original £1.3 billion promised under ISNI. Of the £851 million, £250 million is already committed to projects that are under way and, as I said, £400 million

is required for essential work. That leaves me with just over £200 million for the next four years to address all the new investments required.

Under those circumstances, I no longer have the funding to proceed with many important projects. I have had no option but to balance all the competing priorities and decide on a programme of work for the next four years. That was no easy task, but, when the Health Service is continually starved of the funding that it needs, very difficult decisions have to be made, such as whether to fund care for elderly people in their homes, cut thousands of jobs, increase waiting times or build a new hospital. Those choices have to be made because the health and social care service is broken, and they will cause only pain and anxiety to the public.

In light of the significant funding challenges that I face, I have had to determine which capital projects must be progressed. Even those essential projects cannot be delivered as soon as I would have wished. Several will have to be delayed to make them affordable. Other much-needed projects will not now be able to start within the period. Subject to normal business case processes, construction can start on the following high-priority schemes: the next phase of the Ulster Hospital redevelopment, which will replace the current ward block; the new regional maternity hospital at the Royal; the new enhanced local hospital at Omagh; the new acute psychiatric facility at Belfast City Hospital; the new A&E and ward accommodation at Antrim Area Hospital; new operating theatres at Craigavon Area Hospital; and new health and care centres in Ballymena and Banbridge.

I remain committed to the future development of the Altnagelvin radiotherapy unit. However, the present budget proposal seriously undermines the ability to deliver it, because of the absence of revenue funding and the reduction in capital resources available to my Department. Revenue is critical to the project. Decisions to commit revenue to commence necessary specialised training were to be taken in 2011-12, so that staff would be fully trained and available when the project opens in 2016. Those to be trained include oncologists, radiologists and radiographers. The current budget does not enable that decision to be taken. The project is also dependent on the new Government in the Republic of Ireland. We must ensure that they

are still committed to contributing towards the cost of that essential scheme.

I remain totally committed to ensuring that people with cancer in Northern Ireland have access to radiotherapy services as they are needed. Therefore, I will ask the Health and Social Care Board to put arrangements in place to introduce the two new radiotherapy machines at Belfast City Hospital over the next two years. That will help to provide the capacity that is needed in the short- to medium-term while the longer-term service issues are being resolved. Those projects will take up the vast majority of the available capital for new schemes. The remainder of that very limited budget will be used to facilitate a number of smaller, critically needed projects, more details of which I will provide in the near future. Unfortunately, the major cut to my capital budget means that, against my wishes, construction cannot now begin on a number of important projects.

Although I acknowledge that this announcement will be welcomed by those whose needs are being met, I recognise that it will bring great disappointment to many more whose vital projects have to be delayed. Unfortunately, my hands are tied, and that will continue to be the case until the need to provide properly funded health and social care services is recognised and given the priority that it deserves.

Against that background, I have come to the view that the challenges that we face cannot be achieved by tinkering around the edges; they will require fundamental and far-reaching change to the health and social care estate. It appears that the Assembly is not prepared to provide enough money to maintain health and social care in its present form, based on the long-established principles that it is free at the point of delivery, funded by taxation and with no pre-set limits on the care that will be provided. Elsewhere in the UK, if a new specialist drug is cost-effective, it is generally available. That principle is not being applied in Northern Ireland, and the Budget will only make that worse.

In order to deliver the future health and social care service needed to fulfill the needs of the public and within the constraints of the Budget, I have had no option but to introduce radical changes. Today, I announce a major review of the profile of health and social care services. The aim of the review is to ensure that the next Minister and Assembly have the best possible



analysis of the way forward for those essential services. The review will go much further than 'Developing Better Services', which focused mainly on acute services. Its remit will be to examine how to deliver the best care within the available resources to improve health and well-being and to meet the needs of all citizens. In doing so, it will take account of the following issues: the health and social care needs of citizens and views of individuals and organisations; the delivery of safe, high-quality modern and effective health and social care; the delivery of local safe and sustainable services, balanced with the need to access specialist and complex services; and ensuring the best use of resources allocated to health and social care during a period of unprecedented efficiency savings.

The review will be chaired by William McKee, who has a wealth of experience and expertise in health and social care services in Northern Ireland. He will lead a team that will include experts in nursing, medicine and social care, as well as members of the voluntary sector and trades unions. An independent expert to advise on policy will also be part of the working group. I require the review to report within nine months.

Throughout the past four years as Minister, I have championed the health and social care service; it is everyone's Health Service. It should be valued and supported, and shame on us if we turn our backs on an organisation that, every day, performs tremendous life-saving work and which provides endless care and support for the people of Northern Ireland. I wish the new Health Minister well in their new post; they will have many challenges and many more difficult decisions to make in the years ahead. I hope that they treat the service with the respect and esteem that it deserves.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):** It is disappointing that such a major announcement is made on the penultimate day of the Assembly's existence, as the Minister knows that the Committee and Assembly can do very little about it. To announce such a major change in capital funding 36 hours before this Building closes for the election is unacceptable.

Equally unacceptable is the fact that he knows that the decision to mothball the Altnagelvin Area Hospital cancer facility will cause uproar west of the Bann and in the north-west of

the Province. Surely, given the facts that the Minister of Finance has ring-fenced the capital budget for that project, that the revenue funding issue does not occur until year 4, and that the Belfast City Hospital complex will run out of capacity in five years' time, he must urgently review that decision before more cancer patients are forced to make a 160-mile round trip three or four times a week for chemotherapy. That is a heartless decision, and I call on the Minister, even at this late stage, to reverse it.

**The Minister of Health, Social Services and Public Safety:** It would have been disappointing had Jim Wells not been disappointed. I am well used to four years of the Chairpersons of the Health Committee performing in that manner.

The fact is that the announcements that I have made have been in the public domain for many years, and the priorities are well known by the Health Committee and, indeed, should be known by the Chairman of the Health Committee if he is doing his job properly.

I am the one who has championed the Altnagelvin project from day one. I have carried it and brought it forward. Mr Wells made remarks that the capital is ring-fenced; that is not true. There is no ring-fenced capital. Resource is needed now, because we have to put staff training in place. However, that resource is not available. Also, chemotherapy is available; we are talking about radiotherapy here. As things stand, I do not have a commitment on Altnagelvin from the Irish Government. One third of the patients who go through the door at Altnagelvin will come from the Irish Republic, and the Government are required to commit as the previous Government in Dublin have done. I have tried to make contact, but I have not been able to make contact with the new Health Minister. The decision will fall to the next Minister. I am doing the final expansion work in Belfast City Hospital to allow capacity to continue. That will give us breathing space.

The outline business case 1 has been with the Department of Finance and Personnel (DFP) since last October. That business case just allows me to design it. I have still not got it out yet, and we are still waiting. Thereafter, the proper business will take at least a year at that rate. However, the problem is that, for the business case, I keep being asked how I will deal with affordability. I cannot answer that

question adequately because, from 1 April, the Health Service will go into what I have referred to as chapter 11. We will be down £135 million on 1 April and will have no means of getting that money. So, that relates to the second part of the announcement on the review. However, Mr Wells knows that of course, because Mr Wells voted to put the Health Service into chapter 11 on 1 April. I wish him luck as he knocks the doors in South Down and tells the elderly population that the reason why it is waiting for domiciliary care packages is that he voted through that Budget.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. It is evident to everybody in the House that we have just had a party political broadcast for the UUP. Shame on Michael McGimpsey, who frequently had to be pulled to the Chamber kicking and screaming, for announcing such a negative way forward for capital bills on the final Assembly sitting day. As I said, it is politicking by Michael McGimpsey. Shame on him.

He has outlined short-term plans and short-term solutions in his statement. Will the Minister apologise to the people of the north-west for letting them down and for playing politics with their health and social care?

**The Minister of Health, Social Services and Public Safety:** Mrs O'Neill said that I had to be pulled kicking and screaming to the House. I have been on my feet in the House more often than anybody else and at more debates. You referred to written questions, Mr Speaker. I have dealt with by far the most written questions and correspondence. I have handled around one quarter of all the written questions from the House. So, I have no apologies to make to Mrs O'Neill or to anybody else, including the people of the north-west. There are people who should apologise to the people of the north-west: those who have voted through the Budget. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Health, Social Services and Public Safety:** We frequently get comments from people who cannot stop talking, mainly because they need the practice.

As far as the north-west is concerned, I have announced a new hospital in Omagh. That is very welcome. The unit in Altnagelvin has been deferred, not mothballed as Mr Wells likes

to characterise it. It has been deferred, and it will be needed. I have outlined the reason why on a number of occasions, but it is up to the Members of the House to ensure that it happens. I cannot do it on my own. Mrs O'Neill has a part to play by persuading her party to take the funding of the Health Service seriously.

**Mr Gardiner:** I thank the Minister for his statement to the House this morning. The Minister has been sincere and wants the best healthcare for the people of Northern Ireland. He is a man in the right position but, unfortunately, those around him have not provided the capital funding. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Gardiner:** I record my appreciation for the work that he has done for Craigavon Area Hospital in giving us two additional theatres.

**11.30 am**

**Mr Speaker:** Order. Allow the Member to ask his question.

**Mr Gardiner:** It goes to show the sincerity of the Health Minister, who, of course, is an Ulster Unionist. I also pay tribute to him —

**Mr Speaker:** I must insist that the Member comes to his question.

**Mr Gardiner:** We welcome the health centre in Banbridge, and the people of Banbridge welcome it. It is long overdue. If funding had been available to the Minister, what services and additional improvements could he have made in the Health Service? Again, well done, Minister.

**The Minister of Health, Social Service and Public Safety:** I referred to the capital project at Altnagelvin. I also had a strong desire for the building of the new children's hospital at the Royal. Members will be aware that the environment in the children's hospital is extremely poor. It is a 70-year-old or 80-year-old hospital, and that is where we put the most vulnerable members of our society: our children. The service there is very good, but the environment is extremely poor. That is another example of the schemes — I have pages of them — that require to be done.

Over the past 30-odd years, health has not had the investment that it should have had, because we funded £500 million a year to fight a terrorist



war. That is where the money went and, after all that time, there is a deficit in health, roads, education and so on. We need to fill that deficit and address it. Health is definitely not getting the priority that it requires. For example, when you consider that double the capital is going into roads as is going into health, it seems that we prefer bypasses to hospitals. That will be an issue for the next Assembly.

**Mr Callaghan:** Go raibh maith agat, a Cheann Comhairle. Unfortunately, I cannot stand here as a representative for Foyle and say, "Well done, Minister". The announcement that the Altnagelvin radiotherapy centre is to be mothballed or deferred will be met with widespread disappointment and anger in Derry city and across the wider north-west. In fact, many people will say to me that this decision may put lives at risk as well as causing tremendous upset. Will the Minister agree that it is time to stop treating Altnagelvin's radiotherapy centre as a political football? It is time for the Health Minister not to wind down towards the end of this mandate but to crank up efforts to resolve the issue and sit down with the Finance Minister in the North and the Health Minister in the Republic and deal with the matter once and for all so that it proceeds apace.

**The Minister of Health, Social Services and Public Safety:** I have sat down with the Finance Minister here on a number of occasions, and this is the result. I have made attempts to talk to the Health Minister in the South by phone, but, clearly, he is very busy. We have to have that commitment from the Irish Republic because one third of the patient flow will come from Donegal. I understand that, with the new cancer centre in Galway, the need might not be as great. That is why their support, which I got previously from Mary Harney, is crucial.

At the current rate, it will take at least one year for the business case to plough through the Department of Finance and Personnel. I cannot even get permission to design it through a business case, and that has been the situation since October 2010. A strong case can be made for doing what Mr Wells claims has been done but has not been done, which is to ring-fence capital and resource for it. That is the key element, because, at the end of the day, it is a building. The skilled staff who would work in the unit are the key. They have to be trained up, and

they cannot simply be recruited overnight. That is the problem.

**Mr McCarthy:** I join with the Chairperson and the Deputy Chairperson of the Health Committee to express my deep disappointment at this gloomy statement, particularly on the final day of this Assembly. I welcome the investments for the redevelopment of the Ulster Hospital and, indeed, the others.

I am disgusted by the phrase:

*"Decisions over whether to fund care for elderly people in their homes"*

It will cause enormous fear and tension among many elderly people in my constituency and every constituency in Northern Ireland.  
[Interruption.]

**Mr Speaker:** Order.

**Mr McCarthy:** It is shameful. It has been said, over and over again, that elderly people are a priority. In the next Assembly we hope that there will be a Minister who can take forward actions rather than words. Out of both constituency and personal interest, I ask the Minister, in the final plenary session, to tell the House what the future will be for the new adult training centre that has been promised for Newtownards.

**The Minister of Health, Social Services and Public Safety:** That was a long, rambling question. The individual who asked it ignored the fact that he has voted repeatedly to cut the health budget. He has gone through the Lobbies to cut the Health Service budget —  
[Interruption.]

**Mr Speaker:** Order. Allow the Minister to continue. The Minister must be heard.

**The Minister of Health, Social Services and Public Safety:** Thank you, Mr Speaker. Mr McCarthy voted repeatedly to cut the Health Service budget. He voted to take £700 million in efficiencies out of it. Despite warnings, he voted for the Budget.

I produced a letter from my accounting officer that stated that the Budget simply could not be made to balance and that, in effect, we were going into chapter 11. That is the big challenge for the next Assembly: can we adhere to the principle of healthcare from cradle to grave, free at the point of delivery? It is no use ignoring the fact that, if money is taken away, there will

be none to spend. That is the reality. As far as the elderly population is concerned, domiciliary care is a key part of that. After acute services, care and services for elderly people are the biggest part of the budget. It is being hit. Kieran McCarthy voted to hit that part of the budget —

**Mr McCarthy:** Absolutely not. *[Interruption.]*

**Mr McNarry:** Read Hansard.

**Mr Speaker:** Order.

**The Minister of Health, Social Services and Public Safety:** Thank you, Mr Speaker. I made clear what would happen. I said that those would be the consequences. We all need a reality check. Taking money from the Health Service to put into roads may be nice for the men who lay tarmac, but it is not so good for folks who need health services. If money is taken from the Health Service, there is no money to pay for certain essential services.

The Member referred to the elderly population. I gave that as an example of the services that are being pushed. It is time for Mr McCarthy to face up to that. Will he vote for older people's services or for roads? He has already answered that question four times. Elderly people are present only in his vocabulary, not in his heart.

**Mr Givan:** I declare an interest: my wife is a Health Service employee, so I know full well the work that staff do, and I commend them for it.

Perhaps the Minister can explain why, in his dying throes in office — I suspect that we will not see him back in that position — he has announced a fundamental comprehensive review, having had four years to bring forward such a review to ensure that the Health Service is fit for purpose. Why does he do that now and thereby pass the buck to whoever will take the office next? On the second occasion that I have offered him an opportunity to apologise to the House and the people of Northern Ireland —

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

**Mr Givan:** Will he say sorry for canvassing for and supporting the Conservative Party, which slashed Northern Ireland's Budget? The health budget is a manifestation of Tory government.

**The Minister of Health, Social Services and Public Safety:** I will attempt to answer Mr Givan's question. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Health, Social Services and Public Safety:** Northern Ireland gets a block grant, which is divided up. *[Interruption.]* I hear constant chattering from an individual who was seldom able to stand on his feet in health debates. Indeed, I do not recall him ever being on his feet during a health debate. He is better at talking from a sedentary position — *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Health, Social Services and Public Safety:** We have a block grant of £11 billion, which, around the Executive table, we agreed to divide. The fact is that Sinn Féin's Departments did extremely well, but the Health Service did extremely badly. It was a political deal done by the DUP and Sinn Féin. That is the reality. The challenge for the Health Service is to rise above that. It is more important than that. The key challenge for us next term is whether we are prepared to sustain the principle of cradle-to-grave healthcare free at the point of delivery. In the past, the House has been found wanting in that regard.

Health services have not been reviewed since Maurice Hayes conducted his review of acute hospital services 10 years ago. Therefore, it will be a fundamental review that will go far beyond acute services. Anybody who understands the Health Service will understand that. The review that I announced will look at acute hospitals, local hospitals, community, social services and primary care. It will look at the money, which is one of the constraints, the need and at whether we are prepared to deliver cradle-to-grave healthcare free at the point of delivery.

According to the Treasury, Northern Ireland is, officially, the worst-funded Health Service in the UK. Not only does the Finance Department ask me about efficiencies, which I always strive for, and to save more money, but it asks me what I am doing about charging. I can tell the House that I am not doing anything about charging. I do not believe that people should pay for their Health Service. That is a fundamental principle, and that is the challenge. It is about working together; it is not about political catcalling from the background.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. Given the bouquets that Members were throwing at one another less than an

hour ago and the fact that Members have been making their final remarks of the mandate, the Minister probably thought that he would have an easy day. I am disappointed that the statement has come out. The Minister showed good manners in coming to the Assembly, and I thank him for the statement. However, the situation is like a child throwing a rattle out of the pram. A special adviser left the other day, and the elections are coming up. It is as if everybody is jumping out of a ship that, in my view, is being steered in the wrong direction.

Paul Givan, the previous Member to speak, asked why the review was being announced now. I am concerned that we must wait for it. Will the Minister give us more detail on the review? Will it look at consultants' pay? Will it look at managers? There are more managers in the Health Service now than ever before. Will it look at bonuses and merit awards — or distinction awards or whatever you want to call them? How much will it cost? I am concerned that the review will be chaired by William McKee, who received a golden handshake following the review of public administration.

I am concerned about where the Investing for Health strategy sits. Will the Minister provide more detail on the new regional maternity hospital at the Royal? I declare an interest in that, as it is in my constituency. Following the proposal to build the new women and children's hospital, the Ulster Unionists opposed the transfer of maternity services from Belfast City Hospital to the Royal. I do not wish to rehash that argument, but I am concerned that there is a pulling back from what was agreed in the Assembly.

**The Minister of Health, Social Services and Public Safety:** The bill for the maternity hospital was about £150 million. By separating it from the children's hospital, we had an opportunity to go ahead with it as part of the new critical care build, which is already on site. Through utilising the top three floors of the critical care building and building to the side of the newbuild, we were able to get the price down from £150 million to £50 million. That is good business in anybody's language, and it allows us to deliver. If I was trying to follow the original plan by building it according to the Budget that was voted through, the new maternity hospital would not be on the list. It must be remembered that I have £200 million to spend over four years. The

children's hospital can easily link into the new maternity hospital.

Consultants' pay is already being reviewed. That whole area is under review. What surprised me was that the House actually voted to underfund the Health Service to the point that it will be in chapter 11 on 1 April, with not enough money to do what we are doing.

#### 11.45 am

We all agree that the Health Service has to change, but it needs evolution, not revolution. To get to a point from where we are at present we require a pathway to that point. What will the Health Service look like in five, 10 or 15 years' time, particularly in the light of the complex and changing circumstances in which we are required to deliver, not just in acute hospitals but in local and community hospitals and particularly in community care, where increasingly our investment is looking after our elderly population, and in supporting primary care through our GP practices, with all the extra responsibilities that flow from that?

That is the shape of the delivery. What will that delivery do? It has to address the needs of the population. What will those needs be? Delivery also has to be done within a financial constraint. The financial approach that we are taking here, with money being spent on roads rather than on hospitals, community services or domiciliary care, means that we will face serious questions that we will not be able to answer. For example, how do we fund the Health Service if we are not going to charge? That is where the situation is leading.

In the Irish Republic, people pay to go to the GP; pay to go to A&E; pay for a night's bed in a hospital; pay for domiciliary care and nursing care; pay for prescriptions; and pay for drugs. I believe that that is where this House is ultimately headed, unless we make a determined effort to face the challenge of effectively ensuring the Bevan principle. That is what the review is about.

**Mr K Robinson:** I thank the Minister for his statement, although, sadly, it does not make for very positive reading. His Department has only £200 million for capital expenditure over the next four years. If his Department is left with no option but to find additional funding internally, does the Minister agree that the money will

have to come from areas that are already under extreme pressure, such as domiciliary care?

**The Minister of Health, Social Services and Public Safety:** We are, of course, straying outside the realm of capital priorities. I do not see it as an entirely negative message when we are able to provide, for example, the new ward block at the Ulster Hospital. Remember that hospital services in greater Belfast are dependent on the Royal and City complex and the Ulster Hospital. Without that ward block, the Ulster Hospital has difficulty functioning, so we are talking about services for the greater Belfast area.

As far as domiciliary care packages are concerned, the Health Service has very little cash to play with. All the money goes on employees and other things. One of the areas that cash goes to is domiciliary care through the type of activity that the Member mentioned. To find cash, we are driven to go to those sorts of budgets. I have not been prepared to do that, but it seems to me that, come 1 April, that is what the Health Service will be driven to. Kieran McCarthy may protest, but he voted for the Budget. I hope that the people understand that that is where the Health Service is going, unless we are prepared to show that we support it.

**Mr P Ramsey:** I thank the Minister for his statement, although we seriously dislike a lot of it. Mr Speaker, this morning you spoke about the last day of this mandate and how well the Assembly has been performing, but I have to go back to my constituents to tell them that this is the worst day for them. It is the worst day for the future of the north-west. I have to tell my constituents that the Assembly has failed them on the delivery of services.

The Minister stated:

*"Everyone in Northern Ireland has the basic right to high-quality health and social care services that are delivered in modern and well-equipped buildings".*

We have failed them. The people in the north-west will not have access to the same facilities. There are thousands of people across Northern Ireland — it does not just affect the north-west — who will experience anguish and distress. I have repeatedly said in the Chamber that the most important matter for my constituents is the provision of a radiotherapy unit, and I am appalled that today I have to give bad news to so many people. As Jim Wells, the Chairperson of the Committee for Health, Social Services

and Public Safety, pointed out, the travelling time alone is two hours up and two hours back, for four or five minutes in Belfast. It is horrible, and it causes anguish and sheer distress, not just for families but for patients.

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

**Mr P Ramsey:** Even at this late hour, is the Minister prepared, along with the MLAs who represent Foyle —including the Speaker — to meet the Minister of Finance and Personnel to find a way forward and a solution to this problem?

**The Minister of Health, Social Services and Public Safety:** I agree with everything that Mr Ramsey and Mr Callaghan said. However, as I said, my hands are tied. The radiotherapy unit at Altnagelvin Hospital is only being deferred and not mothballed. There is no way that that would happen. It will go ahead, and it will be the next Minister who will deliver it.

This situation is not down just to me but to the entire House, which voted us into the current financial position. The Minister of Finance and Personnel may have a role to play, but just a few weeks ago the House voted through a Budget that created this situation. It is not the only situation, and there will be other parts of the Health Service, in other constituencies, that will experience difficulties. This is what I warned the House about. I know that Mr Ramsey's party has supported me, and I am grateful for the support that I received in standing up and fighting for the Health Service. However, the job cannot be done without the resources, and we must be prepared to put our money where our mouth is. I am plotting a way forward, as I have continually attempted to do. I believe that that future can be delivered within the block grant and that the Health Service can provide for the basic principle of care from the cradle to the grave. It can be done, but we need less politicking around the issue and the provision of more services for our population.

**Mr Armstrong:** I thank the Minister for his statement. Does he agree that, although he has not been provided with adequate resources, his Department's priority must remain insisting that the Northern Ireland Executive's first priority is the health and well-being of all those who live in Northern Ireland? That is particularly the case in light of our increasing and ageing population.



**The Minister of Health, Social Services and Public Safety:** I agree entirely with what Mr Armstrong said on his last day in the House. I have no hesitation in saying that that is our number one priority.

**Mr Speaker:** Order. That concludes questions on the ministerial statement. I ask the House to take its ease as we move to the next item of business.

## Executive Committee Business

### Code of Audit Practice

**The Minister of the Environment (Mr Poots):** I beg to move

*That, in accordance with article 5(3) of the Local Government (Northern Ireland) Order 2005, and so that it may continue in force, the Code of Audit Practice 2006 prepared by the Chief Local Government Auditor be approved.*

Article 5(1) of the Local Government (Northern Ireland) Order 2005 requires that the Chief Local Government Auditor shall prepare and keep under review a code of audit practice that prescribes the way in which local government auditors carry out their functions with district councils and other local government bodies. Article 5(2) of the Order provides that:

*"The code shall embody what appears to the chief local government auditor to be the best professional practice with respect to the standards, procedures and techniques to be adopted by auditors."*

The existing Code of Audit Practice came into force on 1 April 2006, and article 5(3) of the 2005 Order provides that its continuation in force is subject to its being approved by a resolution in the Assembly at intervals of not more than five years; that is, before 1 April 2011. I therefore seek the Assembly's approval for the existing Chief Local Government Auditor's code of practice to continue in force.

The Chief Local Government Auditor recently consulted councils and other interested parties regarding a proposed new code of audit practice, and comments were requested by 17 February 2011. With the Assembly being dissolved tomorrow, however, there was insufficient time for the due processes to be completed and for the new code to be brought into force before 1 April 2011. Hence, I seek the approval of the Assembly for the existing code to be continued. It is the intention of my Department to seek approval from the new Assembly as soon as possible after it is up and running for the proposed new code.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a Cheann Comhairle. The Committee considered a letter from the Department about

the Chief Local Government Auditor's Code of Audit Practice on 10 March 2011. Members were disappointed to hear that the Department was not in a position to inform the Committee about the responses to the consultation on the new local government auditor's code of audit practice in time for the Assembly to approve the new code prior to dissolution. Indeed, it was agreed at the meeting that I should write to the Department to express the Committee's disappointment at the time taken to produce a new code and the fact that it would not be forthcoming in this mandate. Members felt that there had been ample time to work on a new code and that the issue should have been prioritised better in the Department. However, we are where we are, and no amount of Committee disappointment will change the situation. I hope that the Department brings a new code to the House as soon as possible in the new mandate. On behalf of the Committee, I support the motion.

**Mr Speaker:** Before we call for the vote, we need to ring the Division bell to try to get a quorum in the House. Minister, do you want to conclude the debate or add anything to what you have already said?

**The Minister of the Environment:** I have nothing to add, Mr Speaker, other than that the matter be put to the House when we are quorate.

*Notice taken that 10 Members were not present.*

*House counted, and there being fewer than 10 Members present, the Speaker ordered the Division Bells to be rung.*

*Upon 10 Members being present —*

*Question put and agreed to.*

**Resolved:**

*That, in accordance with article 5(3) of the Local Government (Northern Ireland) Order 2005, and so that it may continue in force, the Code of Audit Practice 2006 prepared by the Chief Local Government Auditor be approved.*

## **Planning Bill: Final Stage**

**The Minister of the Environment:** It is good to see that I have such a moving effect on Members. I beg to move

*That the Planning Bill [NIA 7/10] do now pass.*

On 30 November 2010, I announced in the House my plans for strengthening local democracy by reinvigorating planning and local government reform. On 6 December 2010, I introduced the Planning Bill. Today, less than four months later, the Planning Bill has reached its Final Stage.

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

The Bill sets a framework for the future of planning and provides for the transfer of the majority of planning functions from the Department of the Environment to local government. That transfer will happen after new governance arrangements for councils and a new ethical standards regime for councillors are put in place. I have consulted on those with a view to legislation in the next Assembly.

When planning powers transfer, councils will work with the communities they serve to build a vision for the future of their area. They will bring forward development plans showing how their area will change. Councils will decide the majority of planning applications in their area and be responsible for enforcing planning decisions. The community can become involved at every stage of the planning process.

Councils will set out in their statements of community involvement how and when they will consult the community, and developers will be required to take account of the views of the community in drawing up applications for major or regionally significant development. Councils will be the decision-makers, and councillors will live with the consequences of their decisions. Ultimately, if communities are not happy with the way the area is shaping up, they can exercise their views at the ballot box.

The passage of the Bill is no mean feat. At 255 clauses, it is the largest Bill that this Assembly has seen.

It is an achievement of which everyone who has been involved can be proud.

**12.00 noon**

Particular credit is due to the Environment Committee. The Chairperson and members of the Committee brought to the Bill their practical understanding of how planning works and were painstaking and unstinting in their scrutiny. The Committee's success is testament to hard work and leadership, and I commend it for that. The Chairperson pledged at the Bill's Second Stage that the Committee would not shirk its responsibilities, and he set a pace with the Committee. That relentless pace has now delivered the Bill's Final Stage.

I was pleased to accept or, indeed, to support almost all of the Committee's recommendations; it is good to have some diversion and not to agree all the time. Thanks to the Committee, a number of changes have been made to the Bill. The Committee sought to have uniformity on time limits for enforcement action, substantially tougher and more realistic fines, and restrictions on the introduction of new information at appeals. All of those amendments strengthened the Bill.

I also thank Members for their contributions and amendments, as well as the officials and Assembly staff who created the Bill and nursed it through the process and the many councils and organisations and members of the public who commented on our proposals. As we have had the most Bills of any Department, I want to pay particular tribute to my own team, led by Maggie Smith, for the hard work that they have done on a whole series of Bills. They have punched above their weight with the workload that they have been carrying.

The Planning Bill is an important part of the legacy of this mandate. It will be for the next Assembly and Executive to take up the challenge of strengthening local democracy by reforming local government and transferring planning powers to councils. I commend the Planning Bill to the House.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. Ar son an Choiste Comhshaoil ba mhaith liom fáilte a chur roimh an chéim dheireanach den Bhille. On behalf of the Environment Committee, I welcome the Final Stage of the Planning Bill.

As is traditional at this stage, on behalf of the Committee, I once again thank the departmental

officials and the Minister for the close working relationship that we maintained throughout the passage of this Bill. That helped to ensure that the Committee scrutinised the Bill thoroughly and was able to come to agreement with the Department on most of the proposed amendments. I also take the opportunity to thank the Committee staff who worked so hard on this legislation and all other pieces of legislation that the Committee dealt with in this extremely busy mandate.

The Planning Bill is a huge Bill, not only in its number of clauses but in the impact that it will have on the whole community. Members will be relieved to hear that I do not want to go over the debates again, but I do want to touch on a few things.

The Committee has been involved in the planning reform process since way back in 2007, and members support the devolution of planning matters to councils and greater community involvement in the planning process. However, it is to be welcomed that that will not and, as a result of the Committee's amendments, cannot happen until the Assembly is satisfied that a new statutory governance framework and an ethical standards regime are in place to ensure equality and fair treatment.

The Committee's scrutiny of the Bill led to it making 25 recommendations. Most of those were addressed by the departmental amendments, and some were addressed with commitments from the Department to future work or legislation. I thank the Minister for that.

The amendments have significantly improved the Bill. A few concerns remain about the implementation of the Bill, not least about resources for councils. Councils are clearly worried about being handed responsibility for planning without sufficient resources to deliver effectively and efficiently. The Committee recognised that the introduction of the new planning system will result in a sea change in responsibility and behaviour for councillors and council staff alike. Much work will need to be done in the interim period to ensure that staff and councillors are fully trained to deliver the Bill.

The Bill seeks to deliver a fundamental and long overdue overhaul of the planning system, and, on behalf of the Committee, I support the Bill.

I want to say a few words as planning spokesperson for my party and as a Sinn Féin



Member for Newry and Armagh. I welcome the Bill. There will be a review of the process as soon as the planning functions are fully operational, which I welcome. A lot of capacity building is required, and a lot of resources still need to be pumped into it. In light of that, I welcome the Bill. I pay special tribute to the Committee staff who have worked with me and all the Committee members over the past four years to bring forward a lot of legislation.

**Mr Kinahan:** The Ulster Unionist Party is pleased to support the Final Stage of the Bill, and we all welcome it. I did not think that we would get there when we started, but everybody buckled down and set to completing the task. I still do not think that we consulted properly, but we may have done it as well as was necessary. Only time will tell.

It is the right thing to do. It is the right form of planning to bring through, and I congratulate the Minister on pushing it through. I also congratulate the Committee and all the staff for their hard work. We need planning, and we need the Bill in place as quickly as possible so that it encourages development and jobs and a better life for all of us, and new homes for some of us. As the Bill is now spatial, it will provide a better domestic life and well-being for all of us. The Bill is absolutely vital. However, I have similar concerns to those that other Members mentioned. There are a mass of regulations and guidelines, and I look forward to seeing all those, but I hope that they are properly consulted on, if possible, in a quick and suitable manner to make sure that we get the right answers and make the right decisions. Therefore, we want to see it in place quickly, but not too quickly.

I am still concerned that the review might not happen for three years. However, the Minister said that the Bill will constantly be looked at, and I hope that that is the case. I welcome the fact that responsibility is being passed to councils, and I welcome the fact that there will be tougher fines, particularly in respect of historic buildings and trees. I am very grateful that everyone supported the amendments that I proposed on that matter. However, I am very sad that we had to see the use of a petition of concern. I think that it was completely wrong to use it in this type of legislation.

Finally, I will voice my concerns about resources, as others have done. We need to see pilot

schemes with councils, so that they know exactly what is coming their way and can trim the fat, which the Minister referred to, whilst getting extra resources if and when they are needed.

It has been a great success getting the Bill through. I hope that it all works. I look forward to seeing it going through the next Assembly, subject to my being here, or to reading about it. I congratulate everyone. We support the Bill.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. First, I thank the Minister and his staff for the introduction of the Bill. However, I pay particular tribute to the staff of the Environment Committee. They showed commitment to seeing the Bill through, from research to making sure that members were prepared and ready for the many aspects of the scrutiny that came before us, during what seemed to be interminable hours spent scrutinising the Bill, which needed to be properly scrutinised, even though it was done at some haste. I look to some of the officials who were involved in that committed level of work.

I will not speak at length, because we have devoted hours of contribution to the Bill at its scrutiny stages and at the Assembly. However, from the SDLP's point of view, the key aspect of planning must be to deliver transparency, accountability and equality for all. It cannot be emphasised enough that it must be tied in with a reform of local government that delivers that equality and has proper checks and balances in there to ensure that none of the worst excesses of the past are delivered on the people of the future. We cannot see that happening.

I have to share some concern with Mr Kinahan's point about the use of the petition of concern on third-party appeals. The petition of concern is there to protect minorities. It was unfortunate that it was used to prevent minorities in communities from gaining access to proper planning scrutiny, transparency and the various levels of accountability that should exist in the planning process.

The Bill should be welcomed in any democratic society. It will transfer powers on planning back to grass-roots level to ensure that those who know their localities and communities best can make the proper decisions for their areas, assisted ably by the professionals from the Planning Service. However, that must be done in a context that ensures consistency in

application of policy right across the North, so that we do not have different interpretations of a policy, or policies that counter each other within a mile of one council area and another. Many elected representatives in the Chamber have heard about various decisions. Depending on the divisional planning office area that one is in, an interpretation may cause concern to someone who is trying to move ahead with a development, or someone who objects to a development. Overall, the Bill holds some prospect of being one of the building blocks towards a democratic, accountable and transparent society. That, in itself, is important.

We face the inevitable Assembly elections on 5 May, with the local government elections on the same day. It is crucial that the transition of powers to councils is done on a cost-neutral basis. There should be no additional burden on ratepayers, or excessive red tape that could place consequential financial burdens on applicants. We must ensure that that does not happen because there are factors, particularly with regard to requirements, that could be left to interpretation in respect of environmental impact assessments.

Much of the Bill has been dealt with in detail, and there is no need for me to go over it again. I thank the Minister for his commitment to seeing it through. He worked very well with his officials. I thank Committee members, many of whom dedicated themselves on numerous occasions to a vast number of hours of scrutiny. That has delivered, and the Bill is before us today.

**Ms Lo:** I welcome the Bill's Final Stage. It contains many good measures to improve our planning system. I am not a member of the Committee for the Environment, but I have followed the process and the consultation, and have worked with many residents' groups in South Belfast. The Minister is aware that the issue has exercised many residents in South Belfast who have seen the damage that overdevelopment has done to their locality.

I was hugely disappointed that the DUP vetoed the amendment for the inclusion of the third-party appeal on two occasions by signing a petition of concern, which was a total misuse and abuse of the power given to the House. At Further Consideration Stage, when I proposed a revised amendment for third-party appeal, I said that one of my constituents talked about the close relationship that the DUP had with

developers. The Minister's response was that he was in favour of development. No one in the House would dispute that we all welcome economic development and growth in our economy. However, we all want to see a level playing field for individuals and developers. We cannot always be on one side and not listening to the other. That is why the third-party appeal (TPA) is so important.

### 12.15 pm

The amendment proposed by Members from four parties attempted to strike a balance between the right of individuals and the need for economic progress. The initial and revised amendments were aimed at creating an enabling clause that would have allowed the Department to consider bringing forward limited TPAs in future, with measures to prevent frivolous or vexatious abuse. Furthermore, the Department's final regulations would have been required to be brought before the Assembly for affirmative resolution. However, the DUP totally ignored not only the support in the House for that amendment but the wishes of the many respondents to the public consultation who saw TPAs as a core issue for planning reform. They want a planning system that is fair and accessible to all, based on the principles of equality and genuine engagement, rather than one that constantly sides with developers. It is shame that the DUP blocked the chance to include third-party appeals in the Bill.

**Mr B Wilson:** I declare an interest as a member of North Down Borough Council who has been involved in very many planning applications. The Bill is obviously one of the most important to have come before the Assembly. However, I am concerned about its impact over the next decades and about its late introduction in the House. The present system is clearly unacceptable, and no one — developers, councillors, environmentalists and residents — likes it, but the issue is whether this is the right way to go about addressing that.

I will raise a number of concerns. However, before I begin, I wish to pay tribute to the Committee Clerk, her staff and the departmental representatives for the amount of work and time that they put in at Committee Stage over the past two or three months. Those of us on the Committee appreciate just how much work has been done. Within a couple of days of one six-hour meeting, we were given everything in the

proper form, and I felt that the work done at that time was amazing.

As I said, the present system is unnecessarily bureaucratic, lengthy, inflexible and undemocratic, and it clearly needs fundamental reform. However, I am not convinced that the Bill will provide us with an efficient and balanced Planning Service for decades to come. I have some concerns about the issue of balance. Given the Bill's size and scope, it is disappointing that it was introduced so late in the session. I do not believe that we had adequate time to debate many of the most important clauses or to hear from the many stakeholders who wished to give evidence. Indeed, a number of community groups and NGOs approached me to express their disappointment at not having an opportunity to put their case to the Committee.

Although I support the return of planning powers to councils, it is essential that we have the appropriate safeguards in place to ensure that councillors cannot abuse those powers. We have to look back at why we have the present planning system: the previous planning system was abused, and the powers were, therefore, taken away from councillors. There will obviously be rules and regulations on what councillors can and cannot do, but I am not convinced that the culture of local councils has changed. We talk about changing the culture of councils. However, the fact is that, regardless of whether councillors want to change that culture, constituents will still approach them on the assumption that they can influence planning decisions. Some people are concerned that we might have brown envelope syndrome. As I said, I would like to see exactly how the safeguards will operate. We do not have any detail on that, but we have had a lot of suggestions, which are all going to be in the rules and regulations. However, I think that we should see those before we agree to the transfer of planning powers.

I am not convinced that we need to rush this legislation. I am not clear when it will come into operation. Quite a lot of different signals have been coming from different people, so perhaps the Minister will clarify the situation. Can the legislation be applied to the existing 26 councils, or will it have to wait until the review of public administration (RPA) has been resolved? We could consider waiting for RPA to be resolved, but it will be at least three or four years before it will be implemented. Certainly,

we do not have the money to implement it at the present time. On the basis of the legislation, and given that we have to set up the procedures and shadow councils, it will be at least three or four years before we can implement it. Therefore, I do not see why we could not have sorted out RPA before we introduced the Planning Bill, unless it is going to apply to the 26 councils. As I said, perhaps the Minister will clear that up, but I think that we may be putting the cart before the horse.

Other Members talked about third-party appeals. At the present time, many people feel that the planning system is totally biased in favour of developers and that residents and the community do not get a fair deal. It is also felt that there is a right of appeal for developers, but that the actual objectors have no right of appeal. This legislation does nothing to resolve either that imbalance or the public's perception that the system is biased against them. We note that the Assembly and the public support third-party appeals. The fact that the Minister decided to present a petition of concern is, I suggest, a total abuse of the idea of the petition of concern. Petitions of concern are meant to protect minorities from any abuse of power by the majority. In this case, obviously, the majority supports third-party appeals. Therefore, it was a total abuse of the system to present the petition of concern.

As I said, I have some concerns about the legislation, and I cannot support it in its present form. However, I again congratulate the staff who got the Bill through to this stage. I am totally in favour of the principle of returning planning powers to local government. However, I would like to see some more details on how exactly that is going to be done and how councils are going to deal with planning applications. For example, are they going to deal with applications through a planning committee, or will it be done through the full council? That is a very important issue. The change in culture will obviously have to be worked at. However, having said that, I wish the Bill all success.

**Mr Savage:** I declare an interest as a member of Craigavon Borough Council. It is very fitting that, on this, my last day as a Member of the Assembly here at Stormont, we are discussing the environment, especially the Planning Bill.

The issue has been very near and dear to my heart through all my political life. The Bill is the

start of something that should have taken place a long time ago. Today will kick-start the new planning system. The Bill is designed to achieve a modern, efficient and effective planning system. Indeed, it helps to pave the way for the continued reform of the Planning Service, which I welcome. I pay tribute to the staff and to everyone who has been involved with the Bill. I also pay tribute to my colleagues on the Environment Committee, who put in a great deal of effort to bring the Bill to Final Stage.

The importance of the interpretation of the legislation has been referred to today. There are many planning applications that date back three or four years, including some in my own council area. As Mr McGlone said, that is because of the interpretation of the legislation. One big planning application, which dates back three or four years, has been passed from pillar to post, and that reflects badly on the Planning Service. If that application were approved, it would create 30 or 40 jobs. It is not about development — it is about real issues.

I want a level playing field in the Planning Service, which is long overdue. I want the red tape to be cut out and for planning to move into the twenty-first century. I hope that no obstacles will be put in the way of planning matters going to councils. At present, councillors, including me, can hide behind the Planning Service because some people are afraid to make decisions. We have to bring the issue out into the open and make real decisions to move the country forward. Therefore I welcome the Bill.

**The Minister of the Environment:** I wish to respond to Members' comments. A number of Members raised the issue of third-party appeals and the petition of concern. They had a little whinge about it, which is surprising as most of them supported the insertion of the petition of concern mechanism into the original Belfast Agreement. Having installed that mechanism, they now complain about its use.

I will take no lectures from the SDLP, which joined ranks with Sinn Féin when the Armed forces and Veterans Bill was brought forward to ensure that veterans are not treated correctly. That was very sectarian. I will not take lectures from the SDLP on that issue —

**Mr McDevitt:** On a point of order, Mr Deputy Speaker.

**The Minister of the Environment:** — because it does not have a very good record itself. Does the Member want me to give way or does he want to make a point of order?

**Mr Deputy Speaker:** It is a point of order.

**Mr McDevitt:** There are two points of order. First, is it appropriate for the Minister to respond to another Bill when, in fact, his job is to respond to the Planning Bill? Secondly, is it in order for a Minister to describe the activities of colleagues, acting in a parliamentary capacity, as "sectarian"?

**Mr Deputy Speaker:** I encourage all Members, including the Minister, to return to the Bill.

**The Minister of the Environment:** Of course, those are not points of order. I am responding to the challenge that the petition of concern was abused. I am pointing out that others have abused it, including the Member's own party. The Member may not like it, but it is a fact. He will have to hang his head in shame for the activities of his party on that occasion.

On the issue of third-party appeals, Ms Lo spoke of my support for development. Of course I support development. I respect the Amish community; however, we in Northern Ireland do not wish to go down that route. We want our country to move forward, adopt new technology, develop new buildings, encourage business to locate here, encourage new people to live here, keep our young people at home and provide new schools, new hospitals and better roads.

All of that is about development, but it all has to be done in the proper context, which is to protect our environment, our built heritage and so forth. The Bill strengthens those issues, because we are increasing the fines for offences related to tree preservation, the built heritage and listed buildings. We are increasing the punishments for developers who act inappropriately. We are not going to let developers off lightly when it comes to those issues. The Bill strengthens the conditions relating to the environment and lays down a challenge to those who wish to walk all over it and line their pockets at the price of the environment. The Bill makes it clear that we are not going to tolerate that.

**12.30 pm**

We are going down a wholly different planning route that has not been used before in relation



to third-party appeals, which that we will be engaging with the public at the outset. Instead of the public coming in at the conclusion of a planning process to try to change things, they have the opportunity to make changes at the foundation stage. That is a far better opportunity for the public to get involved and to influence architects and developers in order to identify changes that would be of real benefit to them. However, people cannot have it both ways. That would lead to a system that would be so elongated and prolonged that no business would wish to invest in Northern Ireland because they would have no prospect of getting an outcome for years and years. That would be damaging to our economy.

I appreciate where people are coming from on third-party appeals, but if we were to introduce them in Northern Ireland, we would have to have a much more relaxed planning system in the first instance. We have sought to tighten planning in the first instance without the check of third-party appeals. Local government will make those decisions from the outset through local councillors, who are accountable to local communities. There are only one or two votes involved when a developer wishes to ride roughshod over a local community, but there are hundreds of votes in the local community, so I suspect that councillors will withstand the pressure from developers in such instances.

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

**The Minister of the Environment:** I will in a moment. Belfast City Council would have given a much stronger response to developments in areas such as Piney Hills and Malone, which Ms Lo has issues with, than the Planning Service did.

**Mr McCarthy:** The Minister will know perfectly well that, until now, developers have been a very persistent breed of people. If they do not get what they want in the first instance, they will come back umpteen times until they do. Despite what the Minister has said about pre-consultation, can he assure the House that, given those circumstances, repetition of requests for planning approval will become a thing of the past as a result of this Planning Bill?

**The Minister of the Environment:** People will be required to change planning applications; the same planning applications will not be accepted. That aspect will be dealt with. Most of the time, developers change applications. In one instance, I heard about a developer who

changed a planning application 17 times, which would indicate to me that it was wholly wrong in the first instance.

**Mr McCarthy:** Was it approved?

**The Minister of the Environment:** It was approved eventually, but it demonstrated that developers do not always get what they want. However, I believe sincerely that local councils are in a better position to deal with those issues and to identify local community need and respond to it.

Brian Wilson wanted to know what the rush was to enact the Bill. I am sorry that he is not here; he must have been in a rush somewhere on the last day of the Assembly. I know that he is leaving the Assembly, so I suppose that I should not be too hard on him today. I would never be hard on anyone anyway; I am always genteel in my activities. Brian Wilson wanted to know what the rush was, and when responsibility for planning would be handed over to councils.

The Bill could be passed to either the 26- or the 11-council model; however, it will not be transferred until we have dealt with the issue of ethical standards. We are consulting local government on establishing ethical standards, codes of government, good governance regimes and so on, and we will not transfer planning powers to any council until that legislation is in place.

Other aspects of the Bill, however, will proceed. Some powers on the uniformity of the enforcement period, which Mr Boylan brought before us this week, will be brought in straightaway, as will tree preservation orders and larger fines for people who damage or demolish listed buildings. I will be careful not to stray from what I said I would do, but I am surprised at the Green Party's opposing legislation or saying that there was no rush to have legislation that strengthens planning powers on listed buildings and tree preservation orders.

I am delighted that we have achieved that, and I have paid tribute to the Committee for its work. This is my last piece of legislation. In the past 21 months, we have completed seven pieces of legislation — more than any other Department. We have brought forward six new planning policy statements; another three are out for consultation; and another two will be ready to go for the new Minister of this Department, whoever that may be. Much has been achieved

through the work of this Department, and I am very grateful to my staff.

As the Bill is now complete, I trust that Her Gracious Majesty the Queen will see fit to give it her Royal Assent and stamp of approval, as she does on all legislation, and that it will come into force soon.

*Question put and agreed to.*

*Resolved:*

*That the Planning Bill [NIA 7/10] do now pass.*

## **Justice Bill: Final Stage**

**The Minister of Justice (Mr Ford):** I beg to move

*That the Justice Bill [NIA 1/10] do now pass.*

**Mr Deputy Speaker:** Does the Minister wish to speak at this point?

**The Minister of Justice:** I am sorry, Mr Deputy Speaker; I thought perhaps you wished to say something about procedure. I am pleased, as Minister of Justice for Northern Ireland, to present the Final Stage of the Justice Bill to the Assembly. It is perhaps fitting that, as Minister of the youngest Department, I should have the privilege of presenting the final piece of Executive legislation to the House today.

There have been bumps along the way with this piece of legislation; indeed, there was one earlier this week. However, with the commitment and help of many in the Chamber, particularly the Speaker and his staff, I am extremely pleased to present the Final Stage of the Bill.

I thank the Speaker and his team for their assistance, especially through that final bump, and record my thanks to the many officials in the Department of Justice who have played an important part in ensuring that this significant piece of legislation can be passed. It demonstrates the commitment of the Department and its staff to playing their full part in the devolved settlement, the end of whose term we celebrate today.

I need hardly remind the Assembly that, through the various discussions and negotiations for the devolution of policing and justice powers, the delivery of a Justice Bill emerged as a key goal for the new Department of Justice. When I first introduced the Bill, it had 108 clauses. As was pointed out to me by one of my staff, that was one clause for every MLA, although some MLAs did not give much consideration to their clauses while other clauses attracted the attention of many Members. At the end of the process, there are now 112 clauses, which makes this one of the biggest Bills that the Assembly has considered in this mandate.

It is certainly the most complex. No other Bill has required six groups of amendments to be discussed at Consideration Stage and take two days in which to do that. That was a record. No other Bill has required four groups of amendments at Further Consideration Stage. That was another record. Finally, earlier this

week, for the first time ever, we had to have an Exceptional Further Consideration Stage, which is perhaps an unfortunate record to have achieved. However, I am extremely pleased that my new Department has been able to deliver such significant change in the period of less than a year since the Department of Justice was created and I was elected Minister on 12 April 2010.

To get the Bill to this stage today is testament to the hard work of the Committee for Justice and other Members of the House. I thank the Committee in particular for its detailed scrutiny of the Bill. If I recall correctly, there were something like 16 detailed scrutiny sessions of the Bill in addition to a number of preliminary discussions shortly after the Committee was set up in which consideration was given to what would be included in the Bill. I record my thanks to Lord Morrow, as Chairman, to Raymond McCartney, as Deputy Chairman, and to their other colleagues in the Committee for the intense work that was done on the Bill to make it the good piece of legislation that it now is.

The recommendations in the Committee's report led to many constructive amendments at Consideration Stage and Further Consideration Stage. I thank the other Members of the House who made helpful contributions during the very many hours — I am afraid that I was not sad enough to count how many — of debate on the Bill during its passage through the Chamber. The Bill, as it stands today, is a result of all those debates. I acknowledge that not everything that everyone sought made it into the final Bill, but it is a strategic, positive and highly significant piece of justice legislation.

I do not intend to outline in detail all the Bill's clauses, but I remind the House of the main aspects of the legislation. It will improve the services that we provide to victims and witnesses, enhance community safety and engage communities in a better way, and allow us to do our business better and more effectively and efficiently in the current economic climate. It also provides some additional sentencing powers to improve public protection. The Bill creates an offender levy to provide for a victims' fund to be used exclusively for funding services for victims of crime. It extends special measures for vulnerable and intimidated witnesses, extends live video links to courts from psychiatric hospitals for bail

hearings and widens the scope of vulnerable accused.

Community safety is enhanced through the creation of policing and community safety partnerships by bringing together the functions of district policing partnerships and community safety partnerships. That represents a pivotal move towards more joined-up working for the benefit of all our communities. After considerable debate on some specific details, the Bill provides a raft of new sports law legislation. It also provides new and additional alternatives to prosecution, such as fixed penalty notices and conditional cautions, along with a number of key financial reforms on legal aid. Criminal legal aid will, in time, be subject to means testing. Access to justice is also improved by extending the rights of audience for solicitors into the higher courts. Increased penalties are created for knife crimes and for the carrying of other offensive weapons, and breach procedures for sex offenders are being tightened.

As Members will be aware, I had hoped that we would have done more in the Bill. I had hoped to address ECHR concerns about the current law on indefinite sex offender review arrangements. I fully expect that issue and others to return to the Chamber in due course.

In summary, the Justice Bill will have a positive and practical impact on all stages of the justice system, from dealing with offenders outside and inside courts to services for witnesses and victims, and from crime in the community to court procedures. I commend the Justice Bill to the House.

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

**(Lord Morrow):** On behalf of the Committee for Justice, I welcome the Final Stage of the Justice Bill — at last. I congratulate the Minister and his officials on their staying power. The Bill has definitely been more of a marathon than a sprint. At times, it tested us all, but we got there.

On a more serious note, the Bill has undergone some of the most detailed scrutiny and debate that the Assembly has seen in relation to a single piece of legislation. As I outlined at Consideration Stage, the Committee received 69 written responses from interested organisations and stakeholders, held 16 oral evidence sessions and an evidence event in the Long Gallery and considered the detail of the Bill at 16 meetings.



**12.45 pm**

In his comments, the Minister said that he was not sad enough to count all the hours of debate. I am sad enough to tell him that there were more than 20 hours of debate in the Chamber. I am not sad enough to tell him how many hours it took in Committee, although I can assure him that it was a substantial number. As a result of all the debate, discussions and toing and froing, a substantial number of amendments were made and four clauses were removed.

Although the Committee supported the broad principles of the Bill, particularly those that will provide further support for victims and improved services for vulnerable and intimidated witnesses, as a result of the careful and detailed scrutiny that it undertook, the Committee recommended a range of key amendments. Those were informed by the views expressed in written and oral evidence, and I again place on record the Committee's appreciation of the time and effort taken by the organisations that contributed to the legislative process.

In its report on the Bill, which was published on 10 February 2011, the Committee outlined its recommended amendments, which were mainly to clauses and schedules relating to the policing and community safety partnerships and to the sports provisions. The Minister accepted a large number of the amendments and brought them before the Assembly for agreement at Consideration Stage.

In respect of the other recommended changes, including the removal of three clauses relating to alcohol at sporting events and the possession of drinks containers and one that placed a statutory duty on public bodies to consider community safety implications when exercising their duties, the Committee sought and received the Assembly's support, which we very much welcome.

Inevitably, some groups will feel that the Bill does not go far enough, while others will think that it goes too far. I have no doubt that the community safety partnerships and others will be disappointed that the Bill will not place a statutory duty on public bodies to consider safety implications when exercising their duties. On the other hand, the sporting bodies affected by the legislation, particularly Ulster Rugby, will welcome the removal of a number of the sporting clauses.

It is clear that the Committee's recommendations and subsequent amendments were underpinned by the evidence received, and I believe that they have improved the Bill, which, when implemented, will go some way towards delivering better and enhanced services to victims and witnesses, improving public safety, building stronger and safer communities, and improving the efficiency and effectiveness of the justice system. However, I think that we would all acknowledge that it is just a start and that there is much further work to be done.

I shall finish by thanking Committee members for their commitment and diligence in scrutinising the Bill. In addition, on behalf of the Committee, I thank departmental officials and the Minister for their patience and the constructive approach that they adopted when working with us. In particular, I thank the Committee staff for their support and assistance throughout the process. I have no doubt that without their constructive attitude and hard work we would not be at this stage today.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag tabhairt tacaíochta don Bhille seo an tráthnóna seo.

We welcome and support the Bill, and I place on record my acknowledgement of the comments made by the Minister and the Chairperson. In addition, I acknowledge the work and patience of the many officials who assisted the Committee in its scrutiny of the Bill. The Minister mentioned the fact that the Department has been in place for only 12 months, so bringing the Bill to the House today has been a good piece of work. The way in which the legislation has been handled shows the Assembly's maturity, and the Bill will certainly enhance the criminal justice system, which is something that we all want to see happening.

In itself, the Bill proves the benefit of transferring policing and justice powers to the North. In particular, we have shaped a piece of legislation to suit the needs of the people whom we represent, which is proof to those who doubted whether the Assembly was ready or in a position to accept those powers. Indeed, many Members argued that we did not have the political maturity to handle justice and to form a new Department. The Bill and, indeed, the past 12 months are proof of the opposite, and that is why we welcome it.

In a broader, shorter sense that we were not ready for it, the old maxim is that a thing is only impossible until we make it possible. The Bill is a good example of that. The Minister has already said that, in the new mandate, there will be a further justice Bill from the Department. We all accept that are gaps in some provisions of this Bill, but we have no doubt that those fortunate enough to be elected come May will face a piece of work in the second justice Bill, and I have no doubt that it will be completed with the same professionalism and support from the staff and the Minister himself.

**Mr McNarry:** I concur with the sentiments and accuracy of the Committee Chairperson and Deputy Chairperson.

As we leave here to electioneer, I do not intend to endanger the Lord Morrow in any way in his constituency by saying that he has led this Committee very well. I am sure that he knows where I come from and, in saying that, I express the sentiments of all the Committee members.

I also thank the Minister for his energy and diligence in bringing forward this Bill. He seems very well served by his officials, who probably spent more time with the Committee, in explaining the substance and workings of the Bill, than some members of it. In conclusion, it has been very challenging. It has shown the way in many aspects for the new Assembly when it comes to meet in this House. In the end, justice has been served, in the passing of the Bill in the right way and in the manner in which it has been brought through, and by all the Members and the decisions which the Assembly has taken, with which the Minister may have differed. However, as he said, he lives to fight again, and so does this House.

I offer my congratulations to everybody on the way in which the Bill has been put through, not least to the members of the Committee and to the very good staff that the Committee has. It was a remarkable Committee for me to serve on, because we started from scratch. We had to engage in a heavy and quick learning curve. No matter; we are where we are, and good luck to it.

**Mr A Maginness:** This is a very good example of collaboration and co-operation between the Minister and the Justice Committee, and also a good example of opposition by the Justice Committee on some provisions of the Bill. That is not in any way contradictory. There is a synergy born of opposition and collaboration.

That goes to make good legislation or, as the Minister might prefer, to make good legislation even better. It depends on where you are coming from.

Serving on the Justice Committee has been a considerable experience for all of us. When the Committee was set up in the first instance, I felt that it might not be a great experience. However, it has proven to be a good experience for all of us on the Committee individually and collectively. I want to pay tribute to the Chairperson, Lord Morrow, and to the Deputy Chairperson, Raymond McCartney, both of whom discharged their duties in a fair and hard-working manner.

However, there were differences of opinion, as there always will be in politics. There are some reservations that I have on the Bill even yet. I regret, for example, that we did not address, timely and effectively, the issues of sex-offender notification, the register and dealing with the whole issue of the decision by the Supreme Court on the right of review. That was unfortunate, and we should have dealt with it.

The merger of district policing partnerships with community safety partnerships was welcome, and I hope that they will work well in the future and, at the same time, retain the essence of Patten's view on the policing partnerships, which he saw as a very important element in making policing acceptable and accountable to local communities. That strengthened the Bill, and it is important that that is part and parcel of it. I wish those new policing and community safety partnerships well. There is a lot of work to be done, but there will be a lot of benefit to local communities and to policing as a result of that merger.

We have been innovative with alternatives to prosecution. I congratulate the Minister on bringing forward those alternatives, because they will keep people out of the criminal justice system, at least at an early stage. Hopefully, people will mend their ways as a result of those alternatives to prosecution.

The provisions on sports matches are good. Amendments were made that reflected very fairly the views of sporting organisations, particularly Ulster Rugby and the IFA. Those were good amendments that were made by the Committee.

I am concerned about clause 80. I am not sure whether the clause number has been rejigged in the Bill, but it is the clause about eligibility for criminal legal aid. We have to look very carefully at the subordinate legislation that will arise out of that. The power to introduce that is a good and proper one and should be supported by all. However, we have to look very carefully at the subordinate legislation to make sure that access to justice is guaranteed to those most in need of legal representation.

I welcome the provisions on rights of audience for solicitors. Again, the good work of the Committee and the fact that the Minister listened to the Committee brought about an improvement whereby those who will become solicitor advocates will have the proper experience and training at their disposal.

It is regrettable that the firearms clauses were introduced so late in the day. There is a lesson for us to learn: we should not rush legislation but should take time over it and scrutinise it as carefully as we can, particularly legislation on something as sensitive as firearms. However, we have learnt that lesson, and I hope that the Assembly will take it on board in the future.

Finally, I congratulate the Minister on his hard work on the Bill. I also congratulate the officials in the Department, who worked very hard and were almost a permanent feature at the Committee. I also thank the Committee officials, namely the Committee Clerk and those who assisted her in the Committee's work. Without that work, the Committee would not have been able to do its job as well as it did.

**Mr Deputy Speaker:** The Business Committee has agreed to suspend the sitting for one hour for lunch today. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The debate stood suspended at 1.00 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Employment and Learning

#### Student Fees

1. **Mr McKay** asked the Minister for Employment and Learning for his assessment of whether the additional funds in his budget would offset any need for proposals to increase student fees. (AQO 1338/11)

#### The Minister for Employment and Learning

**(Mr Kennedy):** I am grateful for such a large attendance on this, the final day. Clearly, Members are expecting great things of the Minister for Employment and Learning.

I thank the Member for his question. The additional allocations that my Department received in the last stage of the Budget negotiations amounted to some £51 million, but it is important to stress that that was over the four years. There has been some confusion or, indeed, mischief-making on the part of some to indicate that the £51 million was a year-on-year allocation. It was over the four years. Those allocations equate to some £13 million each year and, of that, some £7 million is needed annually to address existing contractual commitments to capital projects on further education colleges and a further £1 million each year to deal with the consequences of DFP's cessation of the student relief scheme. As the Finance Minister said, the balance of some £5 million a year is being earmarked for innovation and welfare reform. Consequently, the additional allocation has no impact on the student fees issue.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. He has released a consultation paper outlining the options for moving forward on the issue. Is the Minister saying that the additional funding cannot be used to ensure that fees for students will not rise above the current level? I believe that it can. Also, does he agree that we should strongly guard against the potential situation

of one university charging more than another, which would create a two-tier system?

**The Minister for Employment and Learning:**

I am grateful to the Member for his supplementary question. My view and that of the Department is that the additional £51 million that was allocated in the late stage of the draft Budget for the four years is not sufficient to deal completely with the issue of student fees. I have outlined the inescapable costs towards which that money has been allocated.

I also want to avoid the potential for universities in Northern Ireland to charge different fees. I hope that Mr McKay or his party will take the opportunity to make representations on the options paper that I have sent out, which is now available for public consultation. It sets out the options that are open to ensure that we retain our world-class universities, that we keep our record of widening participation and that the issue of affordability will not prevent anyone from looking towards a university place for higher education. Those proposals, properly considered, have the potential to bring forward a Northern Ireland model. My record is clear: I have tried to build consensus on the issue. I regret that we were unable to reach that consensus before the election, but the public consultation allows us to look closely at the issue, on which the new Assembly will make final decisions.

**Mr P Ramsey:** On the Minister's last occasion at the Dispatch Box, I thank him for his help and co-operation during his period as Minister, which I appreciate. Further to Daithí McKay's question and given the concerns about students from Northern Ireland who will travel to England and Wales and pay increased fees of upwards of £9,000, has any consideration been given to the Department assisting those students? If we set fees at £3,000 or £5,000, will help be given to students who travel to meet the difference between our fees and what the colleges and universities in England charge?

**The Minister for Employment and Learning:** I am grateful to the Member for his kind comments at the start of his supplementary question.

We must always realise that a section of students can be regarded as determined leavers who want to pursue higher education in other parts of the United Kingdom or, indeed, in the Republic of Ireland. Costs will certainly be involved with

going to English universities. Universities in Scotland and Wales will charge rates of up to £9,000 for non-Scottish and non-Welsh students. That already involves a cost to my Department. Certainly, we want to continue to encourage students from Northern Ireland to avail themselves of places that are available here.

**Mr Beggs:** Now that the final Budget settlement is known, with some additional funds having been made available that were not in the draft Budget, can the Minister confirm whether he will be able to retain the Local Employment Intermediary Service (LEMIS)? Will he also outline its importance and who it will assist?

**The Minister for Employment and Learning:**

I am grateful to the Member for his supplementary question. Certainly, now that Budget allocations have been confirmed and, indeed, endorsed by the Assembly, I have some good news to tell the House, particularly with regard to LEMIS. I have been impressed by LEMIS. During the past three years, it has helped 25% of clients, almost 1,500 people, to find work. I want to build on that success. I am pleased to confirm that not only am I able to retain LEMIS in Belfast, Londonderry and Strabane, but I intend to extend the service to three new areas: Newry and Mourne, Moyle and Cookstown. On the basis of the Noble indices of multiple deprivation, the three new areas are the next most deprived in Northern Ireland. The savings released by revising arrangements for stakeholder engagement have allowed me to extend the service so that more people can benefit from that type of effective intervention.

I have always said that we must invest scarce resources in front line services. That is exactly what I am doing. I have made £2 million available in 2011-12 for the service, which will also subsume the Progress to Work initiative for people with particular barriers to employment, such as homeless people, ex-prisoners and people who are recovering from drug or alcohol addiction. I am determined that my Department does all that it can to help people to find and retain work in the current difficult economic climate, especially those who are most disadvantaged.

**Queen's University Belfast and Stranmillis University College: Controlled Schools**

2. **Mr Kinahan** asked the Minister for Employment and Learning for his assessment



of the potential impact the proposed merger of Queen's University Belfast and Stranmillis University College may have on the controlled school sector. (AQO 1339/11)

**The Minister for Employment and Learning:** I thank the Member for his question. I want to indicate again in the House that I fully support the proposed merger of Stranmillis University College with Queen's University. The Member and the House will know that, recently, I launched a public consultation on the proposal to create a world-class centre of education on the Stranmillis site. The merger will mean that Stranmillis will become part of the Russell Group of universities. The enabling legislation will ensure that the traditions and ethos that are inherent in Stranmillis University College will be not only acknowledged but respected and given expression in the proposed merged entity. That can only have a positive impact on the controlled sector, and it will be achieved in two ways. First, a stakeholder forum will be created in which interested parties, including the Transferor Representatives' Council, will have guaranteed representation. That will give all interested parties, including the transferors, a direct advisory and consultative voice in the governance of the new school. Secondly, Queen's University will be required to train primary teachers to deliver the agreed religious education curriculum in schools. Both those safeguards will protect the traditions and ethos of the controlled sector. They will be incorporated into the legislation that is required to close the college in its present form and to effect the merger with Queen's University, which is to be brought before the Assembly.

**Mr Kinahan:** I thank the Minister for his response, in which he has shown how conscientious he has been in dealing with this matter. Will the Minister detail how significant it is for Stranmillis to become a school of education in a Russell Group university?

**The Minister for Employment and Learning:** I am grateful to the Member for his supplementary question and for the kind comments that led to it. I add my tribute to my predecessor, Sir Reg Empey, now Lord Empey of Shandon, for all the work that he has carried out in respect of the proposed merger.

The potential for Stranmillis to be part of the Russell Group is very considerable. The Russell Group represents 20 leading United

Kingdom universities that are committed to maintaining the very best research, outstanding teaching and learning experiences and unrivalled links with the business and public sectors. As the Member will know, the Russell Group universities play a major role in the intellectual, cultural and economic life of the United Kingdom and have an international reputation for the high quality of their research and teaching. In an increasingly global higher education market, they attract the very best academics and students from around the world as well as investment from multinational, research-intensive businesses. The potential is there; it is a very exciting potential, and I hope that it can be realised quickly.

**Mr Storey:** I add my congratulations to the Minister on the huge efforts that he has made, particularly in bringing the consultation to the public arena, as there was many an intricate issue around the merger. I think that some of the concerns have been allayed, particularly those around ethos. Will the Minister assure the House that he and his Department will endeavour to monitor the access and availability of teacher places for would-be teachers from the Protestant community? There is a concern that the merger and the issues around St Mary's will place pressure on the availability of positions and opportunities to teach as a career of which those from the Protestant community should be able to avail themselves.

**The Minister for Employment and Learning:** I am grateful to the Chairperson of the Committee for Education for his supplementary question and kind comments and for the important points that he makes. It is my intention and that of my Department to keep a watching brief on progress in respect of this matter. We are not saying that there is separation and all of that. We are clearly indicating that we want high quality for Stranmillis, and we want the linkage with and ethos of the various oversight bodies to be underlined through the Transferor Representatives' Council. We hope very much that we can make progress on that early in the new mandate.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. Last week, the Minister told the Assembly that he believed that the proposed merger of Queen's and Stranmillis would not impact adversely on St Mary's. Was the Minister aware that the equality impact assessment of the proposed merger, which

was carried out in October 2010, highlighted concerns about the equality implications for St Mary's and that his Department confirmed to the Committee last month that the merger would raise issues for the future of St Mary's? Will he explain why those pieces of information were omitted from an answer that he gave me last week in the Chamber?

**The Minister for Employment and Learning:**

I thank the Member for her supplementary question. I am slightly disappointed at the tone of it, because I genuinely do not believe that the arrangements that are in place for the proposed merger, which is subject to public consultation, will have adverse implications for St Mary's. Members must remember that, at this stage, it is a public consultation. The Member will have an opportunity to make her views known, as will St Mary's and anyone else who is interested in the matter.

When the governing body of Stranmillis University College announced the merger with Queen's, St Mary's stated that it was not interested in merging with any other institution. St Mary's will continue to be funded by my Department for the agreed number of teacher training places allocated to it by the Department of Education and for the agreed number of non-teacher training places allocated by my Department. I understand that St Mary's is considering a report that it commissioned that aims to provide a pathway to ensuring its long-term sustainability. My Department and I are happy to work with St Mary's on the bases of good will and making positive progress.

**2.15 pm**

**Steps to Work: East Belfast**

3. **Mr Lyttle** asked the Minister for Employment and Learning to outline the arrangements in place for the delivery of the Steps to Work programme in East Belfast. (AQO 1340/11)

**The Minister for Employment and Learning:**

The Steps to Work programme is currently being delivered by TWL Training Ltd. Its contract for delivery of the Steps to Work programme in east and south Belfast will cease, as the Member will know, on 31 March 2011. However, to ensure continuity of service delivery in east and south Belfast, TWL has agreed to continue to deliver the Steps to Work programme from 1 April until 26 June 2011, until a new contractor

can be appointed. A tendering process has commenced, and a new contractor will be appointed with effect from Monday 27 June 2011.

**Mr Lyttle:** I thank the Minister for his comprehensive answer. What steps is his Department taking to help ensure that outstanding payments for delivery of the service to subcontractors will be met as soon as possible in order to ensure its smooth delivery?

**The Minister for Employment and Learning:**

I can assure the Member that all appropriate and necessary steps will be taken to facilitate the matters that he raised. They are important matters, and, as we move from the end of the contract by TWL to the new situation, we will seek to iron out any outstanding difficulties.

**Essential Skills**

4. **Mr McCarthy** asked the Minister for Employment and Learning for an update on the effectiveness of the Essential Skills strategy. (AQO 1341/11)

**The Minister for Employment and Learning:**

Since the launch of the Essential Skills strategy in 2002, there have been almost 177,000 enrolments and almost 99,000 Essential Skills qualifications awarded. The PSA target for 2011 of 42,000 adult learners achieving a recognised qualification in literacy, numeracy or ICT has been exceeded, with more than 51,000 gaining a qualification by 31 January 2011. The strategy is targeting harder-to-reach adults, with 31% of enrolments coming from the most deprived Northern Ireland wards. Recent research concluded that progress on adult literacy and numeracy in Northern Ireland was performing well in comparison with progress in England, Scotland and Wales.

**Mr McCarthy:** I am grateful to the Minister for his positive response. We all welcome any progress that is made, but, given the recent report — the Minister will know what I am referring to — that students from certain localities in Northern Ireland perform poorly at school, will the Minister consider further targeting those areas in the strategy so that the end result will be a vast improvement to those young people and they can face the future with confidence?

**The Minister for Employment and Learning:** In some ways, I share the Member's concern at the numbers that I have indicated to the House.

That there is a need for the Essential Skills strategy to award up to 99,000 qualifications indicates something of the scale of the problem before us. I believe that essential skills are the bedrock for future learning here, and it is important that we have the appropriate strategy in place. It is equally important that, at all levels of our education system, the opportunities for skills are developed. That is not just my responsibility; the Department of Education also clearly has an important role in that. I share the Member's view that there needs to be more collaboration to ensure that skills in literacy, numeracy and ICT are provided at all levels of our education system.

**Mr Bell:** Will the Minister join me in congratulating the South Eastern Regional College (SERC), which, through its programmes in English, maths and ICT, has afforded many young people an opportunity to get a second chance in life? Can he give us any indication of what his Department can do for, in particular, young Protestant men — only one in 10 young Protestant males from a socially deprived background is able to access further and higher education — to give them a second chance?

**The Minister for Employment and Learning:** I am grateful to the Member for his supplementary question, and I agree largely with the point that he made. I congratulate the SERC on the work that it has carried out in parts of the Member's constituency, which will, no doubt, form the basis of a press release later this afternoon.

For all that, there are important lessons and challenges for my Department, the Department of Education, the Executive and the Assembly as we confront the issue of a sizeable proportion of our young people. The Member rightly raised concerns about young Protestant working-class males, and that issue needs to be grappled with, tackled and resolved. My Department and I will be happy to continue to take forward schemes to improve that.

**Rev Dr Coulter:** I add my congratulations to the Minister and his predecessor on the energy that they have expended in taking forward initiatives to help young people get into further and higher education on the skills side of things. What initiatives are being looked at, in order that the deficit in learning of young people coming from primary education can be enhanced and the

real problem, when they get to further education level, can be minimised?

#### **The Minister for Employment and**

**Learning:** I am grateful to the Member for his supplementary question and his kind comments. On perhaps the last occasion that he will address the Assembly, I pay tribute to his contribution to this and previous Assemblies.

**Some Members:** Hear, hear.

**The Minister for Employment and Learning:** He has been a fine representative for North Antrim over many years, and I wish him well in his retirement and the days ahead.

On the issue that the Member raised, greater collaboration is needed at all levels in education. That is a clear need, arising not only from the report that was referred to yesterday but more generally. It seems to me to be obvious that early intervention is the key to all this, so that by the age when young people come under my remit many of the problems should be addressed. That is not the case at the moment, and I am happy to work with others. Whoever occupies the Education and Employment and Learning portfolios in the new mandate will have a duty to work progressively to resolve those issues.

#### **Belfast Metropolitan College: Titanic Quarter**

5. **Ms Ní Chuilín** asked the Minister for Employment and Learning to outline the options considered by the Belfast Metropolitan College before deciding to proceed with the new building in the Titanic Quarter. (AQO 1342/11)

#### **The Minister for Employment and Learning:**

I thank the Member for her question. In the outline business case the Member referred to, a number of options were considered. Option 1 was to do the minimum. Option 2 was to refurbish the existing College Square East accommodation and provide new replacement accommodation on an alternative site for the Brunswick Street accommodation. Another option was to refurbish the existing Brunswick Street accommodation and provide new replacement accommodation on an alternative site for the College Square East accommodation or provide new replacement accommodation on a new site for Belfast Metropolitan College or, indeed, provide new replacement



accommodation on a new site for Belfast Metropolitan College as part of a multi-user development.

**Ms Ní Chullín:** I thank the Minister for his answer, but I am at a loss. Perhaps the Minister will explain why the results of the gateway review carried out in 2008 were apparently disregarded for his Department's preferred option, which was to go straight for a newbuild in Titanic Quarter with complete disregard for the financial and educational consequences for every citizen in Belfast? In fact, can he confirm that his private secretary ignored the results of that review to go ahead to seal a deal with private developers in the Titanic Quarter?

**The Minister for Employment and Learning:**

Although I am grateful for the Member's supplementary question, I am again slightly disappointed to hear the chiming from that section of the Assembly, particularly on this issue. This proposal has the potential to be a really exciting and innovative development for the further education sector not only in Belfast but the greater Belfast area.

The value-for-money option was identified as a newbuild single-site development to replace the outdated accommodation on the College Square East and Brunswick Street campuses. Approval to proceed was given on the basis that the business case presented by the college had been assessed by the Department for Employment and Learning — my Department — and the Department of Finance and Personnel as demonstrating the best value-for-money solution in accordance with green book standards.

The Titanic Quarter development demonstrates the ambition of the college to become a world-class provider of further education services. I am sorry that the Member does not seem to share the ambition for a world-class centre of further education. The facility can provide a real advantage to the college in the development of its business. It is an innovative and attractive facility that will enable the college to deliver programmes that will enhance the employability of its students. In addition, the facility represents a much-needed asset in the skills development of the people of Belfast, and it is disappointing that the Member should continue to undermine the value of that new provision, which will offer first-class learning opportunities for all sections of our community for generations to come.

**DEL: Budget 2011-15**

6. **Mr I McCrea** asked the Minister for Employment and Learning what plans his Department has for allocating the additional £51 million received in the 2011-15 Budget.  
(AQO 1343/11)

**The Minister for Employment and Learning:** I refer the Member to the answer that I gave to question 1. I am not sure whether the Member was in his place, but the additional allocations equate to some £13 million each year. The additional £51 million was spread over the four years. It is important that that is clearly understood. In real terms, it represented £13 million each year. Of that, some £7 million is needed annually to address existing contractual commitments to capital projects for further education colleges, and a further £1 million each year is needed to deal with the consequences of the Department of Finance and Personnel's cessation of the student rate relief scheme. So, only some £5 million each year is uncommitted new money.

**Mr I McCrea:** I thank the Minister for his answer, and I will certainly check Hansard for his answer to question 1. Will the Minister assure me and my constituents that the future of the Magherafelt campus of the Northern Regional College is secure?

**The Minister for Employment and Learning:** I am grateful to the Member for his question. Again, I suspect that the press release people are at the ready. Call me an old cynic but maybe not.

**2.30 pm**

Capital resources are very stretched. I have indicated to the directors and chairpersons of the various parts of the FE sector, including the one in the Member's area, that they should proceed to make plans for the future development of their colleges so that when the economic tide turns to the better day, with planning approvals and other things in place, they will be in a position to move forward.

I am not going to give a definite commitment on any college today. It is my intention to improve the estate. The Member's colleague, the Member for North Antrim Mr Storey, has been making representations about the colleges in his area, too, so we want to be sure that, come the day that money is available, we are in a position to move the FE college estate forward.

## Enterprise, Trade and Investment

**Mr Deputy Speaker:** Question 3 has been withdrawn.

### Energy Costs: Business

1. **Mr Gardiner** asked the Minister of Enterprise, Trade and Investment whether there are any plans being developed to ensure reasonable energy costs, which are essential for business success. (AQO 1353/11)

15. **Mr I McCrea** asked the Minister of Enterprise, Trade and Investment what action her Department intends to take to address the impact of the rising price of energy on businesses. (AQO 1367/11)

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** With your permission, Mr Deputy Speaker, I will answer questions 1 and 15 together.

Wholesale energy is traded in international energy markets, which drives retail energy prices. It is a fact that, over the past few months, there has been an increasing trend in wholesale energy costs. Although my Department has no direct influence over such costs, it continues to work with the Utility Regulator and the energy industry to ensure that energy market arrangements in Northern Ireland deliver the lowest possible energy prices for consumers.

The single electricity market (SEM), which was established in 2007, has resulted in greater transparency in energy costs and additional competition, with an increased number of electricity suppliers serving business and the wider community. The Department's recently published strategic energy framework sets a target of 40% renewable electricity. Meeting that target should assist in reducing our current over-dependence on fossil fuels. Over time, that should provide greater price stability for energy consumers.

**Mr Gardiner:** I thank the Minister for her answer. What are her views on the benefits of the proposed fuel cost escalator?

**The Minister of Enterprise, Trade and Investment:** The fuel duty stabiliser?

**Mr Gardiner:** Yes.

### The Minister of Enterprise, Trade and Investment:

In today's Budget, I note that a fuel duty stabiliser has been introduced, and we are to see a 1p a litre drop in fuel duty. We are also to see some work done on the amount of duty that is paid on fuel as oil prices rise. I very much welcome those measures, although I wish that they could have been even more radical.

The Member knows that all the parties have been pushing for a fuel duty stabiliser, because we firmly believe that, unfortunately, Northern Ireland has to deal with the situation more than other parts of the United Kingdom do. We have seen a 15% rise in petrol prices and an 18% rise in diesel prices over the past year, which are very significant. Those rises affect the bottom lines of ordinary consumers as well as those of firms that rely on haulage to get their goods to market. Therefore, the rise in prices causes difficulties for the economy.

I welcome the Chancellor's announcement. As I said, I wish that it could have gone further, particularly for Northern Ireland, but we will wait and see whether we can gain some benefit from today's announcement.

**Mr I McCrea:** I thank the Minister for her answer to the substantive questions.

She recently announced a public consultation on the extension of the gas network to places such as Magherafelt and Cookstown, which are in my constituency. Will the Minister detail the benefits that that extension would bring to places such as my constituency? What costs would be associated with extending the network to the Mid Ulster constituency?

### The Minister of Enterprise, Trade and Investment:

I thank the Member for his question on the gas extension consultation. I announced those plans last week. It has always been a desire of mine — and of his, I should imagine — to bring gas to the west of the Province, because there needs to be further choice for consumers in the west. Therefore, I welcome the consultation. It comes on foot of a study that we undertook between the Department and the Utility Regulator to look at the technical and economic feasibility of bringing natural gas not just to the west but to the north-west, to include Dungannon, Cookstown, Magherafelt, Strabane, Omagh and Enniskillen.

The towns were identified to try to bring extra load on to deal with the issues. The study

estimated that the cost of providing gas transmission networks to those six towns would be around £170 million. Some people were surprised that it was not a lot more. That consultation is out. I hope that it helps the conversation around bringing gas to the west. I also hope that it becomes a reality in the near future, because people who have access to gas find that it provides a good competitive basis to bid for fuel, particularly for businesses that are dealing with high energy costs.

**Mrs D Kelly:** I thank the Minister for her answer, and I share her concern that a 1p reduction is very little in respect of the overall rise in costs. However, can the Minister point to any specific measures that businesses might be able to take up, through her Department, to assist in reducing energy costs — through the green new deal, for example?

#### **The Minister of Enterprise, Trade and**

**Investment:** I visited some companies recently, including Greiner Packaging in Dungannon, which has taken advantage of new technology to bring down the bottom line of its energy costs. A lot of small and big companies work with the Carbon Trust, and the Member will know that Invest Northern Ireland funds the Carbon Trust to go around companies to identify ways in which they can bring better efficiency to their energy use, whether that is in manufacturing or in whatever type of business they are dealing with.

We need to shift to renewable energy. That is very clear, and it was set by the Department and by the policy in relation to the strategic energy framework that we wanted to move to more renewable energy. However, we also need to have energy efficiency. The Carbon Trust provides a very good service to businesses in Northern Ireland by helping them to identify where they can make those savings.

**Dr Farry:** Can the Minister give the House an update on her view of the Smart Grid pilot zone proposal, given the role that it could play in managing the long-term energy needs of businesses and that it could provide an opportunity for Northern Ireland to become a world leader in that area?

#### **The Minister of Enterprise, Trade and**

**Investment:** I thank the Member for his question. I think that that is somewhere where we can really make a difference. I have met SmartGridIreland, which is the industry group that has been working on the Smart Grid,

and I believe that Northern Ireland is a very good place to run a pilot. Essentially, you are bringing together renewable energy using smart technology in an energy efficient way. Therefore, it is bringing together the two elements that I was talking about: using more renewable energy, but in a more efficient way by using technology.

I very much hope that SmartGridIreland can bring forward a number of pilots. As I understand it, it is identifying a number of towns around Northern Ireland where it is going to place different technologies. It will test that technology out to see what the take-up is and how it will work. When that happens, it will be hugely exciting. It will help consumers, it will help technology, it will get people to look at developing technology in Northern Ireland, and it could make us a world leader in the Smart Grid area.

#### **Tourism**

**2. Mr Bell** asked the Minister of Enterprise, Trade and Investment what plans her Department has to increase tourism from the rest of the UK. (AQO 1354/11)

#### **The Minister of Enterprise, Trade and**

**Investment:** The year 2012 offers unique opportunities for Northern Ireland to increase visitor numbers from Great Britain. Events such as the Titanic centenary, the opening of the Giant's Causeway visitor centre, the Clipper round-the-world yacht race with the Londonderry host port festival, the Ulster Bank festival at Queen's and the UK City of Culture 2013 will capitalise on the new tourism product coming on stream and raise the profile of Northern Ireland globally.

**Mr Bell:** I congratulate the Minister on her role and the fact that we sit here four years later having achieved more jobs in Northern Ireland than at any other comparable time. With regard to tourism, particularly in Strangford, the critical issue for many people coming across is air passenger duty. Will the Minister give us an update on what happened to air passenger duty in the Budget, given the impact that it has on aircraft flying in and out of our two major airports?

#### **The Minister of Enterprise, Trade and**

**Investment:** I thank the Member for his question and his comments about my time as Enterprise Minister.

An hour or two ago, the Chancellor announced that he is putting a freeze on air passenger duty. He is also having a consultation to see whether there is a need to reform it. We have been vociferous about the need to reform air passenger duty. We do not have the choice of taking the train to London: we have to take the plane. Therefore, we have special circumstances to link us to London, and air passenger duty should be looked at in a meaningful way, not least with regard to the international flights that come in to Belfast International Airport.

A consultation has been announced today, and I have the document with me. It asks a number of questions about business jets and what have you. Importantly, however, it also asks for comments and evidence on the impact of air passenger duty on the UK regional economies. We have to be proactive in making it known to Treasury that air passenger duty has a disproportionate impact on us in Northern Ireland, and I will put forward that view to the Treasury in the coming days.

**Ms M Anderson:** Go raibh maith agat. I thank the Minister for her responses. She would probably get more work done if she took the train to Dublin, never mind the train to London.

Is Fáilte Ireland intending to withdraw funding from the Derry Visitor and Convention Bureau? Is the Minister aware of that? If she is, has she looked at the impact that that will have on tourism in Derry?

#### **The Minister of Enterprise, Trade and**

**Investment:** I am aware of the issue. I know that the Member will agree with me that the north-west area in general has raised its game in relation to tourism. I am aware that the Visitor and Convention Bureau in Londonderry has contacted Fáilte Ireland to request an urgent meeting to discuss the matter. I understand that those discussions are ongoing and that no final decision has been reached. I have asked the Northern Ireland Tourist Board to keep me informed of developments. I do not want to say too much more about the issue, because, as she will appreciate, it affects a member of staff. I will leave it at that. However, I assure her that I am aware of the issue, and that I will keep an eye on the matter to see what happens.

**Mr P Ramsey:** I thank the Minister for her response. As it is her last occasion at the Dispatch Box, I thank her again for her help and

co-operation with the constituency matters that I have raised with her during this mandate.

Following on from the question from my colleague in Foyle with regard to the importance that the city council and the constituency place on tourism, it is important that we maximise and utilise the strength of the City of Culture in 2012 with regard to tourism being the next industry for our city. Will the Minister tell us whether there has been a cross-departmental approach to maximise those benefits?

#### **The Minister of Enterprise, Trade and**

**Investment:** Some time ago, I asked my permanent secretary to chair a committee to look at 2012 initially, but then 2013 became an important year for us as well, and from his perspective, 2011 as well with the Clipper 2011-12 round-the-world yacht race. It starts towards the end of this year, and we are coming to a time when we need to make the most of what is coming towards us, not least with regard to the City of Culture designation. During my last Question Time, I said that the Turner Prize, the Brit Awards and all those big events coming to the city would put it on the map, not just in UK terms but in European and global terms, because so many people look at those events.

A hugely exciting time is coming for the north-west, particularly in relation to 2013, and I hope that we can get the momentum going from now on — from the end of this year, right up to 2013 — and enjoy everything that is coming towards us.

**2.45 pm**

**Mr Deputy Speaker:** Question 3 has been withdrawn.

#### **Economy: Newry and Armagh**

4. **Mr Irwin** asked the Minister of Enterprise, Trade and Investment for her assessment of the economic prospects for the Newry and Armagh constituency. (AQO 1356/11)

#### **The Minister of Enterprise, Trade and**

**Investment:** Independent forecasts suggest that Northern Ireland's economy will grow on average by around 1.5% this year. However, it is likely to be another difficult year for businesses across Northern Ireland as we recover from the recession, which particularly affected our labour market.



Given its location, the Newry and Armagh area has good potential for cross-border trade and tourism, and that has been reflected in the recent acquisition of 83 acres of land in that area by Invest Northern Ireland. In addition, recent announcements by Invest Northern Ireland about high-value-added projects in the Newry and Armagh constituency, such as First Derivatives, should boost its economic prospects.

**Mr Irwin:** I thank the Minister for her reply and, indeed, for her interest in local business. What impact, if any, would the lowering of corporation tax have on local businesses?

**The Minister of Enterprise, Trade and Investment:** I thank the Member for his question. It is hoped that we will soon have a paper on that very issue. When that paper is issued, I hope that everyone will engage in discussions about the figures, the block grant and the delivery of a step change in Northern Ireland's economy, which is exactly what I think that the lowering of corporation tax will bring to Northern Ireland. It would be a whole new proposition that we could make to firms looking to place their profits in Northern Ireland.

Until now, we have been telling firms from across the world to come to Northern Ireland for the skills, the young people and the cost advantage, all of which will still be here. However, if we get the additional help of lower corporation tax, I think that Northern Ireland's economic growth would be unstoppable over the next number of years. I very much welcome the paper that is coming out tomorrow, and I look forward to engaging with colleagues on its effectiveness.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra a thug sé. Does the Minister agree that enterprise agencies in Newry and Armagh are well placed to support local businesses and to encourage new set-ups? Does her Department intend to increase the amount of resources given to those agencies in order to help them develop the work that they are doing so well?

**The Minister of Enterprise, Trade and Investment:** I thank the Member for his question. Indeed, it gives me an opportunity to pay tribute to the enterprise agencies across Northern Ireland that do a lot of good work with micro-businesses and with people who want

to start up such businesses. The Enterprise Development programme, formerly the Start a Business programme, is now delivered by a lot of those enterprise agencies, because I felt that they were best placed to deliver that programme on the ground with all of those new businesses.

As regards resources, it will come as no surprise to the Member that budgets are very tight at present. However, if the enterprise agencies bring programmes to me or my successor, I am sure that we will look at those on a value-for-money basis. I very much value those agencies, many of which I have visited. I regret that I was not able to get to the one in Newry, which I had hoped to visit before my time in office was up. I commend them for their work right across Northern Ireland.

## Employment

5. **Mr A Maskey** asked the Minister of Enterprise, Trade and Investment how many jobs her Department has created since May 2007.  
(AQO 1357/11)

**The Minister of Enterprise, Trade and Investment:** During the period from 1 May 2007 to 28 February 2011, approximately 50% of Invest Northern Ireland's assistance was directed towards projects that had a job creation element. Those projects expect to create over 20,300 new jobs and to safeguard nearly 6,700 existing jobs. However, not all of those jobs are created immediately as some projects can take up to five years to fully mature. Invest Northern Ireland also assisted in the creation of almost 11,000 new jobs indirectly through the Enterprise Development programme, formerly the Start a Business programme, delivered in conjunction with Enterprise Northern Ireland.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her reply. Given the achievements that have been gained over the past number of years, I think that there is much to commend the Executive and the Assembly for as we reach the end of this mandate, and I thank the Minister for her personal part in that. By the same token, listening to the Assembly today, I am hearing what sounds more like a mutual appreciation society than the cut and thrust of the politics that we need. I do think that it is important —

**Mr Deputy Speaker:** It is Question Time, Mr Maskey. Could I please have a question?



**Mr A Maskey:** I appreciate that, a LeasCheann Comhairle. I am just coming to my question.

As I said, I thank the Minister for her response. Will she accept and acknowledge that there is a view out there that, given the considerable amount of money that, for example, Invest NI spends, there is a relatively low value-for-money return for that investment? Does the Minister think it appropriate and essential that all the relevant Departments work very closely together to maximise the value for money that we put in, through job creation, job retention and so on, because far too many people in all our constituencies are still suffering long-term unemployment, particularly in the current economic conditions.

**The Minister of Enterprise, Trade and**

**Investment:** I thank the Member for his question, particularly the first part. Seriously though, more than anybody else, I recognise that unemployment continues to grow and long-term unemployment continues to be a problem. That is why we secured £18.8 million in the Budget to deal with short-term employment issues. We still want to rebalance our economy. The fact that Invest Northern Ireland has been able to bring in the number of jobs that it has during a global downturn is testament to the work that it is doing right across the world. However, I felt that there was also a need to do some rebuilding. That is why that £18.8 million is in the Budget. We will continue to look for opportunities with the social economy, call centres, the agrifood sector and those sectors that Invest Northern Ireland would not ordinarily work with to try to find ways to bring unemployment back down again.

I pay tribute to Invest Northern Ireland's staff across the world. They do a tremendous job for us. That is shown by the amount of investment that they have brought to Northern Ireland over this period of devolution. They have brought in investment worth £1.258 billion, which will generate total wages and salaries of £447 million against a target of £345 million. They have well exceeded their target for bringing investment and jobs into Northern Ireland, and I commend them for that. They have done a tremendous job in very, very difficult circumstances.

If we are looking for ways in which to deal with the unemployment rate, we must think more proactively. We want to rebalance, and that is

what Invest NI will continue to do, but we also need to rebuild. We must rebuild, and we must deal with that unemployment figure.

**Mr K Robinson:** I thank the Minister for her answer, which was quite positive in many ways. I also want to take the opportunity to congratulate the Minister. During her tenure, she has been most open and helpful to Members, such as myself, who are attempting to retain jobs in our constituencies. You will be relieved to hear, Mr Deputy Speaker, that that brings me to my question. Will the Minister tell me, in round figures perhaps, how many jobs have been created in East Antrim and how many jobs have been safeguarded in East Antrim during her tenure and due to her recent efforts, particularly those in America?

**The Minister of Enterprise, Trade and**

**Investment:** I do not have them with me today, but I am more than happy to give the Member those figures. If any Member wants to see the number of jobs that have been created and sustained in his or her constituency, those figures are available. I will write to the Member with those.

**Mr McQuillan:** I also thank the Minister for her period in office and how well she has done. Will the Minister tell me how many inward investment projects have been secured by Invest NI during the PSA period to date?

**The Minister of Enterprise, Trade and**

**Investment:** I am getting the answer to the previous question.

We have secured 127 inward investment projects with a plan to promote 7,771 jobs in the region. That is beyond the target set in the Programme for Government, which was for 6,500 jobs. Again, Invest NI has gone past that target.

Sometimes, we get blasé about those things. However, I never do. Today, I announced 125 new jobs at Deloitte in the city centre of Belfast. That means a difference for 125 people, whether they are graduates or others looking for a job in that area. We should not be blasé about job announcements, because those are real and meaningful jobs for people. We should rejoice about the fact that we have been able to secure so many new jobs over the past four years.

## Giant's Causeway: Interpretative Centre

6. **Mr Storey** asked the Minister of Enterprise, Trade and Investment for an update on plans to build a new interpretative centre at the Giant's Causeway. (AQO 1358/11)

**The Minister of Enterprise, Trade and Investment:** The various work packages for the development of the new visitor facilities are well under way. The main contractor for the building commenced works in November 2010, and the project is on target for completion by the summer of 2012. Other work packages are also progressing, including several car park developments and the launch of a new park-and-ride facility in Bushmills.

The visitors' centre is being advanced by a leading exhibition design company, and it will be an integral part of the world-class visitor experience at the Causeway. Detailed designs have been accepted, allowing time for procurement and installation in line with work streams. The existing visitor site remains accessible while the site understandably undergoes considerable structural and operational changes, and it is still very much part of the visitor experience. My Department and the Northern Ireland Tourist Board are working with the National Trust to plan and deliver an international-scale event worthy of celebrating the centre's opening.

**Mr Storey:** I join the chorus of congratulations to the Minister, particularly on ensuring that this project was delivered in my constituency, given the long history of the site's development after the disastrous fire. I ask the Minister and her Department to continue to endeavour to ensure that having the Causeway as Northern Ireland's premier tourist attraction benefits not only the local community but Northern Ireland in general and for that to be a priority for her Department as we get closer to the opening of the facility and when it is fully functional.

**The Minister of Enterprise, Trade and Investment:** I thank the Member for his very kind comments. He is right, of course, that the Giant's Causeway is the premier tourist facility in that it receives the largest number of visitors every year. That is the case despite the fact that visitor facilities have been below par until now. Only a couple of months ago, I visited the site to see the ongoing work. It is a hugely exciting

development, and, as I said, the site has been kept open to visitors even during the works.

My great hope for the Giant's Causeway visitors' centre is that it will attract people and then point them in different directions to other events and locations right across Northern Ireland, including, obviously, the wider Causeway Coast and glens area, which is hugely beautiful in itself. There was an announcement in relation to Gobbins Path, and people from east Antrim will rejoice in the redevelopment of a very beautiful path that will attract visitors.

The Giant's Causeway is part of the overall picture for the 2012-13 proposition. It is very much part of our tourism strategy, moving forward. I wish the Member and his North Antrim colleagues every success, and I hope that they will enjoy the new visitors' centre very much.

**Rev Dr Robert Coulter:** In what is my final contribution in the House, I sincerely thank the Minister for the very kind attention that she has given to the needs and workers of North Antrim over quite a period. I have to declare an interest as an octogenarian. Within the plans for the visitors' centre, what definite plans are in place to assist those who are not as mobile as young people in getting down to the stones and back up again?

**Some Members:** Hear, hear.

**The Minister of Enterprise, Trade and Investment:** I join the Minister for Employment and Learning in congratulating the Member on his long period of service to North Antrim and to the House. I know that his presence will be missed on the Benches, and I wish him well.

The new visitors' centre will be accessible to everyone. It will all be on one level. If the visitors' centre turns out as per the plans, it will provide an absolutely beautiful experience in itself. There will also be direct access down to the stones. I am sure that access will be made readily available to those who are not as mobile as they used to be.

**3.00 pm**

**Mr O'Loan:** When we consider how testing an issue the interpretative centre at the Giant's Causeway was for the Assembly four years ago, it is only right to congratulate the Minister on delivering that important project in conjunction with the key partners, the National Trust and Moyle District Council. What preparations are

being made to use the new interpretive centre, as it will be, to enhance the offer at the Giant's Causeway and to market it worldwide?

**The Minister of Enterprise, Trade and**

**Investment:** The Member knows — I should know better than most — that the Giant's Causeway is the only UNESCO heritage site in Northern Ireland. Therefore, when the new visitors' centre is in place, I believe that we will get global attention. The innovative design and construction of the building will, in itself, be a marketing tool. When people arrive at the visitors' centre, it is my great hope that it will be used to point people all over Northern Ireland so that they can avail themselves of the absolutely marvellous experiences that we can offer. I have had conversations with the National Trust on that matter.

I believe that the visitors' centre currently receives 400,000 visitors a year, although I stand to be corrected if I am wrong. It is our premier tourist attraction, and I believe that we can double the number of visitors to the centre, because we are going to make it more accessible to everyone, and there will be a better understanding of the stories that are there to be told. It will be an exciting attraction, and I hope that I will be available to attend the opening ceremony.

## Ministerial Statement

### Northern Ireland Housing Executive

**Mr Deputy Speaker:** The Speaker has received notice from the Minister for Social Development that he wishes to make a statement.

**The Minister for Social Development**

**(Mr Attwood):** I want to make a statement about the Housing Executive and other matters. When I commenced the fundamental review of the Housing Executive last autumn, I said that I would update the Assembly on its progress. That is what I intend to do today, because issues around the Housing Executive — the scale of its stock, its budget, its immense achievements and the current questions that arise — require as full as possible an update to the Assembly.

Before addressing all that, I want to make a central point. Housing and housing-related issues occupy a significant proportion of the time of any Minister for Social Development, and it is absolutely right that that be the case. It is a central element in the family of responsibilities and issues of need that make up the Department for Social Development. This statement addresses the future of the Northern Ireland Housing Executive and of housing associations and aims to establish the path that the social housing sector needs to travel — in my view, must travel — over the next period. Public housing, in my very strong judgement, requires a new phase of deep and enduring reform.

The great achievements in housing over the past 40 years should not disguise the major challenges and, let there be no doubt about it, some evident deficiencies. This statement aims to be clear and unambiguous about where social housing needs to and should go. It is not a statement to appease the predatory instincts of some who believe that there is an easy path to and a quick fix for securing alternative funding for social and affordable homes and beginning the downward path towards the privatisation of social housing in Northern Ireland. Equally, this is not a statement that will appeal to those who hope that the recent interrogation of housing issues will pass on the far side of 5 May. The statement is intended to create a pathway for social housing provision that builds on past strengths but changes where necessary, in a fundamental and radical way, provision in future.

I will address the fundamental review of the Housing Executive that was announced last autumn. On 11 October 2010, I announced in the Assembly that I had initiated a fundamental review. I agreed to provide Members with an update on progress, and I have done so to the Committee for Social Development and, at relevant times, the Assembly. Given that I made an Assembly statement on the issue and said that I would be in a position to report progress by the end of 2011, I wanted to fulfil that commitment before the end of the mandate.

As previously stated, the fundamental review was going to be the first thoroughgoing review in the 40-year life of the Housing Executive. It was not, by any means, going to be a light-touch review. That was confirmed in the agreed terms of reference. PWC took forward the fundamental review. I made it clear to colleagues in the Chamber that I did not want the review to be a light-touch one; that it had to be a fundamental review; and that, subject to what I am going to say later, PWC should bring forward any and all appropriate options.

The terms of reference said:

*"The Review will examine the housing and all functions of the Northern Ireland Housing Executive in detail, providing a comprehensive assessment of their contribution to housing and other Departmental and Government policy objectives. This will take account of other organisational structures in the housing policy sector and make recommendations about remit, role and responsibility to achieve best results. The Review will also examine the efficiency and effectiveness of the Northern Ireland Housing Executive's operations, including the appropriateness of existing structures."*

I recall how, when draft terms of reference for the fundamental review were forwarded to me, I advised officials and reworked the terms of reference to ensure that they were as expansive and thorough as possible before advising the Housing Executive board that those were the terms that I had agreed.

As the review required specialist knowledge of organisational reform, external assistance was sought and PricewaterhouseCoopers was appointed as the successful professional adviser. It commenced work late in December 2010, and good progress has been made in that short timescale. Various issues about consultants are raised from time to time, and I want to acknowledge that PWC applied itself

quickly and diligently to this work. It brought one expert in particular from England who had good knowledge and authority around issues of social and public housing. It also kept me informed on a rolling basis of what it was doing and how it was doing it, and I was mighty impressed at the dedication and delivery, in such a short time frame, of something that may have such significance.

In taking cognisance of the important and wide-ranging role that the Housing Executive has performed over the past 40 years, the review team adopted an inclusive and collaborative approach in seeking views from a wide variety of key stakeholders, including the Housing Executive chairperson and board, whom I wish to acknowledge. They have been through something of a journey recently. The Housing Executive has had to deal with a lot of issues, including internal and external investigations. Some of those issues raised public and political concern. That was a difficult situation to manage. I want to acknowledge the chairperson of the board, senior management and the board of the Housing Executive generally for their role in taking the fundamental review forward. They provided assistance and were helpful in identifying the direction that we are now embarking on.

We also consulted the Housing Council, the Social Development Committee, the Northern Ireland Federation of Housing Associations, the Chartered Institute of Housing and the Department. My Department also wrote to all Members in February 2011 to seek their input into the review. PWC also consulted each of the major political parties and considered a wide variety of possible future service delivery options.

I do not want to pre-empt that ongoing work, but I anticipate receiving a draft report by the end of March. I wish to highlight four of the key emerging themes that I think will be reflected in the body of that report in good time and which I think are the principles that underpin the fundamental review and the direction of travel of the Housing Executive going forward. Prior to doing so, I want again to confirm a number of matters.

The Housing Executive has been the trailblazer for radical reform in Northern Ireland. A little over 40 years ago, there were politically explosive issues around housing. The housing



standards experience of a large section of people was unacceptable, unacceptable across our political tradition and community. Families lived in overcrowded and poorly maintained properties. That was a call to action, which saw the birth of the Housing Executive. As an organisation, it has single-handedly defused the social and political time bomb of unfairness in housing and achieved a great deal over the past four decades. However, despite those undoubted achievements, challenges remain, including the size and scale of continued housing need and the number of people on waiting lists and in housing stress. The fallout from welfare reform and housing benefit cuts is only part of the narrative of what still needs to be addressed. However, all that remains does not take away from all that has been achieved.

In ordering the review, I made clear my strong belief that, ultimately, responsibility for the provision of social housing should fall to the state and that there was an obligation on the state to provide substantial funding for social housing. That remains my view. That is why the recent Budget, which could see newbuild numbers decline by hundreds every year for the next five years, is a cause of deep worry. At the same time, as I said earlier, it is undoubtedly true that certain elements have what I call predatory ambitions around the Housing Executive and have a view that the use of Housing Executive stock is a quick and easy way to access large sums of capital for newbuild. There is no quick fix to the challenge of financing social housing. There remains a challenge to fund adequate newbuild provision in times of greater need, especially over the next five years. We have been doing a lot in that area, with the formation of the procurement groups to capture economies of scale, accessing European Investment Bank funding at the lowest possible borrowing rates and other initiatives. I see scope for further leveraging of public money in housing to produce more with less, but I do not see a solution that involves the privatisation of the Housing Executive or the withdrawal of government finance for newbuild social housing. I will touch on that later.

That having been said, given my commitment to reform in a positive image, I have drilled down on housing finance, including the levels of housing association grant, the total cost indicators and the cost of newbuild per unit. In those ways and others, I am still working to mitigate the consequences of a bad budget for

housing and thus to turn round the anticipated scale of reductions in newbuild over the next five years. I will apply myself to that issue in my remaining days and weeks in office.

I now turn to the key emerging themes of the review work that has been carried out to date. First, there is a strong case, which is supported by numerous reports and much good evidence — for example, Varney, Ford, Savills and Tribal — for separating the strategic and landlord functions currently carried out by the Housing Executive. The strategic direction of travel would be for the strategic housing function, which is the non-landlord activities such as urban renewal, private sector grants and warm homes, to be carried out by a new strategic housing authority while functions that were previously identified for transfer to councils under the review of public administration, such as houses in multiple occupation, housing unfitness, Travellers, Living over the Shop initiatives, local energy conservation and the like, would still transfer to those councils, with landlord services to the existing NIHE stock being delivered by a new streamlined and revitalised Housing Executive. That would enable it to concentrate on the needs of its tenants and the improvement of its stock.

There is a general recognition that there are benefits to be gained from decoupling what could at times be considered as competing priorities in a single organisation. A separation would allow a focus on both areas, which would enable an optimum solution for the overall housing sector in Northern Ireland to be delivered. There appears to be little dispute that that is the direction of travel. I expect that to be the case in the forthcoming interim report. It is a crucial fundamental structural issue around the architecture of housing going forward, and it has a very significant impact. It is one that we will not just have to seriously consider but promptly act on.

If, in time, we decide to create a new body to take forward the strategic functions of the Housing Executive, I expect that to be a radical energising and reforming body, pushing for change and challenging the operating environment. Such a body will be charged with leading and working closely with DSD in managing our desired transition away from housing policies that perpetuate separation in housing to policies that deliver across the board on the promise of our shared future objectives.



Secondly, without prejudice to comments that I made earlier, there is a need to develop structures that will allow access to new sources of funding. We are obviously living in a difficult financial climate. There is a requirement for additional funding to be injected into social housing if we are to maintain the existing housing stock to appropriate levels and continue with our focus on newbuild supported through the social housing development programme. An investment in the maintenance of existing stock and a rejuvenated newbuild programme has the potential to deliver significant benefits to the wider economy. Any new structures must provide a sustainable financial framework for housing over the next 20 years. The fundamental review looks directly at that issue; it does not shirk it. We have to challenge some of the conventional wisdom about housing finance and existing Treasury rules. I see no reason why the Housing Executive cannot access borrowing as a public body. The idea that it needs to be privatised to borrow is not sustainable. The final report will face up to that question. However, I hope and anticipate that it will do so in a measured, proportionate and discerning manner. It will not say that there is a quick and easy remedy to the issue of financing social housing, but it will scope out the options whereby a reformed Housing Executive may have access to other sources of funding, potentially in the housing association model of access to European moneys at low interest rates.

### 3.15 pm

Thirdly, the consensus is that a regulatory function is needed across all tenure types to protect the interests of homeowners, tenants, landlords and taxpayers. Such a regulatory function must be independent, with sufficient inspection and enforcement powers to ensure that it can intervene proactively to improve housing across Northern Ireland. For example, in relation to the recent Housing Bill, Members commented — I agree — that regulation and standards in the private rented sector must be upgraded. That should and will be an issue to be addressed further, not least if increasing numbers of people have no alternative but to seek housing in that sector. That will require management, oversight and regulation. Again, the fundamental review will face the issue directly.

Fourthly, the Housing Executive has been in existence for 40 years, and, over that period, it has developed a staff that is rightly praised

for its dedication and skill. NIHE staff, past and present, can be enormously proud of their achievements, and all our constituents live with the benefits of those achievements. Staff should be reassured that their specialist knowledge and capabilities are acknowledged. Any new delivery models must be implemented in a manner that is inclusive, structured and carefully planned. As we seek to implement solutions for the future, we must not lose the best characteristics of the existing Housing Executive. However, we are duty-bound to benchmark all activities around housing delivery in the North to make sure that we get top value for public money invested.

As I indicated, the fundamental review is due to make an interim report by the end of March. That initial report should very much be regarded as a series of recommendations designed to provide a strategic direction of travel moving forward. We all need to become actively involved in the consultation process that will follow from the report, taking the once-in-a-lifetime opportunity to shape the delivery of social housing for future generations.

The need for change is not isolated to the Housing Executive. Members will be aware of issues relating to housing associations, although they are not part of the review. Those issues do not decline. Indeed, there are a few among the housing associations who simply fail to appreciate what is needed around the reform of the housing association movement.

**A Member:** Hear, hear.

**The Minister for Social Development:** Some even cling to the false notion that they are somehow untouchable. Perhaps that was what the Member was referring to. I have been addressing those matters, but now is the time to push on. That will involve a number of elements.

First, in my view, we should move with all due haste to having a smaller number of housing associations, the outcome of which will be that we will have larger developing associations, management-only associations and a number of specialist associations. I have said that, in total, there should be 10 to 14. It could be argued that there should be fewer. That outcome may arise in any case due to organisational need, the impact over the next few years of reductions in the housing association grant and other factors. In fact, my officials are today

meeting housing associations to set down how grant rates available for coming years are being reduced by, on average, 10%. I would point out, however, that I will continue to look at the issue and that the figure may be revisited. Indeed, there needs to be further consideration of paying housing association grant only to housing associations with a significant level of stock — some say 1,000 units, although there is an argument for fewer.

Secondly, rather than mere gestures towards it, the process of merging housing associations needs to begin. I am told that there are legal constraints on what government can do. Therefore, let us explore and exhaust what can be done. I have instructed officials to scope out what legal remedies exist and what further legal powers might be needed to encourage and enable the merger of housing associations. I am seriously considering no longer allowing housing associations to have the protection of group structures in order to enable them to continue to develop newbuilds. In addition, the power to take a housing association to inquiry and to commence the process of deregistration should now be availed of. So, there are legal options available to govern them. However, I want government to work with housing associations to achieve the desired outcomes.

Thirdly, one of the examples of doing things differently from direct rule was Margaret Ritchie's upgrading of the housing division of DSD. That reflected the imperative of housing and included enhancing DSD oversight of housing associations. With large sums of public money and the legal, contractual and administrative burden on housing associations, it was vital that oversight was escalated. I have now gone further and have instructed officials to further develop the capacity, number and character of DSD oversight of housing associations. If housing associations are doing well, we should say so and affirm them; if not, we should say so and act. That will create new disciplines for all housing associations and new practices, including the opportunity for merger.

I also advise the Assembly that, due to concerns identified in one housing association last year, I instructed the oversight team to conduct an in-depth examination of the association. Its work has been extensive, exhaustive and of worry. It has led to my decision to suspend the housing association from the development programme. The suspended association is the Helm Housing

Association, the largest in Northern Ireland. That was done after proper process and on good evidence, and it confirms that housing associations will and need to be subject to appropriate rigour and examination. This is how things shall be. Oversight is a shield to those who live up to all appropriate standards and a spotlight on those who do not.

Fourthly, the issue of internal costs — senior staff and remuneration costs — must be addressed. Not one of the senior housing association staff, who are on what I consider to be generous salaries, agreed to my request to take a salary reduction. A number confirmed that bonuses would not be paid. I welcomed that, but it was hardly the point. So, as part of governance oversight, DSD shall establish thresholds for payment of senior staff in housing associations. For legal reasons, my reach may not extend to those in contract, but all future senior staff shall be expected to comply with DSD-recommended thresholds, and procedures shall be established to enable that to happen. This model should apply to other organisations fully or partly funded by government. There should be mechanisms to control salary and remuneration packages. That is a matter that the Executive need to take forward more generally. It is, however, utterly wrong and upside down that one housing association can write to government and say that the chief executive is taking legal advice about the powers of government to request salary restraint, and another — I jest not — dared to write to government about its company car policy, stating that one car was for the use of an employee who was a single man who enjoyed driving.

Fifthly, the work of procurement groups must be accelerated. There are three groups in various stages of development. Those must all evolve quickly and have shared procurement for all their needs, not just consultants but supplies, services, finance and resources and, critically, newbuild contracts. Good work has been done in establishing the three procurement groups, one of which is more advanced than the other two, but all of them must now advance to procurement across the range of all their functions and activities.

The Northern Ireland Housing Executive has served us well over 40 years, and we should never forget that. However, we are living in different times now, and we need new solutions.

I assure the House that we will press ahead with radical reform of the delivery of housing and housing-based services in Northern Ireland so that we can be absolutely sure that we are best serving our citizens, particularly those who need us most.

There are challenges across the range of government, but Departments will fail if Ministers go into government — the easy bit — but do not go into power, which is the hard bit. That issue and that difference is what, in part, can move us beyond the mere fact of devolution into the devolution that delivers our hopes and expectations. More than any Minister in this mandate, Margaret Ritchie knew and practised the difference, being in government and in power in an attempt to redeem the powerless. We should all be judged by her standards.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I thank the Minister for his generally positive statement to the House on this important issue. I notice that it is not just as important to everyone in the House when I look at one corner of the Assembly.

I mark the success of the Housing Executive and its staff over the last 40 years and endorse the Minister's comments in respect of housing associations in his statement. I called for and very much welcome the instigation of the fundamental review of the Housing Executive, and I am glad to see that many of its interim findings appear to be along the lines of arguments that I have put forward. Does the Minister agree that, whatever the ultimate destination for the Northern Ireland Housing Executive, the direction of travel for the next Social Development Minister and the new Executive is towards positive change for that organisation to deal with finance, regulation, strategic and landlord functions in a way that has a positive impact on housing in Northern Ireland for the future and, indeed, for the next 40 years?

**The Minister for Social Development:** I thank the Chairperson for his question. I also thank him, as I have done on a number of occasions, for dealing with the volume of legislation that has gone through the House via the Social Development Committee. As I have always said, the Social Development Committee establishes a template against which other Committees should judge themselves. That

is accommodated by the Chairperson, who is exhaustive in enquiry and diligent with the paperwork and, as he indicated, asks searching questions and claims credit for ministerial decisions. I have no problem with that; I am prepared to share the glory. I also acknowledge what he said about the Housing Executive.

We have to pinch ourselves when we consider what housing was like 40 years ago and what it is still like in some parts of Northern Ireland. It takes a lot to shock me, but I was taken aback by the condition of housing in Rinmore in Derry. There is bad housing in my constituency, the worst of which is on the Shankill Road, where I visited housing that is not fit for human habitation. That is probably why Mr Humphrey made remarks earlier about one of the housing associations. Therefore, whether in mid-Shankill or in Rinmore, there are still serious issues with the fitness of housing. That is why the Rinmore decision, which was endorsed by all parties and by an overwhelming number of tenants, was right. However, the levels of unfit housing, which, as Savills confirmed, are tiny in the public sector, do not take away in any shape or form from the immense achievements of the Housing Executive.

We need to build on those achievements. Yes, the entire purpose of any fundamental review and of any further restructuring or reconfiguration of the Housing Executive is to make sure that the success of the past 40 years is replicated over the next 20 years. We must also be aware that the models of the past are not necessarily the best models for the future. If we can get that balance right, maximise the strengths of the past and scope out new ways of providing social housing in future, the Housing Executive will be sustained and successful as an organisation and, more than anything else, will meet the needs of those in housing need.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. I, too, thank the Minister for his extensive statement on many different aspects of housing. We have to study it, but, in many ways, it seems that his speech today has written the epitaph of the Housing Executive. There has been poor morale in the Housing Executive over the past number of months, and it will be interesting to see what message the statement will send out to it. We knew that change was coming and —

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

**Mr F McCann:** Does the Minister agree that, at the end of this exercise, the Housing Executive as we know it, which has delivered thousands of houses over the past 40 years, will not be the same body? Will a review of his Department be carried out with the same rigorous authority? After all, the Department is the governing body of the Housing Executive and the overseeing body for housing associations.

**The Minister for Social Development:** I thank the Member for his question and for all his questions during my short life as Minister. I have appreciated all the exchanges, whatever their character.

**3.30 pm**

These have not been easy days for the Housing Executive. There has been a lot of political and public comment. There have been times of stress, and there are a series of ongoing internal and external investigations. I assure the Member that, more than once a week and, very often, a lot more than that, I have to apply my mind to ongoing matters. Even this morning at 9.30 am, I had the deputy secretary in to discuss ongoing issues with the Housing Executive. These have not been easy times, and I appreciate that some in the Housing Executive may feel that they are in the eye of a storm and that that might be reflected in what the Member referred to as poor morale.

On the other hand, although the Housing Executive's board and senior management is challenged, tested and pushed in a proper manner, they consistently go over the wall. That is the standard on which I judge people in times of difficulty. Many years ago, Séamus Mallon taught me to judge people and organisations on whether they will go over the wall with you when the going gets tough, because most people stand and look.

The Housing Executive board, at a senior level and at a management level, has taken forward the governance and audit review and the gateway review, which made for difficult reading. It has full management of internal investigations, and it co-operates fully with external investigations. Yes, it is an organisation in transition, and it needs to be in transition. However, it seems to me that it is occupied by people at various levels who have the capacity, intention and ambition to assist and enable

that ambition. If there have been times over the past nine months when I have felt that that has not been the case, I have made it clear to management and board members where I thought they needed to go, and they have always responded positively.

This is not the epitaph for the Housing Executive. In my view, there will continue to be a body called the Northern Ireland Housing Executive, and rightly so. That name is synonymous with transforming public policy and public life in Northern Ireland, and I hope and anticipate that the Northern Ireland Housing Executive name will be kept and that a vast range of functions will continue to be fulfilled by a body with that name.

Subject to the final report and subject to a future Minister, the Executive and the Assembly, this is potentially the time and place at which the work that the Housing Executive does can be remodelled so that the landlord and other functions are split in a way that enables all that to evolve and mature in a better way in service to tenants and to housing policy.

It is an inaccurate, even false, notion to suggest that a review of the Department is needed. Through Margaret Ritchie and, I would like to think of late, me, the Ministers in DSD have taken a hands-on approach to each and all housing issues wherever they arose. Those have included the difficulties with the winter weather, the threats and challenges that have been posed to the Housing Executive and the issues that have been identified with housing associations. In each and every one of those issues, Margaret Ritchie demonstrated, as I indicated at the end of my statement, that she knew the difference between going into government and going into power. She knew that going into power meant being hands-on and managing in a prudent, responsible and proper manner any and all issues in the Department, not least those concerning housing.

The fact that a statement such as this, which scopes where the Housing Executive and the housing associations should be next year and over the next decades, can be made is testament to the need not for a review of the Department but for the Department, both at ministerial and official level, to measure up to the radical reform that is needed. The evidence for that conclusion is overwhelming in DSD; it is not overwhelming in other Departments.



**Mrs M Bradley:** The review has come at the right time, and I am glad that the Minister carried it out. I welcome the work that he has done on housing. I know that he has worked hard, as did Margaret Ritchie before him.

Is the Minister satisfied that, during the period that is covered by the review, social housing has not been neglected?

**The Minister for Social Development:** I thank the Member for her question. Mary Bradley's contribution as an MLA and a politician was acknowledged earlier. I want to join in that. For me, Mary Bradley personifies something that was established after the death of Robert Kennedy, when one of his children set up a project called Speak Truth to Power. Yes: I will get it in one way or another. *[Laughter.]* Earlier, upstairs, when the SDLP acknowledged Mary Bradley's contribution, I said that that is her defining political characteristic: whether on the streets of Derry, the council chamber in the Guildhall, the Committee room or the Assembly Chamber, Mary Bradley speaks truth to power. Power is uncomfortable with that. When truth is spoken, even those who think that they are powerful, act as though they are, and wallow in being powerful, cannot deny it.

The authoritative and authentic voice of Mary Bradley is her defining quality. She is grounded in her community and her wonderful family. Consequently, the truth comes out of her mouth. Everybody hears it even if they want to deny it. I acknowledge Mary's other community and voluntary work, which I know that she will take forward when she steps down from the Assembly.

No; social housing has not been neglected. Mary Bradley's question is actually the best reply to Mr McCann's question. Despite all of the issues around housing; the need for radical housing reform; comment, at times, frenzied, about what was or was not happening; and the harsh words that I have had to utter in various places, publically and privately, in respect of how I believed that housing was being managed, there will be more social housing newbuild starts this year than at any time in the past 12 years. That will surpass Margaret Ritchie's achievement last year in having a greater number of newbuild starts than in any of the previous 11 years. If DSD was not on top of housing issues, that level of delivery to people

who are in housing need and stress would not be attained.

If anything has been neglected, it is Margaret Ritchie's legacy in the Department. That legacy, in the way that she profiled housing and created the volume of newbuild starts that she did, is in jeopardy because of budgetary decisions that will result in hundreds of houses not being built next year, compared with recent years.

**Ms Lo:** I thank the Minister for his thorough statement. It is, indeed, a fundamental review of the Housing Executive and housing associations' structure. Given the breadth and depth of the review, is the Minister concerned that the timescale is very short for a complete root-and-branch review of the future of the Housing Executive to be conducted?

**The Minister for Social Development:** I thank the Member for her question and for her various contributions. I do not believe that there was any housing debate, housing Bill or Committee for Social Development matter that was discussed either in Committee or on the Floor of the House for which Ms Lo was not present and to which she did not contribute.

I must acknowledge that although I, sometimes, have hostile words for other Members — oh, he is gone. *[Laughter.]* I do not mean you, Mickey. I will get you later. I do not believe that I ever had a hostile word with Ms Lo, although perhaps I did, sometimes, with her colleagues. That is because her comments are always balanced between affirming where the good is and acknowledging where things need to change. I wanted to acknowledge that. I will speak to Fra later.

She asked a fair question. I was mindful that I was asking the Department, the Housing Executive and PWC to accelerate the process of the fundamental review. Last autumn, my judgement was that, first, the issues were so multiple that we needed to be seen to be in charge and have a grip on all of that. Secondly, best advice on the options was particularly voluminous. In recent times, various authorities, such as Savills, Varney and Best, have commented on the Housing Executive and housing in Northern Ireland. There is a lot of good authority recommending where we might go. Therefore, in scoping out the recommendations, it was my sense that there was already a high level of understanding and awareness as well as a lot of good authority



and best advice of which to avail ourselves. Consequently, in these circumstances, the time frame has been reasonable and justified.

Now, though, we have to push on. I had a conversation with Simon Hamilton earlier today about what the incoming Minister will have to do in this regard. I am not suggesting that he will be the new Minister, although everybody should have ambitions to be Social Development Minister, because it is a great ministry. We need to push on. There is now a moment when the reform agenda in Northern Ireland can deepen and accelerate. There is a sort of consistency and historical completion around the fact that the Housing Executive was the beginning of the first phase of institutional reform and the moving of things to a very different place in this part of Ireland 40 years ago. As we need to embark on a new phase of deep and enduring reform across a range of public policies and the public sector in this part of Ireland, it is, perhaps, appropriate that the next phase of deep and enduring reform should start again with the Housing Executive.

**Mr Craig:** I take this opportunity to concur with some of the comments that the Minister made earlier about the Housing Executive. He is fully aware that his thoughts on housing associations are reasonably close to mine. We have discussed that matter many times.

In his statement, the Minister mentioned the suspension of Helm Housing from the development programme. In my capacity as Chairperson of the Audit Committee, I was made aware by colleagues that there were problems with Helm Housing around the Markets area and Newtownards.

**Mr Deputy Speaker:** Will the Member come to his question to the Minister?

**Mr Craig:** Will the Minister elaborate on why Helm Housing has been suspended and what effect that suspension will have on the development programme?

**The Minister for Social Development:** I thank the Member for his contribution. I learned many things from Jonathan Craig in my time as a Minister. The first is that he works the corridors very well. If he thinks that there needs to be progress on an issue, he will come quickly and enquire about where it is and where it should go. Secondly, I recall the comments that he made during one of the stages of the licensing

Bill, which dealt with the extension of a number of late licences for clubs. He outlined the temperance background that he and his family come from. Nonetheless, he saw the argument for creating a bit more flexibility around club licences. I thought that that was an extremely wise and mature standard against which a lot of us could be better judged going forward. Thirdly, he identifies issues and interrogates them to exhaustion. Look at the litany of questions around welfare fraud and error. That is where questions work very well, despite the difficulties that Lord Morrow and I are having at the moment. That series of questions brought new discipline to the Social Security Agency (SSA) at a senior management level.

Such situations escalate when the pursuit of questions leads to the chief executive of a public body saying that there is something more that they need to have a handle on. The SSA is good on fraud and error, of which we have less than Britain. Nevertheless, it has introduced a bit more discipline.

### 3.45 pm

I will not speak at any length about Helm. The investigation by the governance and audit team in DSD has been going on for a number of months. The team is in the process of concluding that investigation, after which it will submit a full report. In the absence of the receipt of a full report, it would be inappropriate to bore down into all the conclusions.

A combination of factors prompted me to instruct officials to investigate. Those matters are in the public domain and include: the management of a housing scheme in Newtownards; the failure to acquire planning permission for flats in Belfast's Markets area; and other matters brought to my attention. My intuition was that all those required further interrogation.

The consequence of that decision and actions taken by very good people in the governance and audit unit in the Department — it is small in number, which is why we are escalating it — led to the decision that Helm should be suspended from the newbuild programme. That will have no impact on the newbuild programme going forward. There is a competitive market among housing associations anxious to do business on behalf of those in housing need in Northern Ireland.

There are now six or seven — in fact, it will be eight — housing associations suspended from the newbuild programme. That is proof, to go back to Mr McCann's question, of DSD demonstrating that it is on top of housing associations. At no time under direct rule did such levels of interrogation and investigation of housing associations lead to that number of suspensions. Those suspensions will not impact on the newbuild programme. I only wish that there was more money for that programme to afford those housing associations still in the development programme even more opportunity to continue their good work.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. In relation to the final line of that statement, during my four years here, I have always aspired to Margaret Ritchie's high standards, and hopefully, even surpassed them on occasion.

I will follow on from Jonathan's question: will the Minister tell us what will happen to the projects in which Helm is already involved, now that it has been suspended? Will they just carry on until their conclusion? Although the review may not be the epitaph of the Housing Executive, does the Minister agree that it may well be its death knell?

**The Minister for Social Development:** I thank the Member for his question. My one piece of advice to any future Minister for Social Development is to tread warily when responding to Mr Brady's questions on welfare. His past work means that there is probably no one with a deeper working knowledge of the welfare system at an operational level than Mr Brady. His questions and comments confirm that knowledge. Therefore, any future Minister will need to be on top of his or her game when responding to welfare issues raised by Mr Brady. Members can rest assured that they are well grounded in —

**Mr Deputy Speaker:** Order. I have given a great deal of latitude. It is all very well assessing the performance of every Member over the past four years — I am sure that some Members will include those assessments in their election material — but I ask the Minister to return to responding to questions on his statement.

**The Minister for Social Development:** You are next, Mr Deputy Speaker. *[Laughter.]*

**Mr Deputy Speaker:** In that case, I will give you further latitude.

**The Minister for Social Development:** I confirm that all schemes for which Helm is responsible at the moment will continue, but Helm will not bid for future schemes. All past schemes and current schemes are secured, as Helm is suspended only from future schemes.

This language is just extravagant and unjustified, and diminishes the achievements of the Housing Executive. To use expressions such as "death knell" and "epitaph" about an organisation that has achieved what it has achieved — like other organisations in Northern Ireland — is disproportionate and not reflective of the true position. Yes —

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

**The Minister for Social Development:** I am not sure if I am allowed to give way, but I certainly will if I can.

**Mr Brady:** Can he give way?

**Mr Deputy Speaker:** No, this is questions to the Minister.

**The Minister for Social Development:** As I said, the Housing Executive needs to be reformed in a positive and radical way, and its name will most definitely continue. The splitting of the functions will maximise the capacity of the two elements to do the all the work that is required to protect tenants, maintain stock and manage affairs in the way that has been done in the past. There should be no hint or suggestion of death knells, epitaphs or the end of the organisation —

**Mr F McCann:** That is your opinion.

**The Minister for Social Development:** It is my opinion, and I advise any and all — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Minister for Social Development:** There is a huge difference in moving forward in a constructive, positive and radical fashion. Those are concepts that we should embrace and encourage, but given the difficulties that the Housing Executive has come through and the enormous service that it has provided to the people of Northern Ireland we should not rush to easy headlines about it.

**Mr Humphrey:** I thank the Minister for his statement and for his visit and interest in the greater Shankill and north Belfast areas. Like the Minister, I desire and want to see greater and more affordable quality housing. In his statement today, the Minister mentioned the difficulties and problems of the appalling housing conditions that prevail in certain parts of Northern Ireland. In my area, two housing associations are suspended and the Housing Executive is obsessed with waiting lists. Will the Minister advise the House when the review he announced today will be completed?

**The Minister for Social Development:** I thank the Member. I enjoyed my multiple visits to the Shankill. I made one visit to inspect housing in the mid-Shankill which distressed the tenants, me and anyone who went up and down those streets. I thank the Member for those invitations.

As I said, the interim report will be here by the end of March and the final report shortly after that. It will be for an incoming Minister to take what I hope will be early decisions and actions to move the situation forward.

It is not necessarily that difficult. There seems to be little dispute about the splitting of the landlord function, there seems to be a wider sense of where the opportunities lie to borrow money to fund newbuilds going forward, and I have a sense that there is a political consensus. As a result, some of the issues could be got over the line quite promptly. The issues are not easy; they have to be managed carefully, as do staff, and stakeholders have to be fully involved. It would be premature to go into the details today, but some of the models or options that might come forward for the character of a Housing Executive with split functions, in the way that I outlined, are actually exciting. They would define public policy and institutional life in Northern Ireland in a way that we have not heretofore seen. They would use models that are out there in the community and apply them to big public bodies in a way that is far-seeing, radical and the right way to go.

The reason why I feel that there will be a political consensus around all of this is that PWC and officials came in and asked me what the outreach should be to political parties, and I made it clear that there had to be outreach and tightly focused, but not endless, conversations with the parties.

The broad structure of the review is informed by the comments and observations of all parties. That is why, to go back to Ms Lo's point, we can move this matter forward quickly.

## Executive Committee Business

### Justice Bill: Final Stage

*Debate resumed:*

**Dr Farry:** It is a privilege to speak on the Final Stage of the Justice Bill; it is a landmark moment for Northern Ireland. We had plenty of talk about its being the first Justice Bill in 40 years, and I shall not repeat that. In the contemporary context, however, the devolution of policing and justice has delivered for the people of Northern Ireland. There was a notion that, with all the controversy over policing and justice, we would simply get it devolved, pat ourselves on the back and stall for a year while everyone found their feet.

By contrast, there was a sense, certainly from the Minister and his Department and from other parties, that it was important that we showed the people of Northern Ireland that the devolution of policing and justice was not the end of the process but a part of it. Ultimately, it is about making people feel safer in their community and in their homes and about reducing crime and antisocial behaviour.

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

The Justice Bill is an important part of that agenda; it was set out in the Hillsborough agreement as an early commitment that parties signed up to. I am impressed that it has been followed through. The Alliance Party was keen at Hillsborough to see a commitment to take a Bill forward during the remainder of the mandate. It is pleasing to note that we have met that objective, albeit with hours to go before the Assembly is dissolved, and with a small hiccup along the way that took us slightly closer to the brink than would otherwise have been the case.

I record my party's thanks to the Committee, even though we are not members of it; although no doubt we will seek to rectify that in the new mandate. I also recognise the work of departmental officials in taking the Bill forward. As the Alliance Party spokesperson on justice, it is entirely appropriate for me to pay tribute to the strong leadership shown by my colleague David Ford as the Justice Minister in taking the Bill forward and ensuring that it became a reality.

The responsibilities of the Department of Justice are onerous. It is a broad and wide-ranging Department, and David has entirely thrown himself into his responsibilities, even though he remains leader of the Alliance Party. He has been working incredibly hard over the past year to ensure progress in our justice system.

We had detailed discussions at Consideration Stage, Further Consideration Stage and even at Exceptional Further Consideration Stage. At times, debate became controversial, even heated. In the broader context, the matters that exercised Members were only small parts of a very large and comprehensive Bill. Therefore the debates were on a select list of issues. At the same time, a huge range of reforms to our criminal justice system were essentially accepted by the Committee and Assembly and supported by civil society and other stakeholders. They have proceeded very smoothly.

Almost 95% of the Bill as originally tabled has moved forward unamended. Looking back over those debates it is important that we do not lose sight of that wider context.

Again, it is important to stress that the Bill has been handled entirely properly. It is a Bill on which people worked incredibly hard, but it is not a Bill that has been rushed and it is not a Bill on which corners have been cut. It is a Bill on which consultation, where necessary, took place prior to its publication. The Committee gave proper and due attention to all of the potential issues arising from the Bill and spent a significant number of hours going through detailed consideration of it.

#### 4.00 pm

In conclusion, it is a Bill that my party is very proud of. I know that the Department is proud of it, and I am sure that the Assembly can be very proud of it.

**Mr Givan:** I thank the Minister and his officials for the work that we have been able to do throughout the Bill's various stages. We have had quite a number of lively discussions, debates and votes throughout the Bill's Consideration Stage, but ultimately we have got to a Final Stage where we are, by and large, content and pleased with the work that we have been able to do.

When I first came to the Assembly after replacing my colleague Jeffrey Donaldson, the Justice Committee was a Committee that I was keen to get on to for various reasons. Some might think that I was a glutton for punishment, because we were certainly thrown in at the deep end and given a very hefty Bill to get through. However, I have thoroughly enjoyed being on the Committee, and this legislation has provided me with experience of how the Assembly and its Committees can produce legislation.

I want to particularly thank the Committee staff for the work that they have done. I thank our Chairman for the way in which he conducted the meetings and steered us through what were, at times, choppy waters. I also thank the officials. I enjoyed the debate that took place with them, and they were usually very good at giving back what they received, and the Minister can be pleased with the work that they did on his behalf.

Today we are, ultimately, closing down for elections. We had speeches this morning, and it has been a historic day. The Justice Bill has got to this stage through our own locally devolved Justice Department and our own Minister, and it has been agreed by cross-community vote by the Assembly. Therefore, we can say that this is an occasion on which we will be able to look back and say, "There was a landmark of political maturity within the Northern Ireland political landscape."

We have discussed parts of the Bill at length. I was pleased that we were able to change some aspects, such as policing committees and how they will be chaired. Ultimately, we have come out with legislation that will go some way to improving the system.

There will be a much greater justice Bill in the next mandate, regardless of who is in this place when that comes along. It is at that stage that we will get into issues that are pretty meaty and serious. My party will certainly be coming to the next mandate with a very clear vision of how the justice system should operate, and we will put forward very clear measures that we believe will improve it. Obviously, it will be for the rest of the House to debate those measures and see how we progress them.

We can go away saying that we have done a good job with this Bill, and we can be proud of the work that we have done. We can be proud of the work of the Justice Department. Although I have not agreed with absolutely everything

that has taken place since policing and justice powers were devolved, I believe that we have a much better system than the one we had under direct rule, and it is a much better system than some had professed it would be. The scaremongering that took place in the run-up to the devolution of policing and justice powers has proven to be absolutely wrong. Those who made those scaremongering comments will get their just rewards in future elections.

We had warnings that there would not be enough money, but we got money from the Treasury and secured additional funding to deal with the terrorist threat. There were warnings that the deputy First Minister would be able to pick judges, which has not been allowed to happen. We were able to secure an Alliance Minister and not a Minister from Sinn Féin, which had been a major concern for the unionist community.

Therefore, I think that we have made good progress, but, in the next mandate, serious discussion will have to take place on the Justice Act. However, I commend the Bill and support its Final Stage.

**Mr McDevitt:** I join colleagues in thanking the Committee staff for their work, and Lord Morrow and Raymond McCartney for their leadership of the Committee. We have done a lot of acknowledging the work of the Committee over the past couple of days, and I want to add my voice to that.

The Committee was established in a difficult context for my party, because, to set the record straight, there would not have been a Sinn Féin Minister of Justice. Had we run d'Hondt to its logical conclusion, there would have been an SDLP Minister of Justice. However, having made a decision about the Minister, we all set about working in the best interests of the region. I am very proud to have been able to join the Committee for Justice and to be part of the first such Committee in a generation to serve the people of this region and also to have played a part in the formulation of the first Justice Bill in a generation.

I also pay tribute to the Minister. He worked hard to win everyone's confidence in his early days, and, although I have not agreed with everything that he has done, I have entirely respected his approach and enjoyed nothing but courtesy and respect from him in return.



There are a couple of other people that we should acknowledge at times such as this, such as the staff in the Bill Office. Like Mr Givan, one of the things that I had the great opportunity of doing in our early days as legislators — hopefully, not our last — was to think about how to amend a piece of legislation. Indeed, the amendments that I sought to bring were not the obvious place to start. They were complicated and challenging, and they were the sorts of amendments that required considerable input and support from teams in the Bill Office. Without them, we would have been unable to get those amendments to the House in a competent way to allow for a proper level of debate.

The great achievement of the Justice Bill is that it is a justice Bill, and it will become the first Justice Act in a generation. Nothing in the Bill stands out to me as being a real mark of what Northern Ireland should be doing for itself that is different. As I have said at previous legislative stages, much of it is tidy-up work and deals with issues that were overdue for implementation.

I welcome the fact that we had the opportunity to discuss the issues in a local context, and I am happy that certain sporting provisions were dropped from the Bill, because I do not think that they were needed or fit for purpose in our region. Like Mr Givan, I am very glad that key questions of policing, which are unique to us, were able to be reflected on fully and that the role and responsibilities of local government and other statutory agencies were properly acknowledged. However, where we really had a chance to make a difference, we chose to dodge it.

For me, the acid test for the Bill was in the sporting clauses and whether we were going to confront the elephant in the room of Northern society and do so in the context of having the courage to name sectarian chanting for what it is and then define it, but we failed. That is a great regret, and it is something that we must resolve to put right early in the next mandate. It leaves in all of us a sense of being a half-completed job, and I am sure that the next Assembly and the next Justice Committee will want to return to that issue. It is an important and essential issue for us to debate frankly and honestly, without threat and without trying to see in the issue things that are not there. If we succeed in amending the legislation early in the next mandate to tell us what a sectarian chant is, we will have done our people a great service indeed.

Equally, I regret that we did not have the courage collectively to make the necessary provisions to rectify the situation on sex offender notification. I regret it not because it was a piece of law that I would have particularly wanted to put my name to but because it is a mark of a mature and civilised society that it is capable not just of making popular law but of making necessary law. We have chosen to pass the buck to the next Assembly, and that is an issue that will have to be dealt with.

It would have been a much better Bill if we had had the courage to do it today. It would have allowed us all to be able to say that the devolution of justice in this region is not just about tidying up some of the loose ends from the past decade. In a very serious way, it is also about understanding our constitutional responsibilities within the current settlement and understanding the duty that we have to uphold the basic principles of justice — equality, human rights, liberty and fairness — irrespective of who they may need to apply to. It is easy to legislate for the righteous and the good; it is very difficult and challenging to legislate for those with whom one may have little sympathy or interest. Nevertheless, the standard of a good legislature and the benchmark of great law is that it is capable of defending everyone to the same degree.

I also thank the officials in the Department of Justice. As some Members will know, I had the great privilege of serving as special adviser to the Minister of Agriculture and Rural Development in the first mandate. When working with officials in the early years of the millennium, it was noticeable how those who had not had the opportunity to work in a devolved context during their careers really embraced it. In fact, the Minister of Justice served on the Committee for Agriculture and Rural Development at that time. I am sure that he remembers the commitment and the energy that the officials who were given the chance to make their contribution and to show their interest in devolved government were able to bring to that process. When I met the officials from the Department of Justice, it was like going back to that period. It did not take me long to stop seeing them as the NIO, and that was a benchmark in my head. The day when I would stop accidentally describing them as the NIO would be the day when I felt that they were beginning to really understand what it meant to be a part of this democratic institution, to

be accountable to this place and to be fully knitted in to our new beginning. That day arrived during the Justice Bill, and I have no qualms whatsoever in acknowledging that and saying that that was an important milestone for us all to pass.

I will not detain the House any longer, except to say, like Mr Givan, that it was a great privilege to serve on the Justice Committee. If I get the chance to do so again, I will do so with relish.

**The Minister of Justice:** I thank all those who contributed today, and those in the Chamber who contributed on a number of occasions. The progress of the Bill has been greatly assisted by informed, or generally informed, and constructive input from the House and the Committee. Collectively, we have taken major steps forward since devolution day on 12 April last year. We should all take credit for arriving where we are today. As others have said, today has significance for the Assembly, which is now seen to be delivering for the people of Northern Ireland justice powers that were specifically created for our needs.

I will run over some of the key points in this complex Bill. It introduces the new offender levy to make offenders more accountable for the harm that they cause by requiring them to make a financial contribution towards support services to victims of crime. It introduces provisions to improve legislation to assist vulnerable and intimidated witnesses by way of special measures to give their best evidence in criminal proceedings. It legislates to provide for new policing and community safety partnerships to provide a more joined-up approach with better local delivery and accountability targeted at meeting the real issues of concern to people in neighbourhoods right across Northern Ireland.

The Bill creates sports law provisions to promote good behaviour among sports fans in Northern Ireland. The new alternatives to prosecution powers create new diversionary disposals, such as wider fixed penalty notice powers, to deal effectively with minor offences without bringing them into the courtroom; thereby maximising the time that can be spent on front line policing duties, contributing to reducing avoidable delay in the justice system and assisting in the rehabilitation of offenders while improving the lot of victims.

The Bill makes important changes to legal aid legislation. Those who can afford to pay for their

own defence will do so, allowing increasingly scarce resources to be targeted at those in genuine need.

As Members know, the Department consulted widely on many aspects of the Bill; therefore, this legislation does not just have the support of the House. The Bill before us has wide support among a range of stakeholders, including all the key criminal justice agencies. Although I was not directly involved, I know that the Committee had many productive evidence sessions with stakeholders.

Many of the Committee's suggestions were accepted by the Department and formed the basis of amendments at Consideration Stage and, indeed, at Further Consideration Stage. Of course, I cannot forget that we even had the especially novel Exceptional Further Consideration Stage this week.

#### 4.15 pm

We also need to look to the future. The Bill is a significant piece of legislation with 112 clauses and eight schedules, but I recognise that a major programme of reform within the justice system is still under way. There are so many areas that could be tackled, possibly even more than Conall McDevitt could think of this afternoon, but I am conscious that there is only so much reform that will come from legislation. The Justice Bill belies a large range of work proceeding in the Department towards reforming the justice system overall. I could mention the new focus on reducing offending, or the fundamental reviews of prisons, youth justice and access to publicly funded legal services. The Bill cannot tackle everything, but I believe that it is an important start. There are a number of areas, which others have highlighted, that we will need to refer to in the future, not least the indefinite period of sex offender notification.

When Lord Morrow started his remarks, I was taken that he was actually able to count the number of hours that we had spent in the Chamber on this Bill. He described it as a marathon, and then he went on to say that it was 20 hours. Even in my advanced years, I am actually capable of running a marathon in under a quarter of the time specified, so this was actually four marathons, although no doubt Conall McDevitt could do even more.

We have seen a huge amount of engagement in the Chamber and at Committee, and by my

officials and those of the Justice Committee, to ensure that we have a key piece of positive legislation. Lord Morrow said that the Committee had improved the Bill. Alban Maginness went further and subtly said that it had made good legislation even better. That is the same terminology that I used to use when I was a member of the Environment Committee in improving Bills put forward by the Environment Minister. It is definitely the way to ingratiate oneself with a Minister. However, I believe that that is the reality. We started off with good and worthwhile legislation that, although not 100% agreed, is now 95% agreed by consensus, as Stephen Farry said, which I think that many people thought would have been completely impossible. As Raymond McCartney said, it demonstrates clearly the benefits of the transfer of justice powers here, and the maturity of the House, because, in most respects, we were able to deal with difficult and awkward issues in a way that recognised other people's concerns and sought to do the best for the people that we represent.

I think that only one point was raised other than people saying that things were good, and I want to refer to that. Alban Maginness referred to legal aid changes and to his concern that subordinate legislation would ensure that there was proper access to justice. Let me assure Mr Maginness and the House that the proposals in the Bill are intended to ensure that legal aid funding is provided to people who have insufficient resources to pay for their defence. That will continue to be the case, while those who have sufficient resources will be expected to provide for their own concerns. The means test will be set at a level that does not reduce access to justice, and Committee members will clearly have a role in helping to shape the secondary legislation. The fundamental issue of legal aid reform is to ensure that we live within budget while maintaining the access to justice that people need.

Stephen Farry, in particular, thanked the Committee. However, he recorded the rather interesting point that I am the only Minister in this place who has no party colleagues on the Committee that relates to my Department. That shows all the more what positive engagement there was on all sides: the fact that a Minister with apparently no friends on the Committee — although most of the Committee was friendly most of the time — was able to ensure that we delivered this significant and major legislation

in such a short timescale, from devolution just 11 months ago. I welcome the engagement, detailed work and efforts of the Committee members from the other four parties, which ensured that we got the best possible arrangement for the Bill.

I noticed with some concern that Paul Givan said that there would have to be a greater justice Bill in the next mandate. I was looking straight down the Chamber at the time, and I saw four officials from the Department of Justice in the Box appearing to age several years at the prospect of an even greater Bill in the next mandate.

To some extent, they recovered when praise then came from Conall McDevitt, following previous praise that came, rather ironically, from an Ulster Unionist Member, for the amount of time and effort put in by officials so that people in this place would accept that this is now the Department of Justice and not the NIO. I am the Minister, not Sean Woodward or Paul Goggins, and those who work for me have shown their commitment to making the devolution of justice work. That is very significant, and I welcome Conall's recognition of that. It is something that the entire House should recognise as part of the significant change that has come about in the past year and has been shown by the operation of this Bill.

Overall, the Bill really does sweep across all aspects of crime in the community, how community safety and policing partnerships are structured and how offenders are dealt with and kept out of the courts by way of alternatives to prosecution. In the court setting, we will see extended rights of audience for solicitors and changes in how legal aid is administered, as well as the introduction of changes around appearances before the court that relate to live links, special measures and bail proceedings. Perhaps most importantly, we will see significant improvements to the way in which victims of crime and vulnerable witnesses are treated during their experience of the criminal justice system.

I conclude by looking to the future. The future is one in which this Bill will set an important template for the justice system, the operation of policing and justice under devolution, the delivery of local democracy and our shared future.

I thank all Members who took part in the debates, during the various stages in the House and in Committee, for their important

contributions, careful advice and productive and constructive approach to this really important legislation. I repeat the thanks from so many quarters of the House to my staff, the Speaker's staff and the Committee staff for their contribution towards that.

Raymond McCartney and Stephen Farry talked about justice being seen to be delivering for the people of Northern Ireland following its devolution a year ago. There is no doubt that, at that stage, some people felt that the Assembly could not take on the responsibility for justice. Indeed, there were some MLAs whose negativity was aimed not only at me as Minister, which was an entirely reasonable point of view, but at the principle of devolving justice. That was the position that they took earlier this year. It is rather noteworthy that, in the middle of this constructive debate, not a single representative of that party has chosen to be here. That is ironic, as it was those Members' predecessors who allowed the old Stormont Parliament to fall down in 1972 because justice powers were being taken away, as the Father of the House, Lord Bannside, reminded us this morning.

I believe that this Bill has shown that the Assembly is capable of working together constructively. It has shown that the Assembly, the Justice Committee and the Department are capable of working on what was seen as the most contentious issue going in a way that ensures the best interests of the people of Northern Ireland. I believe that we have been seen, as was said, to have worked together in the best interests of all the people of this region.

Members have been entirely realistic when dealing with the majority of the difficult issues around justice. However, some issues proved too difficult to tackle in the latter stages of the Bill, and we will return to those. I am extremely grateful to Members for the positive and constructive way in which that engagement happened. We can all take a collective sense of pride in what is, as others have said, the first Justice Bill for 40 years in this place. Although there is still much to be done to transform society and still much to be done to build a genuinely shared future, the Justice Act (Northern Ireland) 2011 will be seen as a significant achievement and a milestone on that road.

On behalf of my staff, I reciprocate the thanks that have been expressed elsewhere in the

Chamber. I commend this, the final Executive Bill of this session, to the House.

*Question put and agreed to.*

*Resolved:*

*That the Justice Bill [NIA 1/10] do now pass.*



## Committee Business

### Museums: Impact and Value

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 15 minutes in which to propose and 15 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**The Deputy Chairperson of the Committee for Culture, Arts and Leisure (Mr O'Loan):** I beg to move

*That this Assembly approves the report of the Committee for Culture, Arts and Leisure [NIA 38/10/11R] on its review into the impact and value of museums in Northern Ireland.*

I welcome the report and had something to do with instigating its subject matter. Before commenting on the substantive matter, I, as Deputy Chairperson, wish to express my gratitude to the people who contributed to the inquiry. I offer my appreciation to the Committee secretariat for their work in arranging the evidence sessions for the review and for drafting the report. I also express my appreciation to the Assembly's Research and Library Services for the quality research and analysis provided to the Committee and to Hansard for its patient and accurate recording of the evidence sessions.

The Committee is grateful to all those who provided written and oral evidence during the review. I also thank my Committee colleagues for their commitment and for the constructive and collective approach that they all adopted in trying to understand the complexities of assessing the economic and social impact and value of the museums sector.

Museums are one of the key spending areas for the Department of Culture, Arts and Leisure. The Committee has taken a considerable interest in that sector, having undertaken a previous inquiry into the need for a museums policy and now this review. The first inquiry recommended a museums policy. That came to fruition on 10 March 2011 with the publication of the first museums policy, which, of course, is the property of the Department. The Committee contributed significantly to that policy and endeavoured to ensure that the Committee's recommendations for a museums policy

were taken on board as part of the policy's development.

At the launch of the museums policy, the Minister, Mr McCausland, referred to the contribution that museums can make to the economic, social and cultural life of this region. That sentiment is shared by the Committee. This report is timely, given the publication of the museums policy, which, in the Minister's words:

*"provides a necessary framework that will enable our museums sector to harness its resources and maximise its impact on our society."*

The review builds on the Committee's 2008-09 inquiry, and the report acknowledges the importance of assessing the economic and social value of museums. Some might ask why. We are in the midst of the toughest economic conditions in living memory, and it is fair to say that the museums sector might not necessarily be the first port of call when we, as politicians, economists and policymakers, think of ways of getting the economy going again. That impression prevailed among stakeholders during the Committee's first museums inquiry, and it continues to prevail. Put simply, the museums sector is not high enough up the Government's agenda.

I turn now to the summary of our findings. Despite that prevailing view and an apparent lack of data, the Committee was presented with compelling evidence that indicated that the museums sector is a key driver of the economy. It makes positive social and economic impacts, and it is a critical part of the region's infrastructure. The museums sector makes a contribution of more than £16 million to the economy, provides employment for almost 1,000 people and purchases services from local businesses, including small craft businesses.

The museums sector also gives a big boost to tourism. For example, the Northern Ireland Tourist Board (NITB) estimates that there were around 990,000 visits to museums and art galleries by residents and visitors in this region in 2009. It is estimated that 28% of those visits, or around 277,000, were made by people from outside this region. Those figures give a measure of the role that museums play as part of the experience of visitors to this region. It is clear from the evidence that the museums sector also has wider social and economic benefits in areas such as cultural tourism; education and lifelong learning; supporting the



knowledge economy and creative industries sector; providing an environment in which to explore a greater understanding of, and respect for, culture, history and heritage; and contributing to a positive image of this region. The Committee came to the firm conclusion that the Executive need to acknowledge that the museums and heritage sector is an important industry in Northern Ireland that has the potential to assist economic growth.

#### 4.30 pm

In the light of the constraints of the forthcoming Budget period, not only do the Executive need to acknowledge the important role of the museums sector but they must commit to examining, across Departments, the economic and social value of museums so that programmes that have the potential to fully maximise the social and economic contribution of the sector to the economy can be informed. If we are to make that case, the statistics need to be available. To date, some good research has been commissioned, but a consistent methodology has not been used, making it difficult to measure the economic, social and cultural impact of museums. The Committee recognises that there are many challenges in undertaking that work, ranging from the difficulties in measuring many of the intrinsic benefits to the resources that are needed to undertake that type of work, as the Department and the museums sector expressed. Some of those challenges were highlighted in the last major research into the subject, which PricewaterhouseCoopers (PWC) carried out in 2008.

The report highlighted potential social benefits, including those associated with tourism, education, health, regeneration and social inclusion. However, it did not proceed beyond phase 1, because of a lack of sufficient data to carry out a meaningful assessment of the economic and social benefits of investment. We call on DCAL to take note of those findings, to urgently update the research infrastructure and to put in place a more frequent evaluation framework.

Although the challenges of assessing the economic and social impact of the value of museums are widely acknowledged elsewhere, the review, nevertheless, found that this region lags behind others in that area of research. Since at least 2005, museums bodies in

England and Scotland have sought to establish a consistent methodology by which to measure and demonstrate the economic and social value of museums. Clearly, therefore, there are lessons that can be learned from elsewhere. It is not a question of reinventing the wheel; those lessons can be applied so that a consistent methodology can be established to measure and demonstrate the economic and social value of museums. Any such agreed method needs to look beyond the direct benefits. It goes without saying that indirect benefits to the local economy should also be factored in. Those benefits include indirect employment, goods and services and associated goods. That has yet to be quantified across the museums sector, but it is likely to be substantial.

At the beginning of my speech, I acknowledged the importance of the museums policy in moving this important work on. It provides the necessary framework for the outworkings of the review. The Committee welcomes the policy's intention to incorporate the value and impact of museums into the museums policy, including the economic value of museums to tourism, but it regards it as crucial that any intelligence gathering on that should emerge as part of the key actions that flow from the museums policy.

Finally, the Department has cited cost and a lack of resources as obstacles to undertaking the work. The museums sector has stated that there are many challenges in assessing the value and impact of museums. In response to that, the Committee says that, given the positive impacts that will result from undertaking a thorough assessment of the museums sector, not least in improving the understanding of the wider public and those who shape policy, the Minister simply cannot afford not to advance work in that area. It supports the development of the museums and heritage sector, which, as I outlined, brings with it massive benefits to cultural tourism, the economy, lifelong learning and the creative sector. I commend the report to the House, and I seek support for the motion.

**Mr Humphrey:** At the outset, I declare an interest as a member of Belfast City Council. As the Deputy Chairperson of the Committee said, tourism is vital to the Northern Ireland economy. Cultural tourism is of particular significance in the city of Belfast, which is the region's tourism and transportation hub. Some 50% of the world's tourists travel as cultural tourists, and many of them come from Ulster's huge diaspora,

including those of the Ulster-Scots, Scots-Irish and Irish Gaelic traditions, in the United States and Canada in particular.

Museums provide a great opportunity for Ulster to tell its story. I understand that there are 42 accredited museums in Northern Ireland, over two thirds of which do not charge an entry fee. Museums can provide a greater understanding of Ulster's culture, history and heritage. In the worldwide market, Northern Ireland has to deal constantly with problems of perception and reputation. Museums and their displays, therefore, are vital to the marketing of our Province.

Therefore, accuracy, presentation and balance are vital in what museums display for those in our community and those who travel to this place.

Northern Ireland Tourist Board statistics for 2009 found that 47% of out-of-state visitors travelled to visit friends or family and 26% travelled to see attractions in Northern Ireland. Visit Britain suggests that 21% of visitors travel the world or to any given region because of music. Visitors will come to this part of the world because of people such as Van Morrison and — for Mr Robinson's benefit — Ruby Murray and the huge reputation for music that they have left for our capital city.

We have had huge investment in museums in recent years. The flagships of that were the Ulster Museum in Belfast, the Ulster Folk and Transport Museum in Cultra and the Ulster American Folk Park in Omagh. As I said, cultural tourism is vital in bringing visitors to our museums. However, museums can and will play a hugely important role in education. Given our divided society, museums must be committed to accuracy and balance. Interpretation, therefore, is of considerable importance if not vital. Museums must be part of our aim for a shared future and shared space as we move Northern Ireland towards being an increasingly normal society, one that is tolerant and at peace with itself.

During evidence sessions of the Committee for Culture, Arts and Leisure, I stressed to National Museums Northern Ireland and the Museums Council that a joined-up approach was vital. We are a small place with a small population, but, nonetheless, in the role that it has played on an international scale, Ulster — Northern Ireland — has been hugely significant in respect

of its history, culture and heritage. Whether it be built or industrial heritage, politics, culture, military campaigns or commerce, our reach and influence has extended to other nations, particularly the new world of the United States, to which Ulster gave 17 presidents. The great seal of the United States was designed by an Ulsterman, and the declaration of the United States was printed by an Ulsterman. Our contribution to the world is hugely significant for such a small place; in my view, it is more significant than that of any other place.

The socio-economic benefit of museums is underestimated and most certainly undervalued. In my view, diversity is a strength for Northern Ireland, not a weakness. We should be proud of our traditions, whether orange, Ulster Scots, Irish Gaelic or the new communities that have come to settle here, and use that diversity to sell Northern Ireland as a unique tourist destination. Museums are part of that selling of Northern Ireland.

Given the fiscal situation that prevails in our nation at the moment, increased collaboration among National Museums Northern Ireland; the Museums Council; the Visitor and Convention Bureau; the Northern Ireland Tourist Board, in selling Northern Ireland in the Republic of Ireland; Tourism Ireland, in selling Northern Ireland nationally and internationally; local councils; and regional tourism partnerships is absolutely vital. It is essential in delivering a tailor-made, holistic approach to museum provision, so that museums are there and are welcoming to everyone and offensive to none, inclusive of all and exclusive of none.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. Museums are, without doubt, a vital facility for the whole community. They are places from which we can gain a greater understanding and respect of culture, history and heritage. They support people in formal education and are undoubtedly of great assistance to creative industries.

There is a need for research in order to enhance the lifelong learning and educational aspects of museums. Those aspects need to be monitored, maintained and improved on. Quality museums need to be supported by quality research. Given that fact, there is a need for a consistent research methodology to ensure that museums provide people of all ages and abilities with an interactive venue in which to learn.

During the review, references were made to the contribution that the museums sector makes to the science, technology, engineering and mathematics (STEM) subjects. W5, which comes under the museums umbrella, in the Odyssey is an excellent example of that. Museums NI referred to its learning programmes that support the STEM agenda; however, it also explained that it has not yet reached a stage at which that can be measured. Therefore, there is a need for a consistent methodology.

There is also a need for libraries and archives to be brought under the same methodology to ensure that educational programmes complement one another and there is no duplication or additional costs. There is a need for educational authorities and establishments to use the potential of museums and work with the sector in developing a research tool to meet the needs of those in education or those who wish to learn more.

That is all that I have to say. I commend the report to the House.

**Mr K Robinson:** Mr Humphrey covered all the areas that I was going to cover, so I will not regurgitate them. I pay tribute to the staff and members of the Committee for Culture, Arts and Leisure. I thank those who made submissions, which enabled us to carry out our work on the review of museums.

Museums' work should not be seen as something that stands in isolation. If there is one area that should not be put into a silo, it is the work of museums. Their comprehensive work complements that of the Public Record Office, the work of our schools and of the Tourist Board and the work that goes on when the Department of Enterprise, Trade and Investment groups go overseas to bring jobs here. It is an opportunity, as Mr Humphrey said, to provide a coherent, comprehensive and clear picture of what Northern Ireland is and was and how it came to be.

It is important that all those elements be covered; that is why research is vital. Cultural tourism is an open goal. People come here as visitors, sometimes with friends, because we have a unique experience, and museums play a vital role in the overall jigsaw. When visitors get here, we have to ensure that there is a critical mass of experiences for them. Museums and the Public Record Office all have a part to play in giving people a clear understanding.

We are operating against a background of 30-plus years of media perception of Northern Ireland, a picture that does not truly reflect what happened here, why it happened and how we have come through it. Today is the last day of the current mandate, which is living proof of what can be done to get rid of the false picture and send out the real picture. The role of museums is vital.

Mr Humphrey referred to the diaspora. Whether it is the Irish diaspora or the Ulster-Scots diaspora, there are millions of people who can trace their roots back here. They can trace the reasons for their ancestors moving from this piece of land across the globe. That is an open door. Reference was made to the balance of costs, but costs have to be balanced against opportunities. The costs are minimal compared to the opportunity and the potential of tourists coming here and having an experience that sends them away better educated and with a better understanding of what happened here in the past and the potential for us in the future.

We could show more clearly the industrial heritage that we developed in this part of the world. I am afraid that that industrial heritage — I think that the Minister will agree — has, sadly, almost disappeared. One has to root around to find traces of it. Given our place a century ago in the world economy, the British economy and the empire's economy, how did that happen? We have to rediscover that, and the museum is perhaps the place to help us to do that. Let us research more fully into the potential.

If I can read the visitor figures correctly from this distance, in 2001, there were 800,000 visits. Within three or four years, the figure had grown to well over a million. Why do they come? Is it cultural tourism? In open amazement, I look time and again at the Twelfth of July parades, which, in certain areas, are portrayed as threatening. If you stand in Belfast, you will notice the number of overseas visitors who come to see that parade. On that day or on following days, is there an opportunity for museums to look at what triggers those celebrations and put them in context? That could be explored. We know that several thousand people come here regularly for such festivals or for music festivals. I do not know whether the Ruby Murray appreciation society is coming this year, but I hope that Mr Humphrey's PR will be helpful. Working together, the

Executive and DCAL can drive the whole thing forward.

#### 4.45 pm

In our review, we have simply pointed out areas where we think progress could be made or where we could build on good practice. However, after the election, it will be for the Minister's successors and the Executive to drive the process forward. We can no longer afford to allow things to drift.

Before I forget, Mr Deputy Speaker, I declare an interest as a member of Newtownabbey Borough Council. There is a very fine museum in Newtownabbey, which you can see if you go to Mossley Mill. The Committee for Culture, Arts and Leisure had the benefit of that experience. You can also bring your fishing rod. Recently, a 7 lb trout was fished out of the mill dam. So we are doing our bit for tourism and the museums.

Mr Deputy Speaker, up till now, you have been very patient with me. I commend the review to the Assembly.

**Mr McCarthy:** Coming fourth or fifth, there is not much left for me to say. Nevertheless, I will make an effort to fill the gap. I welcome the report, and I hope that, by the end of the evening, it will have received the Assembly's approval.

As has already been said, museums contribute more than £16 million to the local economy. The Committee for Culture, Arts and Leisure's report, with its 16 recommendations, should help to increase that revenue substantially and, through the work of all our museums, provide real interest for residents and visitors alike. I am glad that the Minister is present, and I hope that, after May, he or his successor will initiate the 16 recommendations in the report.

At this point, I take the opportunity to sincerely thank all the Committee and research staff for their dedicated work in assisting members of the Committee to produce this very detailed and informative report.

I want to say a few words about the need for greater research to ensure that museums continue to be shared spaces. We have heard a lot about shared power and so forth, which is exactly what we want to see. Nevertheless, I want to talk about shared spaces. I will provide the Assembly with some facts and figures. There are 42 accredited museums in Northern

Ireland, comprising 20 local authority museums, 10 independently run museums, four national museums, seven National Trust properties and one university collection. That is a lot of shared space, which we must make every effort to preserve.

As has been said, more than two thirds of museums in Northern Ireland do not charge an admission fee. As long as that is the case, we can hope for increased footfall, which is good for everyone concerned. Like libraries, museums provide a safe environment for all. Unfortunately, shared spaces in Northern Ireland are all too few, but, hopefully, we can rectify that as time goes on.

Museums provide important venues in which greater understanding of and respect for culture, history and heritage can be explored by all without fear or recrimination. Consistent and better focused research will enable the museum sector to address inconsistencies and imbalances. Without that research, museums could lose their special status as shared spaces, and that is something that we do not want to see.

This is an important report. On behalf of the Alliance Party, I give it our full support.

**The Minister of Culture, Arts and Leisure (Mr McCausland):** I thank the Chairperson and members of the Committee and the Assembly staff for the time and effort that they have put into preparing this important report. I also thank all the organisations that submitted evidence and views on the issue. I am aware of the presentations that the Committee received as part of its review and am grateful to the Committee for having given my officials the opportunity to make a presentation on the subject.

As the Minister with responsibility for National Museums Northern Ireland and the Northern Ireland Museums Council, I have followed the Committee's deliberations on the value and impact of museums with considerable interest. Indeed, the review took place just as the first ever museums policy for Northern Ireland was being finalised. I welcome the debate and the valued contributions from Members, who will understand that it is for my successor to consider the report's recommendations in more detail and to incorporate them into the Department's work as appropriate.



The report confirms the important and valuable contribution that museums make to the economic, social and cultural life of Northern Ireland. My Department's current public service agreements help to emphasise the value of museums at the highest levels of government in Northern Ireland. Our museums are vital for tourism and are a key driver of the Northern Ireland economy. Several of the Members who spoke previously highlighted that aspect of the importance of museums. National Museums runs four of the top 10 visitor attractions in Northern Ireland, and 10% of visitors to the Province visit a museum. Our museums welcome in excess of 1.5 million visitors each year, with 28% of those visitors from out of state. I note the Committee's findings that the museums sector contributes more than £16 million to the local economy, provides employment for almost 1,000 people and purchases services from local businesses, including small craft businesses.

I am pleased that the report recognises that the value of museums to Northern Ireland is much wider than can be expressed solely in monetary terms. Museums play a primary role as the custodians and conservers of our heritage. They protect the fundamentals of our history in perpetuity, and that is tremendously important. Their collections are then available for, among other things, inspiration, learning and enjoyment. Our museums, for example, contribute to education and lifelong learning through enhancing delivery of the curriculum, through providing inspirational learning experiences and through outreach work. Recommendations 6 and 12 are particularly relevant in that regard.

Museums are an important part of the overall process of positioning Northern Ireland as a forward-looking and progressive place, a place that people will want to visit and live in and a place for investment, with a rich past and a positive future. Museums can help to promote and enable creativity. Their artefacts, collections and programmes help develop new creative content, services and experiences. I am pleased that National Museums is running events throughout March as part of the recently launched "Creativity Month". That is very appropriate.

Good museums make an important contribution to a shared and better future for our entire community and society. That future is

based on the principles of equality, diversity, interdependence and mutual respect. Culture and identity are important facets of life in Northern Ireland. We have a diversity of culture of which we can be proud and that inspires interest around the world. As Mr Robinson said, it is a unique experience for visitors who come to Northern Ireland. Museums can help us to understand our diversity and our interdependencies. As such, they have an important role to play in creating a shared and better future for Northern Ireland, a point that Mr McCarthy raised. Collaboration between museums and communities can provide a vital role in understanding that shared history, heritage and culture.

I am also pleased that the report recognises the important role that improved partnership arrangements, whether at the highest departmental level or with arm's-length bodies, can play in enhancing the value of the museum sector. The Committee wants the museum sector to work co-operatively to improve data collection in Northern Ireland. That will allow the use of evaluation techniques to emphasise the value of our museums to society, and it is important that the techniques used are consistent across the museum sector. Given the breadth and variety of the museum sector in Northern Ireland, the work required to ensure that data are collected comprehensively and consistently should not be underestimated, nor will it necessarily be straightforward to select consistent tools to demonstrate the economic, social and cultural value of the museum sector. As Members are aware, the Department is already taking forward its own four-year economic and social research programme, which will address many of those issues. That programme will also assist with the implementation of museums policy.

The report draws attention to shortcomings in the currency and relevance of research data in the museum sector. I want to assure the House that my Department recognises that access to high-quality, up-to-date and relevant research is key to shaping and successfully delivering on its strategic priorities. To ensure that the link between evidence and policy development is strengthened, the Department has established a social and economic research and survey programme that aims to strengthen the available evidence base. The programme is managed by a research board and is jointly led by the head of economics and the head of

research and statistics. Those professional staff will have a key role in taking the programme forward. They will work with other bodies in the cultural sector in Northern Ireland, and the board will specify research issues, select projects, steer research and quality-control research outputs. Where appropriate, the programme will consider the recommendations in the report.

The museums policy was launched on 9 March 2011. Implementation of the policy has already started, and that will be an important mechanism for considering the recommendations in the report. I have always been keen that a clear framework be put in place for the long-term development of our museums. In fact, as a member of the Committee, I originally identified the need for a museums policy in 2008. The policy was developed by my officials in partnership with National Museums Northern Ireland and the Northern Ireland Museums Council, and I believe that it can contribute to increasing the impact and profile of the sector in Northern Ireland.

After consultation with the Committee for Culture, Arts and Leisure, the value and impact of museums was highlighted as the first section in the final policy. That emphasises the value of the sector in Northern Ireland. I am delighted that the Committee's report is complementary to the museums policy, and I thank the Committee again for its input throughout the policy's development process. Two of the goals set out in the museums policy are particularly relevant: to clarify how and what museums, both individually and collectively, contribute to local and central government objectives; and to gather up-to-date research on the sector in support of policy implementation and strategy development. Work on those goals during the policy implementation process will consider the recommendations in the report.

I want to pick up on a couple of issues raised by members of the Committee. In, perhaps, quite a folksy way, they served to show the affection that Committee members have for museums. I think that that reflects the wider affection for museums in Northern Ireland. I was reflecting on the fact that the greatest days of Ruby Murray were in the early and mid-1950s, and I am impressed that Ken Robinson can remember those days well and looks back on them as days that he very much enjoyed.

Therefore, to encourage him, the little museum in the Oh Yeah centre, in the centre of Belfast, includes a section on Ruby Murray, so he can be assured that the story of Ruby Murray is well covered in the telling of the story of Northern Ireland. I have no doubt that Mr McCarthy also looks back to those days with affection.

### 5.00 pm

I also noted his reference to the importance of "contextualising" our cultural diversity. It was an important word that he used. By way of example, of course, he referred to the way in which museums can help to contextualise the Orange celebrations for the many visitors who come to Northern Ireland in the month of July for those celebrations.

In fact, that touches on something that I highlighted some months ago about the importance of reflecting the culture of Northern Ireland, including the tradition that Mr Ken Robinson identified, inclusively and comprehensively in our museums. In fact, I think that I said that it should be done in an inclusive way, reflecting not only the Orange tradition but that of the Ancient Order of Hibernians so that the diversity, complexity, complementarity and all of the things that help to make a shared future, to which Mr McCarthy referred earlier, are reflected in the story of the museums. If they are to be shared spaces, they must be inclusive and comprehensive and reflect our diversity.

Mention was also made of our industrial heritage. It was the industrial heritage of the province of Ulster that made Northern Ireland what it is today in a whole range of ways. It impacted on us politically, socially, economically and even, in a sense, religiously. Therefore, there is a tremendously important area of our history that needs to be reflected in our museums in telling the story of our industrial past. There is an agreement across the board, across the House and across the Committee that inclusivity of representation in museums, a comprehensive approach and diversity are important principles.

Through the successful implementation of the museums policy, we can increase the impact and contribution of our museums by creating a more co-ordinated and sustainable sector. The museums policy is the vehicle through which the economic, social and cultural value and contribution of our museums can be further enhanced. That will enable this valuable sector

to maximise its impact on our society and help to create a shared and better future for all. I want our museums to harness their strengths and diversity, to maximise their resources and to support economic, social and cultural development in Northern Ireland. I welcome the report, and it is an important step in that process.

**Mr Deputy Speaker:** I call the Deputy Chairperson of the Committee for Culture, Arts and Leisure, Mr Barry McElduff, to wind up the debate.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** I thank Declan O'Loan, Deputy Chairperson of the Committee, for the role reversal on the motion and debate. He stepped in at short notice —

**Mr Deputy Speaker:** I apologise. I called you as the Deputy Chairperson. Mr McElduff is the Chairperson of the Committee.

**The Chairperson of the Committee for Culture, Arts and Leisure:** That was not my point at all. My point was to thank Declan for helping me by proposing the motion. It falls to me to wind it up. I apologise for my absence at the beginning of the debate. Sometimes, I pride myself on time management, but that did not seem to work on this occasion.

As Chairperson of the Committee, I reiterate the Committee's thanks to all who contributed to the inquiry, whether through written or oral evidence. I also thank the staff in the Assembly secretariat for their assistance during the review, particularly the Committee Clerk, Lucia Wilson; the Assistant Clerk, Emma Patton; and the team. I place on record my appreciation of the contribution that was made by the various organisations that submitted evidence. I thank the Hansard staff, who were very attentive to us in the inquiry. I also thank the Assembly's Research and Library Services, particularly Dr Dan Hull for his expertise. Whether from the museums sector, the heritage sector, academics or our Research and Library Services, the breadth of knowledge and research expertise that was made available to the Committee during the inquiry was invaluable and helped hugely in the preparation of our report. I trust that when they study the report, they will see their contributions reflected in it.

I am grateful to Members who contributed to the debate. In his opening remarks, the Deputy Chairperson, Declan O'Loan, referred

to the changed economic realities. During these hard times, we must be innovative in our approach and put our assets — in this case, our museums — to best use. There is huge untapped potential for museums to help to grow the tourism industry, which could be a vital source of income in future. Not only do museums benefit the economy, they contribute to wider society through lifelong learning and education, supporting the creative industries and providing an environment in which to explore and respect history and culture. However, the lack of understanding and acknowledgement of the museum sector sparked the need for the review to ensure that the museum sector is placed higher up the Government's agenda.

William Humphrey was the first Committee member to speak after the Deputy Chairperson. He stressed the importance of cultural tourism, saying that museums are a vehicle for the region to tell its own story. He also said that museums' socio-economic benefits are underestimated and that there is a need for greater collaboration between National Museums, the Museums Council, the Tourist Board and local councils in delivering a holistic approach to museums.

Pat Sheehan referred to lifelong learning and educational aspects. He said that museums are vital to the economy, education and the creative industries and that they provide a place where learning can be interactive. He said that quality museums need to be supported by quality research, and several Members made that point. He said that a research tool would ensure that the educational aspects of museums are more readily met.

Ken Robinson said that museums' work should not stand in isolation and should complement work in other areas, such as that of DETI and PRONI, all of which play their part in providing a clearer understanding of our history. He said that millions of people worldwide can trace their roots to this place. That point was also made by William Humphrey. Mr Robinson pointed to the tourism potential that goes with that. He said that more could be done to display our industrial heritage and that the Executive and DCAL could drive that work forward. He also said that that work should not be allowed to drift.

I believe that that might have been Ken's last speech in the Chamber, as he does not intend

to contest the next Assembly election. Is that correct?

**Mr K Robinson:** Yes.

**The Chairperson of the Committee for Culture, Arts and Leisure:** I would like to place on record the Committee's thanks to Ken Robinson as a valuable contributor to all aspects of the Committee's work over the past four years. As an educationalist, he often kept us right on grammar and such things as well.

Kieran McCarthy quantified the financial value of museums to the local economy; however, he said that more research was needed to refine that. He emphasised, as Kieran would, that museums are a shared space. He referred to the fact that there are 43 accredited museums in the region, more than two thirds of which have free admission. He asked for a more consistent and better-focused research approach to enable the museum sector to address any inconsistencies in other research that has already been undertaken.

**Mr McCarthy:** I congratulate Barry for being our Chairperson during the Assembly term. In fact, he has been Chairperson of the Committee for Culture, Arts and Leisure since 1998 and has performed that role very well.

Does the Chairperson agree that investment in the Ulster Museum has been a fantastic success and has created a real economic lifeline for museums in Northern Ireland?

**The Chairperson of the Committee for Culture, Arts and Leisure:** I absolutely agree with the Member that the Ulster Museum is a fantastic success. It has won many iconic awards, and it has been recognised as a museum that deserves such accolades. I congratulate the team that delivers services at the Ulster Museum.

I am appreciative of the fact that the Minister was present throughout the debate. In his contribution, he made sure that we were aware that his time in office is limited and that it will be up to the incoming Minister to address the recommendations. He emphasised the important economic and social impact of museums and described museums as a key driver in our economy. He made the point that four of our museums are in the top 10 visitor attractions in the region, thereby emphasising their importance to tourism. Like Kieran McCarthy, the Minister quantified the annual

benefit of museums to the wider community as £16 million.

The Minister is pleased that the report recognises the value of museums in much wider terms than simple economic terms. They provide inspiration and learning opportunities. He referred in particular to recommendations 6 and 12. He talked about museums promoting creativity, and he emphasised the role of museums in cultural diversity and a shared and better future. He also spoke of the collaboration that exists between museums and called for more such partnership working in the sector in the future.

The Minister gave commentary on research evaluation techniques, and said that they should be consistent. He also said that work to collect data should not be underestimated. He referred to how research should be progressed, and he said that recommendations should be looked at, where appropriate. I thank the Minister for his contribution, which I have not covered adequately.

Today represents the conclusion of the Committee's review into assessing the value and impact of museums. As we come to the end of this mandate, I hope, as do other Members, that it does not signal the conclusion of interest in this subject by a future CAL Committee. In that regard, the Committee recommends that the incoming Committee requests a response to the report from the incoming Minister of Culture, Arts and Leisure. It is another legacy issue.

We hope that the report has helped to highlight the contribution that museums do and can make to our society. We are calling on the Executive to take note of the importance of this sector and on the incoming Minister to draw on the expertise that exists in the sector to provide the means for focused research to be carried out on the value and impact of museums. Our museums sector deserves nothing less. I commend the report to the House and ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Committee for Culture, Arts and Leisure [NIA 38/10/11R] on its review into the impact and value of museums in Northern Ireland.*



## Private Members' Business

### Single Use Carrier Bags Bill: Final Stage

**Mr McKay:** I beg to move

*That the Single Use Carrier Bags Bill [NIA 8/10] do now pass.*

I do not wish to speak for too long, a Cheann Comhairle. I very much welcome the fact that we have reached the Final Stage of the Bill, and I am grateful to Members for approving accelerated passage and for their contributions during debates.

This marks the end of a process that was set in motion in the early part of the Assembly term when Cathal Boylan and I put forward a motion on the issue. That resulted in the Executive adopting a levy in their Budget proposals in December. The adoption of the proposal by the Executive last year meant that a number of the Bill's aims were met. The Bill was tailored accordingly, as the provisions in the Climate Change Act 2008 already allow the Department to do much of what was contained in my original Bill.

The Climate Change Act 2008 makes provision for a charge on single-use carrier bags, but it does not allow for proceeds to be paid to the Department. This Bill will ensure that that stream of revenue is created and channelled to the Department. Much of the implementation of the levy will be through regulations, which will give the Department adequate flexibility to put in place a system that works effectively and efficiently and which will ensure that the primary aim of plastic bag reduction is achieved and that any revenue generated goes towards the green new deal.

**5.15 pm**

I thank Members for their contributions to the debating of the Bill at each stage and look forward to the matter being progressed. I also look forward to each Member keeping their contribution short, as well.

**Mr Weir:** Obviously, the proposer of the Bill has thrown down the gauntlet and it will be up to all of us to meet that challenge to keep this relatively brief. I welcome the Bill as amended. As indicated, it is essentially enabling legislation. I will come on to what the next steps

are in a moment, but the broad thrust and philosophy behind this has been welcomed right across the House.

Some people drew a dichotomy between the revenue-raising side of things and the environmental impacts, and, indeed, there is a degree of see-sawing. The more we are able to drive down the number of plastic bags that are used, although that obviously has benefits from the environmental point of view, the more we will drive down the revenue. I am perhaps not as hung up on that as some people. I believe that, in many ways, it is a win-win situation. Whatever money is raised through this can be used by the Department of the Environment for environmental projects. Similarly, if we are able to use it to drive down the use of damaging bags, that is something to be welcomed. Whatever direction it ultimately goes in, in terms of its impact, there are benefits to Northern Ireland as a whole.

I think there was a need for the legislation to empower the Department, particularly with regard to making particular use of the Climate Change Act 2008. It is right that what we are left with is essentially enabling, because the meat of a lot of the implementation of it will be, as the proposer said, in the regulations. I am glad that the Minister has highlighted the fact that any future Environment Minister, when bringing forward those regulations, will have full levels of consultation, because there is a lot of importance in the detail of it.

It is important, in what is, generally speaking, a good idea, that we do not get unforeseen circumstances. To that end, for example, mention has been made of the widening of this in terms of the single use. When we talk about paper bags, we talk about a range of bags. The point has been clearly made that we do not want to see a situation where people try to obfuscate the legislation by simply moving to a different type of bag.

That said, when looking at the implementation we have to look at the potential impact on a range of industries throughout Northern Ireland. For example, we have to ensure that whatever is put in place is fair, not simply for the large consortiums and strings of shops across Northern Ireland, but for the small retailer, so that it does not become either an administrative burden or a major financial burden on those who are perhaps not able to afford it.

There are certain concerns around the widening and the introduction of paper bags. We need to make sure that, on a range of things, we do not have unforeseen circumstances. For example, I know that some medical supplies from pharmacies, for instance, are supplied in paper bags, sometimes to provide a degree of confidentiality to patients. It is important that we do not place an undue burden there. Similarly, if we are talking about unpackaged food, uncooked meat or fish, there will be a necessity for a degree of packaging. In particular, we need to take care that we do not place too much of a burden on takeaway food and hot food, for example.

Part of the argument is that, particularly when dealing with supermarkets, it is a tax that is, in many ways, avoidable in a lot of cases. For example, I have a bag for Lidl that I use when I am getting particular groceries. I see that that is leading to much amusement.

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

**Mr Weir:** I will be happy to give way. I suspect that the Member is some sort of avenging angel aiming to be the kiss of death of this Assembly by being the last Member to speak, as he has managed to do on several other occasions, but I will be happy to give way to the Member.

**Mr Wells:** The honourable Member refers to “Lidl”, which may be how it is referred to in North Down, but I assure him that most ordinary folk call it “Lidl”.

**Mr Weir:** The Member from South Down is obviously polishing up his act as a man of the people before the election. The point is that, for many of us doing any degree of shopping, we can take, if you like, a permanent bag, or something that will at least be there for a long period of time, and be able to avoid that.

For the takeaway food industry, that is not the case. Customers will not arrive at a hot food store with the same carton they used the previous day or week, and there will be some pressure on a number of those establishments as a result. We must ensure that whatever way the legislation is framed, either through cost or exemptions, we do not create something that, with the best will in the world, will impose an unavoidable cost on certain industries. There are health and safety implications for cooked and uncooked food that must also be borne in mind.

Companies such as McDonald's have done a great deal of good work in trying to provide containers that are as environmentally friendly as possible. However, we must ensure that, in minimising the amount of material used in packaging, we are careful to avoid cross-contamination. We must also ensure that there are no affordability issues for those who rely on that form of business, and that the charge is simply not just passed on to customers.

None of that negates the general thrust of the legislation. However, when we come to the consultation on the regulations, during which it will be important that all inputs are considered, we must ensure that there are no unforeseen circumstances. We must also ensure that the legislation is fully and properly introduced in a sensible way for all our industries and does not damage or impact badly on any one particular part.

*(Mr Speaker in the Chair)*

With those reservations, I commend this piece of enabling legislation to the House. I look forward to the debates that will take place in our society on the implementation of the Bill and on the regulations that are vital to its implementation.

**Mr Kinahan:** Some people have strange ideas of what brief means. I welcome the opportunity to speak on the Bill today and the fact that it is enabling legislation, metamorphized from something completely different when it started. The Ulster Unionist Party wants to see the Bill in place protecting the environment, as was its original aim. It also wants to see it in place to raise the funds necessary to finance the protection of the environment, and to take action on rivers, marine habitats and other environmental issues. The party wants the Bill to succeed.

However, the UUP also wants to ensure that the Bill is implemented in the correct way. Perhaps we should revisit the Danish system that was mentioned in Committee, whereby a company buys its bags in bulk and spreads the cost, including the levy, throughout everything in the store. We must learn a great deal more before we make decisions. We must also ensure that consultation with the industry is thorough, so that the unavoidable costs that Mr Weir referred to are examined in detail, and so we can make the right decisions to suit the whole of Northern Ireland. We also need to look at the environmental issues, and whether people move

to black bin bags, cloth bags or other forms of bag, to ensure that we make the right decision.

I was against the Bill's accelerated passage, but, because it has become an enabling Bill, that opposition is irrelevant. The Ulster Unionist Party supports the Bill, wants it to succeed and it looks forward to seeing it in the next Assembly.

**Mr Lyttle:** I also support the enabling legislation before the House. The Alliance Party is a firm supporter of the principle of environmental protection and of any legislation that will encourage the greater reuse and reduction of plastic bags. The Alliance Party is also on record as opposing accelerated passage of the Bill. I shared concerns that full consultation had been blocked by the DUP and Sinn Féin, but, as mentioned, we have received reassurances and commitments that appropriate consultation will be carried out prior to regulations being made.

It is important to restate that one of the reasons why a similar policy in the Republic of Ireland worked so well was because there was full and proper consultation with the public. The Alliance Party looks forward to that consultation occurring here.

I note that my colleague from North Down raised the issue of paper bags. I imagine that most Members have received correspondence raising concerns about paper bags being used for loose fruit, vegetables and uncooked meats. I am just wondering whether this is the final nail in the coffin of the 10p mix-up, but I am sure that we can find regulations to exempt that from these provisions.

Notwithstanding our objections to the fact that the Bill was granted accelerated passage, I welcome the enablement of important provisions of the Climate Change Act 2008. I also look forward to full and proper consultation, which has so far been refused, before the detailed regulations are brought forward.

**Mr Ross:** It is a pleasure to make what will be my last contribution in this mandate. Of course, I hope that I am back in the next mandate, but that is up to the people of East Antrim. I certainly would like to be back to look at the implications of this Bill and to ensure that it will work in the way that has been planned.

This is the last day of the current mandate, and that casts my mind back to the beginning of the

mandate, which began with the death of one of the Members of the House, my predecessor, George Dawson. I paid tribute to him in my maiden speech, and I do so again in my final contribution in this mandate. I know that George was a keen spokesperson on the environment, and he would have made a significant contribution over the four years of this term. I also think that he would have been very pleased that we had our full four-year term.

It is an historic moment. I heard other Members say that throughout the day, but it is significant. Not many people gave this House a chance four years ago, and it is fitting that we finish not on a moment or crisis, with a debate about suspension or with people walking out but on a piece of ordinary business that was brought through the House by a Member of the House.

I was sceptical about elements of the Bill, and I had questions about its implementation elements. I said in jest earlier that this was the Bill formerly known as the plastic bag tax. It is rare that we have a Bill that changes its name during its passage. However, this Bill has also changed its entire content. As my colleague Mr Weir said, at this stage, it is simple enabling legislation that will allow regulations to be introduced in a future mandate.

Some of my concerns have been addressed by the fact that we now have a pledge from the Environment Minister and officials that there will be a full consultation when regulations to raise a plastic bag tax are introduced. It is important for the retail sector to have the opportunity to give evidence to Committees, and it is important for members to be able to scrutinise the legislation at Committee Stage. I look forward to that happening. When that consultation takes place, it will also be important, as Mr Weir said, that we look at whether there should be certain regulations or exemptions for particular types of bags or industries. I know that other Members mentioned that, and I think it was Mr Lyttle who spoke about practice in chemists in the past, and that is important.

It is also important to ensure that, if we introduce this legislation, it is not about just tax-raising or revenue-raising powers. If it is seriously about saving the environment and reducing plastic bag use, we need to look in detail at experiences elsewhere. Other Members said that the Irish Republic was a huge success, but I think that there is evidence to suggest that

one type of plastic bag was simply replaced with another and that the type of plastic bag that replaced the carrier bag was actually worse for the environment.

Those are issues that we will need to look into in great detail when the House returns to this issue in a future mandate and when we look at bringing forward regulations and exemptions. However, the Bill is simple paving or enabling legislation, and I am more than content to let it go.

**The Minister of the Environment (Mr Poots):**

I do not propose to detain Members much longer. A broad range of issues was raised and, I believe, resolved during the Bill's accelerated passage. Consideration Stage saw the removal of all the detailed provisions in the original Bill. The specific role for councils is gone; the specific charge of 15p a bag is gone; the offences and penalties are gone; and the scope of the legislation has been extended from single-use plastic bags to single-use carrier bags.

All that detail was replaced by a single clause. My Department will be able to use that provision alongside the powers that are already available under the Climate Change Act 2008 to implement the Executive's decision to introduce a bag levy. I believe that that is a much more practical and, indeed, sensible approach. Importantly, the Bill will now provide sufficient flexibility to identify various options for implementation, arrange full public consultation and finalise policy direction and to legislate for that approach. That is the proper order of things.

**5.30 pm**

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I thank Members for being as brief as possible, although Peter obviously has a different definition of brief to the rest of us. I will try to keep my remarks as short as possible.

The Member for North Down Peter Weir started by saying that this can be a win-win situation, and I broadly agreed with much of what he said. The primary aim of the legislation is to reduce the use of plastic bags. The Bill is primarily about the environment; the revenue generated is a secondary consequence, and we should avail ourselves of that in the best way that we can. He also said that the meat of the Bill will be in the regulations and that it is important that we do not have unforeseen circumstances. He also referred to the need for exemptions, as did Alastair Ross, and I totally agree that we

should have exemptions for meat and certain unpackaged foods. There are some concerns in the retail industry about that and what the exemptions will be, and we need to allay those concerns through this process.

Danny Kinahan outlined the position of the Ulster Unionist Party and said that it wants the Bill to be in place, raising funds and protecting the environment.

Chris Lyttle looked forward to the further consultation process over the next couple of years.

Alastair Ross had concerns about the Bill and was one of the most vociferous critics of the legislation and the original proposals. He has every right to be critical and to ensure that we get the legislation right.

The debate has been positive, which is welcome after this four-year period of the Assembly. Before I finish, I thank all those who assisted me with the Bill: the Bill Office, the Business Office, the Assembly Research and Library Service, the Minister and departmental officials. I thank all the members of staff of the Assembly, who have been diligent in their work and have never let me or any Members of my party down. That is something that I want to put on record.

I also thank members of the public and businesses who have contacted our office in support of the Bill for environmental reasons. Although a number of businesses raised some concerns about the levy, a lot of businesses have contacted us in support of it and have recognised that there are potential savings from not having to purchase thousands of bags to hand out to members of the public.

I speak for all Members in thanking you for how you have performed in your role as Cheann Comhairle over the past four years. I do not think that anybody in the Chamber can argue that you have not done a good job; you have been fair on all occasions and have not been hesitant to shout down any Member, which is to be welcomed. You have set a very good example.

Before we are evicted from the House, I commend all Members for playing their part in moving this society and politics in general forward over the past four years and I look forward to that work being built upon in the new term.



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

**Mr McKay:** I will.

**Mr Speaker:** This is a tradition for you, Mr Wells.

**Mr Wells:** It has been a custom over the past 30 years for me to be the last Member to speak on the last day of the Assembly. I am absolutely delighted that Mr McKay has given me the opportunity to speak, because it has saved me trying to make a bogus point of order, which, no doubt, would have been ruled as being completely out of order.

As someone who has been a Back-Bencher for many years and is destined to remain one perpetually, I thank you, Mr Speaker, on behalf of the Back-Benchers, for your performance as Speaker over the past four years. I agree with Mr McKay, which concerns me greatly, that you have been utterly fair in the way that you have dealt with the sometimes hectic proceedings in this House. I also pay tribute to your deputies: Mr Dallat, Mr McClarty and, of course, Mr Molloy.

I have had the privilege of sitting in the Chair as Deputy Speaker, and I know how difficult a position it is. Mr Speaker, am I right in thinking that you have not thrown anybody out in four years, or have you thrown one Member out?

**A Member:** One.

**Mr Wells:** If you have thrown out only one Member in four years, that is remarkable. As someone who was thrown out of this august Chamber, I paid the penalty. Not only was I thrown out of the Building, I was escorted to the gates of the precincts, excluded for a day and told that I would lose a day's pay. However, when I checked, that day's pay was never deducted. Therefore, I am glad to say that I did not lose anything financially.

Seriously, Mr Speaker, I congratulate you and your deputies on your performance. Normally, my speaking on the last day is an indication that the Assembly is doomed and about to crash around our ears. I was last to speak in the Assembly before its collapse in 1976. I was the last Member to speak before it collapsed in 1986, and I was the last person in the Building before it burned down in 1995, although I was not responsible for that particular event. My being the albatross around the neck of this Building has had its problems in the past. However, whether I come back or not, I am confident that, despite my speaking last, the Assembly has

proved itself in the furnace over the past four years and has a very bright future indeed.

**Mr Weir:** On a point of order, Mr Speaker. *[Laughter.]* I do not disagree with anything that the previous Member said, but I am making a desperate attempt to break the jinx that Mr Wells seems to have held over this place for about 35 years. Will you rule on whether that was a genuine intervention, because it seemed to have little to do with the Bill?

**Mr McKay:** I thank the Member for his intervention. Go raibh maith agat, Jim.

**Mr Speaker:** Order. Thank you very much to Members on all sides of the House for your kind words this morning and this afternoon. I genuinely mean that.

*Question put and agreed to.*

*Resolved:*

*That the Single Use Carrier Bags Bill [NIA 8/10] do now pass.*

*Adjourned at 5.37 pm.*

# Written Ministerial Statement

**The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.**

## Social Development

### Social Clauses in Government Contracts

*Published at 12.00 noon on  
Tuesday 22 March, 2011*

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

**(Mr Attwood):** Procurement is a key driver for delivering sustainable development and I am committed to ensuring that my Department's spending on procurement will contribute to the social, economic and environmental well-being of all. I am, therefore, writing to advise you that I instructed my Department and its Arms Length Bodies, that from 1 January 2011 those who are awarded contracts to build social housing or undertake major urban regeneration projects will be required to provide a work placement opportunity for an unemployed person through the Department for Employment and Learning's Steps to Work Programme or equivalent.

This new social clause provides that for every £0.5m of labour value, the main contractor will be required to provide a work placement opportunity for an unemployed person through the Department for Employment and Learning's Steps to Work Programme or equivalent. This new requirement will apply both to all new contracts and to existing contracts being renewed. Up to January 2011, all new construction works contracts arranged by Centres of Procurement Expertise have included minimum requirements to recruit one apprentice per £2m of capital value and to recruit one long term unemployed person per £5m of capital value. Lowering the threshold and doing so significantly as I have instructed, will increase the opportunities for the unemployed to get back to work.

There are 3 ways this can be achieved through the Steps to Work Programme:-

- By two 3 week placements of practical work experience;
- By a 26 week placement of work experience which includes working towards a level 2/3 vocationally related qualification; or
- By a 26 week placement of work experience which includes working towards an essential skills qualification.

I am aware that the Derry City Council area does not currently operate the Steps to Work Programme. However, I have ensured that the same work experience opportunities will be made available to unemployed people in the Derry City Council area as a result of Social Housing and Urban Regeneration contracts through utilising the Department for Employment and Learning's New Deal Programme.

Government needs to push on with the social inclusion agenda and there is clear potential for the public sector in Northern Ireland to make a difference through their procurement processes. Indeed, based on the figures available to me, the total number of work placements that could have been accommodated if the above 'unemployment' social clause had been applied to 2009/10 social housing construction works contracts, under the Social Housing Development Programme, is approximately 73 26 week work placements or 146 13 week work placements.

Whilst the Construction Industry Forum NI is considering the potential of including this sort of clause across all Government contracts, I moved forward unilaterally as of 1 January 2011, so that immediately we can extend the potential of social benefits for all communities.

My instruction is impacting on the projects being delivered in my Department.

In Housing, local company T & A Kernoghan, undertaking work for Clanmill Housing Association at the Bass Brewery site on the Glen Road in West Belfast have taken on four placements from the local area. Three of the placements are 13 week work experience placements with a 52 week placement for an unemployed person who is working towards a NVQ Level 2 in joinery. The Bass Brewery scheme is an existing contract and pre-dated the 1 January 2011 target date. The 4 work placements are the result of a voluntary arrangement between Clanmil Housing Association and T & A Kernoghan.

In Urban Regeneration, a voluntary arrangement was reached with the contractor of the recently completed Derry City Centre Public Realm project whereby he and one of his sub-contractors provided employment for 2 long-term unemployed people as well as an electrical apprenticeship for one young person. In a number of projects such as the Colin Gateway, Andersonstown Road scheme and the Dungannon Public Realm requests have been made to include voluntary agreements with the contractors to provide work experience for the unemployed.

I have also instructed that a similar social clause be taken forward for all other contracts such as maintenance; warm homes; and consultancy contracts. Five NIHE Egan-type contracts being tendered this year will have social clauses built into its terms and I welcome the endorsement of the NIHE to this approach.

Clearly major potential exists through this initiative to improve employment opportunities for unemployed people or to assist them gaining vital work experience they need to complete a vocational qualification. For example, in 2009/10 the total value of procurement expenditure for Northern Ireland Departments, Agencies, NDPBs and Public Corporations totalled £2.3bn.

Of that figure, Construction Contracts awarded by Centres of Procurement Expertise for NI Departments amounted to £925m. Under the arrangements that have previously applied new construction works arranged by Centres of Procurement Expertise have included minimum requirements to recruit one apprentice per £2m of capital value and one long term unemployed per £5m of capital value. This potentially

could be translated as 462 apprentices and 185 long term unemployed (647). If the new arrangement put in place by my Department were in place across government, there is the potential for 1850 work opportunities. The new arrangements potentially could mean a 65% increase.

Supplies and Services and Services awarded by Centres of Procurement Expertise for NI Departments amounted to £1.38bn. Under the new arrangements £0.5m of labour value the main contractor would be required to provide a work placement opportunity which could be translated as 2760 opportunities in consultancy; in cleaning, catering and security services; in utility services; in maintenance; and in other areas too. I met again with officials last week in relation to social clauses for supplies and services. I understand that this approach may be adopted in relation to current tenders for portering, security and cleaning provision.

I have also instructed officials to put a social clause into the conditions of funding, say of the larger regional infrastructure organisations.

This shows that by rolling out my initiative across the totality of Government spending, the outcomes could be even more impressive and at a time when we have rising unemployment, the opportunities for work placements is one we should comprehensively interrogate and implement.

I am determined to ensure that my Department's spending on procurement incentivises training and work experience opportunities for the unemployed and regenerates communities. I also have written to Ministerial colleagues on the 28 February 2011 to inform them of my plans and to encourage them to consider the potential of bringing this forward in their own Departments' as soon as possible. I believe that in the current economic climate there is a need for an even more profound focus on enhancing employment opportunities from public spending.







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