



Northern Ireland  
Assembly

# OFFICIAL REPORT

(Hansard)

Volume 7

(28 October 2000 to 8 December 2000)

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# **Volume 7**

(28 October 2000 to 8 December 2000)



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## ASSEMBLY MEMBERS

(A = Alliance Party; NIWC = Northern Ireland Women's Coalition; PUP = Progressive Unionist Party; SDLP = Social Democratic and Labour Party; SF = Sinn Fein; DUP = Ulster Democratic Unionist Party; UKUP = United Kingdom Unionist Party; UUP = Ulster Unionist Party; UUAP = United Unionist Assembly Party; NIUP = Northern Ireland Unionist Party)

Adams, Gerry (SF) (West Belfast)  
Adamson, Dr Ian (UUP) (East Belfast)  
Agnew, Fraser (UUAP) (North Belfast)  
Alderdice, The Lord (Speaker)  
Armitage, Ms Pauline (UUP) (East Londonderry)  
Armstrong, Billy (UUP) (Mid Ulster)  
Attwood, Alex (SDLP) (West Belfast)  
Beggs, Roy (UUP) (East Antrim)  
Bell, Billy (UUP) (Lagan Valley)  
Bell, Mrs Eileen (A) (North Down)  
Benson, Tom (UUP) (Strangford)  
Berry, Paul (DUP) (Newry and Armagh)  
Birnie, Dr Esmond (UUP) (South Belfast)  
Boyd, Norman (NIUP) (South Antrim)  
Bradley, P J (SDLP) (South Down)  
Byrne, Joe (SDLP) (West Tyrone)  
Campbell, Gregory (DUP) (East Londonderry)  
Carrick, Mervyn (DUP) (Upper Bann)  
Carson, Mrs Joan (UUP) (Fermanagh and South Tyrone)  
Close, Seamus (A) (Lagan Valley)  
Clyde, Wilson (DUP) (South Antrim)  
Cobain, Fred (UUP) (North Belfast)  
Coulter, Rev Robert (UUP) (North Antrim)  
Courtney, Mrs Annie (SDLP) (Foyle) **From 11/12/00**  
Dallat, John (SDLP) (East Londonderry)  
Dalton, Duncan Shipley (UUP) (South Antrim)  
Davis, Ivan (UUP) (Lagan Valley)  
de Brún, Ms Bairbre (SF) (West Belfast)  
Dodds, Nigel (DUP) (North Belfast)  
Doherty, Arthur (SDLP) (East Londonderry)  
Doherty, Pat (SF) (West Tyrone)  
Douglas, Boyd (UUAP) (East Londonderry)  
Durkan, Mark (SDLP) (Foyle)  
Empey, Sir Reg (UUP) (East Belfast)  
Ervine, David (PUP) (East Belfast)  
Farren, Dr Seán (SDLP) (North Antrim)  
Fee, John (SDLP) (Newry and Armagh)  
Ford, David (A) (South Antrim)  
Foster, Sam (UUP) (Fermanagh and South Tyrone)  
Gallagher, Tommy (SDLP) (Fermanagh and South Tyrone)  
Gibson, Oliver (DUP) (West Tyrone)  
Gildemew, Ms Michelle (SF) (Fermanagh and South Tyrone)  
Gorman, Sir John (UUP) (North Down)  
Hanna, Ms Carmel (SDLP) (South Belfast)  
Haughey, Denis (SDLP) (Mid Ulster)  
Hay, William (DUP) (Foyle)  
Hendron, Dr Joe (SDLP) (West Belfast)  
Hilditch, David (DUP) (East Antrim)  
Hume, John (SDLP) (Foyle) **Resigned 1/12/00**  
Hussey, Derek (UUP) (West Tyrone)  
Hutchinson, Billy (PUP) (North Belfast)  
Hutchinson, Roger (Independent Unionist) (East Antrim)  
Kane, Gardiner (DUP) (North Antrim)  
Kelly, Gerry (SF) (North Belfast)  
Kelly, John (SF) (Mid Ulster)  
Kennedy, Danny (UUP) (Newry and Armagh)  
Leslie, James (UUP) (North Antrim)  
Lewsley, Ms Patricia (SDLP) (Lagan Valley)  
McCarthy, Kieran (A) (Strangford)  
McCartney, Robert (UKUP) (North Down)  
McClarty, David (UUP) (East Londonderry)  
McClelland, Donovan (SDLP) (South Antrim)  
McCrea, Rev Dr William (DUP) (Mid Ulster)  
McDonnell, Dr Alasdair (SDLP) (South Belfast)  
McElduff, Barry (SF) (West Tyrone)  
McFarland, Alan (UUP) (North Down)  
McGimpsey, Michael (UUP) (South Belfast)  
McGrady, Eddie (SDLP) (South Down)  
McGuinness, Martin (SF) (Mid Ulster)  
McHugh, Gerry (SF) (Fermanagh and South Tyrone)  
McLaughlin, Mitchel (SF) (Foyle)  
McMenamin, Eugene (SDLP) (West Tyrone)  
McNamee, Pat (SF) (Newry and Armagh)  
McWilliams, Ms Monica (NIWC) (South Belfast)  
Maginness, Alban (SDLP) (North Belfast)  
Mallon, Séamus (SDLP) (Newry and Armagh)  
Maskey, Alex (SF) (West Belfast)  
Molloy, Francie (SF) (Mid Ulster)  
Morrice, Ms Jane (NIWC) (North Down)  
Morrow, Maurice (DUP) (Fermanagh and South Tyrone)  
Murphy, Conor (SF) (Newry and Armagh)  
Murphy, Mick (SF) (South Down)  
Neeson, Sean (A) (East Antrim)  
Nelis, Mrs Mary (SF) (Foyle)  
Nesbitt, Dermot (UUP) (South Down)  
O'Connor, Danny (SDLP) (East Antrim)  
O'Hagan, Dr Dara (SF) (Upper Bann)  
O'Neill, Éamonn (SDLP) (South Down)  
Paisley, Rev Dr Ian (DUP) (North Antrim)  
Paisley, Ian Jnr (DUP) (North Antrim)  
Poots, Edwin (DUP) (Lagan Valley)  
Ramsey, Ms Sue (SF) (West Belfast)  
Robinson, Mrs Iris (DUP) (Strangford)  
Robinson, Ken (UUP) (East Antrim)  
Robinson, Mark (DUP) (South Belfast)  
Robinson, Peter (DUP) (East Belfast)  
Roche, Patrick (NIUP) (Lagan Valley)  
Rodgers, Ms Brid (SDLP) (Upper Bann)  
Savage, George (UUP) (Upper Bann)  
Shannon, Jim (DUP) (Strangford)  
Taylor, Rt Hon John (UUP) (Strangford)  
Tierney, John (SDLP) (Foyle)  
Trimble, Rt Hon David (UUP) (Upper Bann)  
Watson, Denis (UUAP) (Upper Bann)  
Weir, Peter (UUP) (North Down)  
Wells, Jim (DUP) (South Down)  
Wilson, Cedric (NIUP) (Strangford)  
Wilson, Jim (UUP) (South Antrim)  
Wilson, Sammy (DUP) (East Belfast)

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## EXECUTIVE COMMITTEE OF THE ASSEMBLY

<i>First Minister</i>	The Rt Hon David Trimble MP
<i>Deputy First Minister</i>	Séamus Mallon MP
<i>Minister of Agriculture and Rural Development</i>	Ms Brid Rodgers
<i>Minister of Culture, Arts and Leisure</i>	Michael McGimpsey
<i>Minister of Education</i>	Martin McGuinness MP
<i>Minister of Enterprise, Trade and Development</i>	Sir Reg Empey
<i>Minister of the Environment</i>	Sam Foster
<i>Minister of Finance and Personnel</i>	Mark Durkan
<i>Minister of Health, Social Services and Public Safety</i>	Ms Bairbre de Brún
<i>Minister of Higher and Further Education, Training and Employment</i>	Dr Seán Farren
<i>Minister for Regional Development</i>	Gregory Campbell
<i>Minister for Social Development</i>	Maurice Morrow

## JUNIOR MINISTERS OF THE ASSEMBLY

<i>Office of the First Minister and the Deputy First Minister</i>	Denis Haughey Dermot Nesbitt
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**PRINCIPAL OFFICERS AND OFFICIALS  
OF THE ASSEMBLY**

<i>Speaker</i>	The Lord Alderdice
<i>Deputy Speakers</i>	Sir John Gorman Donovan McClelland Ms Jane Morrice
<i>Office of the Speaker</i> <i>Private Secretary</i> <i>Special Adviser</i> <i>Counsel</i>	Ms Georgina Campbell Niall Johnston Nicolas Hanna QC
<i>Board of Management</i> <i>Clerk to the Assembly</i> <i>Deputy Clerk</i> <i>Head of Administration</i> <i>Clerk Assistant</i> <i>Editor of Debates</i> <i>Keeper of the House</i> <i>Director of Research and Information</i> <i>Director of Finance and Personnel</i>	Vacant Vacant Gerry Cosgrave Murray Barnes Alex Elder Peter Waddell Allan Black  Dennis Millar
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<i>Clerk of Committees/Principal Clerk</i>	John Torney
<i>Clerk of Bills</i>	Alan Patterson
<i>Clerks</i>	Ms Gillian Ardis George Martin Dr Andrew Peoples Mrs Debbie Pritchard Michael Rickard Alan Rogers Mrs Eileen Sung Mrs Cathie White Martin Wilson
<i>Head of Research</i>	Vacant
<i>Head of Information and Events</i>	Patrick Price
<i>Principal Doorkeeper (Acting)</i>	Stephen Scott

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# NORTHERN IRELAND ASSEMBLY

Monday 6 November 2000

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

*Members observed two minutes' silence.*

## THE ENVIRONMENT BRITISH-IRISH COUNCIL SECTORAL MEETING

**Mr Speaker:** I have received notice from the Minister of the Environment that he wishes to make a statement on the British-Irish Council Environment Sectoral Group meeting held in London on Monday 2 October.

**The Minister of the Environment (Mr Foster):** Following nomination by the First Minister and the Deputy First Minister, Mr Martin McGuinness and I represented the Northern Ireland Executive at a meeting of the British-Irish Council on the Environment on 2 October. The UK Government were represented by the Environment Minister, Mr Michael Meacher MP, who chaired the meeting. The Irish Government were represented by Mr Noel Dempsey TD, Minister for the Environment and Local Government. The meeting was also attended by representatives of the Scottish Executive, the National Assembly for Wales, the Isle of Man Government and the States of Jersey and Guernsey.

A full list of delegates is attached to the communiqué that was issued after the meeting and placed in the Assembly Library. This statement has been agreed by Mr McGuinness and is being made on his behalf.

At the first summit meeting of the British-Irish Council, on 17 December 1999, the environment was selected as an issue for early discussion. The UK Government were tasked with taking the lead in this area and under the chairmanship of Mr Meacher, the environment sectoral group was established to consider the environmental issues affecting the member Administrations and to report back.

The members agreed that the group would provide a valuable forum for the exchange of information and the discussion of matters of mutual interest. The group discussed a wide range of priority areas for future consideration. These included: the impacts on the environment of climate change, agriculture and aquaculture; waste management, waste recycling and radioactive and chemical wastes; water quality under the water framework directive;

and environmental research. Many of these were put forward by the Northern Ireland Administration.

After discussion the group agreed that consideration over the next few months should concentrate on radioactive waste from the Sellafield site, in respect of which the Irish Government and the Isle of Man would lead the preparation of a paper for the next meeting; the impacts of climate change, in respect of which the United Kingdom Government would take the lead; and waste management, in respect of which the Scottish Executive would prepare a paper on initiatives being pursued in Scotland. The work will be progressed by working groups of officials under the leadership of each Administration, who will report back to the environment sectoral group.

I expressed a particular interest in water quality management in the context of the Water Framework Directive, and it is my expectation that consideration will be given to this at subsequent meetings.

The group also considered a paper by the United Kingdom Government which reviewed the conclusions of the OSPAR regional quality status report on the Celtic seas. The group reviewed the issues of concern identified in the report and the ways in which they are being dealt with in various forums. It was agreed that a high level of liaison and co-operation should continue between the Administrations concerned to facilitate the implementation of all appropriate measures and the identification of any new initiatives that may be required. It was agreed that periodic reports on progress should be provided to the group.

Finally, the group considered and agreed the text of the communiqué which was issued after the meeting. A copy of the communiqué has been placed in the Assembly Library. The next meeting of the environment sectoral group will be hosted by the Scottish Executive.

**Mr McGrady:** I thank the Minister for his report on the British-Irish Council meeting. It is no surprise that the first highlighted item was radioactive discharge into the Irish Sea from Sellafield, although the heading refers to waste from Sellafield. Can the Minister confirm that in dealing with radioactive waste from the Sellafield site he will be dealing not only with the high and medium grade waste stored on land but also with the discharges of low level radioactive waste into the Irish Sea? Can he indicate whether or not the British Government — the major shareholders of the main offender, British Nuclear Fuels Ltd (BNFL) — have declared an interest in this matter? The British Government signed the OSPAR agreement. In July 1998 they indicated that they would reduce radioactive waste into the Irish Sea to nil by 2020. In view of the fact that they have further licence to reprocess particularly at the MOX plant at Sellafield, how do they propose to achieve zero outflow by 2020 if they are increasing the discharges?

**Mr Foster:** The operation of the Sellafield plant and its impact on the Irish Sea is of considerable interest to some sections of the Northern Ireland public, and Mr McGrady shows great interest in it. So far as I am aware, the levels of radioactivity measured by the Environment and Heritage Service are of negligible radiological significance. The Environment and Heritage Service arranges for samples of seaweed, sediment, fish and shellfish to be collected quarterly for analysis. We also monitor the air over coastal intertidal sediments. This reveals minimum amounts of radioactivity which are consistent with normal background levels. The Northern Ireland programme has been in place since the early 1970s and is reviewed annually to ensure that any changes in discharge are assessed — for example, the Thermal Oxide Reprocessing Plant (THORP) Start-Up Scheme in 1994. I can assure Members that these issues have come to our attention, and that the level of radioactivity measured in the environment is not of any great significance.

**The Chairperson of the Environment Committee (Rev Dr William McCrea):** I thank the Minister for his statement and for raising many issues which will be of interest to my Committee. I note that working groups are to be set up to deal with specific issues. Will the groups include staff from Northern Ireland? If not, why not?

Radioactive waste from Sellafield is an important issue. Is the Minister's Department monitoring the effects of Sellafield discharge around the Northern Ireland coastline? If so, what are the findings? Northern Ireland produces less than 3.5% of the United Kingdom's total greenhouse gas emissions, yet we are still affected by the impact of climate change and cannot afford to be complacent. Are there specific plans to further reduce these emissions in Northern Ireland?

Waste management is topical and we had a helpful exchange on the issue last week. I note that a paper on waste management initiatives in Scotland is to be presented to the sectoral group, and local councils are currently drafting plans for departmental perusal. Does the Minister think that Scotland can show Northern Ireland the way forward, and can he say which particular initiatives will be of local interest?

Finally, on a personal note, I note that Martin McGuinness, Sinn Féin/IRA Member, was at the meeting. As the leader of the Ulster Unionist Party has decided that Sinn Féin/IRA is to be banned from North/South bodies, can the Minister confirm that this ban will be extended to the British-Irish Council meetings?

**Mr Foster:** The Member's last question is one for my leader to answer.

One question concerned the officials who will be operating —

**Mr Speaker:** For the sake of clarity, let me point out that it is the First Minister who would deal with the

Member's question. I know that the Minister's leader and the First Minister are one and the same person, but technically it is a matter for the First Minister.

**Mr Foster:** Yes, it is for the First Minister to decide, and I cannot answer for him.

Officials from the Environment and Heritage Service will play a full part in the working groups.

The Environment and Heritage Service has 40 estuarine and coastal monitoring points around Northern Ireland. These include seven stations that are part of the UK's national marine monitoring programme, which sets the protocols for best practice in marine monitoring. These arrangements apply at all our sampling sites. My Department and the Department of Agriculture and Rural Development are working together on the nutrient enrichment of our sea loughs.

The Department of the Environment's draft budget includes £3.5 million to help local district councils to implement the waste management strategy. Three waste management planning groups have been formed representing all 26 district councils and their plans are due by June 2001. A consultation paper on partnerships between councils and with the private and voluntary sectors to implement the strategy was issued in August. Further planned work includes the establishment of a new advisory board to help my Department in implementation of the waste management strategy, the issue of planning policy statement on planning and waste management and the introduction of further waste management regulations.

While local authorities in Northern Ireland are working out their waste management plans, in Scotland recycling markets and other initiatives are well progressed, and we may be able to follow the lead of the Scots, take their advice and adopt their guidelines.

**Mr McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I welcome the study into radioactive waste from Sellafield, and I hope the Minister took the opportunity to raise the issue of cancer clusters on the east coast, which affect not only the Irish Government but also the Assembly. These are issues in which we take a close interest.

10.45 am

However, my response to the Minister's statement relates to two closely interconnected issues in particular — the impacts of climate change and waste management. We can no longer deny the consequences of these: we have all seen the daily weather bulletins and the images of flooding in recent days. I would be interested to know how much more advanced the Scottish Executive's waste management programme is. Did they, for example, bring any information to that meeting that indicated that they were putting structures and legislation in place to ensure that we control the level of waste being produced as well as procedures for reuse and recycling?

**Mr Foster:** Waste management is very much advanced in Scotland, and, as I said in my earlier answer, we are willing to take advice from Scotland and its officials, with whom our officials are in touch. We will willingly take any guidance or help we can get. They do seem to be a little bit more advanced than we are in this part of the world. We are willing to follow that through and take from it what is beneficial.

The Member referred to the treacherous climate change. The Department of the Environment fully supports the climate change programme currently being drawn up by the Department of Environment, Transport and the Regions and the devolved Administrations. The programme will set out a range of measures to meet the UK's Kyoto obligations for a 12.5% cut in greenhouse gas emissions by 2008-12. A major study will be commissioned to identify the key areas in which climate change is most likely to have an impact on Northern Ireland. The results of this preliminary study will form the basis for future work on climate change here. The most likely areas requiring detailed attention are water resources, flood protection, buildings, habitats and land use planning. The Member referred to waste management. This is a big issue, and it is going to be a difficult one. It will be a slow, educational process. We are willing to work on it in co-ordination with the Scottish people.

**The Deputy Chairperson of the Environment Committee (Ms Hanna):** At the environment conference on 25 October with the Prime Minister, the CBI and the Green Alliance, it was announced that moneys would be made available — to the tune of about £100 million — through the Carbon Trust and the New Opportunity Trust, to encourage cleaner technologies such as wind, solar power and renewable energy, and to help further engage consumers with initiatives. Did the Minister get an opportunity to discuss a share of this money for Northern Ireland, which would work out at about £2.5 million?

**Mr Foster:** No in-depth discussion took place at that particular meeting because we were discussing many other matters. However, those are certainly issues that we will follow through and address, because if money is available, we want to ensure that we receive it too.

**Mr Ford:** I welcome the Minister's statement, although it seems that the major question that must be asked of most of the statement is "When?" A number of priorities were highlighted, and there is great concern in the Chamber and outside about matters such as Sellafield. Perhaps it would have been beneficial if the Minister had given us some idea of the timing of any changes within Sellafield and of his Administration's approach to the running down of the plant.

Climate change and waste management are priorities. My concern is about climate change. Can the Minister explain how matters like public transport, which are not in his Department's remit, will be dealt with by the British-Irish

Council's Environment sector? Who will cover those issues on our behalf? May I have an assurance that the work being done by the three groups in Northern Ireland on waste management will not be delayed now that the Executive is in consultation with the Scots in the British-Irish Council? When and how quickly can we expect action?

**Mr Foster:** There will be no delay whatsoever with any of the plans that are afoot. It is difficult to say when the waste management strategy will be finalised, but I assure Members that the Department will pursue all the issues with haste, to the benefit of this part of the world.

**Dr Birnie:** I thank the Minister for his statement. In a sense, the environment is an eminently suitable subject for the British-Irish Council. Environmental issues can spill over — technically and literally — from one country or jurisdiction to another. A co-operative approach is therefore welcome.

The Minister highlighted the important issue of climate change. Our country — the United Kingdom — has made considerable progress in implementing so-called carbon taxing, including the climate change levy on energy prices and the escalator on transport fuel. Both of those moves have, of course, caused problems, as we have previously noted. The Republic of Ireland's Government have been much slower than the United Kingdom's to adopt the practice and the principle of taxing economic activity according to the amount of climate-changing carbon that is produced. What progress is being made through the British/Irish Council to persuade the Dublin Government, like the United Kingdom Government, to take more seriously their international obligations on climate change?

**Mr Foster:** Climate change is a big issue. Each jurisdiction has a responsibility to fulfil, and that will be vigorously pursued. If the Republic of Ireland is falling behind, that issue will be pursued with its Government. I am concerned about climate change. There is clear scientific evidence that sufficient damage has already been done to the earth's climate to cause a range of potential changes, regardless of the influence of action under Kyoto.

Key policies include improving businesses' use of energy, using the climate change levy; stimulating new, more efficient forms of power generation such as renewables, combined heat and power plants; cutting transport emissions through fuel efficiency and taxation; promoting better energy efficiency in the domestic sector; reducing emissions from agriculture through better management, cuts in fertiliser usage and energy efficiency; and setting a good example of green housekeeping in the public sector. The Department of the Environment, in conjunction with the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER), is about to commission a major scoping study into the impacts of climate change in Northern Ireland. The results of that preliminary study will form the basis for future work on climate change.

**Mr Poots:** Why did the Minister omit the names of the representatives of the Scottish Executive, the National Assembly for Wales, the Isle of Man Government and the states of Jersey and Guernsey? That is not very inclusive. I would be as interested to know about their representatives as about those of the Irish Government.

Regarding the OSPAR regional quality status report on the Celtic seas, did the Minister raise the issue of munitions dumping in the Beaufort's Dyke and the problems with munitions washing up on the County Antrim coastline?

**Mr Foster:** The names of those who attended are in the communiqué.

**Mr Poots:** What about the statement?

**Mr Foster:** The statement is in the Library. The statement that I gave earlier referred to those who were there.

I did not pick up Mr Poots's question fully. I said that the Scottish Executive were there, as were the National Assembly for Wales, the Isle of Man Government and representatives of Jersey and Guernsey.

**Mr Speaker:** Would Mr Poots like to put the question again?

**Mr Poots:** Who represented the Scottish Executive and the other named bodies?

**Mr Foster:** Their names were unfamiliar to me. I had never met them before. I can provide the Member with their names by written reply.

What was the Member's other question?

**Mr Poots:** Was the issue of munitions dumping at Beaufort's Dyke raised in relation to the OSPAR Commission's regional quality status report on the Celtic Seas?

**Mr Foster:** Beaufort's Dyke was referred to and will be dealt with in due course. I now have the names of the delegates. Does the Member want to know who was on the United Kingdom delegation?

**Mr Poots:** All of them.

**Mr Foster.** The members of the United Kingdom delegation were Ms Dinah Nicholls, Mr Andrew Burchell, Mr Henry Derwent and Mr Alan Simcock. Those on the Irish delegation were Mr Noel Dempsey TD, Ms Geraldine Tallon and Mr John Kelleher. The Northern Ireland delegation comprised Mr Sam Foster MLA, Mr Martin McGuinness MP MLA, Mr Felix Dillon and Mr Jim Lamont. Those representing Scotland were Ms Sarah Boyack MSP, Ms Nicola Munro and Mr Sandy Cameron. The members of the delegation from Wales were Mr Bob Macey and Dr Havard Prosser. The Isle of Man representatives were The Hon Walter Gilbey MHK, Mr Anthony Hamilton, Mr Martin Hall and Dr Paul McKenna. The Jersey delegation comprised Senator Nigel Queree, Dr Michael Romeril and Mr Gerard le

Claire. The Guernsey representatives were Deputy Roger Berry and Mr Stephen Smith. The British-Irish Council secretariat was represented by Mr Mike Sweet and Mr Kieran Madden. It is not easy to remember all those names.

The OSPAR Commission report referred to Beaufort's Dyke. Beaufort's Dyke has not been forgotten. It is still highlighted, and will continue to be so, because I know that there are concerns about the Antrim coast.

**Mr P Robinson:** On a point of order, Mr Speaker. The specific question was whether the issue was raised at the meeting.

**Mr Speaker:** The Minister may have missed that part of the question.

**Mr Foster:** The issue of Beaufort's Dyke was raised at the meeting and remains an issue of concern.

**Mr Speaker:** There being no further questions, we shall move on.

## FOOD STANDARDS AGENCY

**Mr Speaker:** I have received notice from the Minister of Health, Social Services and Public Safety that she wishes to make a statement on the general objectives and practices of the Food Standards Agency.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Go raibh maith agat, a Leas Cheann Comhairle. Tá áthas orm Ráiteas ar Chuspóirí Ginearálta agus Chleachtais na Gníomhaireachta um Chaighdeán Bia a chur faoi bhráid an Tionóil inniu.

Bunaíodh an Gníomhaireacht um Chaighdeán Bia faoin Food Standards Act 1999 leis an tsláinte phoiblí a chosaint ar phriacail a d'fhéadfadh a bheith ann maidir le bia a thomhailtear agus le leas tomhaltóirí a chosaint i dtaca le bia.

Tá cur síos ginearálta sa doiciméad ar an dóigh a mbeidh an gníomhaireacht ag feidhmiú. Leagtar amach na príomhchuspóirí agus na cleachtais ghinearálta atá beartaithe ag an gníomhaireacht a chur i bhfeidhm nuair a bheas sí i mbun a cuid feidhmeanna.

Ceanglaítear ar an gníomhaireacht faoi alt 22(4) den Acht dréachtráiteas a chur faoi bhráid Airí lena gcead a fháil. Más mian le hAirí leasuithe ar bith a dhéanamh ar an ráiteas seo, is gá dóibh, faoi alt 22(5), dul i gcomhairle leis an gníomhaireacht. Is gá faoi alt 22(6) an ráiteas ceadaithe a chur faoi bhráid na Parlaiminte i Westminster, Tionól Náisiúnta na Breataine Bige, Pharlaimint na hAlban agus an Tionóil anseo.

I ndiaidh comhairliú forleiththeadach poiblí a dhéanamh, tá an Ráiteas ar Chuspóirí Ginearálta agus Chleachtais ceadaithe ag an Státrúnaí Sláinte, ag an Aire Sláinte in Albain, ag an Rúnaí Sláinte sa Bhreatain Bheag agus agam féin. Molaim don Tionól é.

*11.00 am*

I am pleased to present to the Assembly the Food Standards Agency's (FSA) Statement of General Objectives and Practices. The FSA was set up by the Food Standards Act 1999 to protect public health from the risks that may arise in connection with food consumption and to protect consumers' interests in relation to food.

The document describes in general terms how the agency will operate and sets out the main objectives and general practices that the agency intends to adopt. Section 22(4) of the Food Standards Act 1999 requires the agency to submit the draft statement to Ministers for their approval. Should Ministers wish to make any modification to the statement, section 22(5) requires them to consult the agency before doing so. Section 22(6) requires that the approved statement be laid before the Parliament at Westminster, the National Assembly for Wales, the Scottish Parliament and this Assembly.

After wide-ranging public consultation, the Statement of General Objectives and Practices has been approved by the Secretary of State for Health, by myself, by the Minister for Health in Scotland and the Health Secretary in Wales. I commend it to the Assembly.

**Mr Bradley:** The recently published Phillips report into the BSE crisis included some serious findings. What steps has the Food Standards Agency taken to adopt the recommendations made in the report?

**Ms de Brún:** As the Member said, the Phillips report included some very serious statements and set out actions to be taken. Sir John Krebs, the chairman of the Food Standards Agency, welcomed the publication of the report on the Phillips inquiry into BSE on Thursday 26 October 2000, and pledged that vital information on food safety risks would never again be withheld from the public. He also said that many of the key changes identified by the inquiry as being necessary to protect consumers had already been adopted by the agency.

The FSA has made a clean start on openness and public accountability; its research and advice are open to scrutiny, and where there is uncertainty or risk the agency says so. The FSA has been reviewing BSE controls since April 2000 and has held a series of public meetings. It will submit a report to Health and Agriculture Ministers in Westminster, the Welsh Assembly, the Scottish Parliament and this Assembly, taking account of the report of the BSE inquiry.

**Mr McCarthy:** I welcome the Minister's statement on the FSA. It must be a priority to maintain high standards, restore confidence to the consumer — not only in Northern Ireland but across the world — and regain local producers' lost export business. Openness and transparency are of great importance. I hope that lessons have been learnt from the experience of previous Administrations. The Minister briefly referred to those lessons in relation to BSE, a devastating disease. Will the agency be able to bring its full authority to bear in examining all the food that is imported into Northern Ireland? Will that come under the FSA's umbrella?

**Ms de Brún:** I agree with everything that Mr McCarthy has said about openness and transparency. The statement shows clearly that the agency believes such things to be paramount. The FSA will work with local enforcement agencies to improve quality and has made a framework agreement with them. The agency will also work with the Department of Agriculture and Rural Development, setting out overall strategic objectives and monitoring their enforcement. Through setting these objectives, monitoring and working with other agencies, the FSA will be able to ensure that food safety is paramount from the farm gate to the plate.

**Mr Berry:** I welcome this UK body, the Food Standards Agency — and I emphasise "UK body".

First, as regards part 5, “Our Working Practices”, will the Department detail the policy that will be followed to ensure that the agency’s working practices are transparent? Secondly, when there is conflicting scientific advice, what policy will be followed? Thirdly, what will be the relationship between this body and the all-Ireland body launched in Enniskillen on Friday?

**Ms de Brún:** On the issue of transparency and openness, the Food Standards Act 1999 gives the agency the power to publish its advice to Ministers, and this principle is embodied in its proposed code of practice on openness. The agency will normally publish the advice and information it receives and provides to others. It is committed to issuing clear and timely advice, in plain language, on all issues relating to food safety and other consumer interests regarding food. In addition, a large amount of information on the Food Standards Agency, its responsibilities and activities will be included on its website.

I will briefly explain how the agency will act on occasions when there is scientific uncertainty. The proposed statement on the agency’s approach to risk — on which it is currently consulting — describes, in general terms, how it intends to deal with risks from the time when the agency first becomes aware of them through to the decision making and enforcement stages. The agency will take a precautionary approach — it will not always wait until it has proof of a potential hazard before acting or issuing advice.

On the issue of working with other bodies to promote food safety, it is clear that the Food Safety Promotion Board will have the lead role. The Food Standards Agency will have a role in working on draft legislation and will provide, in an EU context, advice to the Assembly and Ministers. The two bodies do not carry out the same functions but a relationship between the local executive of the Food Standards Agency and the Food Safety Promotion Board will be needed. To facilitate effective co-operation, a concordat will be put in place following agreement by the two bodies, which will set out the arrangements for co-operation and liaison.

**Mr Leslie:** I welcome the Minister’s statement on food standards. The theme running through this document starts with basing decisions on best scientific advice; later it refers to sound scientific advice and finally it recognises there is uncertainty in the science. How does the Minister and this agency propose to reconcile the three situations? It is realistic to say that there is uncertainty, so how do they propose to identify the best advice?

The agency’s Statement of General Objectives and Practices contains the following objective:

“To ensure that the interests of UK consumers in relation to food are effectively promoted within the European Union and in other international forums.”

That is a fairly ineffective statement of intent. The problem we have with food standards in the United Kingdom is that, whilst the food produced within the United Kingdom is subject to rigorous standards, the food that is imported and sold on the same supermarket shelves is not subject to anything like the same standards. Do the Minister and her colleagues propose to address this matter, with a view to providing some means of protection to consumers in the United Kingdom from imported food subject to much less rigorous standards?

**Ms de Brún:** I addressed the issue of how the agency will deal with the uncertainties in my previous response. It will work on the basis of the best scientific advice available, and, as the Food Safety Agency, it will have access to scientific advice from England, Scotland, Wales and here.

The local board of the agency will have access to that advice. Given the precautionary principle, that will be the key basis for informing decisions and informing the agency, so where there is uncertainty, that is how it will be approached. Indeed, it is of paramount importance that the consumers have clear advice and clear, open information about the state of play.

As regards setting policy, it will also try to ensure that there is open consultation with a wide range of people. When the agency is making decisions, such as setting overall parameters in the importing of products, it will consult with all of those who could be or are affected — it is currently preparing guidance on that — and, in line with the agency’s commitment to improve continually the way that consultation is conducted, it will invite stakeholders to comment on the guidance that it has.

**Mr O'Neill:** I would also like to welcome the Minister’s statement, and particularly the emphasis she put on the openness and transparency of the working practices of the Food Standards Agency. Did she take note of the work that agency has done in the UK in that the entire sheep flock is to be screened in case there is BSE in that flock masquerading as scrapie? In the light of the openness and transparency that the Minister emphasised so much, can she advise us of the position in Northern Ireland and what plans the Food Standards Agency here has for this?

**Ms de Brún:** The more general questions in respect of the handling of BSE will be dealt with in a statement tomorrow. I can say that the controls for sheep were introduced on a precautionary basis as a risk-reduction measure, since BSE has never been found in the flock. These controls are regarded as adequate, although there is a great deal of uncertainty about BSE and sheep, and the agency considers that it is important to clear this up, so it is pressing for further and faster research.

**Mr Shannon:** I too welcome the consistent approach to the Food Standards Agency in the United Kingdom.



In relation to the funding of the agency, the £90 levy has been dropped, but a charge will be made by way of a licence fee. People are worried that these licence fees could be as much as £600 per shop or establishment. Some were already saying that the £90 was too much. Would it not have been better to ensure that the extra work for local environmental health groups was funded centrally through the Government?

I would also like to have a commitment that the promotion of public health will be given equal status to the protection of public health, and I want to know exactly how that will work. Paragraph 11 of the statement mentions the fact that the agency's information should be placed in the public domain. Can we have a commitment on that or, if necessary, a clear reason that it should not be so? I am concerned that we may not have the transparency that Mr McCarthy and Mr Leslie talked about.

As for the pooling of resources, the statement refers to provision for technical and scientific specialist support although, in many cases, local government is already doing that. I want to ensure that there are sufficient resources and that the system we have will work effectively.

11.15 am

**Ms de Brún:** The Member has raised several important points. Licensing is subject to the existence of enhanced hygiene conditions; documented hazard analysis and critical control points; food safety management controls; and improved hygiene training for staff. A charge of £100 will be payable by businesses to the issuing authority on receipt on the licence.

In relation to the promotion of food safety, it is clear from the agency's statement that it has set itself the target of measurably improving public confidence and public information. Openness will be pursued as one of its key objectives. The agency will conduct and publish annual consumer attitude surveys on food issues and on the Food Standards Agency itself. It will publish annual reports concerning its scientific and surveillance work, in a manner which consumers can understand. It will enhance its website so that that is completely interactive by 2002, thereby allowing the public to tell the agency what they would like it to do.

Facilities to provide consumer advice will be developed, and new approaches that harness recent developments in e-technology will be piloted. The agency will hold public board meetings and open discussions in order to listen to, and act upon, public concerns. It will also encourage local authorities to publish local information on hygiene standards in food premises. Details of the performance of enforcement activities will be made public. Availability of research results will be increased and a system for post hoc audits of major food incidents, involving the relevant stakeholders, will be established. It is important to note that the agency can provide and

publish advice to Ministers without having to seek ministerial approval.

With regard to the withholding of information, the proposed code of practice on openness makes the disclosure and publication of advice and information the norm. In accordance with this principle, information will only be withheld when strictly necessary. The code of practice on openness lists the various legal constraints on publication. Openness will be the key factor in the agency's operation.

**Mr Hussey:** I welcome the Food Standards Agency's statement of general objectives and practices. In the section dealing with accountability, the board accepts collective responsibility for the co-ordination of the agency's activities across the United Kingdom, and its accountability to the various Administrations. With regard to the regulatory work of the board, it is important that there is proper communication within those Administrations. Can the Minister tell us what internal lines of communication she has put in place to ensure the efficient and effective cross-departmental referencing that will be necessary in the area of regulation?

**Ms de Brún:** The agency will liaise; it will set up concordats, liaison and monitoring groups. Also, in the area of enforcement, the agency, in trying to improve standards, is seeking to strengthen and develop links with those in local authorities responsible for enforcing food laws.

As part of this joint Government and local authority initiative, a group was set up in May 1999, which included representation from the Assembly. The culmination of the group's work, and that of the two sub-groups established to examine the details, was the development of proposals for the Food Standards Agency framework agreement. Those draft proposals were issued in April for a three-month consultation period, which concluded in July. The majority of comments received largely supported the underlying principles of the framework agreement. Therefore the agency has set in place, and is continuing to set in place, specific written policies and practices to ensure proper co-ordination of all aspects of its work with each of the agencies involved.

**Mr Poots:** Will the Food Safety Promotion Board — the all-Ireland executive body — adopt the best working practice, as set out in the Food Standards Agency's statement? If so, will the board raise the issue of the dumping of BSE carcasses close to rivers in the Irish Republic, where there is official support for such dumping? We know that JCBs have been used in BSE dumping for quite a while in the Irish Republic.

**Ms de Brún:** As I said, the Food Standards Agency is in the process of working out its relationship with the Food Safety Promotion Board and the two bodies are to agree a written concordat. In advance of that, it is not possible to say exactly what proposals the Food Standards Agency might bring forward that the Food Safety

Promotion Board might or might not adopt. I stress again that, to some extent, the two bodies carry out different types of work, although they work in the same area and we will need to have overlapping arrangements. Clearly — *[Interruption]*

**Madam Deputy Speaker:** Order. Would Mr Poots like to put the question again?

**Mr Poots:** There has been dumping of BSE-infected carcasses close to rivers in the Irish Republic, and that has been supported by the Government. Will the standards that apply in Northern Ireland be applied to animals in the Irish Republic, and will the Minister take steps to stop the importation of animals that do not meet the standards that are required of farmers in Northern Ireland?

**Ms de Brún:** The Member should check Hansard to see whether or not he asked the specific question that I was specifically answering when he interrupted me.

Neither the Food Standards Agency nor I can impose a specific requirement relating to the way in which others carry out their work. However, all concerns raised about food standards and safety will be discussed.

**Mr Paisley Jnr:** Can the Minister reveal to the House the cost of her visit to Enniskillen for a meeting at which, I understand, food safety was on the agenda? One newspaper said that the Minister's Nationalist talk-in in Enniskillen cost the equivalent of two hip replacement operations. Is that the best use of resources by the Minister of Health, Social Services and Public Safety and her Department? Which officials accompanied the Minister to her Nationalist talk-in in Enniskillen? What was the total cost of the junket?

**Ms de Brún:** I am not sure that the question relates specifically to the Food Standards Agency statement. However, as regards the food safety aspects — and all the other aspects — of Friday's bilateral ministerial meeting, my view is that it was, indeed, a very worthwhile use of resources, which will lead to considerable tangible benefits in food safety and health provision throughout the island of Ireland.

I shall write to the Member about the officials who accompanied me and the costs of the day.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

## FAMILY LAW BILL

### Second Stage

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

That the Second Stage of the Family Law Bill [NIABill 4/00] be agreed.

I present this short Bill because of my responsibility for law reform, with particular reference to family law, in Northern Ireland. The Bill contains only a few policy aims, but they are very significant.

The Bill seeks to facilitate the acquisition of parental responsibility by unmarried fathers for their children. As an ancillary measure it also seeks to make the acquisition of parental responsibility by step-parents for the children of their spouses more transparent. At present the usual method is through the formal adoption of a child, but this should not always be necessary.

The Bill also creates a statutory presumption of paternity in two sets of circumstances — where a man is married to a woman at any time between the conception and birth of a child, and where he has been registered as the child's father in the Register of Births, Deaths and Marriages.

The Bill also seeks to update the law on the range of tests that a court may authorise to be used to prove or disprove the parentage of a child. Parentage in this context is whether someone is or is not the mother or father of a child.

The Bill contains only three substantive clauses. I will deal with each of them and illustrate how they will interact with existing family law principles. Members have already seen the Bill and the accompanying explanatory and financial memorandum.

I will make some preliminary remarks about the policy behind the reforms. In Northern Ireland, marriage remains the norm for couples wishing to share their lives with their children, and in that situation husbands and wives share parental responsibility for their children. However, more couples are choosing not to marry — at least not straight away — but they desire to establish a family relationship with children. In 1998, for example, 6,743 live births occurred outside marriage. This represented 28.5% of all live births. In such cases only the mother will have parental responsibility for the child. The unmarried father will have no formal legally recognised relationship with the child, although he can establish such a relationship by marrying the child's mother or by taking other steps to acquire parental responsibility.

Parental responsibility is defined in the Children Order (Northern Ireland) 1995 as

“all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property”.

There is no exhaustive list of what a parent may or may not do for a child, but parental responsibility includes decision-making powers with regard to education, health care, religion and other everyday matters, and the law relies on the courts to determine the extent of parental responsibility.

The proposals in the Bill do not seek to pass judgement on the different family relationships which adults choose for themselves and their children. They seek to ensure that, where appropriate, the child’s interests are secured by the legal recognition of the relationship with the child’s father and others such as step-parents who share in the day-to-day care of the child.

A step-parent, whether a man or a woman, has no biological tie to the child of his or her spouse. However, the step-parent has demonstrated a commitment to a family relationship by marrying one of the parents of the child. The Bill provides that a step-parent would be able to acquire parental responsibility for the child of a spouse only under a court order.

The second policy aim of the Bill is to place on a statutory footing the existing common-law presumption that a man who is married to a woman between the conception and birth of the child will be presumed to be the father of the child. The additional policy aspect is to create a new legal presumption that a man who is registered as the father of the child in the Register of Births, Deaths and Marriages will be presumed, in law, to be the father of the child. This will, I believe, simply be a clarification of what is normally understood by the public, although this presumption is not a legal one under the existing law.

*11.30 am*

The Bill will also update the law on the range of tests that a court may direct to be used if a child’s parentage is in dispute. Since the passing of the Family Law Reform Order 1977, there have been significant advances in the technology available to prove or disprove biological parentage. Courts in Northern Ireland should now be able to rely on new technology in deciding cases of disputed parentage. The policy which this Bill seeks to implement has been under consideration in Scotland, England and Wales, and it is likely that similar proposals will be brought forward in due course. Traditionally family law has been very similar across the jurisdictions, with Northern Ireland law following the changes made elsewhere. In this instance I am pleased to say that the Assembly has an opportunity to take the lead. With the large population movement across these islands, there is a strong argument for maintaining a degree of parity in sensitive issues such as family law so that legal relationships between children and their parents are

recognised, hence the responsibility for taking decisions for children. That is an important, practical point with regard to health care and education.

I will now address each of the substantive clauses of the Bill. Under the Children (Northern Ireland) Order 1995 unmarried fathers only acquire parental responsibility for their children if they take steps to demonstrate their commitment to the mother and child. The principal mechanisms are by entering into a parental responsibility agreement with the mother, which is registered in the High Court, or by obtaining an order from the court. Since the Children Order came into force those two mechanisms have not been used as often as had been hoped. As a result the vast majority of unmarried fathers have no formal legal relationship with their children.

In 1999 fewer than 200 parental responsibility orders were made in favour of unmarried fathers. A relatively small number of parental responsibility agreements have been registered with the courts, yet almost 7,000 children are born each year outside marriage.

Clause 1 provides that an unmarried father will have parental responsibility for his children if he and the mother jointly register the child’s birth. Members will note that the Bill provides that in Northern Ireland the unmarried father’s parental responsibility will be recognised if the birth of the child has been jointly registered in Scotland or England and Wales. A child’s birth can only be jointly registered by the mother and the unmarried father if they both agree to the procedure. This new provision will only apply to births registered after the Family Law Bill is introduced. Unmarried fathers of children already born, and jointly registered, will be advised of the availability of existing procedures.

Clause 1 also provides that a step-parent should be able to apply for a court order conferring responsibility for a child of his or her spouse. The court will always have the child’s welfare and best interests as the paramount consideration in deciding whether to make such an order. Where appropriate, the court takes the child’s views into account. The Bill provides that the acquisition of parental responsibility by a step-parent will not enable that step-parent to make decisions on the child’s adoption. This will prevent the new procedure from being used to circumvent the existing legislation regulating adoption. Where an unmarried father acquires parental responsibility by jointly registering the child’s birth, or where a step-parent acquires it by obtaining a court order, the court may terminate the parental responsibility if an application is made to the court. The fact that the court may do so provides a necessary protection for the child, and his or her mother, and is additional to the existing legislation in force to deal with violence in family relationships.

The new provisions in clause 2 create a statutory presumption of paternity which are not wholly innovative.

The first part of the clause merely seeks to codify an existing presumption of common law, which is that a man married to a woman at any time between the conception and birth of a child is presumed to be that child's father. This, of course, is the truth in the vast majority of cases.

Secondly, the clause provides that where a man is registered as the father of a child, he will be presumed, in law, to be the father of that child. Again, this is common sense, although it is not presumed under existing common law. Considering the content of this Bill, it seems sensible to include these provisions as a useful clarification of what is recognised as the reality in almost all cases. In both instances, of course, the presumption of paternity may be rebutted on the balance of probabilities.

Clause 3 is of a technical nature, because it amends existing provisions contained in the Family Law Reform (Northern Ireland) Order 1977. Under the existing legislation, if the paternity of a child is in dispute, a court may only direct that blood samples be taken from the child, or putative father, in order to determine parentage. The amendments in clause 3 will enable a court to direct that bodily samples, such as saliva or hair, may be taken for the purposes of scientific tests to determine parentage. This is undoubtedly a far less invasive and distressful procedure, particularly for children, than the existing procedures, and I consider it to be a major improvement on the human rights aspect of the current law.

Members will wish to know that the amendments in clause 3 were drafted alongside parallel amendments contained in clause 65 of the Child Support, Pensions and Social Security Bill, which the Assembly has already considered and agreed.

Following from what I have said, I hope Members will appreciate that, while this is a small law reform measure, it has some far-reaching effects. The policy conclusions which the Bill seeks to implement have been decided after the most rigorous consultation processes and close analysis of developments in family law, not only in Northern Ireland but in other jurisdictions, such as Scotland, England, Wales, the Republic of Ireland and further afield. I am convinced that these proposals represent a small, but significant, improvement to the existing law. Some may say that they go too far and others that they do not go far enough. When legislation seeks to regulate family relationships we are right to adopt a progressive yet cautious approach.

I will try to answer as many of the Members' points and questions during my winding-up speech as possible. Of course, if I am not able to respond today, I will write to Members.

**Mr Leslie:** I welcome the Bill that the Minister has introduced today. It will make a number of common-sense amendments to current law. I sometimes think we do too much "guinea-pigging", but I do not think there

is any reason for caution in respect of this Bill. I welcome the fact that Northern Ireland is leading the way within the United Kingdom in these matters.

The existing law on parental responsibility is most likely to be largely misunderstood by a considerable number of unmarried fathers who are registered as a parent. There has been an assumption that that law puts them in a legal relationship with the child, but it does not. The change that the Bill will introduce to ensure that registering does constitute a legal relationship is very welcome, and in the vast majority of cases that will be appropriate. I know there may be certain circumstances in which it may not be deemed to be so, but they will be in the minority.

Can the Minister confirm that it is at the discretion of the mother of the child that joint registration will take place? It would thus remain the prerogative of the mother to decide whether she wants to register jointly with a male — the father of the child — and so create the legal relationship between that person and the child.

There have been some suggestions that measures in the Bill should have retrospective application. That has been resisted, and I agree with the decision. Generally, one has to be very cautious about applying legislation retrospectively. The existing procedures, under what will become the old law, are available to rectify a position where an unmarried father wants to be in a legal relationship and there is overall consent to that. One area where retrospective application would be very useful is in relation to tax cuts. However, that involves another aspect of the Minister's remit and is a matter for another day.

Finally, the last part of the Bill, which recognises the major changes in science that enable DNA testing to establish parenthood, is sensible and welcome. I generally welcome the Bill and give it my support.

**The Chairperson of the Finance and Personnel Committee (Mr Molloy):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Bill. This is an important stage we are going through. I speak as Chairperson of the Finance and Personnel Committee, which is dealing with the Bill. One of the issues that the Committee raised is that this type of Bill would probably be more suitable for, and sit better with, Health and Social Services or Social Development. We recommended to the Speaker that some of these Bills should be redirected. It is not a matter of getting out of the work — there are issues that would be dealt with by Health and Social Services or Social Development, and we need to have an input from those Departments and Committees to ensure that all the issues affected by this Bill are covered. However, the Bill is coming from the Office of Law Reform, so responsibility rests with Finance and Personnel. Our Committee will deal with it as quickly as possible.

It is important that we recognise the many issues in the Bill. There are human rights issues, competing rights issues, issues of father-and-children relationships and

father-and-mother relationships. As the Deputy Chairperson has said, there is the matter of the mother having the final say and the matter of the Bill's not being used as a means of exercising control without responsibility. That latter aspect was raised by a number of people.

Human rights issues — and competing rights within those — will be raised by the Bill. I hope that members of other Committees who have issues that they want to raise will come forward to the Finance and Personnel Committee and raise them in the public sessions that will be held.

I will also alert members of the public today that this is an issue that they can have an input in. The Finance and Personnel Committee wants to hear their views and there will be an open session for them to exercise that right. The Committee will deal with the Bill as speedily as possible, and I hope that we will have input from both Members and the public. Go raibh maith agat.

**Mr A Maginness:** I welcome the Bill. Mr Leslie mentioned its pioneering aspects, particularly the provision relating to unmarried fathers. If we value devolution and self-government, we should be innovative and pioneering. I will resist using the new verb that Mr Leslie has produced — “to guinea-pig” — but if one were to adopt that new verb, one should be prepared to be innovative. The term “guinea-pigging” is wrong because it suggests experimentation, and this is not necessarily experimentation.

11.45 am

The reason this Bill comes before the House, and why it is necessary to initiate these reforms, is that we have seen a social revolution in how people wish to live together. Regrettably the traditional marriage family unit is now almost on a par with people simply cohabiting. There are other reasons for people to cohabit: family breakdowns, marriage breakdowns, and complicated life situations. The traditional family unit has been eroded — sometimes through choice, and sometimes not. In any event, the important thing to remember when dealing with this Bill is that we have a new situation, and we have to deal with that.

In 1998 there were 6,743 live births outside marriage, which represents 28.5% of all live births. Interestingly 4,348 of those births were registered jointly — both parents were registered on the birth certificates of those children. This indicates — and research by the Department and the Office of Law Reform appears to confirm it — that people want to declare publicly they are the parents, and implicit in that is a father's accepting responsibility for his child. This Bill goes a long way to recognise that and enable unmarried fathers to acquire parental responsibility, an important public demonstration by unmarried fathers of that responsibility. This option is the best choice on the parts of the Department and the Office of Law Reform to deal with the new situation in society, and we should welcome the Bill.

It is also fair to say that there has been a very low uptake of existing legal mechanisms. That indicates that people are unaware of them or find them too cumbersome. That is an important point to take into consideration. The low uptake does not represent an unwillingness to take up responsibility. If one looks at the overall figure, one sees that 64% of unmarried fathers and mothers are prepared to register a birth jointly, so there clearly is a willingness to accept responsibility.

The Minister's proposed change to the law is to be welcomed. It is a common-sense way forward in this situation.

There was a reasonably good response to the Office of Law Reform's consultation paper. The responses were of good quality. There was a consensus of support for this change. I also welcome the change in the way that parentage is determined, insofar as body samples will now be permitted. That is a significant step forward, because such procedures are less invasive than blood sampling. That is in keeping with the advance in our technology for determining parentage. I welcome that as well.

**Ms McWilliams:** The Minister used the word “cautious”. Until the Bill goes through the Committee Stage I will remain cautious about what amendments will be accepted. This is clearly an important piece of legislation, particularly as it is to be introduced into Northern Ireland simultaneously with a number of other pieces of legislation such as the Child Support, Pensions and Social Security Bill, which we discussed the week before last. There is some overlap between these two pieces of legislation, and the explanatory notes acknowledge that.

I was pleased that the Chairperson of the Finance and Personnel Committee addressed the overlap of Statutory Committee business. This issue has come up before in the Business Committee, and the Chairperson said that the Speaker had been asked to address it. Where the subject matter of a piece of legislation falls within the remit of more than one Committee, the Chairpersons of those Committees should consult and agree to which Committee the matter should fall for disposal.

I am happy for this Bill to be considered by the Finance and Personnel Committee at this stage. However, the Health, Social Services and Public Safety Committee is currently dealing with an inter-country adoption Bill. That will be with us shortly. That Bill also addresses the issue of stepfathers and adoption. It may be important for our Committee to be asked to look at this, because Standing Order 48(2) goes further.

My question to the Minister is: was the question of which Committee should accept this Bill discussed in detail? I am aware that the Office of Law Reform's responsibilities are part of the Minister's portfolio, but given the particular details of this Bill, and given that the Department of Health, Social Services and Public Safety

is currently dealing with children's rights and parental responsibilities, that process must be elaborated.

At this stage it is going to the Department of Finance and Personnel. I suggest that the public be made aware of that. The public does not understand the workings of the Assembly. I know that the Office of Law Reform had a consultation paper. As this goes through the Committee Stage, many people may think that this is something to do with children — which it is — and will not, therefore, be aware that the Department of Finance and Personnel is dealing with it.

The Assembly ought to look at ways of publishing its future business, showing which Committees are accepting which pieces of legislation. That is what the Oireachtas does. That should be published in newspapers. Given the impact of this legislation, parents — particularly those who have children outside marriage — should be made aware of the changes we are about to make.

Regarding the overlapping of Committees, I hope that the Health, Social Services and Public Safety Committee will be invited to look at this issue and report to the Finance and Personnel Committee. When we came into the Assembly we made the important point that when dealing with children and families we should highlight interdepartmental responsibility and should not let anyone down by simply putting an issue into one box. Given the Health, Personal Social Services and Public Safety issues currently being discussed, I make a plea for us to have the right to make that input. I hope that will be welcome.

I would like the Minister to address further the issue, highlighted in his introduction, that a court may terminate some orders. This is probably the major concern. Alban Maginness addressed the issue of the changes in families and social trends. Some 7,000 children are born outside marriage, yet the Minister tells us that parental responsibility orders are in place for fewer than 200 of them. This will have a huge impact. The Minister may not be able to give me an immediate response, but how many of the 7,000 born outside marriage are jointly registered? Probably time will tell, given James Leslie's understanding that joint registration is at the discretion of the mother. That may alarm some women, particularly in cases of violence. That is one of my major concerns, and I am therefore interested in the Minister's point.

I would like more detail on this. Parental rights may be laid down by joint registration, but shortly thereafter enormous problems can arise. For the protection of children and women, a court needs to address that issue very carefully. I note, from the human rights section of the explanatory notes, that it was argued, in the case of *McMichael versus the UK*, that the non-automatic granting of parental rights to unmarried fathers was a justified interference with family life to protect the rights of others — women and children — from unmeritorious fathers.

Not much has changed since that case went through. That is where my major concern lies. I have worked closely with those experiencing the enormous problems that arise in cases of sexual and physical abuse towards both children and their mothers. An issue also arises about custodial rights. It is extremely important that that should be addressed very carefully.

On the issue of non-invasive methods of determining parenthood, it again looks as though a step forward is being taken. Anything non-invasive can only be useful, and we welcome the consultation process on this. The Children's Law Centre, and others, may have some concerns on how this will be carried out.

One of the largest problems is the determining of biological parenthood in the case of a father. Clearly that matter has wide implications for the Department for Social Development — it caused quite a discussion in the Assembly when the issue of child support came up. The biggest concern is whether this is a piece of legislation that can enable biological fathers to be determined — so that child support can then be paid accordingly — or whether it is for humanitarian reasons. All Assembly Members have been lobbied by a group called Families Need Fathers, which argues that Northern Ireland is dissimilar to England and Wales in relation to the rights of fathers. I ask the Minister to address that matter.

12.00

It seems that the point we are making today is that we are the first to introduce this legislation. In its responses to consultation, Families Need Fathers argued that it would like the situation in Northern Ireland to be similar to the situation everywhere else. That is causing some confusion. I take it that we are the first.

It is also important that this is seen as a package of family law reform. I am familiar with the excellent work carried out by the Office of Law Reform to date. I take the opportunity to commend it for leading the field on family law in Northern Ireland. Were it not for the work of the Office of Law Reform many families would have suffered because of the consequences of not taking on board recent trends and changes that research showed would need to be noted when legislation was being introduced in Northern Ireland. With that in mind I hope that the Office of Law Reform will follow that excellent tradition and that we will not introduce legislation which might lead to problems further down the road.

**Mr Dodds:** I generally welcome the proposals contained in the Bill, and I concur with a number of the comments that have already been made. I want to make some specific points, and I look forward to dealing with the Bill when it comes before the Finance and Personnel Committee.

The clause relating to the presumption of parentage is, as the Minister has said, a tidying-up exercise. It puts

existing common law on a statutory footing. That will not cause any great controversy.

The clause dealing with tests for determining parentage is a step forward. The Minister indicated that the clause is in line with proposals and practices elsewhere, and he mentioned other parts of the UK, the Republic of Ireland, and so on. I am keen to know whether this matter has been given statutory effect in any of those regions or countries. The issue of “guinea-pigging” has been raised. Are we the first to give this matter legislative effect? The Minister seemed to indicate that it was happening elsewhere. The Bill is welcome nonetheless.

My main point concerns the first substantive clause, which deals with how unmarried fathers acquire legal parental rights. As the Minister indicated, the Children (Northern Ireland) Order 1995 sets out the current position in relation to acquiring parental responsibility, which is defined as

“all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.”

That takes us so far, but it does not set out what those rights, duties, powers and responsibilities are. It is almost nebulous. There are various provisions in law that deal with the issue. However, does the Minister, his Department or the Office for Law Reform have any plans for further defining those parental rights, duties powers, and so on? Have they considered what those rights should be as part of their work on this Bill or perhaps for a future Bill? They are not defined at present.

Mr Maginness pointed out the figure of 28.5% as the number of live births outside marriage in 1998 in Northern Ireland. He rightly highlighted the impact of that figure. More than a quarter of all babies in Northern Ireland are born outside marriage. That is a significant figure, and it represents an issue that needs to be addressed, a major social issue, for which there are many reasons. It is interesting that in the case of almost 60% of live births the unmarried father registered jointly with the mother and, in so doing, was making a statement about taking legal responsibility. In many cases, as has been said, they were probably not aware that, in law, this was a pretty meaningless exercise. The purpose of this legislation is very welcome. It will be in line with what people think they are signing up to.

The Minister said that under the new provisions an unmarried father could only register with the agreement of the mother. We will look at this in detail when it comes before the Committee, but I would like to ask whether that provision — that caveat, as it were — is contained in the legislation. Will it be a statutory provision that a mother can refuse to allow the unmarried father to be registered? If it is not in the Bill, I would be interested to know where it is contained. It is important, as a number of Members have said, given the fact that

registration will have a legal effect, which it does not have at the moment. Clearly we will look at some of these issues in detail, but it would be helpful if the Minister could give us an outline answer at this stage to some of the questions that have been asked.

In general terms, this Bill is to be welcomed, and we will certainly give it a fair wind.

**Dr O’Hagan:** Go raibh maith agat, a LeasCheann Comhairle. I support the idea that this Bill should have a cross-departmental focus, particularly when it comes to health, social services and public safety. It is a Bill that needs to be dealt with sensitively and sensibly. My party has already been in preliminary consultations with individuals and groups — the stakeholders in this area — and a number of concerns have been expressed, particularly by people working at the coalface with victims of abusive relationships. There are some concerns that the parental responsibility order will be used by some men as a means of controlling the mother. I am not saying that that will happen in every case. It is also very clear that there are unmarried fathers who want to play a very positive role in the upbringing of their children. There needs to be a balance of the rights of mothers, fathers and children.

There are also some concerns about the future. What impact will this have, for example, on schooling or if a child goes into hospital? A father who may not have had anything to do with the day-to-day upbringing of the child — and in most cases it is the mother who is responsible for the day-to-day rearing of the child — could have an equal right to register the child in school and make decisions about hospital treatment.

We need to be very careful. Many concerns have been expressed about this Bill. Like Monica McWilliams, I urge the Minister and his Department to ensure that members of the public are made fully aware that this Bill is before the Committee.

Wide consultation is needed with groups such as Families Need Fathers, women’s groups and lawyers, who are at the coalface defending and helping single mothers and victims of abusive relationships. I would like to see a good deal more debate on this, and I urge the Department to ensure that public consultation is as wide as possible during this Bill’s passage through the Committee Stage. Go raibh maith agat.

**Mr Durkan:** Clearly, Members appreciate that this reform measure will have a significant impact on family relationships in Northern Ireland. I must rehearse certain points in order to deal with Members’ questions. In examining these law reform measures we have taken account of views expressed during the consultation which was carried out after the Office of Law Reform issued its proposals. I can reassure people that human rights and equality issues have been given particular consideration and that this will continue. We want to ensure that the rights of children are enhanced and that they are never compromised.

Mr Leslie welcomed the Bill and sought reassurance that the legislation would not apply retrospectively. The Bill will have no material effect on the legal responsibilities of parents of children whose births have already been registered. Similarly, we will ensure that there is a strong public awareness of the Bill. We will also try to ensure that a greater number of existing fathers are made more aware of the provisions available to them. Several Members have indicated that some fathers are making incorrect presumptions about current legal provisions. A widespread publicity campaign for the new legislation is expected.

Mr Leslie also asked me to confirm that joint registration is at the discretion of the mother. This is the case, and it is clear in the legislation. Mr Dodds asked if this is provided for in statute and, if so, how. The mother's right to refuse registration by the father is already contained in the Births and Deaths Registration (Northern Ireland) Order 1976, and the Bill will not change this.

As Chairperson of the Finance and Personnel Committee, Mr Molloy made several points about procedure and asked which Committee would be best placed to consider the Bill. When the Assembly decides which Committee can best consider this legislation — whether it be an existing Committee or some other arrangement is made — I will support that choice. The Office of Law Reform is part of the Department of Finance and Personnel under statute and under the agreement. The Finance and Personnel Committee is there to advise and assist me as Minister, so I will consult with that Committee on any proposal for legislation within my ambit. I am open to suggestions from the Committee and the Assembly on where such a Bill might best be considered and on how best to take on board the insights and interests of other Committees. I am used to dealing with an increasing number of Committees these days, so one more would not be too much of a problem.

12.15 pm

I hope that no question will arise of the legislation's being orphaned because, while several Committees have a degree of interest in it, none has sufficient interest to deal with it all. We must not get into a situation where it is difficult to get Committees to consider legislation which the Office of Law Reform believes important for the Assembly. As Mr Molloy and Prof McWilliams have pointed out, we all need to give more thought to how best the Assembly can consider these matters.

*(Mr Speaker in the Chair)*

Mr Molloy also stressed the need to balance the human rights of children with those of parents. This Bill takes the rights of unmarried fathers and mothers and their children into account. What are the legally recognised rights and the legally presumed rights of unmarried fathers? In the agreement and in section 75 of the Northern Ireland Act, commitments and provisions were made to

ensure equality of treatment, and one of the issues which confronts us is that of unmarried parents. We need to bear the equality principle in mind when deciding how to deal with some of these issues.

Mr Maginness noted that the legislation takes account of changing family relationships and referred to the many births which are jointly registered at present. Almost 64% of the births that take place outside marriage are jointly registered. Members may make their own assumptions about what that figure represents. Like Mr Maginness, Mr Dodds interprets it to mean that a large number of unmarried fathers want to take parental responsibility. It is probable that they believe that they are doing just that by jointly registering. They may not be aware that they need to take separate legal action to ensure that their responsibility and relationship are legally recognised.

Under the existing provisions of the Children (Northern Ireland) Order 1995 an unmarried father may acquire responsibility for a child. Obviously we want to make this information readily available, understandable and accessible in our new legislation. People need to be made aware of these changes to understand the system which will apply in future and to understand that it does not have retrospective application. To this end, there will be an information campaign.

Prof McWilliams raised a question on whether the power of the courts to terminate parental responsibility had been fully explored. Provision to terminate the recognition of parental responsibility already exists in statute and is not diminished by this legislation. Obviously, it will need application to the court.

Prof McWilliams also asked about the motive behind the legislation, possibly because of other legislation that has come through, and whether the legislation was more to do with enabling particular payments than with anything else. The purpose of the legislation is to encourage and to facilitate unmarried fathers to have a full and legal relationship with their children, something that the vast majority of unmarried fathers and mothers wish to see.

Prof McWilliams also made the important point that the Bill should not be seen in isolation but in the context of a much wider package of family law provisions and reforms. I want to join with Ms McWilliams in commending the work of the Office of Law Reform in keeping family law under constant review. The office has recently consulted on reforms to divorce law, to the physical punishment of children and to improvements in domestic violence legislation. I will bring any further reform measures to the Executive and Assembly.

The Bill's intention is to implement the considered outcome of the reforms that were put out to consultation in July 1999. Other reforms may be forthcoming, but we can only bring forward those reforms that have been the



subject of due consultation, especially as many Members have stressed the importance of public reflection.

Nigel Dodds raised the issue of the rationale behind the statutory presumptions of paternity and what happens elsewhere. Other jurisdictions are considering some of the issues we are currently discussing. There are proposals in Scotland, England and Wales that joint registration of a child's birth should confer parental responsibility on the unmarried father. The Republic requires that a child's birth should be jointly registered before a court will issue a consent order providing for an unmarried father to be a child's guardian.

This Bill's provisions are somewhat different. Clause 2 seeks to clarify the common law presumption about married fathers and recognise the de facto situation that a man registered as a child's father is that child's father. As Mr Dodds said, it is a tidying-up operation. Common law is increasingly being replaced by statute, which is more accessible and more easily understood. In relation to Mr Dodds's question, Scotland already has those statutory presumptions.

Mr Dodds also spoke about the definition of parental responsibility. The term "parental responsibility" is now understood by the courts. We perhaps need to be careful about defining the term more specifically in legislation, as that may be unduly restrictive. The current position allows for a degree of flexibility to cover the wide variety of circumstances in which it is required before the courts. I have already dealt with some of Mr Dodds's other points.

Dr O'Hagan raised the question of violence against women and children and, in particular, registered the concern of some key interests that the provisions of the Bill may create some greater risks. I stress that minimising the risk of violence in family relationships is a major priority of mine with the development of family law. The Bill will not increase the risk of violence between partners or towards their children. An unmarried father or a step-parent's parental responsibility can always be terminated by court order if it can be proved that it would be in the interest of a child to do so.

The existing legislation on domestic violence, sponsored by the Department of Finance and Personnel through the work of the Office of Law Reform, is already recognised as one of the most progressive pieces of legislation of its kind. The operation of that legislation is currently under review to ensure that it affords all victims of domestic violence the protection they deserve.

Guidance issued to schools, education and library boards and teachers' unions by the Department of Education on 16 June 1999 set out the current law on parental responsibility and its implications for schools. The guidance deals with the position of unmarried fathers, on which my officials were consulted. Officials in the Office of Law Reform will liaise with colleagues in education about

the need to issue fresh guidance once the Assembly has finalised the content of the Bill.

The consultation paper on which the proposals are based was published in July 1999. It was sent to 185 individuals and organisations representing local community and voluntary groups, health boards and trusts, churches, the legal profession, academics, men's and women's groups, the judiciary and all the main political parties in Northern Ireland. Thirty-four substantive responses were received from all the main bodies involved. These were well considered and generally supportive. However, some points of concern have been registered, and we want to ensure that they, as well as all other considerations, are fully reflected on as the Bill goes through its Assembly stages.

I hope I have covered all the points raised by Members. If not, I am sure I will be made aware of that shortly. Any outstanding points will be dealt with in writing in due course.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Family Law Bill [NIA Bill 4/00] be agreed.

## WEIGHTS AND MEASURES (AMENDMENT) BILL

### Consideration Stage

**Mr Speaker:** No amendments have been tabled, so I propose, by leave of the Assembly, to group the five clauses of the Bill.

*Leave granted.*

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Schedule agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Assembly's consideration of the Weights and Measures (Amendment) Bill, which now stands referred to the Speaker.

*The sitting was suspended at 12.30 pm.*

*On resuming —*

### Oral Answers to Questions

#### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

*2.30 pm*

**Mr Speaker:** Questions 6, 12 and 13 will now receive written answers from the Department of Finance and Personnel. Also, I am advised that Mr George Savage and Mr Tom Benson are unable to be here and that the questions in their names have been withdrawn.

#### British-Irish Council

2. **Mr Leslie** asked the Office of the First Minister and Deputy First Minister to make a statement on the work of the British-Irish Council. (AQO 237/00)

**The Deputy First Minister (Mr Mallon):** The British-Irish Council (BIC), established under the Good Friday Agreement, is an important forum for exchanging information and consultation in endeavouring to agree on matters of mutual interest. It has the potential to benefit all the regions represented. To date, there has been one plenary meeting of the BIC and one sectoral meeting. The Council agreed a programme of work at the plenary meeting on 17 December 1999. It was decided that five areas of work would be taken forward in sectoral format. The Irish Government are leading on drugs, the Scottish Executive and the Cabinet of the National Assembly for Wales are jointly working on social inclusion, the Northern Ireland Executive will take the lead on transport, Jersey will lead on the knowledge economy and the British Government on the environment.

A sectoral meeting on the environment was held in London on 9 October 2000. The Minister of the Environment and the Minister of Education attended. Earlier today, the Minister of the Environment made a statement on the meeting, in which he informed the Assembly that the environment sectoral group discussed a wide range of future priority areas. In the next few months, that group will consider radioactive waste from Sellafield, the impact of climate change and waste management. It is anticipated that the next plenary meeting of the BIC will take place this month in Dublin and will focus on the issue of drugs.

**Mr Leslie:** I thank the Deputy First Minister for his comprehensive answer and trust that his worthy aspirations will soon be transposed into action. I hope that the frequency of the meetings will increase.

In view of the legacy of poor transport co-ordination between Northern Ireland and the rest of the United Kingdom resulting from direct rule, can the Deputy First Minister assure me that specific attention will be paid to improving transport links between Northern Ireland and Scotland and the north of England?

**The Deputy First Minister:** The Member raises an important point. Transport links with cities in Scotland, England and Wales are crucial for the people of Northern Ireland. This matter was raised at the first plenary meeting of the BIC. It was also raised at the first meeting of the British-Irish Intergovernmental Conference, and it will be deliberated upon further at future BIC meetings. I have no doubt that the Minister of the Environment will wish to take it forward.

**Mr McMenamin:** Can the Deputy First Minister assure us that the transport sectoral meeting will proceed within the BIC and North/South Ministerial Council context? Will he press the Minister for Regional Development to fulfil his obligations? Failing that, will the First Minister or the Deputy First Minister assume this urgent responsibility?

**The Deputy First Minister:** The Northern Ireland Executive will be leading the transport sectoral meeting of the British-Irish Council. The First Minister and I will be responsible for taking this issue forward in the absence of co-operation from the Minister responsible, the Minister for Regional Development. In relation to the North/South Ministerial Council (NSMC) transport sectoral meeting, the First Minister and I will be pressing the Minister for Regional Development to meet the responsibilities of his office, and we shall ourselves take responsibility for proceeding on this issue. An NSMC transport meeting has been proposed for the second half of November.

**The Chairperson of the Committee of the Centre (Mr Poots):** Can the Office of the First Minister and the Deputy First Minister confirm that the British-Irish Council will continue in its present format and that the Office of the First Minister and the Deputy First Minister will not stop IRA/Sinn Féin Ministers from attending?

**The Deputy First Minister:** I thank the Assemblyman for his question. The British-Irish Council meetings will proceed. The First Minister and the Deputy First Minister will make nominations and, as usual, will bring those nominations to the attention of the Executive and, through it, to the Assembly.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. In the light of the First Minister's recent stance on the attendance of Sinn Féin Ministers at North/South Ministerial Council meetings, what assurance do we have that the future functioning of the British-Irish Council will take place without such undemocratic interference, which is also a breach of his Pledge of Office?

**The Deputy First Minister:** I thank the Assemblyman for his question, which is essentially the same as Mr Poots's. The answer remains unchanged. I repeat: nominations will be made on the basis of equity and reported to the Executive and, through it, to the Assembly.

**Mr S Wilson:** First, I would like to say how nice it is to see that the Deputy First Minister and the First Minister have kissed and made up, and are sitting together again.

Does the Deputy First Minister agree that, given his previous response, it is somewhat hypocritical of the First Minister to have excluded IRA/Sinn Féin from meetings of the North/South Ministerial Council while at the same time finding their presence at the British-Irish Council acceptable? Is that not yet another example of a tame slap on the wrist for Sinn Féin, intended more to keep his party dissidents in line than to deal with the question of terrorists in Government?

**The Deputy First Minister:** I thank the Assemblyman for the question, which — believe it or not — we had anticipated. I am glad he recognises that the First Minister and I have a very good personal relationship and that, in any political process, there will be divergences of opinion. The strength of any such process is that those divergences are overcome. I can assure the Assemblyman that the First Minister and I will do all we can to ensure that the institutions with which we are involved, and for which we have responsibility, proceed.

**Mr Speaker:** Before a point of order is raised, I should say that I am not entirely sure — I shall have to check up on it — whether kissing and making up is parliamentary behaviour.

### Review of Public Administration

3. **Mr McFarland** asked the Office of the First Minister and the Deputy First Minister to provide an update on progress with a review of public administration; and to make a statement. (AQO 234/00)

**The First Minister (Mr Trimble):** The completion of the review of public administration is an important aspect of the draft Programme for Government. As that document makes clear, the Executive are committed to greater accountability at regional level than in the past and will expect greater accountability from all services through a more efficient and effective structure of administration at local level. Officials are currently carrying out preparatory work on the review for the Executive, and it is planned that the terms of reference and organisation of the review will be further considered by the Executive later this month.

**Mr McFarland:** Can the First Minister and the Deputy First Minister confirm that, as a matter of urgency, the review will consider the large number of expensive and unelected quangos that have had such a detrimental effect in the past 25 years?

**The First Minister:** It is called a review of public administration and is, as such, intended to cover comprehensively all the bodies outside the Departments. The Member will recall that, as far back as December 1998, when we agreed on the departmental structure, we gave a commitment to examine the administrative structure outside the Departments and to do what we could to achieve greater efficiency and to balance some of the additional costs resulting from the enlarged central structure.

Consequently, we will be looking seriously — and hope the review will too — at a whole range of issues, including the various quangos. I am not saying that all quangos are bad. We will look critically to see what is necessary, what will contribute to greater efficiency and accountability and what can be done better elsewhere, which could result in a number of different answers. The review will look at those things. Currently, we are examining the scope of the review, which will be comprehensive, and making the arrangements. We hope that this will be done as quickly as possible.

**Mr P Robinson:** It is outrageous that the Minister responsible for the Department of the Environment should make a statement on his responsibilities at a party political gathering. The only other public utterance on this matter was from the First Minister at the SOLACE conference. They should have come instead to the Assembly or the Committee to give their views and say that a review was under way. Will the First Minister tell us what representations he has made to get the next local government elections postponed and thus save the hides of his Ulster Unionist Council colleagues from defeat — doing a “Burnside”?

**The First Minister:** The Member’s initial comments are completely wide of the mark. If he had only listened to my previous answer he would have heard that this issue was raised back in December 1998 and has been consequently mentioned here several times. I recall answering questions on this subject in the Assembly. The pretended shock of the Member that a statement was made by the Minister, quite properly, at our party conference is rather laughable.

With regard to his second question, he will discover how wrong his comments are. I would advise him to look at the ‘Belfast Telegraph’ opinion poll of a few weeks ago and see how the standing of my party has risen among the public while that of his party continues to decline.

### **Programme for Government (Rural Areas)**

4. **Rev Dr Ian Paisley** asked the Office of the First Minister and the Deputy First Minister to detail how the Programme for Government has been rural proofed.

AQO 240/00

**The Deputy First Minister:** The draft Programme for Government laid before the Assembly on 24 October recognises the importance of the rural economy and society to the life of Northern Ireland, and the need to ensure that full account is taken of rural issues when developing major policies and programmes. Rural proofing is a concept that involves reviewing all major policies and programmes in a structured way to ensure that any rural dimension has been fully taken into account at the formulation stage. It is a commitment, in the draft Programme for Government, that all major policies and programmes will be rural proofed. The Minister of Agriculture and Rural Development will take the lead on that issue and will establish a group to set out an overall approach to rural and countryside issues.

**Rev Dr Ian Paisley:** The Deputy First Minister will be aware that the First Minister has just recommended that my Friend read the ‘Belfast Telegraph’. I recommend that he read today’s ‘Belfast Telegraph’ article on the pig industry. The amazing and tragic figures show that, within three years, the number of farmers in the Province with pig herds has more than halved — falling from 2,207 to only 960. If this trend continues we will have no viable pig industry in Northern Ireland.

Can he explain to the House — long before we have a report on the rural proofing that he is concerned about, and that I and my Committee are concerned about — what steps he can take now to step in and deal with this crisis?

**The Deputy First Minister:** This is a serious question about a serious issue. The Member will recognise that it is a matter to be dealt with specifically by the Minister of Agriculture and Rural Development. He should look at, as I am sure he has looked at, the various measures, which I will not repeat ad infinitum, in relation to agriculture that are included in the Programme for Government.

2.45 pm

Although I cannot give the Member any assurances in relation to the pig industry, I share his concern, which I will convey immediately to the Minister of Agriculture and Rural Development. I have no doubt that she will contact him in relation to that consultation.

**Mr Bradley:** In the context of rural proofing, does the Minister share the farming community’s anxiety about flood damage and losses due to unharvested crops and the risk to livestock and households? Will Northern Ireland receive a share of the additional resources being promised by the British Government to combat the effects of flooding?

**The Deputy First Minister:** That question is particularly relevant at this time. Members will join with me in expressing sympathy for people in York and in various parts of England, Wales and the Republic of

Ireland who are suffering dreadfully from flooding. I want to associate myself with the Member's concern about our own farmers and the problems that they face, especially in relation to livestock and certain crops.

I can assure the Member that Northern Ireland will receive its full Barnett share of the £51 million package announced by the Deputy Prime Minister, John Prescott. That amount should be approximately £1.7 million. That aid package will be allocated over the coming years. Officials in the Department of Finance and Personnel will liaise with the Treasury on that.

The Department of Agriculture and Rural Development's Rivers Agency, as the drainage and flood defence authority in Northern Ireland, already has 100 flood-alleviation projects at various stages of investigation and development. The Executive will keep a close eye on the issue, which has enormous implications not only for the farming community but throughout rural and urban Northern Ireland. We will do everything we possibly can to help those who unfortunately may be affected by it.

**Mr Ford:** I thank the Minister for his references to the urgency of rural proofing in Northern Ireland. Will he accept, however, that there are two major problems which arise from the Robson index of deprivation? First, it is significantly out of date. Secondly, particularly in rural areas, much poverty is hidden within more prosperous wards which does not appear in the index. Can the Minister give us an undertaking that those measures will be re-examined to ensure that we can rural proof properly in the future?

**The Deputy First Minister:** That is a question that we are all concerned about. It is tempting to think of poverty in terms of urban areas. All of us know that this type of poverty exists in rural areas. It is more a lace-curtain poverty than may be obvious in urban areas. The Robson indicators are being re-examined in the light of the circumstances that we face today. It is essential that we all recognise the isolation and deprivation that exist in rural areas. That is why it is so important that we have rural proofing in relation to every aspect of the Administration.

### **Victims Units (OFMDFM and NIO)**

5. **Mrs E Bell** asked the Office of the First Minister and the Deputy First Minister to clarify the relationship between the Victims Unit in their office and the Victims Liaison Unit in the Northern Ireland Office; and to make a statement. (AQO 246/00)

**The First Minister:** During direct rule, after receipt of Sir Kenneth Bloomfield's report 'We Will Remember Them', the Northern Ireland Office set up the Victims Liaison Unit. After devolution, and in recognition of the fact that many of the issues faced by victims fell within

the transferred field, a Victims Unit was set up in the Office of the First Minister and the Deputy First Minister.

In broad terms, the Victims Unit within OFMDFM has responsibility for all transferred matters, with the NIO retaining responsibility for reserved matters. The Junior Ministers in OFMDFM have met with Adam Ingram to discuss the most appropriate division of responsibilities between the two units. They are due to meet again soon.

Officials from both units are working closely together and endeavouring to ensure that the Northern Ireland Office and this Administration adopt a co-ordinated approach to meet victims' needs.

**Mrs E Bell:** I thank the First Minister for his answer. I am sure that he agrees that this sensitive area requires a focused and one-track approach, because I — like other Members, I am sure — have heard from individual victims and victims' organisations that they are concerned about what is happening. They are unsure about the situation. I ask the First Minister to take that on board for future meetings.

**The First Minister:** I appreciate the difficulties that have resulted from having two different groupings — one in the Northern Ireland Office and one in this Administration. That is necessary at present, because some of the issues that the Victims Liaison Unit deals with are clearly reserved matters, such as compensation.

In addition, this Administration has only recently established a Victims Unit. That is still developing, which is why we are currently engaged in discussions with the Northern Ireland Office. I refer the Member to the Programme for Government, which, I think, identifies six specific actions. We intend to develop a programme. We need to work with the Victims Liaison Unit, and we hope to make matters as user-friendly as possible for the various individuals and interests involved, but at present it is necessary for bifurcation.

**Mr Dodds:** When dealing with the issue of victims, will the First Minister and the Deputy First Minister take into account the great hurt and concern of victims' families and others in the community about the amount of public money given in recent years to the victims of violence as compared to the amounts given to perpetrators of violence, many of whom were released prematurely from prison at the behest of the First Minister, the Deputy First Minister and their supporters?

Will he also accept that the contrast between cash given to terrorists and cash given to victims adds insult to the injury that was inflicted on families when they saw those who perpetrated crimes against their loved ones walking free, seemingly without any justice being meted out?

**The First Minister:** We are, of course, keenly conscious of victims' feelings and the need to ensure that victims' interests are not forgotten. That is why the Bloomfield Report was originally commissioned; that is why we are working on the matter. One difficulty is that, until

recently, victims did not organise themselves in the way that other groups did. That has caused problems. There is also — I have to be frank — a problem caused by people who wish to exploit victims for political purposes. That is generally deprecated.

We want to develop our own operation in order to ensure that proper concern is observed. I cannot go into the question of funding, because we are not responsible for any funding at present. The Victims Liaison Unit and the core funding scheme that it administers deal with current funding. I am not in a position to comment on that. Our own unit, which is now being established, has among its objectives the development and management of a specific measure under the Peace II programme. We will be happy to accept responsibility for the operation of that measure when it starts.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. Given that the Bloomfield Report actually reinforced the notion of a hierarchy of victims in many ways, can the First and Deputy First Ministers ensure, or at least try to guarantee, that the Victims Unit will in no way agree with that notional hierarchy? Although Members have different views about victims, there is obviously a range of victims in our society. Can the First and the Deputy First Ministers assure us that they will work to ensure that the Victims Unit reaches out proactively to all victims and organisations?

**The First Minister:** It is the intention of the Victims Unit to be comprehensive when dealing with, or trying to address, the problems of victims. The question is, what is the definition of a victim? An all-encompassing definition of a victim is extremely difficult to determine, particularly as there is an element of self-definition involved. The interdepartmental working group has adopted the following definition:

“the surviving injured of violent conflict-related incidents and those close relatives or partners who care for them, along with those close relatives and partners who mourn their dead.”

**Ms McWilliams:** Will the First Minister at this stage — in the same way that he has been very proactive on the suggestion that we transfer the justice issue to Northern Ireland as soon as possible — consider a deadline for the closure of the Northern Ireland Office Victims Liaison Unit? To have two offices running simultaneously is creating confusion among the public.

Does he agree that although Assembly Members may understand the difference between transferred matters and reserved matters, victims do not? Does he also agree that the sooner Junior Ministers are clearly identified with a strategy for victims, the better it will be for those dealing with victims throughout the country?

**The First Minister:** The Member is aware of the difference between reserved matters and transferred matters, and, at the moment, that necessarily produces a distinction between those matters still within the remit of the

Northern Ireland Office. I would be delighted if we could resolve that situation through the devolution of more responsibility to this Administration.

We have set ourselves a target — for the Victims Liaison Unit and those transferred matters for which we are responsible — that by April 2001 we will put in place a cross-departmental strategy to ensure that victims' needs are met effectively. That strategy will be of some help to groups that currently have difficulty in knowing who to approach.

**Mr Speaker:** As the Member due to ask the next question is not in the Chamber, we will move to question 8.

### **Disability Rights (Equality Commission)**

8. **Ms Lewsley** asked the Office of the First Minister and the Deputy First Minister to detail what financial provision has been made for the Equality Commission to enforce disability rights. (AQO 253/00)

**The First Minister:** The Equality Commission has an overall budget of £6.949 million for the current year. That includes additional resources of £1 million that had been provided to the Equality Commission to enable it to carry out the enforcement of disability rights. Those rights are contained in legislation that was initiated in the Assembly. The Executive's budget proposals, which were announced by the Minister of Finance and Personnel on 17 October, include the continuation of this £1 million funding in the year 2001-02.

**Ms Lewsley:** I ask that our Disability Rights Task Force ensure that it pays particular attention to the issue of employment Directives.

**The First Minister:** The Member is referring to the recent EU Equal Treatment Directive, which is an important matter that is currently under consideration. The Directive has an impact on the operation of the UK Disability Rights Task Force, which reported, on which cross-border departments were in the process of considering their response. We now must consider the report in the light of the Equal Treatment Directive in order to ensure that what is done gives full effect to the directive.

**Mr Wells:** Can the First Minister assure us that this new unit will have the same powers of investigation as the Equality Commission. Will it be able to search out injustices when it comes to this important issue?

**The First Minister:** We are talking about the powers of the Equality Commission. The Equality Commission will have those powers. The Disability Rights Task Force was established to advise the Government, and it reported in December 1999. Its report is being considered in the light of the Equal Treatment Directive in order to ensure that

what must be done is done over a wide range of services. The Equality Commission will police that activity.

### Children

9. **Mr Close** asked the Office of the First Minister and the Deputy First Minister if it is intended to appoint a children's commissioner for Northern Ireland.

(AQO 250/00)

**The Deputy First Minister:** The Executive are determined to ensure that our arrangements for protecting children and upholding children's rights are based on best practice. We will carefully examine key developments through Europe, including the Waterhouse Report on child abuse in north Wales, the appointment of a Children's Commissioner in Wales, a Children's Rights Director in England and an Ombudsman for Children in the Republic of Ireland.

We will also look at the roles of commissioners for children in the Scandinavian countries. In the light of those developments, the Executive Committee will consider what new arrangements are needed here when formulating proposals for the Children's Fund.

3.00 pm

**Mr Speaker:** The time for Questions to the First Minister and the Deputy First Minister is up. Unfortunately, not only the Member who put question 9 but several others who indicated a wish to ask questions will be unable to ask supplementary questions on this occasion.

## AGRICULTURE AND RURAL DEVELOPMENT

### Marketing of Farm Produce

1. **Mr McGrady** asked the Minister of Agriculture and Rural Development if she will detail what action has been taken to resolve the problem outlined by the Agriculture and Rural Development Committee in its report 'Retailing in Northern Ireland — A Fair Deal for the Farmer' in relation to the absence of a comprehensive resource to assist farmers to identify, produce, package and distribute products to suit both their circumstances and those of the market; and if she will make a statement.

(AQO 224/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** As I said before, I welcomed the Agriculture and Rural Development Committee's report as a balanced and pragmatic contribution to the debate on the difficulties currently facing the agrifood sector.

The Department already devotes considerable effort and resources to enable farmers and the wider agrifood industry to meet market demands and exploit new

opportunities. An example of that is the ongoing comprehensive programme of educating and training farmers to develop their business management skills and meet customer demands. That involves working with farm businesses and producer groups to develop the competencies necessary to identify market trends and respond positively to them.

The Department of Agriculture and Rural Development also assists, through grant aid and technical support, the development of new technologies, products and processes for use by all links in the food chain. Collaboration in the marketing of produce is encouraged by providing financial support through the marketing development scheme. Capital grant assistance to improve the competitiveness of the agrifood sector is also provided through the processing and marketing grant scheme. I can confirm that that work is being enhanced.

My announcement earlier this year of the development of a farmers' electronic portal — for which £240,000 has been provided this year, with a similar sum next year, coupled with associated enhanced IT facilities at the Department of Agriculture and Rural Development colleges — will help producers to take advantage of the opportunities that exist through information and communications technology, and e-commerce. The proposed additional funds of £1.4 million per annum that are to be allocated to support farm business development will also help in a practical way to enable primary producers to improve business performance.

The £2 million per annum being allocated to the beef sector to improve beef quality will help primary producers better meet the demands of the market.

(*Madam Deputy Speaker [Ms Morrice] in the Chair*)

**Mr McGrady:** I thank the Minister for her comprehensive reply — [*Interruption*].

**Madam Deputy Speaker:** Order.

**Mr McGrady:** In view of what the Minister has said, and the reference to the many facilities available to make farming viable, does she consider that the adoption of a new attitude by the Department to treat farms as businesses and employ the services of other agencies, such as local enterprise development agencies with proper grant-aid and technology structures, would be useful to farmers in the transition between the farm gate and the market?

Will she also consider the great difficulties that the farming community has with regard to diversification, particularly when farm incomes and farmers' resources are at an all-time low? That transition is very difficult.

As a corollary, will the Minister make herself aware of the consequences of farmers leaving the land or diversifying? Who will then be custodian of our agricultural heritage and countryside?

**Ms Rodgers:** I agree with many of the issues that Mr McGrady has raised. My answer addressed many of those issues with regard to helping farms progress as businesses. The Department of Agriculture and Rural Development enables farmers to treat their farms as businesses and to increase their competitiveness in the market.

The Member raised the issue of treating farms as small businesses for grant purposes, and many farmers have posed that question. For example, LEDU grants are available for start-up businesses, but the farming community sometimes feels that it is not entitled to them. The LEDU remit does not cover primary production. However, LEDU would consider issuing grants to farmers who wish to establish processing businesses and other businesses which fall under the diversification category. I encourage farmers to apply for this assistance, and I hope that LEDU will respond because farmers feel hard done by. It is possible to get access to those grants for certain businesses under diversification.

**The Chairperson of the Agriculture and Rural Development Committee (Rev Dr Ian Paisley):** The Minister is aware that the Assembly unanimously passed the resolution on the report mentioned in the question. How many of the recommendations in the report did the Department of Agriculture and Rural Development accept and bring to fruition through specially set-up machinery? How many recommendations have been acted upon? That is an important question. Today's 'Belfast Telegraph' features a report on the serious situation in the pig industry. More than half the herds have been lost in three years, and if any more are lost there will be no viable pig industry in Northern Ireland. The time has come for the Minister to announce the number of Agriculture Committee recommendations that her Department has accepted and will act on.

**Ms Rodgers:** The report contains recommendations directed at all the links in the food marketing chain, as well as the Department of Health, Social Services and Public Safety and the Department of the Environment. In my reply to the Committee, I was pleased to confirm that in most cases the Department of Agriculture and Rural Development is already developing a range of initiatives aimed at addressing the underlying issues and concerns. Some of the proposals were for the industry and not the Department to develop. Some proposals would involve EU state-aid rules in which my Department would not be allowed to intervene. However, I am developing all the proposals that are within my powers, and I have already outlined some of them to the Committee.

Dr Paisley mentioned the pig industry. I am aware of the difficulties there. I also share the Member's frustration at the European Commission's slow response to our attempt to gain permission to restructure.

Several questions have been raised, and as soon as we responded to them other questions were sent to us. It has been a slow process. I raised the issue with Nick Brown, who wrote to Commissioner Fischler. I raised it again at the previous meeting of regional Ministers, and Nick Brown wrote to assure me that he personally had raised the matter with Commissioner Fischler. I await a response, but I have done everything in my power to ensure that we proceed as quickly as possible with the restructuring of the pig industry.

**Mr Leslie:** The length of the Minister's replies perhaps answers the question about why the cost of administering the Department is starting to exceed the sector's revenue.

I am sure the Minister will agree that we cannot eat a book of regulations, no matter how attractive the wrapper. Yet we have book-loads of regulations that prescribe much of our own produce as not fit for sale unless it passes an expensive panoply of health and hygiene tests. On the very same supermarket shelves, consumers can buy imported foodstuffs that have not been subject to anything like the same degree of scrutiny. How does the Minister propose to level this most unfairly tilted playing field?

**Ms Rodgers:** I am aware of the issue and of the frustrations experienced by our producers in having to adhere to the regulations, particularly those that relate to welfare. The issue was raised at a recent cross-departmental meeting of Ministers in London. It was agreed that it would be brought forward to the World Trade Organisation discussions with a view to making welfare regulations mandatory in all countries. I hope that that goes some way towards dealing with the issue.

**Mr Kane:** Can the Minister assure the House that, in the event of evidence emerging about a price-fixing cartel, she will leave no stone unturned in any subsequent investigation?

**Ms Rodgers:** I am aware of allegations of a beef cartel in Northern Ireland, and that the Office of Fair Trading (OFT) is considering those allegations. It is quite proper that any evidence of a breach of competition rules should be submitted to the OFT, and my Department will, of course, assist in whatever way possible. I assure the Member that should the OFT, discover any abuse of power I would press for immediate action to combat that.

### **Rural Development Plan (2000-06)**

2. **Mr Armstrong** asked the Minister of Agriculture and Rural Development if she will detail the progress made towards having the rural development plan for Northern Ireland for 2000-06 adopted by the European Commission; and if she will make a statement?

(AQO 232/00)

**Ms Rodgers:** I am very pleased that the plan has now been approved. Negotiations were protracted and difficult,



particularly in relation to the changeover from the old headage-based hill livestock compensation allowance (HLCA) scheme to the new area-based less-favoured area (LFA) support scheme. We have achieved a very positive outcome with increased resources and a safety net in the first three years of the new LFA scheme. I was able to secure substantial additional funding for the LFA scheme from the Treasury worth £32 million over its first four years of operation. That means that the financing of support for hill farmers is now more secure than it has been for several years.

Furthermore, the safety-net arrangements will minimise the losses to those farmers who will see a reduction in their level of payment. As well as the new LFA scheme, the plan also provides for a significant increase in the uptake of agrienvironment schemes and allows for a continuation of the forestry measures, which opens up new opportunities for farmers under those programmes. Overall, the plan is worth £266 million to Northern Ireland agriculture from 2000 to 2006.

**Mr Armstrong:** Although I note that approval for the Northern Ireland rural development plan has come later than that for England and Wales, I welcome the fact that it has now been approved by the EU Committee on Structures and Rural Development (STAR). Perhaps the Minister would indicate when she expects full Commission approval. She will be aware of Commissioner Fischler's recent commitment to greater transparency in farm policy. Will she give a similar commitment to greater transparency, beginning with a commitment to keep the Agriculture and Rural Development Committee better informed of the process in such matters as the rural development plan?

**Ms Rodgers:** The first part of the question related to when the Commission's approval would come through. It takes three to four weeks to get formal approval, so we would expect to receive that approval four weeks from 24 October.

I am not sure about the second part of the question, which seems to imply that I have not been open with the Committee. I have consulted with the Committee insofar as it has been possible to do so.

3.15 pm

When the plan was in preparation there was something of a hiatus in the proceedings of the Assembly, and that created a time lag. As I have explained to the Committee, I would have been in a better position to consult it had there been more time. I have given the Committee an assurance that I will attempt to do so in future on the basis, of course, that we do not have any more suspensions, hiatuses or breaks in our business in the meantime.

**Mr Bradley:** How will the LFA scheme contribute to achieving environmental objectives?

**Ms Rodgers:** The scheme includes a general requirement that all farmers observe a code of good farming

practice. That will make a major environmental contribution and will be reinforced by a requirement for a minimum stocking of 0.2 livestock units per hectare, which will guard against the problem of under-grazing. To counter over-grazing, all farms with stocking densities above 1.8 livestock units per hectare will be inspected to ensure that they are being farmed responsibly. In addition to the provisions in the LFA scheme, the separate agrienvironment measures in the plan will provide assistance to farmers specifically to encourage good environmental practice.

**Mr O'Neill:** Can the Minister give us some details on the recent strategic study into organic farming, carried out under the rural development plan?

**Ms Rodgers:** I recently announced the strategic study into the organic sector in Northern Ireland because of the increasing market opportunities for producers of organic goods. I wish to encourage the development of a vibrant organic sector in Northern Ireland. It is important that it should be developed strategically, and I thought that a study would be the best way to take things forward. In making my decision, I was guided by the valuable work and recommendations of the organic farming liaison group, which draws its membership from the organic sector and the farming unions, as well as officials from the Department. In the organic sector, market demand is ahead of supply and we should be homing in on the opportunities that it presents.

**Mr Beggs:** What is the Department of Agriculture and Rural Development doing to support and promote the establishment of a rural community network in south Antrim and parts of east Antrim? Those are the only parts of Northern Ireland that are not covered by a rural community network. I am concerned that there should be equality of access to the provisions of the rural development plan and the funding from Europe.

**Ms Rodgers:** I cannot answer that specific question, but I know, in general terms, that there have been areas in Northern Ireland that have not taken full advantage of the rural development opportunities available since 1991. The Department is anxious to help the communities that have not previously taken advantage of the plan and ensure that they do so this time around.

I can provide the Member with a more specific written reply, but I assure him that I am very aware of the issue and anxious to do something about it.

### Organic Aid and Countryside Management Schemes

3. **Mr McCarthy** asked the Minister of Agriculture and Rural Development what uptake in the organic aid scheme and the countryside management scheme can be funded on the basis of the draft Budget allocation announced on 17 October. (AQO 259/00)

**Ms Rodgers:** The organic farming scheme and the countryside management scheme are funded by the additional moneys delivered by modulation. They are not dependent on the draft Budget allocation announced on 17 October. The modulation money will allow us to work towards the target of having 1,000 producers farming organically and 4,000 entrants to the countryside management scheme by 2006, which is the period covered by our rural development plan.

**Mr McCarthy:** I welcome the Minister's response. Will she be able to provide enough advisory officers to assist farmers in developing their plans?

**Ms Rodgers:** I hope and expect that we will be able to provide the necessary expertise and assistance to farmers wishing to go organic.

**Mr McMenamin:** Can the Minister inform me when the uptake of agrienvironment schemes is expected? When will the organic farming and countryside management schemes open for application from farmers?

**Ms Rodgers:** I will first deal with the agrienvironment schemes. The environmentally sensitive areas (ESA) scheme — in which 4,500 farmers participate, with 145,000 hectares under agreement — is considered to be close to its optimum uptake. It is anticipated in the rural development regulation plan that, by 2006, the organic farming scheme will grow from its present level of 20 farmers, with 1,000 hectares under agreement, to 1,000 farmers, with 30,000 hectares. The countryside management scheme, which will have its first entrants later this year, will have 4,000 participant farmers, with 150,000 hectares under agreement.

The second question related to the date for applications to the organic and countryside management schemes. As Mr Armstrong has already mentioned, the EU Commission approved the rural development plan on 24 October. The statutory rules necessary to bring those schemes into effect are currently the subject of consultation with the agriculture industry and will shortly come before the Committee for scrutiny. On completion of those necessary steps, the legislation will be brought forward as soon as possible, and I am anxious to be able to open the schemes.

**Mr McCartney:** Is the Minister aware of Dublin Corporation's scheme to convert human waste into organic pellets for spreading on land? Apparently, 22,000 tonnes are due for production this year. It helps both organic farming and the disposal of human waste. Are there any similar projects in mind to help organic farming in Northern Ireland?

**Ms Rodgers:** Was it Dublin Corporation?

**Mr McCartney:** Yes.

**Ms Rodgers:** I was not sure.

I am not aware of that scheme, and I would be very interested to learn more about it. Because I am not aware

of it, I do not know if my Department has any plans about pellets. However, I will certainly enquire about it and let the Member have a written answer.

### Potato Crop (Brown Rot)

4. **Mr Poots** asked the Minister of Agriculture and Rural Development if she is aware of an outbreak of brown rot in the Scottish potato crop and, if so, what steps she has taken to ensure that it will not contaminate the potato crop in Northern Ireland. (AQO 226/00)

**Ms Rodgers:** I am aware that the bacterium responsible for causing brown rot in potatoes has been found in water samples from parts of the Lunan Burn, and the Isla and Tay Rivers in Perthshire. However, extensive sampling of potato tubers irrigated from the contaminated rivers has confirmed that the infection has been confined to the watercourses. The Scottish Executive have assured me that the Scottish potato crop is completely free of brown rot.

Brown rot has never been found in Northern Ireland, but the possibility of its spreading here cannot be ruled out. My Department is taking all preventative measures permissible under EU rules so that brown rot does not spread to Northern Ireland, and it will continue to take all possible steps to prevent the introduction of quarantine pests and diseases, including brown rot.

**Mr Poots:** As the Minister indicated, Northern Ireland has never had brown rot. It is a disease that we do not want to infect our potato crops. I would like her to ensure that the Department ensures that no samples are allowed into Northern Ireland containing any disease, as washings of those potatoes could get into our water system, and thus contaminate the entire crop and do substantial damage to the Northern Ireland potato industry.

**Ms Rodgers:** I think that I have already answered that question. The Plant Health Directive places the onus of plant health control on the country of origin, which in this case is Scotland. It allows the importing country to carry out sample checks. I have recently spoken to our scientists who are dealing with the situation and I have been assured that sample checks are being carried out regularly.

Furthermore, the brown rot Directive specifies detailed measures that all member states must implement in order to control and prevent the disease. It outlines a number of control measures to be taken to contain and eradicate infection should an outbreak occur. I have been assured by the Scottish Rural Affairs Department that the required measures are in hand.

**Mr Wells:** There is enormous concern, particularly in my own constituency of South Down, about any remote possibility of this disease getting into Northern Ireland. Can the Minister confirm that it is within European regulations to test all imported potatoes coming through Lame or any other Northern Ireland port? Can she assure us

that every batch of potatoes coming into the Province is being thoroughly tested for this disease?

**Ms Rodgers:** As I have said, sample checks are being carried out. It might not be possible to check every single potato coming into the country, but sample checks are carried out regularly to ensure that brown rot does not come in. The Scottish Rural Affairs Department has assured me that it has been found in the water but not in the potatoes. It has taken all measures required of it under European regulations to ensure that contaminated water is not used for irrigation or for spraying of either potatoes or tomatoes.

**Rev Dr William McCrea:** The Minister has said that there has never been brown rot in Northern Ireland. I have requested a meeting with her and her officials on this issue. There is genuine concern. We have never had this problem, and we certainly do not want the possibility of there being a problem added to BSE and the many other problems within the farming industry. Can the Minister assure me that not only is the onus on the country of origin but that she and her Department take the matter very seriously? Any brown rot coming into this country could wipe out another part of our vital farming industry at this perilous time.

**Ms Rodgers:** I can assure the Member that I am treating the matter seriously. I took the trouble to discuss it with the scientists in the Department as recently as last week. I am aware of it as an issue. I am aware of the difficulties it would create. As far as anyone can humanly guarantee anything, we cannot rule out the possibility. For that reason, all the precautions I have outlined, both those assured by the Scottish Executive and those that we are doing ourselves, are being taken to ensure that brown rot does not enter the Northern Ireland crop.

**Rev Dr Ian Paisley:** Does the Minister not think it advisable for her officials to go to the country of origin to see if those European regulations are being strictly adhered to? The concern among farmers is that they may not be, and, if there is only limited testing here, that opens a door. No one can tell what will happen if that door is opened. It could be the destruction of the potato industry in Northern Ireland for ever.

3.30 pm

**Ms Rodgers:** It is not part of our responsibility, and it might be taken ill by the Scottish Executive if we were to send over our officials to see if they were doing their job properly. I will have to take the word of the Scottish Executive, and they have informed me that the issue is being dealt with. A watercourse is contaminated, but there is no potato rot. Every precaution has been taken to ensure that water from that watercourse is not used for irrigation or spraying until it is declared clear.

**Madam Deputy Speaker:** Question 5 has been withdrawn.

## Forestry Service

6. **Mr Byrne** asked the Minister of Agriculture and Rural Development to detail how the Forestry Service has been reorganised. (AQO 255/00)

**Ms Rodgers:** Following the Forestry Service's establishment as an agency, the chief executive invited consultants to look at its organisation, staffing and systems and to recommend options for improving efficiency and effectiveness. The outcome was major changes to the structure of the Forestry Service. Most significant has been the reorganisation of the work into three directorates — operations, policy and standards, and corporate services. The most radical changes were in the operations directorate, where a redrawing of district boundaries created three larger districts. Working practices were restructured, and responsibility for forestry grants was transferred to the policy and standards directorate. Previously the Forestry Service operated in five geographical districts — Ballymena, Castlewellan, Enniskillen, Limavady and Omagh, each serviced by a district office. The three new districts — east, west and north — created by the redrawing of district boundaries have offices at Castlewellan, Enniskillen and Limavady. The Limavady office will shortly move to Garvagh.

## CULTURE, ARTS AND LEISURE

### Community Arts Projects

1. **Mr Dallat** asked the Minister of Culture, Arts and Leisure how he intends to promote the wider development of community arts projects throughout Northern Ireland. (AQO 251/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** Members will be aware of the future search process undertaken by my Department. An independent review of community arts has been identified as a pressing need, and the terms of reference have now been drawn up. For the first time, the review will provide a clear and comprehensive description of the community arts sector, by activity and location, and will outline how it can be developed throughout Northern Ireland.

**Mr Dallat:** I welcome the Minister's statement. Can he assure us that community arts will now be afforded equality with other art forms?

**Mr McGimpsey:** If by "equality" Mr Dallat means equal amounts of resources or cash, for example, I cannot give that sort of guarantee. The Arts Council of Northern Ireland is responsible for funding. It is responsible for its own budget and administers the arts lottery money. I can assure the Member that there will be equity of treatment for community arts, because there is a growing awareness of their importance and the role they play at several levels.

**Mrs E Bell:** Can the Minister assure me that there will be a better relationship between community arts and the Arts Council? I know that there have been difficulties in the past.

**Mr McGimpsey:** I am aware that there has been tension, shall we say, between the Arts Council and the Community Arts Forum (CAF). We are addressing the issue by looking at a review of community arts — the sector, its size, how it is coping, how it is growing et cetera. Such a review will inform us of how best to treat the sector as part of the overall arts infrastructure. Although there may be debates and arguments between the Arts Council and community arts groups, a review will take that on board and resolve the issue.

**Mr Shannon:** How will the Minister encourage applications for community arts projects from both sides of the community? Secondly, how will he ensure that equal funding is given to applications from both sides of the community?

**Mr McGimpsey:** The issue of equal funding relates to Mr Dallat's question. We can be assured of equity of treatment, and the Arts Council, in common with all bodies and non-departmental bodies, has its own equality scheme as well as requirements under, for example, New TSN. Those are requirements that the Arts Council must meet. Each application will be treated on its merits, what it will deliver and what its outputs will be.

A review of community arts will perform an important task in informing the Arts Council where those criticisms lie. Criticisms may or may not have a basis. That is something that we will wish to be informed on, as it is a key area.

**Mr Neeson:** Does the Minister agree that in dealing with community arts we are not talking about two communities? We are talking about a multicultural society in Northern Ireland, bearing in mind that there are sizeable ethnic minorities and other groups in the Province.

**Mr McGimpsey:** I agree with those sentiments. The Everitt review recommended that the Arts Council should consider delegating responsibility for community arts to district councils, and that is reflected in the Arts Council's strategy of opening up the arts. There is equity of treatment and there is one community. Matters are dealt with on their merits, and that is the proper way to go forward with respect to the equality scheme that the Arts Council has adopted.

### Leisure Facilities

2. **Mr Neeson** asked the Minister of Culture, Arts and Leisure if he will detail the steps he is taking in conjunction with the Minister of Health to promote and encourage the use of leisure facilities in Northern Ireland.  
(AQO 247/00)

**Mr McGimpsey:** I recognise the role of sport and leisure as a major contributor to health and well-being. My Department is co-operating with the Department of Health in promoting the health agenda through its representation on the interdepartmental ministerial group on public health and the Northern Ireland physical activity strategy. This level of co-operation is endorsed by the Programme for Government, which recognises that improvements in health are vital to the creation of a modern and successful Northern Ireland. I confirm that my Department, in all its areas of responsibility, will continue to contribute to the efforts to promote a healthier society.

**Mr Neeson:** I thank the Minister for his answer and welcome co-operation between the two Departments. Does he accept that, although health education is a major issue, there is a need for the provision of affordable leisure facilities in Northern Ireland?

**Mr McGimpsey:** Affordability is a key factor, and we are aware that the provision of leisure facilities is a matter that lies primarily with district councils. District councils play a key role in the provision of leisure facilities. The Sports Council is responsible for the development of sport. Within the strategy, there are several bodies for promoting a healthy lifestyle, and the understanding that prevention is better than cure and that greater participation in sport and physical activity will have benefits not only in the sporting realm of this Department but also in the realm of health provision for dealing with the consequences of physical inactivity.

**Mr McMenamin:** Will the Minister assure me that he will consider encouraging people with disabilities to avail themselves of leisure facilities? Will he also consider introducing a package that will enable the unemployed to afford those facilities?

**Mr McGimpsey:** I can confirm that the Department of Culture, Arts and Leisure is very concerned about the needs of the disabled. We recently announced funding made available under the Programme for Government through the Access for Disabled People to Arts Premises Today (ADAPT) Fund Northern Ireland, for a programme to provide 40 audits of a range of sporting and cultural venues to assess how they can be made more accessible. It will also allow smaller adaptation grant schemes to be introduced. We are promoting equality of opportunity and participation by as many people as possible. That includes people who have physical disabilities. I take the point about the unemployed and the fact that leisure activities perhaps present a greater financial burden for them.

**Mr Hussey:** I welcome the recognition of the facilities that the Minister has rightly identified as being provided by local authorities and the part that they will play in the future health of the people. However, the Minister will be aware that local authorities are under considerable pressure in many areas to ensure that those facilities remain available

to people. Are there any plans in the Minister's Department, or in the Department of Health, to give some assistance to ensure that those facilities remain viable?

**Mr McGimpsey:** The provision of leisure centres is primarily a matter for district councils. The Member points out that district councils suffer the financial burden and asks whether I have any plans. I am not aware of anything specifically at the moment, but I will enquire, and I can write to the Member should there be any specific details. The underlying principle is to promote equality of opportunity and participation. If district councils are having difficulties, that is something that the Department will have to address.

**Mr S Wilson:** If the Minister intends to promote equality of opportunity for folks who are disabled or unemployed by making leisure centres more accessible to them, some form of subsidy will be needed. Is he saying that the Department will be making funds available to local authorities so that whatever revenue they lose through promoting leisure centres in that way will not have to be borne by ratepayers?

**Mr McGimpsey:** That is not what I am saying. In answer to Mr Hussey's question, I am saying that I do not have details to hand of any specific proposals for those who suffer physical disabilities. We are undertaking an audit of a range of sporting and cultural venues to assess what needs to be done to make those venues more accessible. It may be that provision can be made for a small adaptation grant scheme. Large sums of money are not necessarily required. Very small amounts of money can often make such venues accessible. I cannot be any more specific at this point, but I will write to Mr Hussey about it. If Mr Sammy Wilson wishes, I will copy the letter to him.

### **Foras na Gaeilge (All-Ireland Language Body)**

3. **Mr McElduff** asked the Minister of Culture, Arts and Leisure if he will detail the steps he is taking to ensure that Foras na Gaeilge/the all-Ireland language body will allocate and deliver funding at the start of January 2001. (AQO 231/00)

**Mr McGimpsey:** For the information of Mr McElduff and other Members, the title of the North/South Language Body in Irish is An Foras Teanga. Foras na Gaeilge is one of the agencies within the body. Both Foras na Gaeilge and Tha Boord o Ulster-Scotch are preparing corporate plans for carrying out their functions in 2001 and beyond.

3.45 pm

Those will be submitted in due course for approval by the North/South Ministerial Council (NSMC). Foras Na Gaeilge is currently conducting a review of its activities and structure, and consequently its corporate plan may

not be submitted to the NSMC until early next year. An indicative work programme for 2001 will, however, be submitted to the NSMC for approval. That will ensure that there is no disruption to clients and potential activities in the interim period. Neither myself nor my ministerial colleague in the Republic of Ireland has any reason to think that there will be a delay in the allocation and delivery of funding at the start of January 2001. In 2001, indicative funding of £11.42 million will be made available to the language body.

**Mr McElduff:** Ba mhaith liom iarraidh ar an Aire an bhfuil sé sásta leanúint ar aghaidh le hobair phráinneach an Fhorais Teanga uile-Éireann gan stad agus gan aon bhac óna pháirtí féin? I am glad to hear the assurances that money will have an impact on the ground as soon as possible. However, will the Minister act decisively to ensure that the crucial work of the all-Ireland language body proceeds without interference and does not fall hostage to the mood swings of the Ulster Unionist Council?

**Mr McGimpsey:** I can give Mr McElduff the assurance that I have already given. As I said earlier, neither I nor my ministerial colleague in the Republic of Ireland has any reason to believe that there will be a delay in the allocation and delivery of funding. We must remember that An Foras Teanga, or Tha Boord o Leid, is the body responsible for funding both the Foras na Gaeilge and Tha Boord o Ulster-Scotch. I do not anticipate any difficulties. It will be a smooth operation in terms of drawing down money and carrying out their responsibilities.

**Mr S Wilson:** I am interested in the Minister's reply. Is he saying, despite the assurances given by his leader that the withdrawal of Sinn Féin Ministers from the North/South Ministerial Council is designed to punish those who are not giving in arms, that, to use his own words, "the actions should cause no delay or disruption to the work of the North/South Ministerial Council"? Is he admitting, therefore, that his party is engaged in a con trick?

**Mr McGimpsey:** That is a political question rather than one for my Department. Mr S Wilson clearly misunderstands what has been said and what this is about. The Member should understand that what we have given assurances on will not affect the operation of the North/South Ministerial Council or the implementation bodies. It will simply affect the participation of certain Ministers. That was what was said, and that is what will happen. It in no way prejudices or undermines the workings of the NSMC agreement, the Assembly or the Executive — any more than the actions of the DUP do.

### **Lisburn Library**

4. **Mr Poots** asked the Minister of Culture, Arts and Leisure if he will detail the progress made in providing a new library for Lisburn. (AQO 225/00)

**Mr McGimpsey:** The responsibility for providing a new library in Lisburn rests with the South Eastern Education and Library Board. The board has acquired a site, with funding from my Department, and is currently exploring the possibility of providing a new library under the private finance initiative. If the new library is provided in that way, my Department will make additional funding available to help with the running costs.

**Mr Poots:** The Minister's response does not enthuse me very much, as we have been getting similar responses for some 25 years and still the second-largest council area in Northern Ireland is being deprived of library services. If the private finance initiative does not work out, what will the Minister do to ensure adequate library provision in Lisburn?

**Mr McGimpsey:** I agree with Mr Poots when he refers to 25 years — Lisburn waited during the 25 barren years of direct rule, and the shortages and underfunding in much Government activity mean that the Library Service is no exception. Several towns have, like Lisburn, awaited provision for some time. During the spending review, SR2000, I secured an extra £0.5 million for capital library funding. Lisburn library itself will cost approximately £3.5 million. Clearly the extra funding, added to the £1.3 million we are already getting, does not begin to address the need. Work is underway in Portadown, and plans for Strabane have also been announced, but we do not have enough resources. I continue to ask for the sympathy of the Executive Committee, but until the money is allocated to my Department I cannot provide capital funding for libraries.

**Mr Close:** Does the Minister not agree that it is a scandal of monumental proportions that Lisburn borough — the second-largest borough in Northern Ireland — should have been deprived of adequate library facilities for a quarter of a century? Rather than stating that he is exploring possibilities, the Minister should know that the people of Lisburn are demanding that, through devolved Government, the necessary finances be made available to provide a library, sooner rather than later. Although we recognise the other areas' difficulties, the fact of Lisburn borough's inadequate library facilities prevails.

**Mr McGimpsey:** I refer Mr Close to my original answer: there is a private finance initiative going forward to provide a new library for Lisburn. Lisburn Borough Council and the South Eastern Education and Library Board share Mr Close's and Mr Poots's recognition of this need, and they are considering providing the library through that mechanism. If that does not work, we will have to look at other ways, but we hope that Lisburn will get a new library through the private funding initiative.

Mr Close must understand that after 25 years we will not be able to address all the funding shortfalls in year one or in session one. The project will take many years. I

agree that Lisburn is a key borough, and although I may not agree with his words "a scandal of monumental proportions", I accept that there is a glaring need for provision.

## Museums

5. **Mrs E Bell** asked the Minister of Culture, Arts and Leisure if he will detail his budget proposals for museums in Northern Ireland and state how they are reflective of the needs of the corporate plan published earlier this year by Museums and Galleries of Northern Ireland (MAGNI). (AQO 248/00)

**Mr McGimpsey:** As a result of the spending review, museums have received an extra £300,000 for current expenditure and £400,000 for capital development for next year. Given the current financial climate, that is a welcome addition to the money available for museums. It will help to get the Museums and Galleries of Northern Ireland (MAGNI) off to a good start in implementing their corporate plan.

**Mrs E Bell:** I hope that the Minister's ambitions are realised. Have all the necessary funds been provided for the delivery of the corporate plan, and has a timescale been developed?

**Mr McGimpsey:** That is a matter for MAGNI, as it is the responsible managing body. It has a corporate plan, and it is fairly ambitious. It includes, for example, a national gallery for art in Northern Ireland and a museum of creative arts, which has a fairly large price tag of an estimated £57 million. There is also a proposal for a maritime, aviation and industry museum, at an estimated £30 million. We cannot provide those in year one or year two, but we may be able to do so over a number of years. Those will not be schemes that merit a once-and-for-all payment from the Executive Committee to the Department. We must look at more creative means of raising the finance, rather than following the previous route of expecting taxpayers to foot the bill.

*(Mr Speaker in the Chair)*

**The Deputy Chairperson of the Culture, Arts and Leisure Committee (Mrs Nelis):** Go raibh maith agat, a Cheann Chomhairle. Will the Minister say if he has plans to address the destruction of ancient archaeological sites as a result of modern development? That was mentioned in the corporate plan. Will his Department consider an audit of the archaeological sites?

**Mr McGimpsey:** Archaeological sites are a matter for the Department of the Environment through its Heritage Service. It would be more appropriate to address the question of preservation to the Minister of the Environment. A review is being carried out at the moment of local museums and heritage sites, which is taking into account several heritage and archaeological sites. Preservation is specifically a matter for the Department of the Environment.

## North/South Language Body

6. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure if he will confirm the location of the North/South Language Body (An Foras Teanga/Tha Boord o Leid); and if he will make a statement. (AQO 244/00)

**Mr McGimpsey:** The body has two agencies, with headquarters in Dublin and Belfast. The headquarters of Foras na Gaeilge are situated in 7 Merrion Square, Dublin 2, and the headquarters of Tha Boord o Ulster-Scotch are located on the fifth floor of Franklin House, 10-12 Brunswick Street, Belfast.

**Mr McCarthy:** I am a bit disappointed because the fifth floor is probably not very accessible to many people. The fifth floor in which building in Belfast? Which street?

**Mr Speaker:** The Minister might help by repeating the answer.

**Mr McGimpsey:** The fifth floor of Franklin House, which is located at 10-12 Brunswick Street, Belfast.

**Mr McCarthy:** That would not be accessible to many people. To make it accessible to more of our community, I thought it would have been outside Belfast. Agencies are centralised a lot in Belfast and an out-of-town site for that body might have been considered.

**Mr McGimpsey:** Tha Boord o Ulster-Scotch will have permanent headquarters in Belfast in two to three years' time. The choice of location is primarily a matter for Boord o Ulster-Scotch. It also has plans for an office in Donegal, and there is also the possibility of an office in Edinburgh. That is part of its corporate plans and it is for it to determine where its offices should be located.

**Mr Dodds:** I notice that the North/South Language Body is referred to by two different Irish names. Who is correct — Mr McCarthy or the Member who claims to be an expert in the Irish language?

**Mr Speaker:** It seems that the reference is in two languages, as I understand it from the question here.

**Mr McGimpsey:** The language body is known in Irish as An Foras Teanga, and it is referred to in Ulster-Scots as Tha Boord o Leid. That is the governing body. There are two agencies, Tha Boord o Ulster-Scotch and Foras na Gaeilge, the Ulster-Scots and the Irish agencies.

4.00 pm

## Museums

7. **Mr McGrady** asked the Minister of Culture, Arts and Leisure if he will detail when the review of the regional museums will be completed. (AQO 222/00)

**Mr McGimpsey:** The local museum and heritage review has reached its final stages. A specialist heritage consultant employed by the review steering group has completed his work, and I expect to receive the steering

group's report shortly. The report will form the basis of consultation, first with the Assembly Committee, and thereafter with the wider museums and heritage sector. I expect a report to be made available to the Assembly early next session.

**Mr McGrady:** I am sure that the Minister will agree with me that the inquiry into the future of regional and other museums in Northern Ireland has gone on for many years in the absence of proper policy and finance. Can he assure the House that the review, when it has its ministerial publication, will give effective direction on how museums are going to be dealt with in Northern Ireland — particularly in the regional strategy?

Will the Minister ensure — I will be parochial — that Down County Museum, which fulfils all the registration requirements for a regional museum as laid down by the Museums and Galleries Commission, is, like others, granted that status and proper funding to enable it to protect the heritage? We should not let our heritage, as embodied in museums and galleries, be the poor relation in the cultural sector.

**Mr McGimpsey:** The review currently underway began in November 1999. Initial proposals were received by the Department in June. The review steering group has considered those and agreed a report. It will shortly deliver its own report to the Department, which I expect in December. That will allow us to prepare a draft strategy at the beginning of 2001, which will go out for consultation. I expect the consultation process to be complete and to have a final strategy ready by next spring. That is the process, and I understand that the review seems to have taken a long time. However, I consider it appropriate that such an important and wide-ranging exercise be comprehensive. I expect the Department to be able to put in place a final strategy —

**Mr Speaker:** I ask the Minister to bring his remarks to a close because of the time.

**Mr McGimpsey:** The Member has raised the matter of Down County Museum with me on other occasions. There are three classes of museum, and I confirm that Down County Museum is classified by the Department as a class-two or regional museum.

**Mr Speaker:** Order. We must leave matters there. That set of questions started at 3.32 pm, and it is now after 4.02 pm.

## ELECTRICITY COSTS

**Mr Byrne:** I beg to move

That this Assembly notes the high cost of electricity in Northern Ireland and calls on the Minister of Enterprise, Trade and Investment to examine and review the electricity supply market in this region.

Three weeks ago the Executive presented a draft Programme for Government to Members of the Assembly. It stated that its overriding purpose was to make a difference to the lives of the people of Northern Ireland. That is to be achieved by the Executive and the Assembly's working together and listening to the interests of business and all the social partners to implement an imaginative legislative framework that could create opportunities for everyone in society. If the Executive and Assembly are serious about the task in hand, we must make a start and deal with policies inherited from direct rule, and whose effect is to hold us back from creating the sort of inclusive society and competitive economy that is at the heart of the draft Programme for Government.

The privatisation of Northern Ireland's electricity network is one such hangover from direct rule. Over the last seven years it has put industrial, commercial and domestic users at an unfair disadvantage. I will draw the House's attention to some statistics that graphically show the extent of Northern Ireland's disadvantage when compared with the price of electricity in Britain, the Irish Republic and the rest of Europe.

For example, at the start of 1999 the typical domestic user in Northern Ireland paid 9.43p per unit, while in Germany the average domestic consumer paid 11.8% less, at 8.31p per unit, and in the Netherlands 32.5% less, at 6.36p per unit.

The comparisons with the rest of the UK and Ireland are equally telling. Northern Ireland's domestic price per unit is 21% above that of Scotland, 27% above those of England and Wales, and 53% above that of the Irish Republic. This year domestic customers in Northern Ireland will pay around £305, whereas the average bill in Britain is £257.

The recent welcome liberalisation of the market in line with EU Directives will by 2003 allow around 420 of the largest commercial users to buy electricity from other companies such as the Electricity Supply Board (ESB). Despite that, the smaller small and medium-sized enterprises (SMEs) are, and will remain, similarly disadvantaged. Taking an average industrial user with a maximum demand of 500 kilowatts at a 40% load factor, the price per unit is 14% above that of Scotland, 38% above those of England and Wales, and 75% above that of the Irish Republic.

With the introduction of the climate change levy in 2001, the cost of electricity to industrial users is scheduled to increase by another 5%. It is important, therefore, that

we address the problem of high electricity prices in Northern Ireland now. The statistics reveal the extraordinary disparity in electricity prices in the North of Ireland, Britain, the Republic and the rest of Europe. The public has entrusted the Assembly with the good governance of the region. It is only right that we should ask why consumers in Northern Ireland pay more than consumers anywhere else in western Europe for this essential resource. The reasons are complex, and concern the structure of the industry and the way in which it was privatised; the refusal of Northern Ireland Electricity (NIE) to abide by the price controls of the regulator, the Office for the Regulator of Electricity and Gas (OFREG); the lack of interest from the British Government; and, until devolution and the draft Programme for Government, a total absence of any coherent policy direction.

To understand why the consumer is getting such an unfair deal, we must look back to 1992-93 when the industry was privatised. Whether we agree or disagree for ideological reasons with the policy of privatisation, it has been stated that the previous Conservative Government, in the words of Adam Ingram, botched up the privatisation of Northern Ireland's electricity. It was rushed through. The two main power stations, Kilroot and Ballylumford, bought overpriced and uneconomic long-term contracts. They were paid £320 million — almost twice as much as they were worth — for such low-efficiency levels of production.

The two main components of those contracts were the guaranteed fuel payments, in which the customer paid for the cost of fuel burnt through NIE, and the availability payments, through which the generators received payment for the time they were available, whether or not they produced output. That is like paying a taxi company for having taxis available and paying for the taxi again when it does a run. The availability of the generators increased from 70% before privatisation to over 90% in some instances after privatisation — a higher fixed cost to the consumer. The availability of payments accounts for almost 50% of the total generation costs, a figure considered by OFREG and the Northern Ireland Consumer Committee for Electricity as excessively high. At around 80%, generation costs account for the largest proportion of the bill for industrial users, and the proportion is 60% for domestic users.

After some resistance from NIE, the Coolkeeragh and Ballylumford contracts have been reconstructed, which has reduced the cost to customers to a certain extent. Work on the new combined cycle gas turbine plant at Ballylumford will lead to increased efficiency levels and a further reduction in costs. However, it is disturbing that NIE insisted that the capital expenditure should be written off over a period of 10 years instead of the normal 20, which would have brought greater savings to customers. In my opinion, plant like that could be written off over 30 years.



Furthermore, the Kilroot contract is in need of renegotiation, but to date nothing has been done. The restructuring of the Kilroot contract, according to the Northern Ireland Consumer Committee, would bring the greatest savings to customers.

However, it would be mistaken for this House to focus all its attention on the generators. In a consultation paper published by OFREG in April, the charges relating to the transmission and distribution of electricity represented the largest single component of the cost of electricity after generation, and accounted for 30% of the final electricity bill. Transmission and distribution costs are the most profitable part of the business for NIE and its holding company, Viridian. This has important consequences for domestic users in particular, as the transmission and distribution component is, as OFREG has stated, inversely related to consumption. Therefore the transmission and distribution costs for domestic consumers represent 40% of the bill, whereas for large industrial consumers they are less than 15% of the bill.

At this juncture it is interesting to compare the costs of transmission and distribution with those in Britain. According to OFREG, at the time of privatisation, transmission and distribution costs were around the GB average for the average customer. Although overall transmission and distribution costs are expected to be higher in Northern Ireland than in Britain because of the lower level of electricity production, over the last 10 years they have shown an increasing divergence. We have not benefited as much from privatisation as consumers in Britain.

This year, transmission and distribution costs will be around 57% higher than those in Britain. OFREG predicts that that divergence will continue, despite the growth in demand in Northern Ireland that should have reduced costs. Transmission and distribution costs in Northern Ireland are set to rise, and by 2001 this divergence will be close to 60%.

One cannot get away from the fact that transmission and distribution costs are a major factor in the high price of electricity in Northern Ireland. In its April 2000 consultation paper, OFREG says that it is worth taking into consideration that since privatisation, had transmission and distribution costs reflected those in Britain, consumers could have saved an estimated £200 million, and around £40 million in the year 2000 alone.

If it is to fulfil the mandate given to it by the electorate and make a real effort to deliver social justice for all sections of our community, then the Assembly must address this serious issue. There is no justifiable reason why NIE's transmission and distribution costs should be so much higher than those of comparable regional electricity companies in Britain. As OFREG says, NIE is unique in that it is the only electricity company not to have a price control set by the regulator. The regulator,

unfortunately, has no teeth in Northern Ireland. The first price control was set by the Government in 1992-93, and ran until 1996-97. It allowed NIE to raise revenue by 3.5% above the rate of inflation, and its transmission and distribution prices by 1% annually above the rate of inflation. According to OFREG, that gave NIE £301 million to invest in improving the network. One third of that money was not used for network investment, but for the benefit of shareholders. Consumers experienced the consequences of this during the storms of Christmas 1998, when many had to go without electricity for days.

In 1996, NIE rejected the second price control set by the regulator. The case was referred to the Monopolies and Mergers Commission (MMC). In the end, a compromise was agreed. However, it did not adequately deal with the problem of high transmission and distribution costs. Unfortunately, customers have also paid for the capital underspend, as NIE was allowed to claw back an additional £25 million from customers in what the MMC referred to as "underpaid depreciation charges". The customer paid twice. That is staggering when one considers NIE's "super profits" since privatisation and the dividends paid to shareholders, which have surely and steadily increased.

It has been estimated that Northern Ireland's total electricity bill between 1992-93 and the current year was £3.8 billion before tax. Fifteen per cent of this figure (£573 million) represented NIE's share of the profit, and 7 per cent (£267 million) of this sum was the generators' profit. NIE also made healthy returns for its shareholders. In 1993 the dividend was 10p per share, rising to 25.3p per share in 1999. NIE's transmission and distribution asset base also increased considerably, from £402 million in 1993 to approximately £520 million in 1999. Of course, it must be acknowledged that since 1997, particularly after the 1998 Christmas storms, NIE has made amends by making significant improvements to the network, thus fulfilling their capital expenditure requirements. It has also invested in new customer communication systems.

#### 4.15 pm

Another welcome development came in April of this year when NIE agreed to a price control for the supply component of its business, which is responsible for billing, meter reading and customer advice. This accounts for only 5% of the average bill and will save customers about £16 million between now and 2005. However, it remains to be seen whether NIE will accept the regulator's price recommendations where they really count — the transmission and distribution costs where NIE makes about 80% of its profits — before the third price control is due to come into effect in 2002.

Devolution provides the Assembly with the opportunity to develop policies tailored to meet the needs of the people of Northern Ireland. If we are to have the confidence

to implement and benefit from an all-Ireland, and indeed, a Europe-wide energy market as laid out in the draft Programme for Government, the Minister and his Department must seize the initiative, strike a fair balance between the interests of shareholders and consumers and end this electricity surcharge. The Minister and the Department of Enterprise, Trade and Investment need to provide a clear policy framework to enable the electricity regulator to do his job without hindrance and to represent the interests of the consumer effectively. In this private monopoly situation, NIE are the price makers, and we the consumers are the price takers. Therefore it is imperative that the regulator be allowed to do his job.

It has been estimated that if Northern Ireland's electricity prices had tracked those in Britain following privatisation, the consumer would be much better off overall. I tabled this motion because world energy and fuel prices are rising, and I have been led to believe that NIE are currently considering increasing consumers' electricity bills by about 9%. Also, there will be a 5% increase in April due to the climate change levy. It is imperative that this issue be addressed now.

**Mr Speaker:** Given the number of Members who wish to speak, and that interruption must come and the Question be put no later than six o'clock, I have no option but to restrict the time for speeches. Therefore I ask Members to limit themselves to six minutes each, with no longer than 10 minutes for the moving and winding-up speeches. There is also an amendment to be considered, and 15 minutes has been set aside for the Minister to respond at the end of the debate, before the winding-up speeches.

**Mr Beggs:** I beg to move the following amendment: After "electricity supply market" insert "and distribution system".

The electricity industry in Northern Ireland was privatised in the early 1990s, and concerns have been raised about aspects of that privatisation. European Directives governing the electricity internal market have been issued since then as well.

Given this background, I agree with Mr Byrne that there is a need to review the electricity supply market in Northern Ireland.

I start by commending the work of the electricity regulator in Northern Ireland, who has done a lot of work in highlighting failings in the current system and in trying to act on behalf of the consumer. I commend also the Northern Ireland Consumer Committee for Electricity for its timely briefing, which, no doubt, we have all received, and which contains some useful content for this time of the year.

The purpose of my amendment is to clarify the motion and ensure that any review would cover the electricity distribution system in Northern Ireland. What

I understand to be the electricity supply market is a relatively new arrangement, which has resulted in the largest electricity consumers, currently 32% of demand, being able to trade directly with independent generators. This has introduced a degree of competition between generators.

However, there is also a need to review the electricity distribution system in Northern Ireland. I welcome the fact that when moving the motion my Colleague used a much wider interpretation, and I commend him for doing so. I hope that the Minister will take on board that he is not speaking with a narrow focus, but on a much wider range of costs that impinge on the electricity supply industry in Northern Ireland.

According to OFREG, input into the 1998-99 transmission represents 39% of all costs to a typical domestic consumer. That is a very significant proportion. Also, the Northern Ireland Consumer Committee for Electricity has highlighted the fact that there is a growing divergence between the cost of electricity transmission and distribution of electricity by NIE and that incurred by companies in Great Britain.

For domestic consumers, the cost of transmission and distribution in Northern Ireland this year will be about 57% higher than for customers in England and Wales. The estimated cost by the end of the current control period will be about 2p per unit of electricity in Northern Ireland, compared to about 1.3p in Great Britain. This additional cost must be borne by the consumers.

The Northern Ireland Consumer Committee has highlighted that if, since privatisation, we had maintained parity with England and Wales, electricity consumers in Northern Ireland would have saved £200 million. We are talking about very substantial sums of money on the transmission side.

Although we are unlikely to match the transmission costs of England and Wales because Northern Ireland is of a more rural nature, there is still real cause for concern over the degree of divergence that has occurred. I will outline my areas of concern with the past distribution system and also on future possible conflicts of interests, and I hope that I will demonstrate that there is a clear need for a review of the distribution system.

In 1999, the director-general of OFREG in Northern Ireland advised that NIE had been allocated £301 million between 1993 and 1997 for capital expenditure but only spent £204 million on the distribution system. The net benefit was an additional £14 million profit to NIE shareholders. It is clear that this should not be allowed. If money has been allocated for upgrading the system, it should have been spent on that. It should not have ended up benefiting NIE shareholders.

Of course, there have been dramatic changes since a winter storm caused huge disruption to the transmission

system in Northern Ireland. I hope that this underspend will be unlikely to occur in the future, but, nevertheless, it should never have been allowed to occur in the first place.

I will touch on NIE profits. According to Viridian's annual report for 1999-00, NIE made a profit of £64.9 million in the transmission and distribution of electricity, with a turnover of £500 million. It is in a monopoly position, and the conditions in which it operates have enabled it to be one of the most profitable Northern Ireland companies. But what huge technological risks has it taken? How can it justify such high profits? What huge improvements has it brought to the system?

NIE is a monopoly distributor. It has a safe number of consumers and a captive market. According to business analysis, NIE investors have had a 28% return per annum. Its share prices have increased by 20% per annum, and a dividend of approximately 8% per annum is payable to them. It has been a very healthy business for NIE and its shareholders — at the expense of Northern Ireland's consumers.

That is in the past, but NIE's parent company, Viridian, has diversified into other interests. As I have said, NIE is a monopoly distributor in Northern Ireland and has access to details of the demand of all electricity users in Northern Ireland. That is potentially sensitive information. Viridian Power Resources, NIE's sister company, has decided to generate electricity at Huntstown combined cycle gas turbine (CCGT) station in the Irish Republic, so there is clear potential for a conflict of interests. Any review of the Northern Ireland distribution system must clearly address this. There must not be any conflict of interests with a monopoly provider of electricity.

Considering today's announcement that there is going to be a 9% increase in electricity prices in Northern Ireland, the need for a review of the electricity supply market and of the distribution system becomes more urgent. I urge everybody to support my amendment.

**Mr Shannon:** We all agree that electricity prices in Northern Ireland are too high, and the consumer falls for it every time. That is the real issue. Perhaps the Members who moved the motion and proposed the amendment can come together on the thrust of the issue and find accommodation.

This issue hits the pocket of every household in Northern Ireland, and it is a topic very much in the public domain. Consumers in Northern Ireland face stiff charges for electricity. They are forking out about £2 million more than the United Kingdom weekly average for their light and power. We have already heard the statistics. To put it into perspective, it is £3.10 extra for each household in Northern Ireland each week. Over a year, that adds up to a substantial amount.

Is it any wonder that consumers are considering alternative methods of power and heating? Is it any wonder

that gas is making inroads in the Greater Belfast area? Phoenix Gas is an alternative method that is available in my borough. Many people are considering that option because the prices are much lower. People are constrained and focused upon the price and the bills that they have to pay.

The people who suffer most from the price increases are those who can least afford them — the elderly, single parents and families on low income. Very often they are also the people who use the most electricity. The result is that many are facing the stark choice that the elderly have to face every year — purchase food or heat the house. They have to choose whether to buy food for the children, put extra coal on the fire, or turn the electric up. How do you make those decisions? The decisions are dictated by your purse.

As winter approaches, so does the possibility of confronting a subject that many try to avoid — hypothermia. Many senior citizens face this problem every day of the winter.

Figures show that consumers in Northern Ireland are charged much more for electricity than are all our European neighbours. The figures are in front of us. I had made arrangements to get the figures, but the information that we received in the post today indicates a real difference. We are paying approximately two and a half times the sum our European neighbours pay. Northern Ireland consumers also pay more than the average prices in England, Wales and Scotland. Why do we pay a whopping 9.43p per kilowatt? That is the question we are all asking.

*4.30 pm*

Perhaps one way of alleviating the price difference is to be more energy efficient, but I know that NIE has tried to do that. Those are things that we can do. At a fuel poverty show in the Long Gallery we saw people's ideas on energy efficiency. NIE could spend more and make more money available, through loft insulation, hot water tank insulation or whatever. Those measures would help, but they would only partially address the issue. If the cost of electricity is still above the national average, the problem of price is still crucial. Full domestic competition is available on the mainland, but not in the Province — only 26% of the market is available and open. There is little chance of our having an alternative supply from another electricity company, because the source has to come through NIE. That concerns us.

There has been much discussion about a two-tier tariff system. That could also address some of our problems. If there were a lower charge for essential power and then a higher charge for non-essential power, as in England, that could create an incentive for customers to use their electricity more wisely. In England consumers have not been disadvantaged. NIE should carefully consider that plan. Two thirds of Northern Ireland customers could benefit

from such a proposal, and the cost gap could fall from £25 million to £9 million. That is a significant differential.

We have been told that there may be some electricity coming in from Scotland. That may bring the price down. We are also aware of the possibility that the Republic of Ireland may supply electricity to Northern Ireland. A substantial and significant reduction could be made through those measures. At the same time there has to be a commitment from NIE to make the system work. At present, many customers — who are also our constituents — suspect that NIE could do more but is constrained by its shareholders. There is an onus on NIE to be more proactive in convincing customers that its primary concern is to supply a satisfactory service at a reasonable and equitable price.

**Dr O'Hagan:** Go raibh maith agat, a Cheann Comhairle. The motion is very timely — it has just been announced in the media that there will be another price hike — but it does not go far enough. We need to be radical, innovative and imaginative on the whole issue of energy, not just electricity.

First, we need to look at an all-Ireland electricity supply. It is illogical for a small country like Ireland, with a population of less than half that of many European cities, to have two electricity systems. That has resulted in gross inefficiency and the disparity in costs that we have today. An all-Ireland energy strategy makes sound economic and strategic sense. We should also examine the expansion of natural gas networks. At present, the networks on the island of Ireland are clustered on the east coast, to the detriment of people in the west. That does not create a level economic playing field. It is grossly inefficient that only some of the population benefit from alternative energy resources.

We also need to open up the potential for renewable energy resources — wind and wave power would be the most suitable. It is not an exaggeration to say that Ireland could export electricity if we harnessed it in that way. Not only would it make sound economic sense to use renewable energy resources in the long term, but it would also have a beneficial environmental impact. For example, Governments now have to adhere to the Kyoto protocol. It will also remove our reliance on fossil fuels. At present, NIE's ECO tariff is more expensive to use. NIE should make a firm commitment to eco-energy and the ECO tariff should be cheaper to use.

I was instructed by my party to propose to the Assembly Commission the use of wind turbines on the Stormont estate. The estate is the responsibility of the Department of Finance and Personnel, and the proposal is going through the Finance and Personnel Committee. I hope that the Department will look favourably on this option. However, there is no reason why, in the short term, the Assembly cannot transfer to the ECO tariff. By doing this, we would

be demonstrating a political commitment to eco-energy, and we would be setting an example in this field.

I support this motion. However, it does not go far enough, though it is good that these issues are being aired. Go raibh maith agat.

**Mr Neeson:** I support the motion and the amendment, but there is a certain air of unreality about this debate. As we debate the issue, NIE stands poised to increase substantially the cost to the consumers. It has been suggested that the increase will be by between 9% and 10% and it will cite the very high cost of fuel, particularly oil, as its justification for this. However, Coolkeeragh power station is the only station that burns oil to generate electricity nowadays. While Kilroot has the capacity to burn oil, it burns coal, and Ballylumford uses natural gas.

This issue of electricity energy costs has been ongoing for many years. In the 1970s there was over-dependence on the use of oil for electricity generation, and some changes were made as a result of putting too many eggs in the one basket. The real problem to be addressed nowadays is the absolute mess that was made of the privatisation of Northern Ireland Electricity. Not only were long-term contracts provided that were not in the interests of the consumer but, as I said at the time, the Northern Ireland electricity market was too small and there was no competition. That has brought about many of the problems that we face today.

NIE needs to scrap all its contracts with the generators. It should go back to the drawing board and develop contracts which will provide electricity prices in line with the total operational costs. As Mr Byrne pointed out, the overly high cost of transmission and distribution of electricity in Northern Ireland is one of the major factors that contributes to high consumer costs. I also agree with Dr O'Hagan's suggestion that we look not just at electricity, but at natural gas and other forms of energy.

I hope that people have come to accept that if we are to provide an energy distribution facility for the people in Northern Ireland, it must not just be provided on an all-island basis. While the introduction of the new Moyle interconnector has been opposed for environmental reasons, we must accept that we are now becoming part of a UK-based energy distribution.

The Enterprise, Trade and Investment Committee has been considering a number of energy issues and will continue to do that. We have worked hard on the proposed natural gas pipeline to the north-west, where Coolkeeragh would be the anchor tenant, so to speak, and would generate electricity through a combined cycle gas turbine.

Last week, I joined the Minister and Mr Beggs for the cutting of the first sod for the new power station at Ballylumford. It is important to create a level playing field, but I am irked by the suggestions coming from the Republic's Government that there should be a levy on

the gas flowing along the North/South gas pipeline, which will obviously provide resources for a new power station north of Dublin. The Republic of Ireland's Government are doing us no favours, and the Committee recently decided to approach them to ensure that the levy is not imposed. Such a levy could have a wide-ranging negative impact on the development of energy provision in Northern Ireland.

One of the Assembly's main aims is to increase investment in Northern Ireland. We will have energy prices that are substantially higher than those in other parts of the UK and in the Republic of Ireland, but it is vitally important that we develop prices that can attract the necessary investment.

Finally, I echo the praise for the work of the regulator.

**Ms Morrice:** I have listened with interest to Members' contributions. It was a shock to learn that electricity prices could rise by a further 9% in the coming months — by January, perhaps. I call that electric shock treatment. Do NIE's decision-makers have no understanding of the difficulties faced by their customers? I think particularly of those who cannot afford to heat their homes at present prices and are about to be hit with a further increase. I do not know whether the increase will take effect slap-bang in the middle of winter or at the end, but I know that it shows an incredible lack of sensitivity and understanding.

NIE claims that the rising price in Northern Ireland is a reflection of rising world energy prices. Why are NIE shareholders shielded from the rise, when NIE customers are forced to bear the brunt? I understand that profits of between £65 million and £70 million were made last year. In a normal market, if suppliers put prices up too high they price themselves out of the market and people go elsewhere. In this case that cannot happen because there is a monopoly on distribution, or at least on all but 32% of supply. Prices go up and up, and consumers can do nothing about it.

4.45 pm

But we can do something about it. That is why we are debating this issue today. Let us take this opportunity to show the people of Northern Ireland that, as their representatives, working together, we can do something for them.

So, what can we do? First, we can call on the Minister to review the energy supply and distribution market, as proposed in the motion and the amendment. We can, as Mr Byrne said, find a system to ensure that price controls are properly exercised through the regulator. We can, as Mr Shannon said, differentiate between the prices of essentials and non-essentials. We can insist, demand, cajole, and put pressure on NIE to adopt greater social responsibility to its customers and use its profits to

soften the blow of high energy prices, particularly for low income families. And we can, as Dr O'Hagan and Mr Neeson suggested, look at the issue of energy from a more strategic point of view, whether it be north, south, east or west, as well as renewable and alternative sources of energy — a vital component in this whole strategic plan.

Lastly, and perhaps most importantly, we need to promote energy efficiency and, above all, to protect those in need. I do not know whether this House is aware that in 1988 there were more than 600 deaths — they are called “excess winter deaths” — directly linked to the cold. That is an astounding figure. These are people who cannot afford to turn on an extra electric bar because the prices are so high. We have got to do something to combat that: it is a matter of urgency.

We need to research the cause of these deaths on a cross-departmental basis covering health, age, housing, and economic issues. We must not just accept a domestic energy efficiency scheme. We must go further than that and adopt a wide-ranging scheme with no limitations on age or income, particularly of those over 60. We need an adequate national fuel poverty strategy, combined with an overview of energy prices and all the other issues. Let us hope that the Minister will do that when conducting his inquiry.

**Mr Dallat:** Monopoly has been a way of life in Northern Ireland. It thrived during the long, dark days of direct rule when essential services stagnated and little changed. The storm of two years ago starkly illustrated just how critically ill the electricity industry had become. The same could be said of railways and other public utilities that suffered under the neglect of our absentee minders. We are now, I hope, in a position to address a range of issues critical to the emergence of a modern economy, finely tuned to compete with the rest of Europe. Electricity is central to that, so it is right that this motion should be debated today.

Historically, this part of Ireland was at the forefront of providing electricity. There is hardly a town or village that does not boast that it was among the first in Ireland with some type of innovative production of electricity. Today, of course, electricity is not a novelty or a luxury, but an essential service affecting every one of us, whether as individuals, businesspeople or employees. From the moment we are born until we finally depart, we are dependent on electricity in one way or another.

We have a right to be concerned about the cost of electricity and its impact on not only our personal lives but on the modern economy that we wish to create. Following the reunification of their country, the Germans treated provision of a modern electricity industry as their highest priority. Old, inefficient plants that were uneconomical and highly damaging to the environment were taken out of service and replaced with efficient new equipment. Wind farms strategically placed in the areas where they have least impact on the environment are playing a vital

role in ensuring that the electricity consumed comes mostly from renewable energy. That helps to redress the environmental cost of producing electricity and acts as an incentive for further development in the field.

The question of cost is critical to our attempts to enable existing industries to remain competitive and to attract new inward investment. Such attempts are already severely handicapped by the strength of sterling and the disincentives created by corporation tax laws. The development of a European grid that would create economies of scale and increase competition between providers is an objective that must be pursued with full speed. The integration of electricity supplies on the island of Ireland is a key element in the eradication of inefficiencies and duplication. We must create a cost-effective industry that is capable of playing the role required of it to allow the Assembly to oversee the rebuilding of an economy severely damaged by the troubles of the last 30 years. Indeed, gross inefficiency has been present in public utilities for much longer.

The motion goes to the heart of the issue. We are entitled to ask the British Government to recognise their responsibility to provide us with the resources to rebuild our infrastructure, just as German industry is being rebuilt with the help of generous contributions from the federal Government. The production and supply of electricity at a reasonable cost is central to our objective.

**Mr Poots:** I welcome Mr Byrne's motion and the amendment moved by Mr Beggs. I understand that they have come to an agreement about the motion. The Democratic Unionist Party will support whatever the Members have agreed. It is good to see that not all members of the SDLP suffer from the Dallat syndrome and can put forward practical and useful motions.

**Mr Dallat:** You are very smart.

**Mr Poots:** Well, I shall deal with Germany later on, perhaps. We know that the Member had a good time there last week as he mentioned it three or four times in his speech.

I shall return to the matter in hand. In Northern Ireland the costs of energy use are higher than in any other part of the United Kingdom. Households here expend 15.7% of their budget on energy use, as opposed to 12.5% in the rest of the United Kingdom. Northern Ireland householders spend 7.7% of their budgets on electricity, whereas in the rest of the United Kingdom it is only 6.3%. So, for the ordinary man and woman in the street, the senior citizen or the family with young children, the cost of electricity is a higher component of their living costs than for those in the rest of the United Kingdom. Northern Ireland was sold short in the privatisation Bill that was brought forward by Sir Richard Needham. I had a wry smile last week when I heard Richard Needham telling us about the benefits of moving into the Euro zone. I thought of the fiasco that

he organised then and the prices that we now have to pay as a result.

Such high prices affect families, pensioners and other ordinary consumers, but they also have a damaging effect on industry in Northern Ireland. Companies such as Michelin and Montupet agree that electricity costs have a detrimental effect on their output and sales.

It also has a downside. When the IDB tries to sell Northern Ireland abroad, companies with high electricity usage look at the cost of energy in Northern Ireland and compare it to that in Portugal, Spain, and other European countries. They say "Hold on a minute — the price of energy is very expensive in Northern Ireland", and then consider setting up in other countries.

The increase of around 9% announced by NIE is shocking, and it is important that this House unite to say that it is not acceptable. It is not acceptable practice, and it is not an acceptable policy. Having said that, privatisation has put NIE in a position to do such things. Recently I looked through a book listing the top 100 companies in Northern Ireland. The most profitable company was NIE — or Viridian, or whatever it wants to call itself. Premier Power was eighth, and NIGEN was tenth. Three companies involved in electricity are among the top ten most profitable companies in Northern Ireland. That says a lot when consumers are suffering as a result of the cost of electricity.

Some time ago the regulator began looking at electricity generating costs and how they could be addressed. I understand that an arrangement has been agreed for Ballylumford power station, which could reduce the cost of generating electricity there.

During the last two years there have been proposals for Kilroot that would significantly reduce costs, certainly in the short term. The Minister has to make the call on that matter. A decision has to be made — it is one that could significantly reduce costs and benefit our community — and it concerns the proposal to burn ore emulsion in Kilroot. The Minister has to make that call, and there will be an environmental impact. There is also the long-term aspect in that the deal *in situ* will run out in 2016, whereas a new deal for Kilroot would continue until 2025. The advantages to be gained now must be weighed against possible future disadvantages.

As regards the environmental impact, burning Orimulsion with a proper flue gas desulphurisation process would significantly reduce the emissions currently produced by Kilroot power station. While it would not be as beneficial as combined cycle gas turbine transmission, it would be more beneficial than the coal burning system currently in use at Kilroot. There would also be a significant reduction in costs up to 2016, compared to those we currently face. The Minister has some room for manoeuvre, and we look forward to an early outcome.

With respect to Viridian, the Minister must use all his pressure to bring it to heel and reduce the cost of electricity to consumers and to industry.

**Mr McMenamín:** I thank my Colleague Mr Byrne for moving this very important motion. For the life of me, I cannot comprehend how consumers on low income can afford to heat their homes. On average, the cost of electricity is 20% higher in Northern Ireland than in England. This is a major issue, which needs to be addressed seriously.

Electricity costs make possible investors think twice about where to locate industry. My constituency of West Tyrone and all areas west of the Bann can offer no alternative to oil — at least Greater Belfast can offer gas to industry. The cost of electricity in the Republic of Ireland is 50% lower than in the North, and that may be one reason why its economy is booming.

5.00 pm

A considerable number of Housing Executive tenants heat their homes with the Economy 7 system. This type of heating can be costly if not used properly, and residents living alone can find it impossible to heat their homes properly. The average expenditure on lighting and heating is 6% to 8% of household income. Lone pensioners need to spend an average of 23% of their income on heating. However, they are more likely to underspend on fuel because they cannot afford the expense and want to avoid debt. For every degree centigrade drop below the winter average, there is a corresponding rise of up to 8,000 deaths in Great Britain.

Another major problem is the threat of disconnection. It can cause untold anxiety to young mothers with children and to senior citizens. I appreciate that there are several ways to pay the outstanding bill before disconnection, but sometimes the householder might be ill or disabled and have difficulty in paying.

My constituency of West Tyrone is a rural area, and electricity charges can be crippling to small farmers. Young married couples with a mortgage, who have never been mentioned in these equations, can also find these costs crippling — a major burden on their income and a factor in their outgoings.

Landlords who own flats and install their own meters for individual flats can charge whatever they want for a unit of electricity, and it is generally higher than the normal tariff charged by NIE.

One way of easing the burden of electricity charges might be to remove the standing charge that is applicable to all households in Northern Ireland. I ask for a special task force to be set up to examine the issue. I also suggest that charges be restructured to target social need in all areas of Northern Ireland.

I support the motion.

**Mr Paisley Jnr:** I add my voice to those who have congratulated the Member for West Tyrone for bringing us to a very happy occasion of both a substantive motion and a proposed amendment before the House, with which we can all agree. Like my Colleague from Strangford, I hope to be able to come to an agreement about the final motion. Then we can send out a clarion call that we are opposed to what NIE is doing to Northern Ireland and electricity prices in the Province. We need to be certain about the signal we send from the House. It is good that we have that agreement, and I hope we can finalise that by the end of the debate.

One comment with which I disagree was made by Ms O'Hagan. She said that she was opposed to having two systems of electricity power and distribution on such a small island. Her suggestion that we create an even bigger monopoly on the entire island of Ireland is something that I hope the House deplures. That would do even more harm to the consumer and undermine further the consumer's rights. I hope that the House will knock on the head the bad economic case that she constructed. It would not make any economic sense at all.

Competition in this field is what is required. Failure to have real price competition is what has caused some of the consumer's problems. That is also one of the reasons why Mr Byrne has brought forward this motion. We do not have the necessary price competition to give the consumers what they deserve.

Like all other Members who have spoken in this debate, I am deeply disappointed by how NIE has acted today. It appears to have wanted to get its blow in first, saying at lunchtime today, before this debate and in the knowledge that it would take place, that prices are to be hiked. That is disgraceful and is not only a snub to this place and to elected representatives from across Northern Ireland who have found agreement tonight, but also an insult to the consumer. NIE should reflect upon its actions and realise that it is in the dock tonight and is being held accountable and found wanting.

I believe that the sooner it wakes up to that reality and start to reflect the needs of the consumer, the better for this society.

We have heard questions from right across this House tonight. Why is it that electricity prices are considerably lower in other European member states? Electricity is generated there in the same way as it is generated in Northern Ireland. In Scotland, prices are about 14% lower than in Northern Ireland. In Spain they are over 50% lower than in Northern Ireland.

Why is it that in Northern Ireland such an inflated price is put on a necessity? As other Members have said, electricity is not a luxury — but a vital utility for the entire community. The reason cannot be the price of crude oil, because crude oil is the same price in the Republic of Ireland and Spain as it is here. It is due to

other issues, and I suggest that one of them is the way in which the industry is structured here. Indeed, Mr Neeson said that the structure of NIE privatisation is the error that lies at the bottom of this problem. I agree with him on that point. I believe that the structure of the industry is wrong, and it goes back to the mismanagement of privatisation by Sir Richard Needham.

The House should reflect very carefully on the economic advice that he is now purporting to give to people in Northern Ireland about the future of other parts of our economy. People should draw back from taking advice from that particular gentleman when we are living with the consequences of one of his most major decisions, which, as we can see, drastically affects the pockets of all our constituents.

NIE has been wrong in what it has done. It has been found to be wrong, and I hope that the Assembly will send out the clear signal that NIE must change its policy, that it must change its prices, and that it must favour the consumer, not the fat cat.

**Mr Wells:** I support the motion, but I think it is somewhat ironic that we are discussing this issue when the impact of climate change upon the world is becoming more and more evident. This time last year we might have thought that there could be terrible storms, droughts and other climatic upheavals, but that they would not affect us. They might affect Venezuela, Bangladesh, the Maldives or the Seychelles, but the United Kingdom would be safe. However, even as I speak, a large proportion of Great Britain is under water, and if the forecast is to be believed, the same will happen to a significant proportion of Northern Ireland.

The penny is beginning to drop that the main reason for this is the generation of greenhouse gases by Western society. We will have to learn that we cannot continue to pour vast amounts of these gases into the atmosphere and not pay a terrible price for doing so. We have to be very careful, because if we demand a price cut in electricity — and many of us feel that the price is too high in the Province — we will simply increase demand and the emissions into the atmosphere. The price cut has to be structured in such a way that it encourages energy conservation here — something that we, as a society, are extremely poor at. One of the suggestions that has been put forward is that we should target price reductions at those who are most in need — pensioners, the unemployed and the disabled. I would subscribe to that.

It has been suggested that the pricing for the first 5,000 or 10,000 units, for example, should be deliberately reduced to enable those who are the low users — the people who are on low incomes — to enjoy basic heat, light and other facilities. However, once one gets above what could be ascertained to be a reasonable level, price

increases would start to cut in to discourage people from wasting electricity.

I also believe that there should be greater emphasis on insulation and the conservation of energy in the Province. NIE is to be applauded — and perhaps this is one of the few bouquets that it will get this evening — for introducing the eco-energy tariff. This is a tariff by which consumers can buy electricity from a pool that is generated through environmentally friendly methods, such as wind power and wave power.

**Ms Morrice:** The Member mentions the eco-energy tariff. However, we have to pay a higher price for electricity under that tariff. Does the Member think that it would be appropriate for renewable and alternative energy sources to be subsidised so that we would be paying a lower eco-energy tariff and a higher price for other energy?

**Mr Wells:** The disadvantage in giving way to the Lady from North Down is that she steals the next point that one is about to make. That is exactly what has happened on this occasion.

**Ms Morrice:** Great minds.

**Mr Wells:** Great minds — what are they doing in the Women's Coalition?

It is unfortunate that the wrong signal has been sent out regarding the eco tariff. It is, in fact, 1.2p per unit more expensive than standard fossil fuel electricity. NIE should send out the correct signal to society and say "We will actually price that tariff at a lower or similar cost to the standard tariff." That would encourage more consumers to use eco-friendly electricity.

No matter what we do, we must be extremely careful with the private consumer and industry, because the last thing we can afford to let happen in this society, or anywhere else in Europe, is a rapid expansion in the use of electricity generated through fossil fuels.

I do not want to sound like a latter-day soothsayer saying "Woe, woe and thrice woe", but if what we have seen over this past few weeks is anything to go by, this Province, and the entire world, is facing an ecological catastrophe. We must devise some system that reduces the cost of electricity to those most in need, and one that encourages all of us, including the people who run this building, to conserve electricity and energy, but that also ensures our continued economic growth. This is a difficult issue, and I do not envy the decisions that the Minister has to make. One option is the adoption of Orimulsion as one of the fuels to be used in the Province for electricity generation. NIGEN has examined this, and it will lead to a reduction in greenhouse gases, but let us not rush into a knee-jerk reaction by saying "Cut prices". We have to think of the consequences to society, because we are doing no one any favours by giving them more heat and warmth at a cheaper price if they



are up to their necks in water as a result of flooding. Let us think long and hard before we go down this route.

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** We have had a very good debate. I thank the proposer for the motion and the proposer of the amendment for creating an opportunity for the Assembly to discuss seriously an issue that is of interest to almost every Member and our constituents.

When I took on this job, I was surprised at the extent to which my time was taken up by energy matters. I had not appreciated the amount of activity, given that the energy market is privatised. Nevertheless, a substantial amount of time is taken up because so many different things are currently happening in the energy field. Not only is there the question of the gas industry and how it develops, but there is also the question of the all-island market, and I will come back to that. There are questions relating to pricing and to Northern Ireland's competitive position alongside other European regions. There is the overall European dimension and a whole range of issues that I will try to cover in the time available.

Mr Byrne asked "Why do Northern Ireland consumers pay more?" This matter was brought up by several Members. We pay more because in Northern Ireland it costs more to generate and distribute electricity. Most of the plant is 20 to 30 years old and is inefficient. Until recently, the choice of fuels has been limited, although fortunately that is now changing.

5.15 pm

The competitiveness of the local industry and our ability to attract further inward investment are not helped by higher prices. They also impose an unacceptable burden on families with a low income, and Members placed great emphasis on that. However, I challenge Mr Byrne's comment that there is no coherent policy direction, because energy issues are referred to in the Programme for Government. I assure him that we are developing a policy to create a more competitive market.

We are in this position because a bad deal was made in 1989-90. We were given contracts that no one would enter into in the present circumstances. We are paying for the availability of plant and the generation of electricity. The cost of fuel is significant, and that is part of the price we pay. We have been wrestling, as has the regulator, with this unfortunate legacy. None of us wants it, none of us would agree to it today, but we are left to clean up the mess.

Mr Byrne said that nothing was being done about Kilroot, but I assure him that much has been done. Members have referred to several issues, including generation with Orimulsion, and I assure Mr Byrne that much time and energy has been spent on seeking the best options for Kilroot and the best policy framework in which the Department can help tackle the issue.

I accept the amendment put forward by Mr Beggs — a total review is a good thing. It is pointless to review parts of it, and I hope that we will be resolving the motion, as amended, at the end of the debate.

Many comments have been made about the monopoly situation and about the percentages of increases, and comparisons have been made with other regions. Some of the statistics were accurate, others slightly off, but the fundamental point has been grasped — we should not be in this position.

Regarding today's price announcement, the regulator does not have the equivalent powers, but we are planning to correct that. Great Britain has a Utilities Act 2000, and next year we hope to bring in a Bill to cover the utilities area and the role of the regulator. Members are unhappy, and this legislation will reflect their concerns. I had hoped to introduce this legislation in the first half of next year, but it is complicated. However, we will try to have it later next year if progress goes to plan. It would give the regulator specific powers for the generation section that do not apply currently in Great Britain, so perhaps the Assembly can make a difference.

NIE price increases are governed by the terms of the privatisation contract. The regulator has a role, and will have to examine the proposals. I will be paying close attention and will consult with the regulator. He will have to satisfy himself that there is economic justification for the increases.

This does not address the social questions raised. People involved with constituency work in Northern Ireland will know that we are in dire straits, particularly our senior citizens. Mr Shannon and others have made this point. We are concerned and horrified that 600 excess deaths are deemed acceptable. Changes in the social security system have reflected what can be achieved. Unfortunately, the Social Security Agency (SSA) has been slow to realise that Northern Ireland is starting from a much higher base. Many houses are poorly insulated, but alleviation schemes are in place. Many elderly people are huddled round small fires. In this day and age it is a terrible indictment on all of us that people are freezing to death in this country. The Assembly must address this problem.

The climate change levy, to be introduced in April 2001, will increase the equivalent of between 5.5% and 8.4%, depending on demand and load factors. The levy can be offset by a reduction in employers' national insurance contributions. Intensive energy users will also be able to take advantage of this, which will have some impact. There was a battle with the Treasury over the gas industry. We were partially successful in securing an exemption for the industry so that for at least five years it will not be subject to the levy. The new gas industry will be able to get off the ground and will not be penalised before it has a mature distribution system in

place. We also secured some additional assistance for the liquefied petroleum gas (LPG) sector, on which many people in rural areas are dependent. I welcome the fact that there is no time limit on that assistance.

Reference has been made to the potential for wind and wave power. Experiments are already under way, and local surveyors Kirk, McClure & Morton have been employed on behalf of the British and Irish Governments to examine the potential for wind and wave power on the island. The initial licensing has been granted for the first tranche of experiments, and we will continue to look at it closely.

Mr Neeson referred to the “mess” of privatisation and to the possibility of scrapping all business contracts, but it is not as easy as that. This is a difficult situation, but alternatives should be considered. I can assure everyone that we are looking at radical alternatives. The regulator has been struggling for the past few years to try to deal with the problem. When contracts are viable and lucrative, it is difficult to say to people “Show your social responsibility and let the people off the hook.” Private business does not operate in this way. Consequently, our method of dealing with the problem needs to be examined, and we are trying to produce radical proposals to alleviate the difficulties. I cannot say whether the Treasury will permit them or whether they will be viable. The Treasury earned twice the expected revenue for privatisation, and we are left paying the price.

Mr Neeson mentioned the levy being imposed by the Irish Government on gas. This is a huge issue which could potentially pose a threat to our ability to open the gas market.

Dr O’Hagan and a number of others mentioned the all-island issue. Even if one takes the whole island, the energy market is tiny. It makes sense only if one links up with Great Britain and, from there, to mainland Europe. That is what we are doing with electricity. The interconnector from Scotland will, we hope, be in operation by this time next year, and we wish to ensure that the gas supply between North and South is connected. Most gas comes from Scotland in any case, but the Corrib field off the west coast of Ireland must also be included.

In this way, we shall have a gas and electricity market that is genuinely open to competition. By next April, we hope to increase the proportion of the energy market exposed to competition to 35% for larger commercial users, the maximum we are allowed at present. However, that figure could grow, and I do not doubt for a moment that the European Union will eventually open up most of the market.

The question of transmission and distribution charges was raised by several Members, including Mr Byrne and Mr Dallat. After generation, they represent the largest single component of electricity costs. The regulator has

embarked on a transmission and distribution price control review, with new price controls coming into operation in April 2002. This matter is under close examination for I understand that our region requires a large number of distribution networks in isolated rural areas. Nevertheless, the amount of money is huge, and any review would have to take that into account.

Mr Poots represented the downside for the IDB. I could not agree more. It is not very nice trying to market this Province against a backdrop of high charges. That issue was raised by several Members.

Mr McMenamin, and others, raised the issue about areas west of the Bann where gas is not available. We must face the fact that there are, quite frankly, certain parts of the Province in which it will not be available. However, we must try to get it to those areas if we possibly can.

I am approaching the end of my allotted time. The Department has listened very closely to the substance of the debate, and officials are present and are taking notes. We shall take seriously what Members say, and I am committed — as the Programme for Government commits us — to reviewing the whole energy situation. It is almost a fundamental right, for one can do nothing in life or in business without it.

I wish to cover all issues, including distribution as well as generation. I assure the House that, together with the regulator, the electricity consumers’ committee and other interests, we shall actively pursue the review to realise our objective of achieving a competitive market whose prices give us a playing field level with that in neighbouring regions. That is one of my principal objectives for the Department.

**Mr Beggs:** I am pleased that Mr Byrne told me that he would be content to accept my amendment. I need speak no further on it. However, I understand that we are limited by procedures as to how the amendment can be incorporated.

**Mr Byrne:** I thank the Members who took part in the debate. I appreciate their comments about the timeliness of our discussing this issue. It is fair to say that there is a consensus that electricity costs in Northern Ireland are too high. People are asking why this is so.

The Minister has said the reason is privatisation, whose mishandling in 1992 has given Northern Ireland this high-cost relic. Several very good points were made about the high cost of electricity, particularly for low-income families and pensioners. Mr Shannon made a very strong point that NIE should consider some way of introducing differential tariffs relative to electricity use.

Other Members emphasised the handicap currently being experienced by Northern Ireland industry. I say to the Minister that if the climate change levy is increased in April, as scheduled, it will be imperative that this

Assembly try to ensure that Northern Ireland industry is not disadvantaged as it is at present.

5.30 pm

Mr Wells, Dr O'Hagan and others made strong environmental points. I fully agree that we need a radical examination of how we generate electricity. However, there is a real world and there is a make-believe world, and essentially this debate has been about the real world — how consumers are paying such a high charge for their electricity. There should be a radical appraisal of how we generate electricity in the future, and I concur with the general sentiments in favour of assessing alternative sources. I recognise that there has been an increase in one type of electricity generation in Northern Ireland, which is more eco-friendly, but the cost is prohibitive. In the short term we should not handicap domestic or commercial consumers as we have done to date. We have had seven years of high electricity prices; the issue has not been confronted. Therefore — and I say this to the Minister — we look forward to his bringing forward new proposals and working constructively with the regulator.

I am not blaming the current Administration and their Programme for Government. They are going to address the issue, and I welcome the statements made by the Minister in that regard. Consumers want this issue treated with urgency.

This afternoon's proposal by NIE to increase electricity costs by a possible 9% from January steps up the pressure. There has been some annoyance about NIE's making this announcement today. It does not concern me that much; it only adds to the debate and increases the urgency.

Mr Beggs moved a constructive amendment, and I fully accept its merits. The electricity market is not just about the generation and supply of electricity; it is also about its transmission and distribution. We have certainly heard a lot about the transmission and distribution costs that pertain here.

I am all in favour of economies of scale and of opening into a wider electricity grid, be it on an all-Ireland or on a European scale. The Minister has referred to the benefits that can accrue from the Scottish electricity interconnector; he is also trying to get a wider distribution of natural gas to other parts of Northern Ireland. Mr McMenemy, my Colleague from West Tyrone, and the rest of those of us who live in the west, have no alternative to electricity. This is a severe handicap. A potential industrial investor, thinking about

setting up in my part of the world, was put off because there was no available supply of natural gas.

This debate has been constructive and worthwhile. It is timely, and I welcome what all Members have said. Ms Morrice suggested we benefit from wider economies of scale and tap into the wider network of electricity generation and supply. All these points are welcome at this time.

Lastly, many Members paid tribute to what the OFREG regulator has done in Northern Ireland. He and his dedicated staff are paid from the public purse, and until now their views have largely been ignored. As this is a devolved matter, it is important that the Assembly address the discretion and area of competence of the regulator. This will allow us a real impact on electricity prices in Northern Ireland. The Minister referred to the Utilities Act 2000, which will come into operation in Britain in 2002. This piece of legislation will have at its core the duty of the regulator to protect the interests of the consumer.

Several Members referred to the need for balance between the interests of the shareholders of NIE — and, indeed, the power stations, — and the interests of the consumer. The consumer has no option but to accept the price that is determined by NIE. Therefore this Assembly must now in the short time that is left put its weight behind the regulator in the interests of social justice. There is no great desire for the Minister to establish a review group to report on transmission, distribution costs and the remaining Kilroot contract to the Assembly before the final proposals for the third price control are submitted in July 2001. These proposals will come into effect in 2002. I welcome what the Minister has said in this regard, and I hope that the 630,000 domestic consumers and 43,000 business consumers in Northern Ireland will reap some dividends from our deliberations. The only real issue is that time is of the essence, and it is in the public interest that these contracts be renegotiated.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

That this Assembly notes the high cost of electricity in Northern Ireland and calls on the Minister of Enterprise, Trade and Investment to examine and review the electricity supply market and distribution system in this region.

*Adjourned at 5.36 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 7 November 2000

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

*Members observed two minutes' silence.*

## ASSEMBLY: LANGUAGES

**Mr Poots:** On a point of order, Mr Speaker. Yesterday's statement by the Minister of Health, Social Services and Public Safety was made in Irish and English. However, the accompanying documentation omitted a paragraph of the statement in English, and that paragraph was also omitted when the statement was read out to the House. Can you give a ruling on statements that are made in Irish and English, to ensure that the full text is delivered in a language that everybody in the House understands?

**Mr Speaker:** I thank the Member for the question. Anything said in the House that is translated should be made available in full. I will look into the matter.

## ASSEMBLY: MINISTERIAL STATEMENTS

**Mr McFarland:** I want to raise a point of order under Standing Order 18, which deals with ministerial statements. The purpose of ministerial statements — certainly at Westminster — is to enable Ministers to bring urgent issues before the House. They are the exception rather than the rule. Our system seems to allow routine statements to be brought before the House. If they are routine, then, theoretically, they should be included in the programme of business. Yesterday, while sitting here with a Colleague — one of the Deputy Speakers — I noticed that he had a modified programme of business for today, which would take us through to 8 o'clock this evening. I did not pay much attention to it, but this morning I see that that programme of business has now been made available to Members. I am slightly worried that Members are the last to know about a modified timetable.

The difficulty is that we have all had to adjust our programmes for today because of ministerial statements that you knew about yesterday. Will you, Mr Speaker, and the Business Committee get together with the

Standing Orders Committee and the Executive to re-examine how we do business —

**Mr Speaker:** Order. I understand the point of order that the Member is making and wish to respond to it now. It would be inappropriate for us to enter into a long discourse on this matter. Someone should raise it directly with the Procedures Committee or the Business Committee. I would be quite happy to do so.

However, the Member has made a number of comments that I need to correct. First, statements are not unusual at Westminster. They happen every week. Indeed a complaint from the outgoing Speaker was that Ministers made not too many statements to the House but too few. The tendency nowadays is to make statements outside the House, which does not give Members the chance to respond, whereas Ministers are encouraged to make statements inside the House, where Members can ask questions. I do not believe that the Member's account of how it is in the House of Commons is correct.

Secondly, the note that the Member saw had not been circulated to all Members; it was loose guidance to the Whips — something that has been provided for quite a long time. There are various items on it, such as suggested times, but they are merely advice notes and do not have any particular standing. The Whips could tell you how frequently, to their despair, the information has to be changed.

Thirdly, it is not the case that ministerial statements are known for sure in advance. Often, for very good reasons, Ministers indicate that they wish to make a statement but, because of some change in circumstances, the arrangement has to be altered.

If it is becoming apparent to the House, including the Member who raised the question, that it is difficult to make sure that there is a degree of order in these matters, then the Member has provided a service to the House. It is extremely difficult to keep all of these things in order.

I will certainly undertake to raise with both the Business Committee and the Procedures Committee the Member's reasonable concerns. However, a point of order must relate to the Standing Orders that we have, and not to their alleged unsatisfactoriness. What we have is not out of order. Nonetheless, I accept that there are practical issues at stake.

## BSE

**Mr Speaker:** I have received from the Minister of Agriculture and Rural Development and the Minister of Health, Social Services and Public Safety notice that they wish to make a joint statement on the BSE inquiry report.

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I am grateful for the opportunity to advise the Assembly formally of the publication of the report of the BSE inquiry, known as the Phillips report. Nick Brown, the Minister of Agriculture, Fisheries and Food, made a detailed statement to the House of Commons on 26 October 2000, but this is the first opportunity that I have had to advise the Assembly of the report's publication.

The BSE report is a substantial piece of work, consisting of 16 volumes and some 4,000 pages. For that reason, it has not been practical to supply Members with individual copies. However, the report is available on the Internet, and Minister de Brún and I have supplied members of the Agriculture and Rural Development and Health Committees with individual copies of the two most relevant volumes of the report, along with a CD-ROM version of the full report. I will speak now about the agricultural aspects of the BSE report, following which Minister de Brún will deal with those aspects which more directly concern her.

The inquiry was commissioned by the GB Agriculture and Health Ministers and by the Secretaries of State for Scotland, Wales and Northern Ireland in 1997.

Its terms of reference were as follows:

“To establish and review the history of the emergence and identification of BSE and new variant CJD in the United Kingdom, and of the action taken in response to it up to 20 March 1996; to reach conclusions on the adequacy of that response, taking into account the state of knowledge at the time; and to report on these matters to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretaries of State for Scotland, Wales and Northern Ireland.”

The members of the committee were Lord Phillips of Worth Matravers (Master of the Rolls), Mrs June Bridgeman CB and Prof Malcolm Ferguson-Smith. The committee faced an enormous task. More than 1,000 people submitted written evidence. Some 140 public hearings were held, involving over 300 witnesses, some of whom were from Northern Ireland. The inquiry team sifted through about 3,000 files of contemporary official documents, including those relating to Northern Ireland. Against that background, Lord Phillips and his team are to be congratulated on providing such a comprehensive report — the outcome of almost three years of thorough investigative work.

The advent of devolution in Northern Ireland — as well as in Scotland and Wales — since the committee's work began means that it falls to the devolved Administrations

to consider the report's findings and to take appropriate action.

The report makes a significant contribution to our understanding of BSE, how it emerged and its tragic consequences for the new variant CJD victims. It catalogues the action and inaction of the Government of the time in their response to the emerging crisis. It does so with balance, and it recognises that hindsight should not be a factor. The history of BSE, the emerging science and CJD linkage unfold through the events outlined in the report.

The inquiry report concentrated on the way that policy measures were developed; delays in taking action at various points in the BSE story; concerns at how messages about BSE were conveyed to the public; Government expectations of their scientific advisory committees; enforcement of BSE controls; matters relating to cosmetics, medicines and occupational health risks; concerns about communications failures between Departments; and a collective failure to revisit key scientific assumptions about BSE on a sufficiently regular basis. It highlights the key lessons to be learned, and it is important for the Assembly to identify those. The main message is that animal health and disease issues are no respecters of geographical boundaries.

The inquiry has been a necessary process. CJD victims, their families and carers are owed an explanation. The food and farming industries need to understand what happened. The report will help us to learn the lessons of the BSE crisis.

The first area that the committee looked at with regard to Northern Ireland was whether it was right for Northern Ireland to look to London to take the lead in combating BSE. The report concludes that it was. The second area related to whether the then Department of Agriculture for Northern Ireland was sufficiently rigorous in its approach to the enforcement of the BSE control measures. The report concludes that the over-reassuring line taken on BSE in Great Britain was mirrored here, but there is no evidence to suggest that it led to any laxity of enforcement in Northern Ireland.

The third area related to an aspect of which different line was taken in Northern Ireland, the notification requirement for cases of BSE in cattle. Notification in Northern Ireland was made compulsory some five months later than in Great Britain. The report concludes that, while it may have been prudent to keep in step with Great Britain, the delay was reasonable in the circumstances and unlikely to have led to cases being missed.

We also differed from Great Britain in the introduction of the ruminant feed ban, in relation to which Northern Ireland acted later than Great Britain. The committee asked whether the delay was reasonable and whether it contributed to the prolonging of the epidemic in Northern Ireland. The report concludes that, with

hindsight, it would have been preferable not to have had the delay, and that it may have contributed slightly to the 1,710 BSE cases which occurred between 1988 and 1996.

10.45 am

Nevertheless, the report states that the decision to delay the imposition of the ban in Northern Ireland was not unreasonable. The report considers whether Northern Ireland should have argued for an independent animal health status, as opposed to being linked with the United Kingdom position, and concludes that Northern Ireland was correct to follow the overall UK line.

Finally, the committee looked at the contention made by some that Northern Ireland's animal health computer system helped to alleviate the effects of the BSE crisis in Northern Ireland. The committee agreed with my Department that, although the computer system was helpful in facilitating the early resumption of beef exports from Northern Ireland, it had no effect, during the period in question, on the progress of the disease.

Overall, the fact that the report does not criticise the actions of any Northern Ireland Minister or official is, to some extent, cold comfort. The impact of the BSE crisis on Northern Ireland has been profound. In particular, I would like to express my sympathy to the family of Maurice Callaghan, who was one of the earliest victims of vCJD. I am sure that other Members would wish to be associated with that expression of sympathy. For the Callaghan family, that was an obvious personal tragedy.

The BSE story has, of course, had other implications. One thousand eight hundred cases of BSE have been identified since 1988, resulting in the slaughter of 2,300 animals and the payment of £1.6 million in compensation. However, the effects go much wider than that and include lost beef export opportunities, damage to consumer confidence in beef and other meats, and the impacts on other sectors which have had to shoulder the burden of tight controls. All those things have had a serious impact, particularly on the lives of people in the rural community.

The Government have announced that they are to review in detail the contents of the report, and my officials — together with those from the other devolved Administrations and from Whitehall — will be fully involved in that process.

I shall end by setting out some of the action that has been taken by Government in the period following that covered by the inquiry. In 1999 the UK Food Standards Agency (FSA) was created as an independent body charged with guarding public health in food matters. The FSA, which is accountable to the Northern Ireland Assembly for its work here, recently published its draft review of BSE controls. Subject to confirmation shortly, that draft review will not propose any change to the existing control measures that the FSA considers sufficiently robust to allow the public to consume UK beef with

confidence. The FSA has a key role in protecting health and in giving sound information to the public. The agency is required to operate openly and that is an important factor in addressing some of the deficiencies identified by the BSE inquiry report.

Much work must now be undertaken to implement the remaining findings of the BSE inquiry. That work has already started, and I will ensure that it is accorded priority by my officials in the weeks and months ahead.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Mr Poots raised a point about my statement yesterday. Anything that was said in the Chamber in one language was also said in the other language, but, owing to an administrative error, a sentence was left out from the English written version of my statement. I apologise for the administrative error, and I have now circulated copies to Members. However, I assure Members that the statements given in the Chamber were exactly the same.

**Mr Speaker:** I am grateful to the Minister for referring to the matter. That is extremely helpful.

**Ms de Brún:** A Cheann Comhairle, tá mé buíoch as an deis a bheith agam le fáilte a chur roimh Thuairisc Phillips agus le seans breac-chuntas a thabhairt ar na bearta a rinne mé agus a bhfuil mé ag déanamh machnaimh orthu i bhfreagairt ar na léirmheasanna agus ar na moltaí sa tuairisc.

Rinne an tAire Talmhaíochta agus Forbartha Tuaithe tagairt do stádas na tuairisce anseo agus thug sí cur síos ar chuid dá príomhchinnnte. Cé go gcuireann an tuairisc bearta agus rúin rialtais maidir le ESB suas go dtí 1996 i gcroinic, titeann sé ar Airí cineachta anseo feidhm a bhaint as na ceachtanna a foghlaimníodh agus bearta a chur i gcrích le fulaingt na ndaoine sin a bhfuil an GCJ athraitheach orthu a mhaolú agus le fulaingt a dteaghlach a mhaolú fosta.

Chuir foireann an fhiosrúcháin ar ESB agallamh ar agus ghlac sí fianaise ó fheidhmeannaigh ghairmiúla agus riaracháin ón iar-Roinn Sláinte agus Seirbhísí Sóisialta lena n-áirítear an Rúnaí Buan deiridh agus athphríomhoifigh mhíochaine chomh maith leo sin atá ann anois. Ba mhaith liom mo bhuíochas a ghabháil le gach feidhmeannach a d'oibríodh don Roinn agus leo sin atá ag obair di anois a chuidigh leis an fhoireann fhiosrúcháin ina cuid oibre. Pléann an tuairisc rólanna agus freagrachtaí fheidhmeannaigh na RSSS, ach níl lochtú inti ar fheidhmeannaigh aonair na Roinne, nó go comhchoiteannta, ar bhearta na Roinne le linn na tréimhse a bhfuil scrúdú á dhéanamh uirthi.

Is é mo phríomhchúram sa tsaincheist seo ná an tragóid daonna atá ag teacht chun cinn i ndiaidh éifeacht uafásach na géarchéime ESB ar an chomhphobal feirmeoireachta. Galar meathlúcháin inchinne é an Galar Athraitheach Creutzfeldt-Jakob i ndaoine, agus creidtear

gur nochtadh don ghníomhaí ar faoi dear é ESB san eallach is cúis leis an ghalar. Is forbairt thromchúiseach sa tsláinte phoiblí í teacht chun cinn an GCJ athraithe, a mbíonn iarmhairtí uafásacha ann do na hÍobartaigh, ar daoine óga iad a mbunús, agus dá dteaghlai.

I am grateful for the opportunity to welcome the Phillips report and to outline the actions that I have taken, or am considering, in response to its comments and recommendations.

The Minister of Agriculture and Rural Development has already mentioned the status of the report here and described some of the main findings. Although the report chronicles the actions and intentions of the Government on BSE up to 1996, it falls to devolved Ministers here to carry forward the lessons learnt, and to implement action to help alleviate the suffering of vCJD patients and their families.

The BSE inquiry team interviewed and took evidence from professional and administrative officials within what was the Department of Health and Social Services, including the previous permanent secretary and the previous and current chief medical officers.

I thank all the departmental officials, past and present, who helped the inquiry team. The report discusses the roles and responsibilities of Department of Health and Social Services officials. However, it contains no criticism of individual departmental officials, or, collectively, of the actions of the Department during the period under consultation.

My primary concern is the emerging human tragedy following the devastating impact of the BSE crisis on the farming community. Variant Creutzfeldt-Jakob Disease is a degenerative brain disease in humans, which is believed to be caused by exposure to the agent which causes BSE in cattle. The emergence of vCJD is a serious public health development with terrible consequences for victims, most of whom are young, and their families. The disease is always fatal, with the average duration of illness being 14 months. Currently, there is no simple, non-invasive diagnostic test for vCJD. Knowledge and techniques are improving and give hope that early diagnosis will result in appropriate care for patients. Sadly, at present there is no effective treatment and consequently no cure.

According to our latest information, there have been 85 cases in England, Scotland, Wales and here, most of whom have already died of the illness. There has been one confirmed case of vCJD here, and I would also like, as Minister Rodgers has done, to take this opportunity to extend my sympathy to the family of Maurice Callaghan.

There has also been one confirmed case in the South. As the incubation period for the illness is likely to be long, we cannot be certain about how many victims there will be in the future. The inquiry said that vCJD

victims and their families have special needs. My Department will be issuing guidance before the end of the month aimed at assisting health and personal social services to respond rapidly, in a co-ordinated manner, to the physical, social and psychological needs of vCJD patients and their carers, as they arise. In particular, the guidance focuses on the following: the identification of a key worker to co-ordinate care for patients and families, regardless of the setting in which care is given; the co-ordination of a care plan for the patient and support for carers; the need to adopt a flexible and creative approach to care that is responsive to the needs and wishes of each patient and family; the involvement of specialist palliative care wherever possible; and support for families caring for patients at home.

In the light of the emphasis that the report placed on the health care needs of variant CJD patients and their families, I am considering a number of additional components, including the availability of central Government moneys to fund care and the development of a managed clinical network. My officials are exploring those issues with colleagues in England, Scotland and Wales.

I am also considering, in consultation with England, Scotland and Wales, a number of options relating to ex gratia payments for variant CJD patients and their families. The legal advice is that there is nothing in the BSE inquiry report that requires Government to accept liability in such cases. However, in recognition of the suffering of patients and their families and the expense that they have incurred, there is a strong argument in favour of some form of ex gratia payment without prejudice to any court proceedings. Any proposals would have to be fully discussed and agreed with representatives of the patients. It is anticipated that any resultant costs would be met directly by the Treasury.

As the Minister of Agriculture and Rural Development noted, the establishment of the Food Standards Agency will be an important part of our response to the problems of food safety identified in the report. The agency will be a vital tool in ensuring that public health is safeguarded and in developing public confidence in the food that we eat. As I said yesterday, I am pleased to note that the agency is now in operation here.

I look forward to working closely with the Minister of Agriculture and Rural Development on these issues and on the other issues that flow from the report.

**Mr Gallagher:** I welcome the statements from both Ministers. The Minister of Agriculture and Rural Development said that work on the implementation of the remaining aspects of the inquiry was beginning. What steps are involved in that process and what measures have been put in place to safeguard public health?

**Ms Rodgers:** My counterparts in England, Scotland and Wales and I will be responding to the report's findings. My officials are considering those findings at the moment,



but the report runs to 16 volumes. There will be a preliminary Government response, probably in the new year.

Numerous safeguards are now in place. Cattle suspected of having BSE are compulsorily slaughtered and their carcasses incinerated, and milk produced by cows who are suspected of having BSE may not be used for human consumption. Specified risk material (SRM) controls prohibit the use of specified materials that are known to — or might, theoretically — harbour BSE, including imported beef, sheep meat, goat meat and certain other animal products. Bovine, ovine and caprine vertebral columns cannot be used to make products for human consumption; that applies particularly to mechanically recovered meat. Bovine meat that is over thirty months old at slaughter may not be sold for human consumption. Bones from cattle over six months that originate in this country may not be used in the manufacture of food or food products that are not supplied directly to the ultimate consumer; that would apply, for instance, to a restaurant. We are also setting up surveillance for BSE, ahead of the EU requirement to do so.

11.00 am

**Mr Paisley Jnr:** I welcome the publication of the report and the statement by the Minister of Agriculture and Rural Development. It is unfortunate that the Health Minister, in her opening comments, made a joke of these proceedings. This is a most serious and tragic matter, and it was turned into a farce and a play on language. I think that is very sad given the set of circumstances that we are dealing with today.

**Ms de Brún rose.** [*Interruption*]

**Mr Speaker:** Order. I will give the Minister an opportunity to respond as soon as the Member has completed his question. It is not possible to intervene during the question.

**Mr Paisley Jnr:** There is no doubt that BSE has had a devastating impact on our export beef trade, and the Agriculture Minister is still having to deal with a problem of immense proportions. The Health Minister is having to deal with a problem of unknown proportions — that must go on the record.

I wish that the matter could be put behind us, but I believe that that is unrealistic. It is clear that the Minister and the Department of Agriculture and Rural Development have in place the most rigorous standards which protect the beef trade and go towards assuring the entire industry that our beef is safe and, therefore, that consumers are also safe.

I welcome the announcement that the Department of Agriculture and Rural Development will be carrying out a review on the Phillips report, but I would like to know how much public money will be spent on that.

I would also like to ask the Health Minister how much will be spent on ex gratia payments to the victims of variant

CJD. What resources will her Department be putting into examining the problems identified in the report?

I would like to refer both Ministers to volume one, page 29 and the section referring to victims and their families. The report states quite clearly that the victims of variant CJD and their families have special needs which must be addressed. I would like to know how those special needs are going to be addressed apart from ex gratia payments. The Minister of Agriculture and Rural Development said that the Department here has not been found wanting in its actions, but that was cold comfort to the victims. People want to see a cure for this disease and want to find medication —

**Mr Speaker:** The Member has put a number of questions, and he has begun to make a speech on the issue. I am sorry, but I must ask the two Ministers to respond in the order they choose.

**Ms de Brún:** Given that I was specifically named by the Member in what I feel was a totally disgraceful way, I would, first of all, like to make it clear that I have made absolutely no joke of this. The Member is very aware that he is playing not only to the gallery but to the media, and he is misleading the public by suggesting that I have done or would do such a thing. It is he who is making a joke of this; it is he who is playing party political games with vital questions about public health. It is a pity he did not limit himself to real questions.

The Department will spend as much money as necessary to put in place proper public health. The population's health is paramount in what we will be seeking to do arising out of the recommendations and studies which we carry out.

It would not be appropriate to discuss, at this stage, possible amounts for ex gratia payments, but officials are looking at options — including the setting up of a trust fund. Discussions have already taken place between the Department of Health in England and the families, and it is hoped that agreement can be reached on such payments. I believe it is important that we consider the issue of ex gratia payments to the families of variant CJD victims in recognition of the devastating nature of the illness and the fact that the Government are their last resort.

As to the question of how special needs are to be addressed by my Department, I refer the Member to my statement in which I outlined point by point some of the ways in which we are issuing guidance in order to ensure that this is addressed.

**Ms Rodgers:** The question to me was about public expenditure. The Department of Agriculture and Rural Development will make available whatever public expenditure is necessary. Public health is a priority with my Department too, and whatever resources are required will be put to this use.

**Mr Ford:** I welcome the statements by the two Ministers and, from this corner of the Chamber, associate myself and my Colleagues with the expression of sympathy to the families of sufferers from variant CJD, not merely in Northern Ireland but in every part of these islands. With reference to the need for a synchronised approach to the common problems of animal and human health — which is a topic for the future and which goes far beyond the potential of BSE and goes beyond what we were talking about yesterday with regard to the Food Standards Agency — what exactly is being done by their Departments to co-ordinate those arrangements with other regions of the UK?

The Phillips report ignored the Republic because that was not part of its function. However, we must ensure the co-ordination of cross-border health, especially as the border is an even narrower channel for protecting health than the Irish sea is. In view of the recommendation of the urgent need for screening sheep for BSE because of the danger of its being concealed behind scrapie, what is being done to set in motion that screening process in Northern Ireland? This is important as there is an urgent need to ensure consumer confidence.

**Ms de Brún:** With regard to the need for a synchronised approach, the officials from our two Departments are working closely to ensure that the lessons learnt are tackled in a synchronised and integrated way. That is the case not only between the two Departments here but also between officials in England, Scotland and Wales. We also have arrangements in my Department on an all-Ireland basis. This would be one of the key elements with regard to the North/South Ministerial Council, and my participation in that will be directed at food safety issues. The Minister of Agriculture will deal with the aspects in her remit. Discussions between the officials in my Department are ongoing with the chief medical officers and both the North/South Ministerial Council and the Food Safety Promotion Board. Also, the Food Standards Agency and the Food Standards Agency of Ireland will combine with the Departments to ensure that this approach is fully integrated across all aspects of society and all Departments here.

**Ms Rodgers:** My answer to the first part of Mr Ford's question is that many meetings are taking place — sectoral meetings at North/South Ministerial Council level, at senior official level and at working level between the Departments across the water and here, North and South. Of course, more will be devised as we proceed.

As to the question of sheep, there is no evidence that BSE is actually in sheep, and what the Food Standards Agency was talking about was the need to establish the facts and, in the meantime, to take sensible precautions to protect public health. It also referred to the need to have a contingency plan to deal with the situation should it emerge that BSE is in sheep. Research work is

underway to determine whether the disease is present in sheep but, to date, has not produced such a result.

In the meantime, we already have controls to ensure that animals suspected of having bovine spongiform encephalopathy (BSE) do not enter slaughterhouses or get into the food chain. It is not possible to screen live sheep for scrapie or BSE, but we are setting up arrangements to screen sheep for genetic resistance to the diseases, so that that resistance may be bred into the national flock. We intend to co-operate with the Republic of Ireland on the eradication of scrapie from the island. The disease is, in any case, quite rare north and south of the border, and much rarer than in Great Britain. Finally, we are currently involved in the development of the UK contingency planning exercise.

**Mr McFarland:** I welcome the report and associate my party with the expressions of sympathy for the victims of CJD. It is fair to say that this crisis has caused enormous damage to confidence, particularly confidence in medical and scientific advisers. Aside from the sheep BSE issue, I notice that many countries in Europe are experiencing a fairly dramatic increase in BSE. What steps are in place to ensure that products coming into this country — since we cannot export — are checked, so that we do not have another crisis looming in the future?

**Ms Rodgers:** Exactly the same controls apply to products coming into this country as apply to products in this country. Those controls are strictly adhered to, and we have continuous monitoring and inspection of carcasses coming into the abattoirs. Our staff are there to ensure that the controls are in place and are working.

**Mr Bradley:** I also welcome the report, and I welcome the prompt action of the Departments of Agriculture and Health in bringing their analysis to the Assembly so soon after the report. Given that the report is a 4,000-page document, with an accompanying CD-ROM, I think that I will be reading it until after Christmas. I therefore welcome the analysis that has been given this morning.

Does the Minister accept the conclusion of the report that Northern Ireland was right to follow the overall UK line rather than argue for independent animal health status? Was that the correct procedure?

**Ms Rodgers:** I take it that the question is whether I agree with the report. I would be very reluctant to disagree with a report that has been so thorough and which has gone into such great detail on all aspects relating to this extremely serious matter.

**Mr Poots:** As a result of the BSE crisis, I believe that the Government took action in Northern Ireland to ensure that the most stringent measures were put in place for the production of beef. To some extent that has restored consumer confidence in Northern Ireland beef production. However, one of the issues mentioned in Ms Rodgers's statement was about delays in taking action at various

points in the BSE story. Very regrettably there have been deaths here and in other parts of the United Kingdom as a result of those delays. We also would like to convey our sympathies.

It is essential that Northern Ireland's stringent standards be applied to beef imported into Northern Ireland. I would like the Minister to confirm today — because I am not sure that she is actually saying this — that beef over 30 months old cannot be imported from the Irish Republic, and that Irish Republic animals that have had BSE cannot be imported into Northern Ireland. These matters are essential. If we cannot learn from our past problems and apply the same stringent standards to items imported into the Province, then we are in for a turbulent time.

**Ms Rodgers:** Is that a question?

**Mr Speaker:** Perhaps it would be helpful to the Minister if the Member were to put the question again.

**Mr Poots:** It was quite clear. Can animals over 30 months old be imported into Northern Ireland from the Irish Republic, which has a growing BSE problem? Can beef from those animals be imported into Northern Ireland? If so, what steps will be taken to prevent that happening?

11.15 am

**Ms Rodgers:** I apologise. I understand the question now. It can be difficult to figure out the question from the midst of a speech.

The position is that such animals are not used for human consumption in Northern Ireland. They cannot be used.

**Mrs E Bell:** I welcome the statements by the two Ministers. Will they assure the House that there will be a substantive and co-ordinated ongoing review of compensation to include future cases of variant CJD? The Minister of Health outlined the matter in her statement in a substantive way. May I ask the Minister what guarantees can be given to patients and their carers that their needs will be addressed given the problems of community care at the present time?

**Ms de Brún:** Serious consideration is being given to making ex gratia payments to families of victims. Legal counsel has advised that compensation is not appropriate but people are working diligently on the question of the options for making ex gratia payments to patients and their families. I will announce full details when discussions have been concluded and a final decision on the scheme has been made.

Given the expressions from all sides, the Assembly will also give careful consideration to the resources needed to ensure that the points that have been made will be taken account of and the needs of the families met should future cases arise.

**Ms Lewsley:** I would like to express my party's sympathy to the families and the carers of the variant CJD victims. I too welcome the report.

Does the Minister of Agriculture accept that the logical and best course to follow is to develop a single animal health regime for the island of Ireland? Close co-operation with the Southern authorities would give more direct control over animal diseases which have the potential to do serious damage to agriculture industry.

Considering the report I am assuming it will not affect her lobby to secure low incidence BSE status for Northern Ireland. Perhaps the Minister will tell Members how Northern Ireland beef compares to beef in other countries?

**Ms Rodgers:** There are two or three questions there. In relation to animal health I am pleased to inform Ms Lewsley that animal health is one of the issues which I have put on the agenda for the next North/South sectoral meeting with the Minister for Agriculture. I am aware of the all-Ireland nature of animal health because of our land border, and that is an important issue. Without the enhanced co-operation that comes from the North/South Ministerial Council the matter would not be as easily dealt with.

The other question was in relation to the implications of the report for the relaxation of the export ban. Was that the issue which the Member raised?

**Ms Lewsley:** My question was with reference to the Minister's lobby to secure low incidence BSE status for Northern Ireland.

**Ms Rodgers:** Critics will find grounds on which to object to our case if they wish, perhaps even on a political basis. Any fair-minded reader of the report will find it reassuring that Northern Ireland handled the BSE crisis properly at the time and produced effective controls.

We do have a genuinely low incidence of the disease. I sent that message to my European colleagues as recently as two weeks ago when I was at the Salon International de l'Agro-Alimentaire (SIAL) Exhibition in France. I had some meetings over there. I will continue to send that message and a reading of the report will give reassurance on just how strict our controls are and how we have reacted to the problem. It is hard to see that the report would be anything but helpful in our case.

As regards the difference between Northern Ireland beef and that from other countries, in my view, Northern Ireland beef is very safe. In fact, in relation to the ban on feed going to animals, we have a wider feed ban than other countries in Europe. I am happy to say that our very strict controls are effective in that regard. The fact that our incidence of BSE has gone down considerably to very low figures is an indication of that.

**Mr Gibson:** I thank the Ministers for their report today, and I particularly welcome the Phillips report. May I ask both Ministers what measures are being taken

and what research and monitoring is being done to ensure that there is no further transference of disease? Yesterday Mr McCartney referred to the introduction of sewage pellets as a means of ground fertilisation. What efforts are being made to ensure that there is no further transfer of disease to the human food chain?

What is being done by both Ministers to ensure that confidence is given back to a devastated industry? The Phillips report quite rightly points out that the farming community, and indeed the population in general, deserve a full explanation as to how this plague arrived. What are the Ministers doing to ensure that ingredients, whether from the rendering industry, or any other industry that supplies an ingredient that may enter the food chain, are sterile and inert and cannot carry disease? The rush for cheap and easily produced food products is always a threat, and therefore I ask both Ministers to say what they are doing to ensure that monitoring is effective.

I represent a rural area that has been devastated due to this plague, and one of my constituents suffered a very long and lingering death. That constituent, a child evangelist, was probably the least likely person to contract the variant of BSE. Is that family, after 17 months of attending hospitals and looking after their dear one, not being insulted by the paltry ex gratia payment? I ask the Ministers to treat this case as it deserves. I would expect them to be honourable in these payments.

**Ms Rodgers:** I will take my part of the question and let my Colleague take hers.

I thank Mr Gibson for his question. First, he asks what efforts are being made to ensure that this never happens again. I have referred to some of those efforts, in my speech and in my responses to some of the questions. The Food Standards Agency is there to ensure that it never happens again. The spongiform encephalopathy advisory committee is continually monitoring the situation and giving scientific advice. We will always look at what more can be done and will be guided by the scientific advice and by our own information at ground level. Rendering is also covered in our monitoring processes and controls.

In relation to restoring confidence, I can only say that my Department is doing, and will continue to do, everything possible to ensure food safety, and we will look at what more can be done. We will be open and honest about the situation, as I have been today and will continue to be, and we will let the public know precisely what we are doing and how we are doing it. Nobody can ever guarantee that something will never happen again, but we are doing everything we can to ensure that the human tragedy of Creutzfeldt-Jakob disease will never affect another family.

**Ms De Brún:** My Department contributes to the research funding for CJD, along with health Departments

in Great Britain — there is a very extensive research programme. The CJD Surveillance Unit in Edinburgh also monitors the disease, and clinicians here refer matters to it to ensure that all possible connections are made. The Food Standards Agency has been reviewing current BSE control through public meetings since April 2000. The most recent open meeting was held in London on Thursday 2 November. The Food Standards Agency will submit a published report to Health and Agriculture Ministers in Westminster, the Welsh Assembly, the Scottish Parliament and this Assembly. The report will take account of the report into the BSE inquiry. The agency's review will include a revision of the main measures employed to protect the public against BSE variant CJD via the food chain and will consider both the adequacy of the measures to protect public health and their proportionality to the assessed risk.

From my opening statement and comments, Members will appreciate that we recognise that there is a very strong argument for making ex gratia payments to families in recognition of the devastating effects of the disease on patients and their families.

**Ms Hanna:** I welcome the statement from both Ministers. I ask the Minister of Agriculture and Rural Development how exactly the report will be developed and its findings implemented to prevent the development and to control the presence of this awful disease. We are all very aware that, at present, there is neither an effective treatment nor a cure.

**Ms Rodgers:** We will take the findings of the report forward and produce responses to them in conjunction with my colleagues in England, Scotland and Wales. At the moment, officials are considering in depth the findings of the report, and there will be a preliminary Government response, probably in the new year. It is a very lengthy and broad report, and we are treating this as a matter of urgency and gravity. There are many lessons to be learned from the report and, to do it justice, we will need to study it in depth and discuss it with officials in England, Scotland and Wales in order to produce a response.

**Mr Speaker:** If Members wish to ask questions they must let us know in advance. Otherwise it is extremely difficult to manage the situation.

**Rev Dr William McCrea:** I did indicate to you, Mr Speaker, that I wanted to ask a question, and you nodded your head in my direction. Anyway, I am happy that you let the question in.

I accept the debt that we owe to Lord Phillips for the report on a very serious situation. Nobody could fully understand the pain of those who have suffered or are suffering from CJD. Neither can anybody fully understand the pain suffered by members of the farming community and families, bearing in mind that, almost overnight, a very vibrant industry was turned into a total disaster.

Many farmers are on the verge of bankruptcy; and some are floundering in bankruptcy itself.

11.30 am

The Minister of Agriculture and Rural Development has rightly stated that her Department and its predecessor handled the crisis appropriately and produced effective and efficient measures. We owe the officials in that Department our appreciation for their work.

It is important that we have all the facts. As the Minister promised to give the people of Northern Ireland the facts for the future, can she tell the House and the people of this Province how many infected animals have been identified in Northern Ireland in the past 12 months, and how many in the Republic of Ireland? Is it not a fact that Northern Ireland's quota proved the lowest in the whole of Europe, while statistics for the Irish Republic tended towards the highest? As our community must be protected so that we have neither victims of the disease nor a continuation of BSE, how will the Minister prevent infected animals from the Irish Republic coming into the food chain here?

**Ms Rodgers:** Last year we had six cases of BSE, and so far this year we have had 16. That is not a cause for concern. As we reach the final tailing-off of the disease we will not have a straight, linear decrease; the graph will fluctuate — up one year, down the next. However, the incidence of the disease here is well below the recognised threshold for low incidence status. As far as I know, Northern Ireland does not have the lowest BSE incidence in Europe, nor does the Republic of Ireland have the highest. I am not the Minister of Agriculture for the Republic of Ireland, but I will get the figures for the Member. At this moment, I do not have that information.

However, as I have already assured Mr Poots, I can remind Members that animals coming here from the Republic will not be available for human consumption if they are over 30 months old.

**Mr O'Connor:** I address my question to the Minister of Health, Social Services and Public Safety. In some of the most recent cases of CJD, sufferers have been somewhat older than before. As dementia has similar symptoms, in some cases their illness has been misdiagnosed. Are statistics available to illustrate the depth of this problem?

**Ms de Brún:** The elderly patient to whom the Member referred was not suspected of suffering from variant CJD in his lifetime, but a post-mortem examination proved that he had the disease. There is little evidence to date of cases of variant CJD having been missed, but we cannot rule out the possibility that some illnesses among the elderly were misdiagnosed. The case of the 74-year-old patient in England emphasises the importance of this case, and it also underlines the need for diagnostic vigilance, whatever the age group.

One of the gaps in our knowledge about variant CJD is the extent to which people may have the disease, or may be incubating the disease, but have not yet shown the symptoms. However, it is something we are aware of and are concerned about.

## PLANNING (COMPENSATION, ETC) BILL

### Second Stage

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

That the Second Stage of the Planning (Compensation, etc) Bill [NI 7/00] be agreed.

This Bill repeals various compensation provisions in the Land Development Values (Compensation) Act (Northern Ireland) 1965 and the Planning (Northern Ireland) Order 1972. It also corrects the drafting error in the Planning (Northern Ireland) Order 1991. Similar compensation provisions were repealed in Great Britain in 1991.

It will help to explain the purpose of this Bill if I first set out the background of the provisions that are to be repealed and amended. By far the most significant of these provisions are contained in the Land Development Values (Compensation) Act, which for simplicity's sake I will refer to from now on as the 1965 Act. Before the introduction of this Act the position in Northern Ireland was that compensation could be paid for refusal of planning permission or for permission granted subject to conditions.

In recognition of the fact that the planning system was for the benefit of the wider community, and not just for an individual, the Government at that time decided that they could no longer justify paying out such compensation indefinitely, especially when land values had been largely created by the actions of the state rather than the individual. Parts I and II of the 1965 Act sought to establish a system of compensation which placed a once-and-for-all development value on land as determined at a fixed date. The fixed date was 25 February 1963. The system worked like this. Part I of the Act required a landowner who believed that his or her land had a development value to apply to the then Ministry of Development for a determination of that value. All applications had to be submitted by 4 February 1968. The calculation of the development value was based on the difference between the unrestricted value of the land on 25 February 1963, and the restricted value on the same date.

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

The unrestricted value was simply the value of the land, taking account not only of its existing use but also of any potential land value for a more profitable or new development. The restricted value was the value of the land with existing use only. Schedule I of the Act defined existing use development. All other development was to be regarded as new development. An area plan was given a development value only if the unrestricted value exceeded the restricted value by 10% or more.

Part II of the Act mainly provided for the assessment and payment of compensation. To make a claim, four criteria had to be satisfied: first, the land in question had to have a development value, determined under Part I of the 1965 Act; secondly, a permission for new development had to have been refused or granted subject to conditions; thirdly, the value of the land had to have depreciated because of the refusal or conditional permission; and fourthly, no compensation had to have been paid in respect of the land under previous planning legislation. If these criteria were satisfied, a claim could be paid, but it was restricted to the development value previously determined under Part I of the Act, which was calculated at 1963 prices.

Given this restriction, and to offset the effects of inflation, it will come as no surprise to Members that most claims were made and paid in the 10 years or so following the date on which the Act was passed. It has been some time since any payments have been made under parts I and II of the Act. We do not believe there are any significant outstanding claims under these parts, and they are now regarded as obsolete and ready to be repealed, with one exception. Part II of the Act also provided for the recovery of compensation by the Ministry if new development was later permitted on the land in question. I believe that it is appropriate for the Department to continue to recover compensation in these circumstances, and this provision will be retained in the Bill.

I will move on to part III of the 1965 Act and, in particular, to section 29. The section stands separate from parts I and II, and provides for compensation to be paid

“where a planning application for development, other than new development, is refused or permitted subject to conditions, and where the refusal or conditional permission results in the depreciation in the value of the land”.

As I have explained, development other than new or existing use development is defined in schedule 1 to the Act. The definition has several parts, and the part that has given rise to all recent payments by my Department concerns a refusal to permit the rebuilding of any building that was in existence on 4 November 1965 or was destroyed or demolished in the five years before that date.

Section 29 was regarded as an exceptional clause to provide for compensation on the rare occasion when an application for existing use development was refused. No part I development value determination was needed to claim under the section and payments were at current values. However, planning policies inevitably change to reflect the needs of society, and what may have been regarded as “existing use” in 1965 is hardly so 35 years later. Section 29 has long ceased to be an exceptional clause. It is used all too frequently and has resulted in annual payments of around £100,000 by my Department for the past 10 years. The trend is very much upward and current liability could be as high as £2 million. There is no justification for continuing this drain on

public funds, when the general principle behind modern planning law is that compensation is not paid when planning permission is refused.

This is the position in the rest of the United Kingdom. Moreover, the refusals have little to do with replacement buildings, which a number of Members are concerned about. In many cases where claims are made under the rebuilding criterion set down in schedule 1 to the Act, the original building no longer exists in any recognisable form, and has lain derelict and unused for many years. There is also a growing suspicion that section 29 is being abused and that planning applications are being made for the sole purpose of attracting compensation. I will speak more on this later.

I propose to repeal section 29, although, as with part II compensation, I propose to retain the right to recover payments already made where development is later permitted. The Bill will also repeal article 64 of the Planning (Northern Ireland) Order 1972. The Order provides for

“compensation for a refusal of consent for alteration or extension of a listed building where the alteration or extension does not constitute development for the purposes of requiring planning permission”.

It makes little sense to pay compensation in respect of a control that was introduced to protect listed buildings. This is also the position in the rest of the United Kingdom, where similar provisions were repealed in 1991. There are no records of any payments under article 64.

The final purpose of the Bill is to correct a minor drafting error in the Planning (Northern Ireland) Order 1991, a cross-referencing error in article 121 relating to rights of entry.

The application of the Bill as outlined in clause 4 provides that those parts repealing existing compensation provisions

“shall apply to applications for planning permission or listed building consent made on or after 23 October 2000”,

which is the date on which the Bill was introduced in the Assembly. After the Bill becomes law, no claim for compensation will be paid when planning permission or listed building consent is refused for planning or listed building consent applications made on or after 23 October 2000. All other claims, including those already in the system, will be processed as normal under section 29 of the 1965 Act.

It may seem odd to introduce these provisions in this way. However, the reasons for doing so are justified. In Great Britain, where similar provisions were repealed in 1991, the legislation was made effective for planning or listed buildings consent applications received on or after the date on which that Bill was introduced in Parliament.

The purpose of such action is to avoid a situation in which the Department is inundated with applications between the date of introduction and the date on which

Royal Assent is granted for the purpose of securing compensation before the Bill becomes law. I decided not to consult on the Bill to avoid a similar situation arising with such applications. I did, however, discuss it briefly with the Environment Committee. My Department's liability under section 29 has increased significantly over the past year or so, and I believe that this is at least partly due to the fact that agents have been more active in generating business in this area because of an increased expectation that section 29 was to be repealed.

I am concerned that section 29 is being used, not as was intended in 1965 to compensate those who genuinely intended to develop their land, but rather for the sole purpose of attracting compensation. Agents telephoned my officials and expressed surprise, albeit a pleasant surprise, that section 29 remains in existence in Northern Ireland, although the equivalent section was repealed in the rest of the United Kingdom in 1991. Payment has been made where an applicant has openly admitted that he was seeking a refusal for his planning application. This situation is a drain on the public purse and must stop as soon as possible. As landowners have had 35 years to make an application under these provisions, clause 4 is reasonable and justified.

11.45 am

The main thrust of this Bill is to end a system of compensation that is unique to Northern Ireland, a system that was introduced 35 years ago and which has little relevance in 2000. It will also stop an increasing and unjustifiable drain on the public purse. I commend it to the Assembly.

**Rev Dr William McCrea:** I thank the Minister for his statement. The House will welcome the general principles of the Bill, as outlined. The Bill is long overdue, as similar provisions in England and Wales were repealed in 1991, and this delay concerns me. While the Minister is not responsible for the past, many of the same officials are still in the Department, so why has it taken so long to introduce this legislation here? Why were people able to abuse the system from 1991 to 2000? How much compensation has been paid since 1991 that could have been saved to the Exchequer? The Bill will end this system of compensation. The Minister mentioned one specific case, but is there real evidence that the system was being abused?

The Bill corrects an error in the Planning (Northern Ireland) Order 1991, and I am concerned that this was not corrected earlier. What has been the effect of this error, and why has it taken so long for it to be corrected?

Under section 29 of the 1965 Act, compensation could be reclaimed if development was later permitted. The intention is to retain that right to recover compensation. How often has this happened, and how much compensation has been recovered? The Minister should note that the Environment Committee will look at the Bill in detail

during its Committee Stage. According to paragraph 19 of the Explanatory and Financial Memorandum, consultation did not take place on this Bill, but I understand the Minister's explanation, and I thank him for speaking to the Committee on this matter.

The Committee may feel that consultation is now required, which could extend the Committee Stage of this Bill. I will conclude by saying that the Environment Committee looks forward to working with officials and discussing the Bill further.

**Mrs Carson:** I am prepared to give the legislation under discussion a general welcome, although I have misgivings. The Minister is proposing to make legislation in Northern Ireland more uniform with that in the rest of the United Kingdom. It will take a long time for the Assembly and the Executive Committee to undo the years of the lackadaisical low marking of direct rule. I commend the Minister of the Environment for his efforts to address this issue.

If there were doubts about the poor legacy left to the Province from direct rule, we can point to the fact that this legislation replicates provisions made for England and Wales almost a decade ago. The Assembly often laments 25 years of financial underinvestment and lack of planning in everything from the railway system to the Health Service. There was also underinvestment and a lack of planning in our legislative procedures. I am glad that we now have an opportunity to make a full contribution to that progress.

I regret that my contribution to this debate cannot be entirely positive. The shades of direct rule hover over this legislation. I am disappointed that there was no consultation on the Bill. The Department of the Environment was concerned that advance notice of the provisions might encourage pre-emptive compensation claims. I recognise the concern, but not disclosing information is not the best method a Department could employ in preparation for a heavier mailbag.

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

**Mrs Carson:** No. I am sorry, but I have visitors waiting.

This lack of consultation has excluded many people who have a right to be involved. I represent the largely rural constituency of Fermanagh and South Tyrone, and there are many in the rural community who have a view. They will feel slighted at having been ignored. There will also be many in the rural community who will interpret the proposed abolition of compensation in respect of planning applications for replacement dwellings as an attack on them.

I do not want to contradict my welcome of this replication of Westminster legislation, but I wish to ask for confirmation that Northern Ireland merits the level of replication proposed. In any claims procedure there will be a few rotten apples, but those who have made

genuine claims should not be penalised as a result. There may be a reasonable explanation for this, although it is a concern. Perhaps the Minister would describe a typical claim made to his Department under the provisions of the Land Development Values (Compensation) Act (Northern Ireland) 1965. I would also appreciate the Minister's explanation for his decision that the provisions will apply from the date of the Bill's introduction to this Assembly, rather than from the appointed day on which the Bill will become law. Retrospective application may be considered underhand by some. It would be useful to have an indication of what savings might result from this decision.

In a similar vein, I note that the provisions giving rise to compensation are to be repealed, but not those allowing the Department to recover compensation already paid. I recognise that the circumstances in each case are different, but I feel it would be better to repeal the latter as well as the former. Otherwise, it will be hard to escape the perception that the Department is happy to apply one rule to itself and another to the general public. I generally welcome the Bill, although I would like some reassurance on the points I have raised.

**Mr A Maginness:** This Bill is very welcome, for it is a long-overdue tidying-up exercise. The fact that we are nine years behind Britain in this matter speaks volumes. I accept the points that Rev William McCrea, the Chairperson of the Environment Committee, made. This Bill underlines the value of having this Assembly and devolution in Northern Ireland. I ask Mr McCrea and certain of his Colleagues to reflect on that and to appreciate the value of this Assembly and the Good Friday Agreement. I hope that Mr McCrea will —

**Mr Poots:** On a point of order, Mr Speaker. Is this in relation to the Bill?

**Mr A Maginness:** It certainly is in relation to the Bill.

I hope that Mr McCrea will reflect on the fact that a Minister is coming to this House with a significant piece of legislation tidying up an anomaly in the law which permits people to enter applications for planning permission in the hope of being refused and thereby securing compensation. That is clearly an abuse. Of course, there may well have been genuine applicants. However, the level of compensation claims indicates some — I believe, serious — element of abuse. I welcome the fact that the Minister has come to the House at the earliest opportunity with this legislation to prevent such abuse from continuing.

I take issue with Assembly Member Joan Carson, who has now left the House, in relation to the retrospective application of this Bill. It is quite proper that the Minister should choose the date of the introduction of the Bill to this House, for it prevents belated applications from people who know that this Bill is going through the House but hope to benefit. The Minister is right to



give a retrospective date as a cut-off point. Otherwise, quite frankly, further abuse would have taken place.

Can the Minister be more precise about the amount of compensation paid out? He has told us how much compensation might be in the pipeline, but not what compensation has already been paid or what moneys have been recovered by the Department in those cases where development took place after compensation was granted to applicants.

I also commend to the House the fact that the Department, in its wisdom, when considering the various options, rejected the do-nothing scenario. Everyone will accept that.

The alternative was to relax planning policies on dwellings in the green belt, which would have been disastrous. Most of us who serve, or have served, on local councils know the difficulties this creates. As good environmentalists we wish to preserve as much as we can of the green belts around our urban areas. Therefore I congratulate the Department on its refusal to go down that road, which would not be for the common good. It would have assisted in the erosion of our green belts — something which should be resisted strenuously by the Department and the Assembly.

12.00

On behalf of the SDLP, I give a general welcome to this Bill, which is long overdue. I hope that the House will support it and prevent further abuses. Those who have already made applications will not be disadvantaged by this legislation. I congratulate the Minister on introducing it.

**Mr Poots:** Our party broadly welcomes the Bill. Members will not be getting from the DUP the confused messages that they got from Mrs Carson. She appeared to be supporting the Bill on one hand and criticising it on the other.

It would have been grossly incompetent of the Department to have failed to introduce the Bill retrospectively. Until Royal Assent was granted, there would have been a mass rush to make claims to the Department. If there has not been a significant number of claims over the past few years, there would have been in the coming months. The Minister, in his winding-up speech, could indicate how much money has been paid out since 1991 because a number of figures have been bandied about. There was £100,000 per year; the figure of £900,000 still in waiting, and we have the potential figure of £2 million. Has money been paid out in the past nine years, or has it been accepted that money will be paid to these people? Why is there still £900,000 in the pipeline?

The Committee will welcome the opportunity to look at this Bill, to scrutinise it closely and perhaps to make some modifications. I am particularly concerned about the item on listed buildings, and I want to examine that more closely, so that we do all that we can to ensure that our

built heritage is maintained. Nothing in this Bill should deflect us from that. At present, the Bill adequately addresses this point, but further consideration will be needed at Committee Stage.

**Mr McLaughlin:** Go raibh míle maith agat, a LeasCheann Comhairle.

Sinn Féin also welcomes the introduction of this Bill, and I assure the Minister that we will give our general support to the principles underlining his approach. We congratulate him for moving so quickly, given that there has been a considerable time lag in the North of Ireland in relation to that.

We are talking about trying to create a planning system that operates on the basis of equality and which is for the common good, and we are conscious of the need for the interrelated development of the whole island of Ireland.

To that extent we welcome the approach taken by the Minister. This legislation is being introduced with a view to stopping exploitation of the planning system by landowners. That exploitation mainly takes a form, as has been described, of applications being made for planning permission which is clearly not going to be granted, for listed buildings, for building in areas where green-belt policies apply, or for building in areas where no development is generally intended. Then these applications are used as a basis for compensation claims. We offer support to the strategy that was outlined by the Minister, in relation to both retrospection and clawback. It is a sensible and just approach, and it will attract support from across the Chamber.

Clearly, a review of the legislation is genuinely required by planners, so that they can make decisions in the common interest, and not with a view simply to minimising cost claims against the Department of the Environment. We are talking about reducing anomalies and bad law. Some issues have been mentioned by other Members already. We are not talking about abuse; we are talking about the exploitation of legal provisions. We need to know that what was, in effect, created out of the Matthew Report in 1965 was a charter for compensation which was exploited to the full.

The anomaly to which a number of Members have referred requires answers. Why was it allowed to continue for so long? What was the total cost to the public purse? We are talking about bad law, and it always was bad law. We have to welcome the steps that are being taken to change it. We congratulate the Minister and look forward to working with him through the Committee Stage on the detailed issues that we all want to address.

This is an opportunity to correct a wrong that was actually created, as it happens, by the former one-party system that operated here in Stormont. We can use this opportunity to demonstrate that there is a better way in

the modern world that is going to be good for politics generally. We congratulate the Minister and offer him our support.

Go raibh míle maith agat.

**Mr Ford:** It is unfortunate perhaps that so many Members from the Environment Committee are speaking in this debate. I will not rehash everything that has been said by others, except to say that, on behalf my colleagues, I welcome the Bill. I hope my welcome to the Minister's proposal is as extensive as that of the DUP, the SDLP and Sinn Féin and somewhat more generous than that from his constituency and party colleagues. Although there clearly are concerns about issues like consultation, I am certainly inclined to agree with what the Committee Chairperson said. We may now need to examine the issue of consultation in greater depth than the Committee, but the Minister was entirely right to put the date of 23 October 2000 into the draft Bill so that we can ensure that no further anomalies are allowed through.

There is a fundamental and legitimate question to be asked about why payments were ever made to people for not doing something that would have been detrimental to the public good. This does not apply just in the planning system; there are other areas that the Minister is concerned about. Questions need to be asked about other aspects of Government policy. Maybe we need a complete review, and perhaps we need to decide whether we might need something more like site value rating rather than the current rating system. However, I suspect that is a little beyond this Bill and its legitimate area.

On section 29, the Minister quoted a liability of possibly as much as £2 million, whereas his Department's notes say £900,000. That is a fairly wide range, though I accept that the area is a little bit unspecific. However, particularly given the limited budget his Department has and the difficulty which those of us as members of the Committee know exists with funding for the EHS and planning, can the Minister give us an assurance that he will seek to get back from the Minister of Finance any savings which will result from the passing of this Bill? Will those savings be spent for the benefit of his Department, and will he make a good case to the Minister of Finance for £2 million and not £900,000?

**Mr Wells:** I strongly welcome the proposed amendment to the legislation although, like many others, I have to ask why we are sitting here nine years after equivalent amendments were made to legislation in the rest of the United Kingdom. I would be interested in the Minister's answer to the question put by Mr Poots and other Members concerning the amount of taxpayers' money poured into the pockets of landowners as a result of the delay in implementing the amendments.

The original legislation was an anachronism from the word go. For 35 years, speculative developers have submitted applications in the full knowledge that they would be refused in the hope of obtaining compensation.

It reminds me of a similar piece of legislation, the Wildlife and Countryside Act 1981, which operated in England, Scotland and Wales. Under that Act, people could submit applications to destroy some ancient woodland, or drain some bog, even though they had no intention of doing so. It was their hope that the application would be turned down, thus triggering a huge amount of compensation. That brought the legislation into disrepute, and it was not adopted in the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

It must be remembered that all applicants and developers have the benefit of full and open consultation during the formulation of development plans. They all come before public inquiries. If a developer's land is zoned for a certain activity, and he objects to that, he has the opportunity — in a democratic fashion — to go to a public inquiry and make representations to the Department. Similarly, if an individual application is turned down, it may be taken to the Planning Appeals Commission, and generally they are given a fair hearing. Indeed, one quarter of all planning appeal decisions overturn the Planning Service's original decision.

Therefore the Province has an equitable planning system. As politicians, we do not always agree with the decisions that are eventually reached, but we usually feel that everyone has received a fair hearing. Why, with all those opportunities, should someone have the right to have a second bite at the cherry and claim compensation?

One hundred thousand pounds strikes me as a considerable amount of money. It could be used to employ four extra staff in a divisional planning office. The Planning Service is under enormous pressure at the moment because of the upsurge in the number and complexity of applications. The last thing the Planning Service should be doing is handing out £100,000 per annum in compensation. I suspect that if the Department were to examine the actual cost of dealing with those applications, it would find that a considerable amount of money is being spent on legal costs and the assessment of compensation levels. Frankly, this amendment to the legislation could not have come quickly enough.

Mrs Carson made a point, and I have to say that her logic was extraordinary. She criticised the Minister — which was surprising in itself, because they are Colleagues from the same constituency and party — for including an element of retrospective application in the legislation. It is unfortunate that Mrs Carson has left the Chamber, because I would like her to think through the logic of her position. Consider what would have happened if the Minister had announced to the House a few weeks ago that he was minded to make this amendment to the legislation and that the opportunity of compensation due to the refusal of a planning application was to be removed.

There are interesting parallels with the Housing Executive's decision a few years ago to withdraw

improvement grants for a period because money was running out. There was a veritable stampede of applicants to the Housing Executive's district offices to get applications in before the drawbridge was pulled up. If the Minister had made a similar announcement, hundreds of applications for planning permission would have been lodged with divisional planning offices throughout this Province, all with the express intention of being turned down in order to claim compensation.

I must declare an interest, which I can assure you is on the Members' Register. I studied planning at Queen's University, Belfast, and during my various attempts to develop a political career — most of which were unsuccessful, and I think this one is doomed as well — I attended public inquiries and lodged planning applications and so on on a freelance basis.

12.15 pm

I have to confess that I did not handle any specific applications for compensation, although I came across several of them. Any good agent would have been going around all his clients in the Province urging them to get their applications in before the deadline for the withdrawal of compensation. The Planning Service, which is already under the most enormous pressure from the number of applications, could not have coped with such demand. It would have brought our divisional planning offices to a standstill, if it had happened.

The Minister is therefore absolutely right to apply this Bill from 21 October. He has been fair to the people who have already lodged applications. The dogs in the street, as far as planning circles are concerned, knew that this change was coming. Once the 1991 amendment was applied to the rest of the United Kingdom, it became obvious that we in Northern Ireland would eventually follow suit. There has been an increase in the number of applications under the existing provisions. Once it became apparent that changes would be made, the whole system would have ground to a halt. However, the Minister has enabled those who got their applications in before 21 October to proceed with their claims, and that is a very fair way of doing things.

None of us like the retrospective application of legislation. There are always enormous constitutional difficulties with doing so, but on this occasion the Minister is absolutely justified, particularly as he has informed us this morning that they have already assessed a liability of at least £2 million — and that is without stimulating demand. The Planning Service needs that £2 million to carry out its present work, particularly in the preparation of area plans. It does not need to pour that money into the pockets of speculative developers.

The Planning Service, by granting planning permission, adds enormously to the value of land in this Province. Recently I was shown a site near Ballynahinch where one could hardly graze a goat, and the individual had

bought it with planning permission for £70,000. I cannot believe the prices that sites are now going for in green belt areas of the Province. Therefore it is ridiculous to let people have their cake and eat it. The provision whereby they can apply for planning permission, get a huge increase in the value of the land if it is granted, or claim compensation if it is not, is an anachronism that should have been abolished long ago.

However, the question we all want to ask this afternoon is how much taxpayers' money has already gone down the drain due to the delay in implementing this legislation.

**Mr Foster:** I thank all Members for their comments — the complimentary remarks and the brickbats — for I appreciate them all.

The Land Development Values (Compensation) Act (Northern Ireland) 1965, whose provisions formed the main plank of the repeals contained in the Bill, is a complex piece of legislation. In fact, when I looked at the Hansard Report of its introduction in 1965 I noted that one Member commented that

“if he had a choice between going to purgatory and reading this Bill, he would be very tempted to take the former choice”.

Judging by the great interest shown today by Members, that sentiment does not apply to this Bill.

However, the strength of the Bill is not that it removes complex provisions from the statute book. Its strength lies in the fact that it removes provisions that have no relevance in the twenty-first century, and it brings Northern Ireland into line with the rest of the UK as regards the law on planning compensation.

Also, it confirms the long-established principle within a modern planning system that compensation is not paid for a refusal of planning permission, and, very importantly, it puts an end to an unnecessary drain on the public purse, which is showing no signs of abating.

I want to emphasise the fact — and good questions have been asked on the subject — that it is public moneys that we are dealing with here. We are the Government, and we have a responsibility to guard public moneys well. That is why I am taking the current steps.

I will try to answer Members' questions. My officials will peruse Hansard, and if a question should be left out, they will certainly follow up with a written answer.

Mr McCrea asked about why there was a delay in following Great Britain. While similar provisions were repealed in Great Britain through the Planning and Compensation Act 1991, that Act introduced a package of changes to planning law concerning development control, enforcement, and compensation. It also provided for a plan-led system in Great Britain.

The former Department of Environment started work to replicate this package for Northern Ireland, but I

understand that this work was interrupted on several occasions to consider further changes being talked about in GB, particularly those concerning the removal of crown immunity from planning law. However, when the matter was brought to my attention and I saw the amount of money involved, I acted immediately and asked for these repealing provisions to be separated from the package and included in a Bill for the Assembly.

I am not sure how much compensation has been paid since 1991, but it is in the region of £1 million.

Mr McCrea asked what effect the drafting error in the Planning (Northern Ireland) Order 1991 has had. Legal advice states that it has had no practical impact and that it is just a matter of correcting the error.

I was asked how many cases had been recovered and what the value was. I have no figures to hand, but £500,000 is believed to have been recovered.

Evidence of abuse is largely anecdotal, but officials have received phone calls from agents expressing surprise that these provisions are still in place. This indicates more interest in compensation than in planning.

Mrs Carson asked for an example of a typical claim for compensation. A compensation claim starts when a planning application is made to the Department based on payments already made. The application is usually for the reconstruction of any building that existed in 1965, or during the five years before that date, but had been destroyed. Typically, the original building would no longer exist in recognisable form, and in many cases there would be no indication that it ever existed. Typically, the application would be to rebuild on the green belt. Under the Department's existing policies, the application would be refused. It would be regarded as an existing use development under schedule 1 to the Land Development Values (Compensation) Act (Northern Ireland) 1965. Once the application is refused, there would be an entitlement to compensation under section 29 of that Act. The case would be referred to the Valuation and Lands Agency, who act as our agents in these cases. They would negotiate with the applicant, whose claim would be based on the difference between the value of the land with planning permission and its value without it. There are significant sums involved, and recently we agreed the value of a claim at £275,000. That is a great deal of money, and it is the reason I intend to retain the provision in the Land Development Values (Compensation) Act (Northern Ireland) 1965 to recover any compensation paid where scheduled development is later permitted on the site.

Mrs Carson also asked why the provisions should not be applied retrospectively. In Great Britain similar provisions were repealed in 1991, and the new provisions took effect from the date of the Bill's introduction in Parliament. That was to prevent the Department from being inundated with planning applications to gain

compensation between the date of introduction and the date of Royal Assent. This is justifiable as there is growing evidence that applications are not being made because there is a desire to develop the land, but for the purpose of gaining compensation.

The cut-off date of 23 October 2000 does not apply to compensation claims but to applications for planning permission or listed building consent. Any compensation claim made before 23 October will be processed in the normal way. The process is deemed to have started when an application is made.

Mr Alban Maginness's question about the preciseness of the compensation already paid was answered in my reply to Mr McCrea.

Mr McLaughlin's and Mr Poots's questions were also answered in my reply to Mr McCrea.

Mrs Carson and Mr Ford asked what the savings would be if the Bill is introduced. It is difficult to quantify that, but the figure of £2 million suggests that there would be significant savings in the future.

Mr Ford referred to the difference between the £900,000 and the £2 million referred to in the statement. The figure of £2 million reflects the updated position.

Jim Wells — and I thank him for his complimentary remarks — also asked how much compensation has been paid. As far as I am aware, that has been answered.

I hope I have addressed the Members' questions satisfactorily. I am sorry if any questions or points have been overlooked. My officials will scrutinise Hansard, and I will write to Members whose questions have not been answered. I thank Members for their interest.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Planning (Compensation, etc) Bill [NIA 7/00] be agreed.

*The sitting was suspended at 12.25 pm.*

*On resuming —*

## BIOMEDICAL SCIENCES

2.00 pm

**Mr R Hutchinson:** I beg to move

That the Minister of Health, Social Services and Public Safety take immediate steps to redress the staffing inadequacies in the biomedical sciences in the Health Service, initiate a manpower planning exercise to consider the staffing levels, terms and conditions of employment of staff in these areas, and establish arrangements to address the needs of the Health Service in Northern Ireland in regard to this area of her responsibility.

This motion stands in my name and in that of Mr Berry.

The role of the biomedical scientist in the delivery of a fast and efficient Health Service is rarely acknowledged. The contribution made by this body of highly qualified professionals goes largely unappreciated because, despite the enormity and complexity of their demanding workload and the significant ramifications for the running of today's Health Service, where patient care is paramount, they remain without the public arena.

I present this motion in an effort to bring not only due recognition but appropriate financial remuneration to this hitherto silent voice of the Health Service. There is no room for ambiguity, because without the proper financial and manpower resources a crisis will inevitably occur in this sector. This House should take on board the very real probability of a crisis in this particular area. It is both a local and a UK-wide problem. Indeed, the situation has already caused serious repercussions in Wales. In May of this year, Llandudno Hospital was forced to close its accident and emergency department due to a shortage of biomedical science (BMS) staff, and it is not impossible that that will happen in the health sector in Northern Ireland.

If something is not done to redress this situation now, we will have to ask ourselves if we can seriously allow this situation to be repeated in Northern Ireland, especially as we face another winter. We all know the difficulties that were experienced in the Health Service last year, and these could be compounded by the ongoing difficulties in the biomedical sector.

A survey commissioned by the Institute of Biomedical Scientists (IBMS) in December 1999 warned that 88% of NHS laboratories are considered to be below strength in staff numbers. Over three quarters of laboratories surveyed reported the highest staff turnover rate at the medical laboratory scientific officer I grade, particularly in the 20 to 30 age group. Many had made the decision to seek alternative employment — for a number of reasons. Sixty-one per cent of those surveyed during exit interviews gave low pay as their main reason for leaving. A further 19% cited stressful working conditions, 18%

cited low morale and lack of career status, and 10% wanted a career change.

That is a terrible indictment of this profession. If this were happening in some other professions in Northern Ireland, there would be an outcry, and people would be climbing the walls and doing all kinds of things to try to rectify it, but not in this case.

Just because these people are conscientious and carry on their jobs without spouting or putting up flags or crying wolf, they are taken for granted. It has to stop now. These people must not be taken for granted any more. They must be given the proper recognition and pay for the job they do. The drift away from this sector of the medical profession must be halted. How long will it take until the stress and the low pay sends this particular service into free fall?

Two principal conclusions can be drawn from the IBMS survey. First, a serious recruitment problem exists at medical laboratory scientific officer (MLSO) grade I level. Secondly, retention of trained staff is fast becoming a more serious problem than recruitment — we get them but, because of the conditions they have to work in we cannot keep them. The Manufacturing, Science and Finance Union confirmed this when it simultaneously lobbied Westminster, the Scottish Parliament and the Welsh and Northern Ireland Assemblies in April of this year. After four years of university training, and with a honours degree, a trainee MLSO can expect to earn £9,726 per annum. This is just over half of what is earned by a nurse with an equivalent qualification. A comparative starting salary for this particular science graduate in private industry, or in the Civil Service, is £15,500 per annum, while their BMS counterparts in the Irish Republic can expect to take home a starting wage packet of £18,365 per annum. There is some difference between £15,900 and £9,726.

**Mr B Hutchinson:** Does the Member accept that the standards of living in the Republic of Ireland and the United Kingdom are different, that people in the Republic are in a higher tax bracket and that people in the United Kingdom are probably, just slightly, better off?

**Mr R Hutchinson:** I accept Mr Hutchinson's point.

During that four-year degree course one year is spent in unpaid placement in a hospital laboratory. University fees of £525 must still be paid, and upon completing their degree course many graduate trainees are still forced to supplement their income with a second job, or by claiming family credit in the case of someone who has two children and is the sole earner. How would Members here feel if after four years of hard slog at university, and giving a year free in the sector, their starting salary was £9,726 per year? It is little wonder that tomorrow's health professionals are being lured away with promises of greater wealth elsewhere.

I take this opportunity to commend the work currently being undertaken by the Northern Ireland branch of the IBMS and the two universities in trying to make placements more attractive to local students. I also commend the Welsh model whereby the Department of Health provides annual bursaries for 30 biomedical placements. In England and Wales the non-medical, education and training (NMET) levy will be extended next April to include biomedical scientists for the first time.

Will similar provision be made in Northern Ireland, or will we once again be left behind as others forge a way forward? Disillusionment is commonplace, as are graduates who have studied for a career in biomedical science only to find they cannot survive on the salary offered. Their value and commitment to hospital services, private clinics and general practitioners is little known and seldom appreciated outside their own profession. Biomedical scientists feel themselves undervalued by the public they serve and the Health Service that employs them.

The Health Service in Northern Ireland is facing a crisis in pathology, another health provision thrown into turmoil. The investigations carried out by biomedical scientists play an important part in modern medical care. Without them, the evaluation of effective treatments and research and diagnosis into the causes and cures of diseases would not be possible.

I call upon the House to support this motion.

**Rev Dr William McCrea:** I thank Mr Roger Hutchinson and Mr Berry for bringing such an important issue before the Assembly. It will do the Assembly good to give due consideration and support to the motion.

Biomedical science has undoubtedly been the Cinderella section of the Health Service in recent years — a situation which must not be permitted to continue as these professionals work unstintingly behind the scenes for the well-being of the community. Their efforts, work and professionalism have a great impact upon our return to health and strength. I am sure that few of us here will live out our lives without enjoying the professional service that is given by biomedical scientists in the hospitals throughout our Province.

It is time that society spoke out on behalf of those forgotten professionals. As an Assembly, we ought to demand fair remuneration for their excellence and dedication. I was somewhat taken back by the intervention of the Member for North Belfast, Mr Billy Hutchinson, because there is a vast difference between £9,420 and £18,365, even taking into account the different tax brackets between Northern Ireland, as a part of the United Kingdom, and the Republic of Ireland.

It is absolutely ridiculous for professionals, after years of education and laboratory training, to earn only £9,000 per annum for the service they give us. No Member of this Assembly would accept that as acceptable

remuneration for the work he does. I also believe that, because they are in a caring profession, biomedical scientists and other Health Service professionals are often taken for granted because of their dedication.

2.15 pm

If evidence were needed to prove that these scientists are the Cinderella service of the health profession, one has only to consider what happened last Friday at Antrim Hospital. I was present when United States Senator George Mitchell opened the new renal unit there. Imagine the impact that that unit will have on the respective disciplines of biochemistry and haematology at the Antrim laboratory. It is interesting — and disgraceful — that biomedical scientists were not represented among the various dignitaries present. The other professions were, but, given the way in which that unit impacts on the biomedical science profession, it would have been appropriate to ensure that it was properly represented. That establishes my point that they are the Cinderella of the Health Service and have not been treated with the respect that they deserve.

The role that biomedical scientists perform in the delivery of a fast and efficient Health Service in Northern Ireland deserves the support of every Member of this Assembly. A laboratory team in a reasonably sized pathology department undertakes approximately one million tests each year. Biomedical scientists deliver a premium healthcare service to the Province's major acute and tertiary referral hospitals, private clinics and doctors' surgeries.

Of course, they are behind the scenes. When patients go into hospital they will see that the nursing profession is very evident, and rightly so. They will see doctors and consultants and be encouraged by their presence in the hospital. But without the depth of commitment and the contribution made by biomedical scientists in our hospitals, our Health Service would be completely deficient. They have been systematically ignored for too long.

Again this year, biomedical scientists, who remain without the pay review body, have received pay increases lower than those awarded to comparable staff within the pay review competence. Why have they not been brought under the pay review body? Why is their importance not accepted in the way that that of nurses, doctors and consultants is accepted? We hear them eulogised, rightly, for the work they do. They are on the front line; but without the support, experience and professionalism of those who back them up in their diagnosis and treatment, the health and safety of our population would be greatly impaired.

I will not labour the poor financial rewards for people who have entered a profession as graduates. Much was said on that point by Mr Roger Hutchinson. I could make comparisons with many other fields of employment in the private sector. It is right to look at them and

consider that people with the same qualifications are employed in industry earning salaries vastly different from those in public service, particularly in the National Health Service. They have the same qualifications and have gone through the same education system, but their experience appears to carry very little weight when it comes to remuneration.

It is estimated that the shortfall at the cutting edge will be about 1,250 positions by the end of the year. That will place existing staff under further extreme stress and will be to the detriment of the Health Service and of staff training, and could ultimately result in a failure to meet guidelines laid down by quality assurance and quality control systems.

That latter point has exacerbated existing problems. More and more chief MLSOs spend a quarter of their working week tackling the mountain of paperwork associated with clinical pathology accreditation, which has increased and is becoming more rigorous as new targets are set. Health and safety regulations, quality assurance programmes, continuing professional developments only add to an already heavy burden, and these people are then insulted with a paltry sum of money.

Almost 17% of MLSO grade 1 staff left the biomedical profession in 1999, and, of those, it is estimated that 56% bid farewell to the Health Service altogether. Why is this happening? The factors which contributed to this shift away from the profession were deemed to be the poor level of pay, a poor public image and a general lack of career prospects. Fortunately, a crisis in pathology has so far been avoided, owing to the good employer/employee relationship between staff and the trust, as I witnessed in Antrim Hospital. However, will that relationship last and stand the test when employees can move to the private sector where they will be properly paid? We may respect the profession, we may utter many fine words about it, but we should remember that all the Assembly's eulogies will never pay their bills and provide them with the necessary financial reward for the work they have done.

Important lessons must be learned from the mainland, and the present inability to recruit qualified and competent staff for what is a highly responsible job must be addressed. Why would they stay? They are paid a paltry sum, and their profession is not respected in the manner it deserves. I trust that through the Assembly we will be able to make some improvement and make further representation, not only in Northern Ireland but also to the Minister of Health in the United Kingdom Parliament, for proper recognition to be given to these professions.

I welcome the announcement this week by the Secretary of State for Health, Alan Milburn, that additional funding will be made available for training posts for scientists and technicians in the Health Service. Will this apply to Northern Ireland? Will we lag behind as England forges

towards a resolution of impending crisis, and ultimately avoids it? Are we going to be left behind?

I congratulate the Manufacturing Science and Finance Union and the Northern Ireland branch of the Institute of Biomedical Science for improving public awareness of the important role played by biomedical scientists in the Health Service. Until recently, the pay and conditions of these professionals were swept under the carpet. No one was willing to listen; no one was willing to hear their grievance or what they were saying; they were regarded as being behind closed doors. When a grievance cannot be aired when the patient comes in, who really cares? As long as the work is being done, who really cares about the remuneration of the professionals doing it? The Assembly owes it to those professionals to care.

We can show that we care for the caring profession by making representations at the highest level to ensure an appropriate level of remuneration. Pay and conditions for those professionals should be brought into the remit of the pay review body to ensure appropriate scrutiny. The Assembly would not accept anything less for itself, so why should it accept something less for those professionals?

We are now aware of the problem. By accepting the motion, we will show that we acknowledge its existence. Not only is it our duty to gauge the extent of the problem, it is our duty to those professionals to do something about it. Pay anomalies must be removed. I hope that the Department of Health, Social Services and Public Safety will consider specifically the pay and working conditions of biomedical scientists and not go off on a tangent to consider broader NHS salaries.

Biomedical scientists are vital to quality patient care in Northern Ireland. The motion gives the Assembly an opportunity to recognise the valuable contribution of those working in a hitherto forgotten wing of the Health Service. I thank my Colleagues and Friends for bringing the matter before the Assembly. We can show the strength of our feelings by adopting the motion unanimously.

**Ms Hanna:** I accompanied several Colleagues on a recent visit to the Royal Maternity Hospital. We watched the biomedical professionals at work and took the opportunity to speak to them. Very soon I realised that, although some of them do not come into direct contact with patients and the general public, they play a vital role in the prevention and treatment of illness. They carry out complex blood tests, separate plasma from red cells, check heart functions, and help to install defibrillators. Biomedical scientists are essential to the successful running of our hospitals, but because they are demoralised, we are losing them to the private sector, where they can earn significantly more money.

Poor pay is the main cause of the problem and, unless we address it, the situation can only get worse. Pay awards for medical technical officers, speech and language therapists, clinical scientists and many other professionals

are negotiated outside the pay review body, which sets the annual pay award for other health professionals such as doctors, nurses and physiotherapists. Without exception, that latter group is offered higher pay awards each year. The differential between the groups is about 30%. I am not saying that doctors and nurses are paid too much, but that biomedical staff are grossly underpaid. Entry qualifications for professional groups inside and outside the pay review body are similar; often, the work is similar.

I urge the Minister to do what she can to address the problem and ensure that the unfairness in the different systems is acknowledged and addressed. This is a critical time in the life of our National Health Service. We are in review mode, considering staffing levels, and we must get it right. We cannot afford to lose any of our committed, well-trained staff. In the past, it was decided that we did not need so many nurses, so we got rid of them: now, we are desperately trying to attract them back. We must not do that with our biomedical staff. We must address the issue of poor pay immediately.

2.30 pm

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle.

I support the motion, although I am a bit disappointed that it addresses only the biomedical scientists and not the medical technical officers and others in the profession. First of all, I take issue with Billy Hutchinson. I do not think that the difference between £9,000 and £18,000 can be compensated for either by the punt differential or by the tax differential.

**Mr B Hutchinson:** The point that I was making was that we need to compare like with like. I was not saying that these people do not deserve more money. I believe that they do. I would like people to understand what I was saying. I was saying that if we are going to compare this with the Republic of Ireland, then we need to take all of those things into consideration — the punt exchange, tax and the standard of living.

**Mr J Kelly:** One of the things that was pointed out to us by the biochemists in Antrim Hospital and in the Royal Victoria Hospital was the drift from those places to the South of Ireland. People are making up their minds as to whether the differential is good or bad, and they think it is good elsewhere. However, that does not address the issue. The issue is that these are people, a LeasCheann Comhairle, who are at the very engine room of a hospital. No surgeon can perform an operation until he has a report from the lab. They are at the very engine room of the hospital, yet they have not only bad pay conditions but work, in some instances — not in Antrim Hospital, I must confess, but perhaps in the RVH — in conditions that are unsuitable. In some cases they are working with new machinery for which they have not been properly trained. It is handed to them, and there is no compensation at all for taking on new technology.

The issue, a LeasCheann Comhairle, is that the medical officers, the speech and language therapists, the clinical scientists and many other professionals have their pay award negotiated outside the pay review body. As Carmel Hanna said, we are not complaining about doctors or nurses or physiotherapists. We are saying that there should be parity in the Health Service. People who are performing a critical and crucial function in that service ought to be paid a commensurate salary.

Glaxo Wellcome plc, for example, is paying £5,000 more as a starting salary than the hospitals do. These people go into a hospital rather than into industry because they have a sense of dedication — in a way, it is their vocation. They suffer because of that. The very sensitive and crucial nature of their role in the Health Service means that they are not prone to taking industrial action.

Consider the different disciplines: histology, cytology, microbiology, virology, haematology, biochemistry, immunology — all disciplines with which they deal and which are critical to the life of the patient. A surgeon can make a mistake, and it can be fatal. If a biochemist makes a mistake, it can be more than fatal — it can be detrimental to the confidence of the whole hospital. They have a very sensitive role to play in the hospital services.

In the submission, a senior biochemist said

“I feel really guilty about asking staff to work so long and so hard when I can offer them nothing in terms of training, advancement, career prospects. I have never been so pessimistic about the future of the service. We are close to a time when staff losses will finally overload those left, to the point when they all decamp.”

That is, go elsewhere.

“They only stay through loyalty” —

through loyalty, the theme that came through from the people we met both in Antrim Hospital and in the RVH.

“Recent leavers have proved to me that ANY of my staff could get a much better job with 50% more pay without difficulty.”

There are poor starting salaries and static promotion prospects. There are virtually no promotion prospects in this field at the moment, a LeasCheann Comhairle. There are unreasonable demands for more qualifications, and graduates reaching the career grade are so badly paid that they never trigger the level at which they have to pay back their student loans. Perhaps we could make a salient point there, a LeasCheann Comhairle.

This is a list of issues that biochemists have put before the Assembly for its consideration. They do not want knee-jerk reactions but considered responses to their working conditions.

Biomedical scientists and MTO grades must be considered by the pay review body. The pay of those grades of staff must be raised to bridge the 30% differential. Can the Minister assure me that staff will be fully involved in the pathology review that is underway at present?



**Rev Robert Coulter:** I thank Mr Roger Hutchinson and Mr Berry for bringing this motion to the Assembly so that we can have a full debate on it.

We are by now aware of the importance of laboratories to the National Health Service. The importance of this work is illustrated by the fact that a wrong decision in the laboratory could lead to a wrong decision by a consultant which could cause the premature death of a patient.

There is an inverse ratio in salary — we have been told about how starting salaries after four years in university and an honours degree compare with starting salaries in the industrial and private sectors. Something is wrong with a system that allows people who are crucial to decision making in the system to be treated in this way.

Where does the equality agenda apply in this case? These people are so poorly paid in comparison with other employees at the same level in the system. It is therefore up to the Assembly to use its power to publicise the need for the Department to take immediate action to remove the salary anomaly. Above all, we do not want another crisis in the Health Service. If, in the future, laboratories were to close down because of the action of the assistants, the haemorrhage of staff would lead to a crisis, and consultants would not receive the expert and technical advice they need. Nevertheless, we admire the dedication of biomedical staff, and we do not foresee a situation in which this would happen readily. We must therefore address the existence of this problem in the biomedical science profession and look at it very seriously.

I ask the Minister to ensure that staff are deeply involved in the forthcoming review. I hope that this motion will be carried unanimously and that something will soon be accomplished to address the wrong that is in the system.

**Mr Ford:** I very much support the sentiments which have already been expressed in the Chamber today. I was one of those who visited Antrim hospital laboratory in August. I met members of the staff there and saw some of their work. Although I have previously worked in the health and personal social services sector, I found myself to have been shockingly unaware of what goes on behind the scenes in the laboratories. Given the range of their duties, the skill and professionalism employed and the pressure and the speed with which work is done, employees' salaries are an utter disgrace.

Indeed, it has been suggested that the MLAs (Medical Laboratory Assistants) in Antrim Hospital probably deserve a higher salary than the MLAs in this building.

I was in the accident and emergency department of Antrim Hospital a few weeks later with a member of my family, late on a Saturday night. A blood sample was taken, two or three tubes disappeared, and a result sheet came back very quickly — produced by somebody who had almost certainly done a full day's work and was also there for a full night. Are these reasonable working

conditions? As a social worker, I know what it is like to be on duty for one night in 17 and to have to make difficult decisions in the early hours of the morning. MSLOs may well be working one night in three. We need to consider their working conditions.

In September I asked the Minister two questions, which were answered on 13 October. The first question was on gender and equality in staff planning. Today the Minister may be asked to comment on the work being done under the Opportunity Now campaign and to look at staffing. In November focus groups are due to meet to discuss issues such as career development, pay and work/life balance — issues which come under the Minister's responsibilities and on which the groups will want a comment. I am interested to hear her report on the 24 October meeting, which looked at equality and workforce planning issues.

England, Scotland, Wales and Northern Ireland have to co-operate on UK-wide issues, such as staff gradings. If a new system of proper job evaluation is introduced, I hope the Minister can tell us how quickly it will be implemented. Speed is of the essence.

My second question concerned early retirement, vacancies, staff recruitment and staff retention. Unfortunately, the Minister responded that the information was not readily available and could only be extracted at a disproportionate cost. I do not want to be the cause of disproportionate costs, but surely the Minister accepts that there are major problems in the laboratories and that something has to be done.

The Minister's response in October led me to believe that some work is being done locally, but clearly much more needs to be done. I want to draw to her attention page 33 of the draft Programme for Government. The first action bullet point under 3.4 (modernising and improving hospital and primary-care services) refers to "recruiting additional nursing and other front-line staff".

There it is in a nutshell. We need the dedication of front-line staff, but after all the years of expressing concern, even the Programme for Government makes no reference to support staff, because they are not visible. I hope the Minister ensures that the final version of the Programme for Government recognises that there are equally important staff behind the scenes.

Can the Minister tell us what will happen on the pay review body? Is she using her powers of persuasion with her Colleagues?

I congratulate the Members who brought forward this motion, and I offer my support.

**Ms McWilliams:** I am delighted that we finally have a motion dealing with the issue of low pay. The concept of poor pay is probably relative. If you ask anyone about his pay, he will always say that he wants more. However, today we are definitely talking about low pay

— the facts speak for themselves. A medical technical officer, on scale one, earning approximately £10,418, is entitled to family credit if he or she has two children and is a sole earner. It is ironic that an arm of government is giving top-up funding to an arm of the public sector.

2.45 pm

The Department for Social Development is paying money to the Department of Health for salaries that are too low for people to live on. That is at the crux of the matter. I do not want to repeat what other people have said. The three key issues have been well stated: the profession is poorly paid by any standards; it can be seen to be poorly paid when the salaries of staff are compared with the salaries of staff elsewhere with equivalent qualifications; and it can be seen to be poorly paid when its earnings are compared with the earnings of similarly qualified staff in the private sector. Other Members have said that people are literally walking away from their jobs.

Having lectured in the Faculty of Health and Social Sciences at the University of Ulster for 20 years, I know that many students do four-year degrees. I recall the famous equal pay case taken by the language and speech therapists. It is important to highlight the fact — Mr Ford referred to this — that the vast majority of those people were women, and that was why they were earning such low pay. They were doing four-year degrees, they were highly qualified, and they undertook difficult work placements during the summer. When the rest of our students were getting holiday work, those students had to take placements in order to fulfil the requirements for their degrees. They were studying for qualifications well above those of the average undergraduate.

Why were they doing this, when they knew that they were entering a profession — and biomedical science is similar to this — that paid so poorly? Because they wanted to. Many of them saw it as a vocation — they wanted to help others. Some did it because of their scientific backgrounds, and others because they wanted to work with children — this is similar to what happens in nursing.

We have put nursing on the agenda, and it is important to remind Members that although we hear about nurses being recruited back into the Health Service, they are not getting paid a penny at the moment. Those who are returning are being retrained in the Health Service and taking courses through the Beeches Management Centre, doing placements in hospitals and geriatric wards. They are state registered nurses, and for at least six months they are not getting a single penny.

Would we do that to any other profession? Just because people have vocations and work in the Health Service, should we treat them like that?

The second point that I want to make is that it is important that we have introduced job evaluation schemes. The poor old speech and language therapists took something like 10 years to fight that equal-pay case. My

children were tiny when it began, and they are now teenagers. I used to assess the progress of the case against the age of the children. It took them years to fight that equal-pay case. Eventually they got it. But why did they have to go to Europe to get the equivalent of what others in the Health Service — equally qualified people — were earning? That group is one of the professions still outside the remit of the pay review body.

We should not put this in the hands of our current Minister, who inherited the system from a former Health Minister. According to the manufacturing, science and finance union, the reason they were excluded from the pay review body was political. If it was a political decision, let us address and rectify it politically.

The Minister may be able to tell us something about the Agenda for Change, under which these job evaluation programmes have been introduced. A 30% differential between similarly qualified individuals is not good enough. Biomedical scientists are getting 30% less than those covered by the remit of the pay review body are. It may have something to do with the Central Whitley Council versus the pay review body. It would be good for biomedical scientists to have the recommendations of the Central Whitley Council implemented. That is another problem.

Has the Minister discussed this matter with the unions which represent the staff to see if there is anything that we can do in the interim? The Agenda for Change will not be in place until 2003. We have three more years of pain and low pay. In the meantime, those highly qualified individuals are going to walk away because the private sector is encroaching more and more on their jobs. As Ms Hanna said, we will end up with the same crisis that we had with nursing, with highly qualified individuals going off to agencies rather than staying in the National Health Service. That is the last thing that we want.

We want to retain that skill, to have that continuity of experience. If you are mixing solutions and chemicals that go into people's bodies, you need to get it right. It can go wrong, as we know from experience. It can cause fatalities. Midwives and biomedical scientists take people's lives in their hands every day, so let us remunerate them for that level of stress. Their actions determine people's well-being. I do not want to exaggerate, but we need to put it into proportion. We should begin job evaluation schemes that list the type of job and evaluate it accordingly.

I am pleased that the Minister has attended this debate, though some might not regard it as the most major issue, given hospital reviews, the whole issue of primary care, the reorganisation of the Health Service, and so on. It is important that biomedical scientists, and others in allied professions, know that the Assembly took the time to debate this, with the Minister here to hear the range of arguments.

Between now and 2003, when I believe that the job evaluation programmes are to be completed — and there is a mission to bring them back under the pay review body — how will the Minister address the issues of recruitment and morale? On the current pay levels, biomedical scientists feel like second-class citizens in Northern Ireland, where we talk so much about equality of opportunity.

**Mr Clyde:** I support the motion and commend my Colleagues for bringing it to the House.

I would not have known of the contribution that biomedical scientists make to the efficient running of today's Health Service if I had not seen at first hand the excellent work being carried out when I visited the laboratories at Antrim Hospital in May. Whether we realise it or not, we all depend on this sector of the Health Service. The lives of patients depend on the skills of these trained professionals. They play a crucial role in hospital admissions and many other aspects of healthcare, particularly in the delivery of cancer services, which is all too often underestimated, and they get little financial reward.

Degree-qualified medical laboratory scientific officers, who carry out vital work, including screening for meningitis and cancer cells, can expect to take home salaries as low as £9,726 per year. An equivalent position within the Department of Agriculture and Rural Development has a starting salary ranging from £10,977 to £19,669 depending on qualifications and experience. The trend towards seeking higher paid jobs in the Irish Republic must also be addressed, as valuable graduates are lost to industry and health provision in the South.

**Mr Shannon:** Does the Member agree that most of the problems in sampling are caused by underfunding and staff shortage? Another problem for patients whose samples are sent in for testing is that those tests now take 15 days instead of the previous three to five days. A sample is only valid for a certain period. Does the Member agree that, while we recognise the good work of the staff, we need substantial funding and more staff to make things better for the patient as well?

**Mr Clyde:** I agree wholeheartedly.

The exclusion of laboratory staff and others from the remit of the pay review body in 1983 has led to consistently inferior pay rises. Since 1984, pay rises to doctors and nurses, who are under the pay review body, have been 30% higher than awards made to similarly qualified staff not covered by the pay review body. I acknowledge that this situation is being addressed, but can we afford to wait three years for these changes to happen? I fear not.

There is evidence to indicate that a serious shortage of biomedical scientists exists, with almost half of the advertised vacancies in NLCO grade I remaining vacant. Despite the low levels of pay, these dedicated individuals strive to give a professional service to the sick, the needy,

and the infirm. It is now time to assess this problem properly. The Department of Health, Social Services and Public Safety should consider that, without action being taken, positions left vacant by those retiring after long careers may not be filled.

Biomedical scientists are essential to health care provision in Northern Ireland, and it is time that their valuable contribution, professionalism and commitment were recognised and rewarded. I support the motion.

**Mr McFarland:** I visited the Royal Victoria Hospital and was startled by the situation for biomedical scientists there. I employ a very valiant lady in my constituency office to type and answer the telephone, and I pay her more than these fully qualified scientists with honours degrees get when they begin employment. That is unsatisfactory.

I was also amazed at the technical advances to be seen in hospitals. One scientist was operating a machine and was interpreting the data, giving the consultant what amounted to a diagnosis. That seems to be the way forward. Technical advances are making such rapid progress that biomedical scientists will increasingly be the ones who interpret data for consultants. Consultants will make the final decisions, but the information on which they make those decisions will come from the scientists.

It is strange that biomedical scientists are getting less than folk doing clerical jobs. The situation is nigh to scandalous, and I ask the Minister to examine and address the issue. I support the motion.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A LeasCheann Comhairle. Gabhaim buíochas leis an Uasal Hutchinson agus leis an Uasal Berry as an tsaincheist seo a thabhairt go hUrlár an Tí. Tá áthas orm go raibh mé in ann freastal ar an díospóireacht agus chuir mé suim, agus mé ag éisteacht leis an díospóireacht, sna pointí a luaigh Teachtaí.

I thank Mr R Hutchinson and Mr Berry for bringing this issue to the House. I am pleased to have been able to attend the debate, and I have listened with interest to the points made. I endorse Members' views on the importance of this particular group, and all other groups of laboratory staff. I recognise that good pathology underpins modern medicine and agree wholeheartedly with the fact that it will increasingly play an important role in the development of the high-technology medicine of the future. I agree that, as one Member put it,

"they play an absolutely vital role in the prevention and treatment of illness."

I would like to comment on the main points of the motion. First, as regards terms and conditions of employment, the position is that medical, laboratory and scientific officers in the health and personal social services here receive the same rates of remuneration as their colleagues in the NHS in England, Scotland and Wales.

There is a statutory requirement to maintain parity with the rates agreed by the relevant Whitley Council.

Points were raised in this respect, both in the motion and in Mr Hutchinson's opening speech. The pay for medical laboratory scientific officers has long been recognised as an issue, and there has been a sustained campaign to improve the position.

*(Mr Speaker in the Chair)*

3.00 pm

In June this year agreement was reached on a three-year pay deal for laboratory staff. The agreement covers the period 1999 - 2001. It not only provides for increases to basic salaries, based on the underlying rate of inflation over the period of the agreement, but also seeks to resolve difficulties relating to the recruitment and retention of laboratory staff, particularly for those in the early stages of their careers.

Consequently, the agreement contains provisions to target additional resources at pay scales for new entrants to address recruitment and retention problems. These measures include shortening the pay scale for trainee medical laboratory scientific officers by dropping the lowest six points and extending the maximum of the scale upwards by one point. In the case of medical laboratory scientific officers, the bottom point of the pay scale was removed and the maximum extended upwards by one point.

In the longer term, as many Members have pointed out, proposals are being developed by all four Health Departments, in conjunction with staff representatives, on a new system for determining pay and other conditions of service based on job evaluation. Prof McWilliams asked about interim arrangements between now and the Agenda for Change coming through in approximately 2003. There is, as I have stated, a statutory obligation to maintain parity with salary levels in the NHS. Significant changes have already been made to pay scales, and consideration is now being given to further measures to improve pay levels, recruitment, retention and morale. This is being done jointly with staff, but is at an early stage, making it impossible to predict the final outcome at present.

Rev William McCrea raised the question of membership of the pay review body. One of the outcomes of the Agenda for Change pay modernisation programme to which I have referred may well be that membership of the Pay Review Body will be extended to include professional and technical staff. However, it is impossible at present for me to say what the outcome will be.

Mr Roger Hutchinson, Rev Robert Coulter, Mr J Kelly and others referred to the anomaly in salary between medical laboratory scientific officers and other grades. The pay modernisation programme, Agenda for Change, is designed to reward all jobs appropriately, based on an agreed system of job evaluation. The fundamental objective of pay modernisation is to ensure a comp-

rehensive and agreed job evaluation system to assess the rate of each job, and to ensure a fair and equitable pay system throughout the NHS and the health and personal social services here.

The question of timescale was raised by David Ford and again by Prof Monica McWilliams. I refer Members to the statement by the joint secretaries to the recently published Agenda for Change. I can supply a copy of it to Members. Progress continues to be made on a pilot job evaluation scheme that will include social services posts here. It aims to benchmark jobs throughout the NHS and the health and personal social services to assist in the development of agreed job evaluation schemes. It is not possible at present to outline the exact timetable involved, but I will supply a copy of that statement.

Such a system, under the Agenda for Change, if agreed by other Health Ministers and myself, would provide an opportunity for the pay of laboratory staff to be examined to ensure they are rewarded fairly for their responsibilities. I know that staff in biomedical sciences and, indeed, in other pathology disciplines, have expressed concerns about recruitment and retention difficulties, and I agree that effective workforce planning will underpin any exercise seeking to address them. My Department is currently examining ways of improving our workforce planning mechanisms.

A more immediate initiative is a review of pathology services — an issue referred to by John Kelly and Rev Robert Coulter. This review has already started. We are in the early stages of a scoping study examining a range of issues, such as the number of laboratories, staffing and the utilisation of equipment.

This stage, which is expected to be completed within the next few months, will lay the foundation for the later stages of the review. These later stages will assess how pathology services can be modernised to meet demands over the next 10 years, taking into account technological advances in medicine. As part of that review my Department will consult interested parties on the way forward for pathology, including representatives of laboratory staff. I reiterate and assure Members, most definitely, that staff will be fully involved.

Here, as in other parts of these islands, Health Services are changing. Pathology and biomedical services must be geared to the needs of these developments and deliver the high quality service that the public rightly demands. Rev William McCrea asked about additional funding during training. The review will consider this. It will also consider the non-medical education and training levy — a system that does not apply here at present. Biomedical scientists, and all staff in pathology laboratories, will embrace the modernisation agenda and fully participate in shaping what will be an exciting future. I promise that they will be given the opportunity and ability to participate fully.

Members also raised the importance of the Department being fully aware of service needs, and I fully agree. At present the Department receives advice on the planning and provision of hospital laboratory services from the laboratory services speciality advisory committee.

I have listened carefully to the contributions that Members have made. I hope that I have addressed them all. I will address in writing any issues that have not been covered. I welcome this debate and appreciate the attention that the Assembly is giving to this important area of our health and personal social services.

I conclude by assuring Members that issues are being addressed, both through initiatives on pay and through a more wide-ranging review of pathology services, which must and will include workforce issues.

**Mr Berry:** There has been much covered in the debate on this important issue. I am sure some people are wondering why we brought the motion to the Floor; they think that this is not an important part of the hospital service. It gives an opportunity, for the first time, for biomedical scientists to have a seat at the top of the table, where the expertise and success that they bring to bear for the benefit of patients across the Province can finally be acknowledged. I commend many of the Members who spoke on this subject. Important issues were raised. I will not go over the facts and figures again as my Colleague Mr Roger Hutchinson in his opening remarks and other Members have covered them well.

Another reason why we brought this motion before the Assembly was the successful lobbying by biomedical scientists in hospitals right across this country. Their successful lobbying, knocking on the doors of Assembly Members, brought this matter to a head. As we listened to biomedical scientists in hospital laboratories throughout the Province, it came across time and time again that these were the forgotten people of the Health Service.

I trust that the Minister of Health will not only take on board all the points that have been raised by Members, but will also start to take action. The problem is not pay alone, but the poor pay given to biomedical scientists creates great problems with trying to attract people into such an important profession. The lack of staff will increase the stress on those who are in post. It is difficult for staff to cope in such conditions. Carmel Hanna said that biomedical scientists were grossly underpaid; I agree. Rev Robert Coulter made the important point that the staff must be involved in a pay review group; I agree. If there is to be a pay review — and there will be one — the biomedical scientists must be fully involved. As I said, they are forgotten people.

We have identified two major problems that will have a great impact on health provision in Northern Ireland. First, there is the difficulty with the recruitment of biomedical scientists, who are the backbone of hospitals

throughout the country. Secondly, there is a problem with retaining trained staff. We have heard the ridiculous pay figures and can understand why qualified professional people are not attracted to this important profession within the Health Service.

We listened closely to the Minister of Health. She said that terms and conditions are a UK-wide issue. What about our hospitals, approaching another winter crisis? It is not good enough to push the question off once again; action must be taken immediately to address that serious problem. As my Colleague Mr Roger Hutchinson said, serious shortage of biomedical staff can result in the closure of entire hospitals — not just wards — as was demonstrated in a hospital in Wales in May 2000. There, the closure of an accident and emergency department was attributable to a shortage of biomedical scientific staff. Can we allow that to be replicated in Northern Ireland?

The Health Service is in dire straits as it is; the last thing that we need is for biomedical scientists to leave their jobs. The Health Minister must accept that the present injustice in wages is recognised in ‘Agenda for Change’, to which she has referred. We all need to know which staff will be included in the remit of the pay review body? ‘Agenda for Change’ will not be implemented in full until 2003. Will that be too late for biomedical scientists? In the hospitals, we listened to the staff, especially the younger people. Their message was that they would leave as soon as they could get a better job. That is not good enough, but we understand why they say it.

3.15 pm

**Rev Dr William McCrea:** It has been pointed out that this is a United Kingdom matter, which must be dealt with across the kingdom. Therefore it would be interesting to know what representations the Minister of Health, Social Services and Public Safety has made to the Minister of Health in London to ensure that there is proper and appropriate remuneration for these jobs. Fancy words are not enough. Money must be put on the table, and the Department here needs to put forward a proposal for biomedical staff to be included in the pay review.

**Mr Berry:** I totally agree.

It is worthwhile to make the point again that this problem is being addressed in England and Wales. The Department of Health, Social Services and Public Safety must answer Dr McCrea’s question. We need to know what the Department is doing at present to address this problem. Will biomedical sciences be included for the first time from April 2001?

**Mr J Kelly:** Will the Member give way?

**Mr Berry:** I will not give way to a member of Sinn Féin/IRA.

Will this pay review be adopted in Northern Ireland? England is forging ahead while Northern Ireland is being

left behind. In her winding-up speech, the Minister referred to MLSO staff and the increase they will receive. It is important that Members know what the actual pay increase for MLSO staff is. We need those details in the near future so that we can clearly understand the present situation in Northern Ireland.

In conclusion, I call upon the Assembly and the Minister of Health, Social Services and Public Safety to give equality of esteem and reward to all Health Service staff, including a recognition of the differential that exists in salary levels, and their plans to close that gap.

Biomedical scientists are a forgotten people, but they must be recognised. They have good qualifications, and if action is not taken immediately to address the serious problems with their pay, there will be severe consequences for the Health Service in Northern Ireland in the near future. Action must be taken to address this problem now.

I trust that all Members will support the motion. I commend all of our hospital staff — especially biomedical scientists, who are doing a wonderful job but, sadly, are often forgotten.

*Question put and agreed to.*

*Resolved:*

That the Minister of Health, Social Services and Public Safety take immediate steps to redress the staffing inadequacies in the biomedical sciences in the Health Service, initiate a manpower planning exercise to consider the staffing levels, terms and conditions of employment of staff in these areas and establish arrangements to address the needs of the Health Service in Northern Ireland in regard to this area of her responsibility.

## ASSEMBLY BUSINESS: FIRE SERVICE MOTION

**Mrs E Bell:** On a point of order, Mr Speaker. Since the motion was submitted, I have been informed that various options that may render it unnecessary are being considered. Would it be in order not to proceed with it?

**Mr Speaker:** I will deal first with the question of order. It is in order for a motion that is on the Order Paper not to be moved. However, once moved, a motion may be withdrawn only by leave of the House.

Although it is in order for a motion not to be moved, Members need to consider whether it is helpful. When a matter is on the Order Paper, Members prepare to address it, and Ministers, at my request, prepare to respond. A cancellation knocks subsequent items out of joint. Furthermore, matters that could have been on the Order Paper are displaced because the Business Committee has to make a choice.

Members need to consider seriously whether this should be allowed to become practice.

**Rev Dr Ian Paisley:** Further to that point of order, Mr Speaker. I thank you for your ruling. I quite agree that a Member has the right not to move a motion that stands in his or her name. However, I also agree that it should not be a regular occurrence, for Members prepare to speak, and Ministers attend to respond. Whether a motion is to be moved is a matter for the Member in whose name it stands, and a motion that has not been moved, though on the Order Paper, is not before the House.

**Mr Speaker:** I appeal to Members to heed what I have said, not because I have said it, but because it is in the interests of the House as a whole.

Is the motion moved or not moved?

**Mrs E Bell:** Not moved.

*Motion made:*

That the Assembly do now adjourn. — [*Mr Speaker*]

## PLANNING CONTROL: BUILT HERITAGE (BELFAST)

**Dr McDonnell:** Mr Speaker, I thank you for the opportunity to raise this issue today. I regret that I am speaking a few hours earlier than I had hoped, and my preparations have not been as elaborate as I would have liked. Nevertheless, I welcome the opportunity to draw the Assembly's attention to what I consider to be a disastrous state of affairs in Belfast, particularly south Belfast.

In doing so, I readily recognise that anything I may say about south Belfast or any inference I may draw from south Belfast applies equally well to similar pockets of very attractive housing in both east and north Belfast. I am referring not only to large houses that some people may consider to be too big or to have outlived their usefulness but just as much to very attractive small and medium-sized houses in areas throughout the city that are quite often destroyed for the sake of redevelopment and apartment development.

I have no difficulty with a situation where rot or blight has set in. That can happen to family houses as much as it happens to other buildings, and often it is more effective to demolish than renovate. However, in all the cases that I will refer to, I want to highlight the needless destruction of good-quality, attractive and perfectly functional homes that are a key part of our urban environment and our built heritage.

In many ways this is a heritage that we are claiming to protect. We are supposedly preserving, preparing and restoring it, but in many cases, we are not doing that. Indeed, I know of very few cases where we are.

It is no fault of the present Minister, who has been in office for only a short time, but there is little or no funding to maintain the built heritage. We could look at that issue in a future budget, if not in the current one.

I am concerned that good-quality family homes in excellent repair are being levelled because the land is worth more with apartments on it. About 18 months ago, I bought a house that was being pursued by someone who wanted to knock it down, and I had to pay over the odds for it.

There is little or no legislation to stop this rape and pillage taking place. Existing legislation is weak and platitudinous. Planners really have no authority or power to stop demolition except in the cases of special listed buildings. Even then, when someone demolishes a listed building, they very often get away with it. There is no real penalty or retribution. Much of this is inevitable, as there are no serious regulations or an up-to-date urban plan. Dozens of fine buildings across Belfast are being wrecked needlessly.

Not all houses on the Malone Road are big, and to prove that, I have a couple of photographs of a hole in

the ground and a pile of rubble where, a few weeks ago, two excellent, small three-bedroomed houses stood adjoining the Stranmillis Road.

However, this destruction is taking place not only in the Stranmillis area. Number 150 Malone Road is to come under the hammer; 1 Deramore Park South, which adjoins it, has already gone; and 3 Deramore Park South has either gone or is about to go. A whole plot has been wiped out, and a whole corner has been disfigured.

It is not just the built fabric that suffers. This wrecking breaks up family-friendly neighbourhoods and cohesion by removing family homes. It creates anonymous and in some cases unsafe areas in Belfast which were previously safe and secure. We must urgently take whatever measures are necessary to give the Planning Service the powers and penalties to stop this destruction — this unauthorised or inappropriate demolition.

Perhaps it is inevitable. Over the last 30 years Ministers have parachuted in and out of here with regular monotony. By and large, they were flown in by helicopter for an hour or two — or a day or two at most. Nobody in authority gave a damn about what was going on.

I thank the Minister of the Environment for being here, for taking an interest and for responding to me when I raised the matter previously. In the light of the relative peace that has grown steadily over the last six years and the formation of the Assembly and its associated Executive, responsibility for this matter now rests primarily in this Chamber. It is the responsibility of the Assembly, the Ministers and the Departments for Regional Development, Social Development and the Department of the Environment to ensure that future development and land use in Belfast is worked out appropriately. We need a new urban plan that protects and secures family-friendly neighbourhoods and family homes.

The Ad Hoc Committee's inquiry into the port of Belfast 18 months ago revealed that there are hundreds of acres of land. Indeed, the real debate was not about the Port of Belfast; it was about the amount of land down there that was vital to the city.

The majority of the brownfield or disused land in what was the old dockland on the north foreshore and the land adjacent to the shipyard on the eastern side is suitable for housing if the appropriate planning and organisation were to be carried out. In the United States and Europe, areas that were previously derelict have now become the most desirable places to live. This is perhaps most evident in what has been done at Laganside. The efforts that have been made there should be doubled and trebled to ensure that young professionals or those who need apartments find suitable accommodation in parts of the city where there is no threat of family homes being eroded.

3.30 pm

South Belfast is particularly vulnerable in that many of the family homes there have already been eroded for student dwellings. Many neighbourhoods in south Belfast have been eroded. Students need somewhere to live, but providing them with accommodation has broken up those communities. Things are now heading in the other direction, however, and that accommodation is being broken up for apartment redevelopment.

I welcome the fact that the Odyssey developers want to build houses adjacent to its site. If we were to move aggressively and effectively, we could ensure that 2,000 or 3,000 well-serviced and environmentally attractive housing units will be built in the general Laganside area.

Some of the apartments that have already been built are not well-serviced. They are very attractive internally, but the environs are not well serviced with facilities such as shops and other services that people need, so those developments might as well be on the moon as in some of those areas. The erosion and destruction of good-quality family homes will be less necessary if social development continues in Belfast. I want to emphasise again that there is a desperate need to ensure that we develop unused brownfield land and that we do not destroy existing good-quality homes in the process. We must also ensure that those developments are adequately serviced.

There are some beautiful apartment developments in Clarendon Dock, but the public transport system in general is very poor. If we are to have a new city and a new style of twenty-first century living, public transport must be available to service any new development, and we must also be aware of the need for residents to feel a sense of security and cohesion in them. Many of those already living in apartments find them very comfortable inside, but they find them a little unsafe. These are subtle things, but they are driving people to demanding that they live in areas such as south Belfast or parts of east or north Belfast. Good homes are being levelled, as 10 or 12 apartments can be built on the site of a family home at a cost of £1.5 million to £2 million. I do not know of any family who can compete with that. It is not too much to ask that the Department of the Environment, the Department for Regional Development and the Department for Social Development get together and set the process in motion for a cohesive development plan to be prepared — a plan that will provide adequate living accommodation on brownfield sites for the next 10 years.

I want to re-emphasise that this should be on the north foreshore, on the old dockland and on the eastern foreshore, out along the river — areas which, with the right support services, would, I believe, be extremely attractive.

Is it too much to ask that with the help of the Minister of the Environment the necessary legislation be introduced to ensure that planners can stop the current rape and pillage of communities and the best buildings in the south of the city?

I want to mention once again that I warmly welcome the recent efforts of Minister Sam Foster to declare some strengthening of measures in south Belfast and parts of north and east Belfast, but I do not believe that we have gone far enough. The plans can still be got round, and buildings can still be demolished. We need legislation that is ruthless, similar to that which exists in European cities such as Amsterdam, and we need to ensure that we follow through on that legislation so that whatever heritage we have is preserved. In 10 or 20 years' time there will be no point in bemoaning the fact that it has gone. Once it has gone, it will be gone for ever.

**Mr S Wilson:** I have no doubt that this House will return to this issue again. There are increasing pressures on the planning system, and the changing demographics in Northern Ireland, which came about as a consequence of economic growth, have resulted in people's having different expectations as far as living and accommodation are concerned. I would like to lay down a couple of principles before I go into some of the details of what Dr McDonnell said today.

First, no city can expect to become an architectural museum. Cities and towns change; they change dramatically, and to say simply that we should preserve everything — that we should have some kind of "pickling" system as far as planning is concerned — would be wrong.

Secondly, we must also recognise the constraints under which we are living. The Government have estimated that by the year 2020, between 100,000 and 150,000 new homes will be needed in Northern Ireland — many of them in the greater Belfast area or the Belfast metropolitan area — and the Government wish to see 60% of those new homes being built on brownfield sites. Brownfield sites do not just simply mean derelict sites; the definition of brownfield sites is much wider than that. The Government, in their assessment of being able to meet those housing targets, also recognise that we are going to have to recycle some sites which presently have some buildings on them. That is another constraint that we have got to work under, for if we do not, we will have to look at more development on greenfield sites. That, I believe, would be unacceptable in terms of urban sprawl and the sustainability which Dr McDonnell mentioned as regards the use and the intensification of the use of the services which we have already poured money into — areas such as schools, hospitals, transport networks or the infrastructure that is required to back up housing developments.

Thirdly, I believe we have to preserve what is good architecturally.

What Dr McDonnell said was not clear. I am not sure whether he is against demolition full stop or whether he accepts that there are properties which are no longer best suited to housing needs and demand and which, perhaps, do not have any great architectural merit.



I am not just talking about listed buildings. There are buildings which are not listed but which, as has been rightly pointed out, form part of the townscape in a particular area. Although they may not be officially listed, we would want to preserve them. The Member did not make it clear whether he was saying to the Department "We do not want any more demolition." If he wishes to clarify that point I will be happy to give way to him.

**Dr McDonnell:** The points that Sammy Wilson is making are very valid, and I welcome the debate. I am not against demolition per se. There is a great deal of rubbish that needs to be demolished, such as old warehouses, and I accept that land does need to be recycled.

However, good-quality houses, in a good state of repair and perfectly suitable for living in, although perhaps too big for families, could be put to an institutional use, but in many cases they have been demolished. Such action is ravishing and damaging whole areas. I accept the point being made. I am not against demolition as such, but I am against the demolition of buildings that should not be demolished.

**Mr S Wilson:** Dr McDonnell took a minute to clarify that, Mr Speaker. I hope that you will not take that out of my time. I hear what is being said about houses which are perhaps no longer suitable for family needs being put to institutional use. I have also heard objectors to planning applications saying that the institutional use of large properties destroys the character of a neighbourhood.

The fact remains that there are some large properties that are no longer suitable for single-family occupation but cannot be turned into a number of smaller units. The planners have to legitimately ask what can be done about such properties and how they fit into the overall scheme of things.

It is grasping at straws to think that the housing needs can be facilitated on land at the harbour. We must avoid mixing unacceptable industrial use with housing developments. There is limited scope in the harbour estate, but it will not meet Belfast's housing needs. Unfortunately, most of the new housing need relates to single people who wish to have manageable apartments. That is where the housing developers are focusing their attention.

There are a couple of things, however, which could be done and which may help, and I hope that the Minister will take them on board. I know from my experience on the Belfast City Council planning committee — and I have also heard Colleagues from outside Belfast talk about this — that people do not fear apartment developments in their area, but they do fear the accumulation of such developments in their area.

At present there is nothing in the planning rules to allow planners to decide when saturation point has been

reached. At what point does another application for demolition and an apartment-type development begin to radically change the nature of an area? I know that the Department is currently looking at a policy paper on housing and settlements, so perhaps that is one of the issues that the Minister ought to be considering. Can we include some requirement in the planning rules for planners to look at where there are unacceptable accumulations of these kinds of demolitions and apartment-type developments? We also ought to be considering where apartment-type developments are most acceptable.

3.45 pm

Perhaps we should be saying that they should be only on road frontages in some areas, although that might not be acceptable for apartment-type developments that are designed for elderly people. What about apartment development above shops? I know that that has been resisted on occasions, and developers who wanted to do it found it impossible, because Roads Service demanded car parking facilities that the developers could not provide if the shops fronted onto roads. So, there is a Roads Service problem. If we are to examine planning issues we need flexibility from the Roads Service as well as from the planners.

There is scope in the quality initiative for making the money that developers pay for large houses — before knocking them down and cramming as much as possible onto the sites — less attractive. That could be done if the quality residential environment requirements were to be applied strictly, but they are not. Several Ministers will need to consider the work that is being done in their Departments, but the Assembly must also realise that it cannot, and should not, stop some of the developments that we have talked about.

**Dr Birnie:** I apologise to you, Mr Speaker, and to Dr McDonnell for not being in the Chamber for all of the introductory speech. That was due to circumstances beyond my control.

I agree with the sentiments expressed by the Member. Across the city, including my constituency, there is widespread concern about change. People wonder whether areas will be changed beyond recognition and whether such change will take place at great — perhaps undue — speed. Like Dr McDonnell, I welcome certain recent policy developments, particularly the designation of the five conservation areas in various parts of the city. On that issue, the Department of the Environment has said

"The prime consideration for the Department in assessing whether development proposals are acceptable will be the desirability of preserving or enhancing the character and appearance of the area."

It is important that the Department live up to its promises to pursue and punish, where appropriate, developers who flout those toughened regulations.

In the past, we had a system that might have been described as retrospective planning control. Developers put up buildings without permission and then hoped that permission would be granted retrospectively. Usually they were successful. Once a building was up, it was rare that instructions were issued for it to be pulled down. There is a danger that we will return to that. We already have a raft of planning regulations. Are they going to be adequately interpreted and implemented to prevent drastic and irreversible changes to the shape, nature and character of supposedly protected areas?

Although I welcome recent developments such as the conservation areas, I regret that the Department of the Environment has not recommended the introduction of third-party right of appeal against planning decisions, irrespective of whether the area concerned falls within the newly announced conservation areas. At present, only the developer has the right of appeal, and that has often been used by, for example, supermarket chains and volume housebuilders to challenge and overturn the rejection of a scheme by the relevant local authority.

The system is rather perverse; it seems to be protecting the interests of the powerful lobbies against the little man or woman — in other words, against the resident. I fully support the policy set out in planning policy statement 6, published by the planning service in March 1999. This states that planning aims to resolve any conflict between conservation and development and to secure mutual benefit as well as prevent development detrimental to our heritage.

I am not against development. I appreciate Mr Sammy Wilson's point that the overall perspective of the regional development strategy lends an imperative to build as much new housing stock as possible in so-called brownfield sites. However, I propose that we retain these sites as genuine brownfields, instead of erasing the sound, attractive gems of our urban fabric.

I am concerned that, until now, we have lacked a central planning authority with real teeth and powers of sanction. I hope we are now moving towards change in that regard. I support the motion.

**Ms McWilliams:** We have reached a crisis of interdepartmental conflict. I will speak specifically about south Belfast. Mr Sammy Wilson wondered where we are to build, and I understand his frustration.

This week alone, I am involved in three planning appeals on this issue. I agree with Dr Birnie that we need a third-party-appeal system. One of the appeals I am involved in is a case of rejected development, a complicated case concerning Wellington College, where the developers persist in pressing for the site. That will be heard on Wednesday. Almost 50% of my constituency work is taken up by planning development issues in south Belfast alone.

Overdevelopment is causing enormous problems. I do not want our soccer pitches and our greenfield sites sold

off — and Castlereagh Council has been doing this recently — because of the development potential for supermarkets. We have fewer greenfield sites now than ever before. My own son is involved in the south Belfast soccer league, and participating teams are barely able to play a game of soccer because there are so few pitches available. They are now going outside Belfast to play.

The Victorian and Edwardian character of old Belfast is of so little relevance to people, particularly developers, that what was once beautiful about this city is fast disappearing before our eyes. It is particularly poignant to visit areas where houses which are over 100 years old still stand, enhancing their neighbourhoods. These places are pointed out as ripe for development, and people are knocking on their doors, harrying the owners to sell the property. This is happening to my neighbours and residents in my area.

It is possible to reuse older buildings. For example, on the Ormeau Road, religious orders are fast pulling out of children's homes and old people's homes. On the top right-hand side as you approach the Saintfield Road, a convent has been converted into flats and apartments, mainly —and very appropriately — for young, single people. It looks good, and it feels as if a brand new community is beginning to develop there. This was all done within the facade of the old convent.

On the left-hand side of the road the Nazareth Lodge old people's home has just been sold for £3.5 million. The building will be pulled down, and a proposal is in place to build 109 units. Why could the same not have been done on the left-hand side of the road as was done on the right?

The two Departments have an issue to address. One deals with planning development, the other with roads service and transportation. Within 100 yards of that roundabout and junction we will have over 250 apartments. Multiply that by at least two and a half to find the number of people who will come pouring out onto what is already a congested area. We have serious problems.

I suggest that we try to keep the townscape character where possible, particularly where there are buildings of some merit which are over 100 years old. Some planning policies allow for that, but they also allow for exceptions. Those are reasonable if no material change is made to the character appearance of the area. Most of us can live with that. However, as a political representative, I have discovered that there is no statutory power whatsoever attached to an area's townscape character. Real powers are available only when the area is designated a conservation area. On the other hand, Malone is a designated conservation area, yet next week I will be involved in a planning appeal concerning 32-34 Wellington Park. Beautiful houses built in 1875 will be torn down to make way for 53 apartments — and that is in a conservation area. What is going wrong? We designate a conservation area, and then we suggest that these two old houses of such character be pulled down for apartments.

Members may not be aware that the historic buildings grant, which was paid up until October 1999, has now been stopped. I wrote to the Minister and thanked him for responding. He wrote

“Because of the financial commitments resulting from earlier applications, acceptance of new applications received after 28 October 1999 has been suspended.”

We introduce historic buildings to be listed, and we argue that they cannot be demolished. I am very pleased with some of the proposals about the demolishing of listed buildings and increasing the fines from £5,000 to £20,000. Only by doing that are we really going to get somewhere. At the same time, however, grants have been suspended. They are not abolished — the Minister rightly says that the policy will be reviewed after April 2001 — so we have to wait another year before the process for grant applications to preserve our historic buildings is reopened.

We are facing a crisis. The grants to protect what historic buildings are around have now been suspended. The issue also relates to the Minister of Culture, Arts and Leisure. Many people who want to preserve the heritage of Belfast will not be financially able to do so. The grants — minimal as they were — were at least an acceptance and an acknowledgement that some assistance was needed.

Do meetings take place between the Department for Regional Development and the Minister’s own Department? Most of the complaints I receive suggest that planning development is taking place in one Department, planning control in another, and the Roads Service is doing something entirely different. The left hand does not know what the right hand is doing.

With regard to the introduction of tree preservation orders, it is continually pointed out that we have very few trees in this country, mostly because they were torn down many years ago and others were not planted simultaneously, as they were elsewhere. We have a real problem with old trees. I am involved in another planning inquiry about taking down a beautiful woodland area. I remind the Minister that at the end of this month he is to launch Preservation for Woodlands, yet all those trees are to be pulled down to make way for a major road.

These are serious issues. The Minister should hold up his hand and say that he is going to make some serious changes very shortly and not kick this off into some distant future.

4.00 pm

**Mr McCartney:** I apologise to Dr McDonnell that I was not able to be present when he commenced his address.

What is unique about this debate is that, broadly speaking, with a number of peripheral variations, every Member who has spoken has been, at heart, in support of the motion. There is no doubt that the problem in south Belfast is being replicated in many other areas, particularly

in my constituency of North Down. There are competing interests. On the one hand there is the need to preserve our architectural and historical heritage and on the other the need to provide housing for an increasing population. The truth is that these competing interests are by no means incompatible. Dr McDonnell has pointed out one area where something might be done.

We should look at how the expansion of multi-storey dwellings is being driven. Is it being driven by the requirement for housing in those specific areas or by speculative builders and estate agents? They are selecting areas, particularly quality residential areas with a architectural background, and deciding that they might knock down a few of those houses and put up, as Ms McWilliams said, 50 or 60 buildings in their place at a vast profit. As Ms McWilliams again rightly said, we see, not only in south Belfast but also in other parts of Northern Ireland, people knocking on doors, offering substantial sums and buying up very fine houses currently occupied by families. They then knock them down, very often before they have planning permission. Unless there is a conservation order there is nothing to prevent the owner of a property demolishing that property. Once he has done that the planners are then faced with a vacant site with a history of residential accommodation. The only question is whether the planners will tolerate a somewhat dissimilar type of residential accommodation in the form of 50 apartment units where formerly there were two gracious Edwardian houses. Unless there is a conservation order, that will be the result.

One of the rather more sinister aspects of this is the knock-on effect. Once a precedent is established and a fine house is knocked down to make way for a block of apartments, particularly in high-quality residential areas, the next thing is those people who objected in the first place become increasingly unhappy. Then when someone knocks at their door, offering them a substantial sum to buy their house for the purpose of knocking it down, they are in a more sensitive position. They already have a block of flats beside them. They are unhappy about the position and are therefore more willing to sell. When the application comes in to the Planning Service for approval for that block of flats, the precedent has been established by the primary one, already up and running.

There is no doubt that planning control must be introduced before permission is granted for demolition. We need to address the problem at that stage. There should be legislation relating to demolition so that those who propose to demolish would have to put in their planning application while the original building is still extant. Then the planners would be faced not with vacant ground but with an existing building, the merits of which might be considered in contradistinction to what it is proposed to put on that space.

The second point I want to raise was mentioned by Dr Birnie. It relates to the builder who demolishes a

building and then proceeds to build on the site without having outline planning permission. In other cases, having obtained outline planning permission, the builder rushes the construction of a building with perhaps an additional floor, adding another 10 apartments that were not provided for in the outline planning.

When the planners arrive, it is virtually built. The roofers are busy putting in the roof and the dormer windows. The architect comes along and enters into discussion, retrospective plans are submitted, and the planning department is faced with a very turgid process to have the building demolished. It is also faced with the sense of destruction that people feel at seeing a newly erected building, or part of one, being torn down. Of course, as has happened in North Down, once the builders get away with this, it encourages others to replicate their success.

There is a very urgent need for new definitive guidelines, or perhaps legislation, to provide an opportunity to review not only what is there but the appropriateness of what is intended to replace it, before planning permission is given. These are all matters that have to be addressed.

Finally, in relation to general planning concepts, the planners have often been given guidelines or rules that take into account everything except the sentiments of the people who actually live in the area. It is no accident that the vast majority of complaints that come before the ombudsman are connected with planning matters. People who have lived in an area for many years and who are comfortable with it, its surroundings and their neighbours, suddenly find that its character is transformed. When they go to the planners or lodge objections, the planners very rationally and logically go through everything they say, and say that they are sorry, but they cannot stop the builders because they are not in breach of some logical but inhuman planning regulation.

**Mr A Maginness:** One could be forgiven for believing that this was a debate about south Belfast. I would like to widen the focus a little bit to include not just my constituency of North Belfast but all of Belfast. This affects our built heritage, whether in Belfast or elsewhere. However, as the motion mentions Belfast, I will stick to Belfast.

I agree with Mr McCartney that there has been a general consensus in this debate. That is to be welcomed. Dr McDonnell has done a good service to the House in raising the issue of built heritage and, indirectly, the whole issue of planning in Northern Ireland. I agree with him that there has been considerable destruction of family homes, not just in south Belfast but throughout Belfast. It is having an adverse affect on the ability of young families in particular to obtain decent homes within the confines of the city of Belfast. The Minister should take that into consideration when he reflects on this debate. If you drive young families out of Belfast you create a situation in which only single people or elderly people live within the confines of the city, and younger people are

forced into the suburbs. That will cause serious problems for the future development of Belfast.

The problem arises where there is an over-concentration of new apartments, and they reach such a critical mass that they squeeze out families. That has happened to a considerable extent in south Belfast, it is happening to some extent in parts of east Belfast, and it is now beginning to happen in parts of north Belfast as well.

Fortunately the process is only beginning in north Belfast, but it can be arrested in this and other parts of the city to the advantage of families. I welcome the creation by the Minister of five conservation zones in the Belfast area — that is particularly helpful. However, as I said in writing to the Minister, the conservation zone in the Chichester Road and Somerton Road area is very welcome, but the zone boundaries have created a problem. Developers are now concentrating their activities in the area immediately outside the conservation zone, thereby increasing pressure on the properties in that area. I am sure that this has happened in other areas as well. The Minister could take into account the negative effects in areas just outside the conservation zone and examine those effects to see if they could be prevented by the extension of some of the zone boundaries. Alternatively, measures could be taken to assist controlled development in the areas immediately outside the conservation zones.

We must also be realistic about our built heritage. Although we may want to preserve a certain building, and while our intentions towards conserving our built heritage may be good, problems often arise when a property, particularly a large one, is owned by a voluntary organisation. It is difficult for voluntary organisations, such as charities or churches, to pay for the upkeep, repair or renovation of those buildings. It is not enough for the Department to place underfunded voluntary organisations which apply for grants on a waiting list because there are too many applications for grants. More funding must be made available for the conservation of our built heritage.

Not only is the preservation of our built heritage a good thing in itself, but it has a wider benefit. Although there is an obvious social benefit, it has the wider benefit of developing the tourist infrastructure and attracting tourists.

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

**Mr A Maginness:** I have one final sentence, Mr Speaker.

There is value in preserving our built heritage so that it will attract tourism to Belfast, which will be of social and economic benefit to the city and to other areas.

**The Minister of the Environment (Mr Foster):** I commend and thank Members for their interest, thoughts and comments. This is a timely debate on an important topic of considerable concern to the citizens of Belfast. I

shall try to deal with some of the many valid points which Members raised.

4.15 pm

I note Mr Maginness's observations about the pressure just outside the conservation areas and the need to keep the conservation area boundaries under review.

Mr Sammy Wilson welcomed the recognition of the need to balance apartment development pressures with the preservation of architectural standards. His helpful suggestions on these policy issues will be addressed by the Department for Regional Development in its strategic planning role with, specifically, a policy statement on housing and settlements.

Dr Birnie and Ms McWilliams raised the issue of the absence of third-party rights of appeal. This is constantly under review but has not yet been brought to fruition because it has a positive side and a negative side. We are told that the planning authority processes are very slow, and I anticipate their becoming even slower. However, that does not mean to say that I am ruling out third-party appeals.

Reference was made to liaison between the Department of the Environment and the Department for Regional Development. I agree with Monica McWilliams on this issue and will ensure that there is closer liaison.

Belfast is experiencing sustained development pressure at a level not seen since the 1960s. However, we are experiencing difficulties with its current buoyancy — a good situation to be in. The same could be said for the whole of Northern Ireland. Now is the time for planners to take the lead, to give clear directions on the development of industry and to take a firm and unequivocal stand on the protection of our valued townscape heritage.

It is important to recognise where this development pressure is coming from. The strength of the property market signals profound confidence in the future of Northern Ireland, something to be celebrated. Money is being invested in property in Northern Ireland that for many years went elsewhere. Investment is welcomed, but we must ensure that the built heritage of Belfast, the Victorian and Edwardian character of the city that is so precious to residents and visitors alike, is not destroyed in the process. Investment in property can offer much needed refurbishment, but all too often redevelopment is seen as offering the best return on capital.

Much attention has been focused on apartment redevelopment. Where is this market pressure coming from? The population is growing, but even if it were to remain static, we would still need more dwelling units because of powerful social trends in the community. For instance, the elderly are living longer and want to hold on to their independence; young people want to leave home earlier; single parents are living with small children; and married couples are sadly all too often living apart.

One solution might be to continue building more houses in the green belt. This was a subject of much debate at last year's public examination of 'Shaping Our Future', which will soon be brought forward in final form by the Minister for Regional Development. The message that emerged from that exercise is that the green-belt area is cherished and greenfield sites on the edge of the city should be eked out sparingly. It points up opportunities for brownfield development — that is, the renewal of vacant and derelict sites within the city boundaries.

However, there are things to celebrate. We have achieved spectacular success in the heart of the city by promoting development on underutilised land along the River Lagan. Laganside has transformed the river frontage, and waterfront apartments will always attract premium prices because of their location. There has also been a surge of welcome applications for the development of medium-rise apartment blocks in the city centre. Belfast does not have a tradition of city-centre apartments, but in a few short years we have seen a remarkable shift in attitude to living in the city.

All of that is exciting and will transform the centre of Belfast from a shopping, leisure and office destination for commuters into a 24-hour living city. Belfast is booming, and we should rejoice in that fact. Of course, there are things to protect. The demand for homes and the eagerness of investors to capitalise on the new confidence in the future is threatening the more popular suburban areas of the city, the Edwardian suburbs of Belfast in particular. That is why on 4 August this year I announced the designation of five conservation areas, aimed at protecting the city's Edwardian heritage.

Ms McWilliams referred to an appeal coming through and the area losing its conservation area status. Sometimes we get beaten when an appeal is upheld by the Planning Appeals Commission, which rather defeats our policies. By such designation the law provides for consent to be sought for the demolition of existing property. That was going to be important. Some people have said that if the sun, moon and stars were within the reach of predatory human hands, they might not be there either.

We cannot always look to the conservation-area device. The areas designated are not the only ones where family homes are being brought forward for replacement by apartment blocks. These five areas contain a significant proportion of fine, architecturally designed dwellings, built around 100 years ago on generous plots. That characteristic means that these areas can be regarded as strong candidates for conservation-area status.

I am sure Members will agree that it would be quite wrong to designate an area as a conservation area if it did not possess what the law describes as

"special, architectural or historic interest, the character of which it is desirable to preserve or enhance".

We cannot lower standards for the sake of creating a conservation area. We must examine the quality.

**Mr Speaker:** I must draw the Minister's attention to the fact that we have only one minute left.

**Mr Foster:** Conservation-area status will not put a stop to development, nor should it. The Planning Service has to examine each proposal on its merits, taking fully into account relevant policy statements. However, it has taken the heat out of the situation. The planners have the tools to do the job. This is an important and timely designation.

There are proposals for new legislation, which I should refer to in closing. I intend to bring forward proposed changes to planning legislation that will strengthen enforcement powers and bolster the hands of the planners. These will include extension of the powers to control demolition (we are concerned about this, as all are); new powers to spot listed buildings at risk (a necessary protection issue); increased penalties for altering or demolishing a listed building; and the protection of trees in conservation areas.

I am taking a personal interest in this important work. I have already held the first of what will become regular meetings throughout the city concerning the Belfast metropolitan area plan, which will cover six district council areas. It is being driven forward to the tightest possible timescale. This will be an inclusive process involving extensive public consultation. It will also provide opportunity for increasing locational policy coverage and offering increased protection for those areas of a townscape character that are vulnerable to pressure from developers.

**Mr Speaker:** I must ask the Minister to bring his remarks to a close.

**Mr Foster:** The debate has been valuable in informing me of the matters of concern to Members at the outset of this process. It is a critical time, when we must look to the future of our capital city, of which we are very proud.

*Adjourned at 4.23 pm.*

## NORTHERN IRELAND ASSEMBLY

Monday 13 November 2000

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

*Members observed two minutes' silence.*

### ASSEMBLY: MR SPEAKER

**Mr Speaker:** I wish to advise the Assembly that I am to travel to Lima tomorrow to undertake a series of long-standing official engagements on behalf of the Assembly and in conjunction with the British Council and the Foreign and Commonwealth Office. Accordingly, I will miss the sitting tomorrow but will be back in time for the following sitting.

### ASSEMBLY STANDING ORDERS

*Motion made:*

That this Assembly suspends Standing Order 10(2) and Standing Order 10(6) for Monday 13 November 2000 — [*The First and Deputy First Ministers*]

**Ms Morrice:** On a point of order, Mr Speaker. I wish to speak against this motion to suspend Standing Orders. This is setting a precedent that is totally improper at the start of the Programme for Government. We are committed to family-friendly working hours and childcare. It is not a good idea to suspend Standing Orders to allow us to speak beyond six o'clock tonight. This debate is important and could have been extended into Wednesday. It is totally improper for this House to suspend Standing Orders, defeating our proud achievement of securing family-friendly working hours for this Assembly.

**Mr Speaker:** If the Member wishes to speak, it is possible for her to be called to speak. Of course, other Members would then have to be given the opportunity to give their views and the proposer would have to be given the opportunity to respond.

**Mr P Robinson:** On a point of order, Mr Speaker, will you rule on the issue? It has been suggested that there is some impropriety in the proposal. Surely it is quite in order and perfectly proper. If the Assembly wishes to take extra time to debate an issue, it should be allowed to do so, and there is provision for that in Standing Orders.

**Mr Speaker:** There is no question of its not being perfectly proper. In fact, this has occurred on a number of occasions. Standing Orders are there to facilitate good order, but also to facilitate the work of the Assembly. There are occasions when the business managers judge that the better function of the Assembly can be achieved by a suspension of Standing Orders, in particular Standing Orders which refer to timing and so forth. However, if it is the case that Members wish to speak to it, they may speak to it. If the Member wishes to speak, I will give her the opportunity to speak. If other Members so wish, they must also be given the opportunity to speak, and the proposer must have an opportunity to respond.

**Ms Morrice:** I will be happy to withdraw the word "improper" and replace it with "inappropriate".

I am sure that most Members will appreciate the struggle we had in the Standing Orders Committee to secure family-friendly working hours for this Assembly when it was originally established. People wondered how we could do the business of Government on a nine-to-five basis. We asked "Why not?"

The cut-off at six o'clock on Mondays was a huge leap forward for the family-friendly approach to working hours. Not only does it allow the men and women of this Assembly to go home to their families at six o'clock; it also allows women greater access to public life and to this Assembly. We can start the business of Government earlier at 10.30 am, rather than in the afternoon and into the night, with decisions being made late at night when we are tired, instead of early in the morning when we are refreshed and prepared to work.

Why did the Business Committee not consider the Programme for Government important enough to go beyond Monday into Tuesday and Wednesday? Standing Orders allow us to work through Tuesday evening, rolling over to Wednesday morning. The Programme for Government is vital for the Assembly and its work in Northern Ireland.

**Mr P Robinson:** Did the Member or her party propose this at the Business Committee? Did her party vote against it at the Business Committee? Is not the Business Committee the place to do it, rather than in the House?

**Ms Morrice:** We would oppose this in the Business Committee. However, had we done so, I doubt we would have had the opportunity to win the debate. I am doing the democratic thing: standing in the Assembly and calling on Members to vote against the motion. It sets a precedent of extending the working hours set out in Standing Orders at the whim of the Assembly. We must also take into account the option of continuing this debate into Tuesday and Wednesday. I ask Members to consider family-friendly working hours and the importance of the debate and vote against the motion.

**Mr Speaker:** Order. The Member's suggestion that the debate be continued into Tuesday and Wednesday raises a matter of order. That proposition is not available at present. Were Standing Orders not suspended, I would be required to put the Question at six o'clock. The debate could not continue beyond that time, and the motion would be voted on at that stage. Continuing into Tuesday or Wednesday is not a possibility at this stage. That is simply a matter of order that I need to draw to the Member's attention.

**Ms Morrice:** I ask Members to vote against the motion and put our achievements on family-friendly working hours before our ability to go beyond the limit of our working hours at six o'clock.

**Mr Dodds:** When this matter was raised in the Business Committee, there was unanimity on the need for an extended period of time to debate this very important issue. We support the suspension of Standing Orders in this case in order to facilitate extra debate. It would certainly be an issue if Standing Orders were suspended, or if there were a motion to suspend them, in order to curtail debate or prevent Members from having their say on an issue of concern to them.

The motion before the House will allow Members to have their say on an extremely important issue. It is invidious and wrong for a Member whose party did not raise any objections to the motion or speak against it at the Business Committee to raise the matter now on the Floor of the House in this fashion. There are proper channels through which to do this, and they have not been observed. I can see no worthy grounds on which the Member's proposal should succeed.

**Mr Speaker:** I shall make one brief comment. I discourage the House from entertaining discussions on the Floor of the Chamber about what may or may not have happened in the Business Committee, given that discussions through the usual channels are usually best kept in that context. That applies both to those who raise questions and to those who respond. It is best if the matter can be dealt with there.

*Question put and agreed to.*

*Resolved:*

That this Assembly suspends Standing Order 10(2) and Standing Order 10(6) for Monday 13 November 2000.

## PROGRAMME FOR GOVERNMENT

**Mr Speaker:** It may be useful if I outline how I hope to facilitate this debate. To provide for the discussion of thematic issues, it has been agreed through the usual channels that we divide consideration of the draft programme into three sections.

After the First Minister and the Deputy First Minister propose the motion, section one will deal with chapters one, six and seven of the Programme for Government, covering the overall approach including external relations and style of operation. Section two will deal with chapters two and three covering equality, human rights, poverty and health. Finally, section three will cover the issues in chapters four and five, education, training, the economy and infrastructure.

While there will be three sections to the debate, the normal Standing Order, 17(2), will still apply and a Member may not speak more than once to a single motion, except for the Member who is moving the motion or winding up the debate. Members called during a particular section should speak to that section. However, they may make comments about any other part of the draft Programme for Government when they are called to speak. Indeed, if they have comments to make they will have to make them at that time as they will not be given a second opportunity to speak.

*10.45 am*

To facilitate the debate, at the start of each section I will call a Minister to speak, and at the end of a section I will again call a Minister, or Ministers, who may wish to comment on matters raised. All Members, including Ministers, but excluding the First Minister and the Deputy First Minister, will have the same amount of time, because I have had a large number of requests to speak. I have looked at those requests, and the indications from some Whips of the number of Members who wish to speak — although the indications I get at the start and end of debates often bear little relation to each other, which makes it hard to judge.

With 10 minutes for both the First Minister and the Deputy First Minister to open, there will not be more than five minutes for each other Member, including the Ministers, to speak during the debate — even with the extension into the evening. Had the previous motion fallen, there would have been even less time available.

I must rule that the First Minister and Deputy First Minister will have 10 minutes each to open, and time to wind at the end if they so choose. For the rest of the debate, those called will have five minutes. I trust that is clear. It is an unusual debate, but we are trying to work as closely within the Standing Orders as possible. If Members are clear, we will proceed.

**The First Minister (Mr Trimble):** I beg to move



That this Assembly notes the Executive Committee's proposed Programme for Government; notes that it will guide the public spending plans for 2001-02 in the Budget; notes that the Programme for Government will be presented for the approval of the Assembly in the New Year, embracing public service agreements for all Departments.

Today's debate on the draft Programme for Government is, arguably, the most important business we have transacted since this Assembly came into existence. That might seem a bold assertion, and I acknowledge that the debate may well lack some of the political pyrotechnics of other occasions, but it is, in my opinion, the most important meeting we have had to date. I say that because this debate represents the beginning of the maturity of the new politics that the agreement has achieved for Northern Ireland. It is, or ought to be, a new beginning.

The Programme for Government hopes to represent a contract between this Assembly and its Executive, and the people of Northern Ireland. It represents a statement of the policies and objectives we have identified as our main priorities for the months and years ahead. It will act as a road map, describing the direction in which the Executive hopes to take our public services. In this programme we have the coming to maturity of the work of devolved Government in Northern Ireland. It is our opportunity to start making a difference, to begin to put behind us the sterility and neglect of direct rule and to apply our imagination and energies to the good of all our people.

A number of Ministers will speak in greater detail about the aspects of the Programme for Government. The Deputy First Minister and I will speak in more general terms, providing an overview of the programme as a whole.

Our objective is to deliver a new beginning for Government in Northern Ireland — a Government that is responsive to the community it serves and in tune with the people who elected it. It will be a Government that will seek to provide new and better public services and opportunities for the whole community, Protestant, Catholic, those of other religions or of none. It will seek to provide new and better public services and opportunities for Unionists, Nationalists, Republicans and those of no particular political conviction, males, females, the young as well as the elderly, those of British or Irish descent and those who have only more recently come to live among us.

The Executive will endeavour to provide real, meaningful and effective Government for all of the people who make up our community. In doing so, we hope to see this community grow in its self-confidence and its economic and social well-being — a community that no longer looks exclusively in on itself but which is sufficiently confident to look beyond its own shores and play its part in the wider world, whether through business, education, culture or other endeavours.

The aim is to produce a Northern Ireland at ease with itself, an inclusive Northern Ireland, where all can feel

they belong and where all can enjoy equal esteem. We also want to construct a more prosperous Northern Ireland, where everyone enjoys equality of opportunity and to move towards a world where there are jobs for all who are capable of work. We wish to help society to become more outward-looking, more confident about learning from others and more assured that it has much to contribute to the rest of the world.

The Programme for Government also demonstrates that the diverse parties which constitute the Executive have been fully able to work together constructively for the benefit of Northern Ireland. That co-operation is important in itself, but it is not enough. The final judgement on this programme will be made on the basis of what it achieves and whether what it contains can indeed make a difference to the lives of people across Northern Ireland.

The kernel of the programme is a list of 230 actions which the Executive propose to take after consultation and a vote in the Assembly. Many of these actions are specific and costed — policies for which funds are provided in the draft Budget, which the Assembly will also consider. Members will want to consider the details of these actions. All have budgetary implications, so any proposed changes need to be reflected in the consideration of the Budget, which we will debate tomorrow.

There is a great deal we wish to change, improve and develop, but major changes need to be carefully planned and require wide consultation. That is why the programme contains 15 reviews of policy covering a wide range of issues from selection in education to safety on the roads. As these reviews report and are implemented, we believe that the face of Northern Ireland will begin to change for the better and that the pace of change will accelerate.

The programme sets out the intentions of the Administration, and it is important that those aims are delivered quickly and effectively. Members and the wider public need assurance that the large amounts of taxpayers' money being deployed here actually improve the services that people need. Our determination is to deliver the programme effectively and to be seen to be doing so, and that is reflected in an important administrative innovation, the public service agreements, to which all Departments will attach targets and timetables for their actions.

These public service agreements are being worked up and will be presented to the Assembly in the next debate on this programme. Their aim is to deliver more and better services to the public and to provide better value for money. As we said in our statement on 24 October 2000, these agreements will form a contract between individual Departments and the Executive. They will provide the transparency and accountability which was not adequately provided for under direct rule. They will form an important part of our new way of doing business, and they will create a culture change within the Government, focusing managers' attention not merely

on the inputs of financial resources but on the outputs of real services delivered to real people.

We are determined to improve the effectiveness of the Government, and this is reflected in the provisions contained in the programme to achieve joined-up Government. A joined-up approach was built in to the development of this programme, and, in particular, it defines our priority areas for action. We will develop this approach in the Executive's own work, with Ministers working in sub-committees to develop cross-cutting policies in a much more coherent way and to ensure that a silo mentality does not inhibit their delivery.

Hence also our strong focus on the Executive's programme funds. These are to be organised and agreed by the Executive as a whole. They will enable us to carry out much more effective cross-cutting work. They will also enable us to deal with major infrastructure and rural projects, to focus on the needs of children and to work on developing new policies in important areas, on improving the quality of service and on tackling the issue of social inclusion and community regeneration. In addition, as set out in the final chapter, there are a number of cross-cutting initiatives that can improve the effectiveness of the Government. These include the increased use of electronics to create new and more effective means of providing services to and information for citizens and to handle data and information within the Government. We also need to link this to the reform of public administration. We hope to have more details on the review in the coming months.

We must face up to the significant problems of finance too. We need to tackle the weaknesses of the Barnett formula, which does not always meet our needs. On the other hand, our ability to find innovative ways to finance public services must be integral to this strategy. We must examine if, for example, public-private partnerships and the private finance initiative are practical solutions.

Having dealt with those matters in general terms, I now invite the Deputy First Minister to give more detail on some aspects of the Programme for Government.

**The Deputy First Minister (Mr Mallon):** The First Minister has emphasised that the Programme for Government is an exercise in joined-up Government. It flows from the collective reflection and responsibility of the Executive and not from the entrenched individual interests of Departments. The Executive's programme funds are perhaps the strongest example in the Programme for Government of our commitment to innovate and break away from traditional departmental approaches. The development by the Executive of a clarity of purpose, an overall vision and priorities and sub-priorities provides the framework within which Departments will implement the 230 actions through the operation of public service agreements. The Programme for Government has been constructed to unlock the energies and realise the economies

that become possible when Departments and agencies work together to achieve an interlocking set of aims.

One important aspect of coherence was our determination to ensure that the concept of equality ran through the draft programme. Our commitment to equality is a promise to every citizen that he or she shall share in basic human dignity. This dignity rests not on possessions or position, but on the right to be treated as a person with opportunities equal to those of all others. Chapter 2 has a major focus on this theme, but equality will be delivered in all the programme's areas. We hope, for example, to provide high quality education with equal access to all and tackle the unacceptable levels of ill health, which are closely linked with social disadvantage, through a public health strategy. These are two key objectives for this Administration. I believe that we have threaded equality into every relevant aspect of the draft programme. We look forward, at this consultative stage of the process, to taking account of the views of the equality groups and the Equality Commission.

A second element that has run through our thinking is realism: facing up to the real challenges that we face with the resources at our disposal and hence the parallel of the Programme for Government and the Budget. Not everything can be achieved as rapidly as we would like. We would like to do more in every area, and we are sure that the Assembly would wish to do more. For example, no one is content with the progress we are making in tackling Northern Ireland's waiting list for health care and community services. Nor can we be satisfied with any of the objectives and targets that are in the Programme for Government. However, we must be frank about the reality, even as we aspire to overcome all of those problems. Let us not forget either that each year we will present an updated programme which will allow us to modify our approach in the light of experience. In the words of President Dwight Eisenhower,

"Plans are nothing, planning is everything."

I will now say a few words about the challenges which we face, especially those for which the First Minister and the Deputy First Minister have a particular responsibility. We have to face the reality of deep divisions in our society. It cannot be otherwise after centuries of division and 30 years of conflict. In particular, we recognise the need to put in place a cross-departmental strategy to promote community relations. New thinking, new energy and above all moral and political support must be given to this crucial activity. The promotion of a cohesive, inclusive and just society is a particular challenge for us, but it also applies to all modern societies as they deal with economic restructuring, growing individualism and the weakening of their traditional social institutions.

11.00 am

We identified a healthy society with a future for young people as a society that provides educational opportunities

for all and creates jobs in the new economy — the key social issues to be addressed. Looking at the physical backdrop to economic and social activity, we identified the importance of a sustainable environment, the need for a new focus on the rural economy and the creation of a renewed infrastructure after the under-investment in recent years as major priorities.

Finally, there is the need to shape a society which will develop relationships and interact successfully with its neighbours — on this island, throughout Britain and worldwide. Chapters 2-6 of the document set out the detailed sub-priorities, programmes and actions that respond to those challenges. In our discussions in the Executive, we considered a variety of ways in which we could have described those priorities. Our conclusion was that we should limit the priority areas to five, each with a very broad approach. We decided that organising our work around those five priority areas, producing greater overall coherence for our policies while having a wider number of sub-priorities, would produce the right balance.

But public policy is not an exact science. We are a new Administration, operating in unique circumstances, trying to break new ground. We are open to hear Members' views on whether this balance is correct or whether there are significant issues that need greater emphasis and future development.

Chapter 6 covers the fifth priority, namely 'Developing North/South, East/West and International Relations'. There we have set out the ways in which the Executive will seek to work with other Governments and bodies such as the European Commission to realise the full potential of enhanced co-operation and maximise the benefit to Northern Ireland. The development of the global economy, the development of the European Union and the nature of many policy areas such as the environment, which, in essence, know no boundaries, require us to work on a much wider canvas than just that of Northern Ireland. Members may be interested to know that we have already sent copies of the draft Programme for Government to all of the Administrations with which we interact.

We need to seek the benefits of co-operation on the North/South, east-west axes as well as internationally. Whatever the short-term difficulties — and they must be overcome as quickly as possible — the Executive, as set out in the Programme for Government, are fully committed to taking forward the work of the North/South Ministerial Council.

I pay tribute to those Ministers and officials who have worked hard to get the new North/South bodies up and running. With devolution, we now have the opportunity to make our views known and to play our part with neighbouring Governments for our mutual benefit. While there is a wide range of east-west issues to develop, we have identified transport and the fuel tax problem as

matters of particular importance to Northern Ireland. In addition, we will develop more effective links with the European institutions by establishing an office in Brussels, and we will develop our presence in north America.

Finally, we pointed to the important work that we need to do to improve the international image of Northern Ireland — we all know the legacy that our history has left in this area. If we are to prosper and gain investment and tourism, it is important that we act in a coherent way to improve our image.

I finish by emphasising the importance we place on the Assembly's views and those of the wider community. I am disappointed that, to date, there has been a relevant absence of public analysis and discussion about the Programme for Government. I hope that today's debate, involving so many Ministers and Back-Benchers, will help to stimulate wider discussion.

The draft programme was prepared by the Executive and is a document for which the Executive take responsibility. It provides the best structure for taking our work forward and for the important budgetary decisions that must be made next month. It is also a programme developed and approved through the Assembly process. The Executive look to Members for help to frame the document and guide its annual development. The agreement places responsibilities on us all to work in new ways to create a new approach.

Ours is a new and unique style of politics, and the programme must play a central role in this process. It is a working, developing document that must, and will, evolve. The input and approval of all Members is essential for the achievement of that evolution.

**Mrs Carson:** I welcome the opportunity to speak on the Programme for Government. It is another milestone on the road to developing good government in Northern Ireland. There are many hurdles to pass in order to overcome the legacy of direct rule and stagnated legislation and catch up with the remainder of the United Kingdom. Years of underinvestment are making it difficult in all Departments.

To most people, environmental issues relate only to birds, bees and trees, but in the Programme for Government, environmental issues cut across all Departments. On page 12, paragraph 1.8, 'A Better Environment' and paragraph 1.9, 'A New Basis for the Rural Economy' are worth reading, and I ask Members to read them. I was struck by the use of the word "sustainability" in paragraph 1.8. It is used many times throughout the document with regard to built heritage, natural heritage, agriculture, economy, rural life, countryside, air, land, and water quality. We must latch on to this term.

The awareness of sustainability is common to the rest of the United Kingdom. On 24 September, Lord Dubs

emphasised the value of embedding nature conservation into other policy areas — particularly agriculture support and countryside management. He also said that the ability to achieve that would be an important test of whether things were developing in a sustainable way.

There are some high sounding words in the Programme for Government. Paragraph 6.9 on page 83 states

“A high quality environment and a modern water and sewerage network will be of benefit to everyone”.

That sounds good but requires flesh on the words.

Page 54 states that the Executive will

“assist district councils in implementing acceptable measures for the disposal of waste”.

How are the Executive going to do that? What direction will be given? Will district councils be given direction with advice and financial help? I am sure that councillors are awaiting an explanation.

Page 54 also states that the Executive will

“maintain effective arrangements for the treatment and disposal of sewage and sewerage sludge”.

It is just not good enough to maintain the status quo. I wish to see treatment for phosphates in place at all sewage disposal works.

Page 54 also states that by the end of 2001 there will be a strategy in place which will, through advice and research, seek to reduce eutrophication levels. That conflicts with the action to maintain existing sewage treatment and disposal. Anyone living near Lough Neagh will be aware of that.

Pages 50 and 51 mention tourism. I welcome the fact that a start has been made to develop the different aspects of it. In paragraph 5.3.3 it states that in 2001 there will be a launch of water-based tourism programmes. However, it also states that by March 2003 a strategy will be prepared to develop the recreational potential of inland waterways as a tourist attraction. It is rather difficult to understand what is meant by this. Surely strategy preparation comes before action. A clear direction of action is required. Will that happen in 2001 or in 2003?

The word “sustainability” is used throughout the document. However, sustainability will be impossible if the funding for a sustainable environment is not made available. I noticed that bids for environmental programmes were not met and that therefore work on landscape protection and nature conservation will not be undertaken. The funding needed for sustainable built heritage has not been met, and this will have a detrimental knock-on effect on bids to other funding bodies such as the Heritage Lottery Fund. If the Programme for Government is to be effective on the issue of environmental sustainability —

**Mr Speaker:** Order. Time is up.

**Mrs Carson:** I welcome the draft programme, but there are many areas that require much more work.

**Mr Gallagher:** I commend the Executive for bringing together the draft Programme for Government and for the consultation prior to its implementation. There are several key areas that I want to highlight.

With regard to the proposed Housing Bill, I am concerned about the introduction of a discretionary grants system in Northern Ireland. Such a system would leave the grants budget vulnerable. It would also be a difficult system to implement as regards the setting of eligibility criteria. This model, as implemented in England, is unsatisfactory, especially for those who live in unfit dwellings and are in dire need of improvements to their homes. The motto should be: if the system is not broken, why fix it?

There are two important exceptions to that. It is particularly important in my constituency of Fermanagh and South Tyrone that the matter of closing orders be reviewed. There must be a better way of dealing with the situation where the only option considered by the Housing Executive for many deserving cases is to place a closing order on a lived-in house just because the resident was not aware of the fine print in the application. We have the highest level of unfit housing in the British Isles. It is currently 17.5%, which is more than twice the Northern Ireland average. Since 1997, 307 properties have been subjected to closing orders in Northern Ireland, and 171 of those have been in Fermanagh. It is imperative that a more adaptable form of legislation is introduced for replacement grants. Also, under new legislation, all previous refusals should be reviewed to see if some of the deserving cases can be reconsidered for grant aid. After all, the Programme for Government states, among other things, that decent living accommodation will be provided for everyone.

The other grants issue that needs to be addressed is the eligibility requirement for minor works grants. The applicant must be on income support and must be over 60. There are many people outside that category who need repairs to their homes, but they find themselves excluded, particularly since the major cuts were introduced in the amounts payable for repair grants on the foot of environmental health notices.

I welcome the strong commitments to ensure that the Health Service caters for the needs of different users, irrespective of their backgrounds, and to modernise and improve hospital and primary care services. I want to see that commitment, particularly in respect of acute medical care, delivered at the Erne and South Tyrone hospitals. As I emphasised to the Minister of Health, the people of Fermanagh and South Tyrone are as entitled to these services as the people of Belfast, because the real test of rural proofing will be in the delivery of a decent health service to rural areas.

11.15 am

A further requirement for rural areas, and particularly for my constituency, is out-of-hours GP (general practitioner)

cover. Presently, some people on the periphery have to travel up to 45 miles to get access to a GP after hours. While we all recognise that GPs need some time off, patients require a more amenable medical service. The Department should explore this issue in a cross-border context with the Department of Health in the South. We must find better arrangements, whereby GPs have their time off and the public has a satisfactory service.

**Mr P Robinson:** With only five minutes at one's disposal there is no time for detailed consideration of the Programme for Government. There is time only for a broad sweep of its content.

As I listened to the First Minister and the Deputy First Minister speak, I felt there was a real danger that they are starting to believe their own rhetoric. It was very high in its waffle content; indeed, almost as high as the Programme for Government itself.

Here is a Programme for Government that is full of platitudes and padding and general concepts and clichés, that are mainly shibboleths, but have very little substance. Everyone, as they go through the 80 pages of this Programme for Government — this first effort of devolution — will recognise that it is 90% packaging and 10% content.

The people of Northern Ireland are looking for more than just grand visions and fine words. They want to see something tangible happening on the ground; they want to see real proposals that will change their lives, rather than all this candyfloss that has been thrown into the Programme for Government. I recognise that there are great difficulties in a power-sharing arrangement. In any other Government, parties produce their manifestos; people vote for something to happen; and when the party that they have voted for is elected, they expect to see the outpouring of the manifesto commitments that have been made. However, when people have been elected with different manifestos, promising different and often contradictory objectives, clearly people do not get what they voted for, and a mishmash results.

This programme has been a year in the making. Governments at Westminster are ready to put forward programmes for Government within days of being elected. The same is true of the Republic, while Scotland took a matter of weeks. Here, we had to wait about two years — they certainly had the best of two years to think about it — only to get what is a very disappointing effort.

It really suffers from the “Nationalist psyche” syndrome, something that Unionists have noticed in previous negotiations. When Unionists go into negotiations, they want to do a deal. They want to get down to brass tacks and discuss specific proposals.

But not Nationalists — they come in and want to analyse everything. They then want to set out a whole series of principles, and once they catch people on their concepts

and principles, there is only one conclusion left. I do not know whether the First Minister and his Colleagues have recognised that this is precisely what they have fallen into with this Programme for Government, particularly in the area of North/Southern. The Executive have produced a Programme for Government where North/Southern permeates almost every aspect of Government. It is oozing out of every pore of the Government. I think that the Unionist community in general will be very concerned when it starts to look at the detail.

The one point that I do agree with the Deputy First Minister on is in hoping that the public debate starts on this Programme for Government. I hope that people start to analyse what the Programme for Government is and where the Government are intending to take us all. The sorry specimen in front of us has very few innovative ideas in it. Because they want to show themselves as being dynamic and part of the whole development of the society, they look to the young and to economic development. The greatest disappointment for me is that there is no section for our senior citizens. There is nothing for them, apart from a few exceptions such as the proposal for free fares. I found it interesting —

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

**Mr Adams:** Nuair a seoladh an Clár Rialtais, chuir mé barúil Shinn Féin in iúl, agus i rith na díospóireachta seo beidh ár bpáirtí ag cur a bharúil in iúl arís. Ach ba mhaith liom caint faoin dóigh a bhfuil an Chéad-Aire ag baint mí-úsáid as an chomhaontú agus ag baint mí-úsáid as a oifig féin. Tá sé ag baint an Chláir Rialtais anuas — ag iarraidh é a chur i leataoibh.

In my remarks today I want to concentrate on the role of the First Minister. When the Programme for Government was launched, our party detailed its views on it, covering both the positive areas and those areas we have reservations about. I listened with amusement to Mr Peter Robinson of the DUP. His party has had no part in any negotiations at any time in the last eight or nine years, and yet he can stand outside the process and complain about it.

The Programme for Government was launched here on Tuesday 24 October, and the Executive met that Thursday. The leader of the Ulster Unionist Party, on the very same day, wrote to the delegates of the Ulster Unionist Council. Here is the rub. We have to decide whether the Government is here or whether it is vested in the Ulster Unionist Council, which has met 22 times and which has threatened matters again, with yet another meeting planned for January. In his letter the First Minister said — and I paraphrase — that what is required is an exit strategy with a re-entry strategy. He accused his opponents in the party of having an exit strategy without a re-entry strategy. He then went on to give notice that he would outline a considered response

involving suspension. He said that suspension was preferable and the only way to make progress —

**Mr P Robinson:** On a point of order, Mr Speaker. I would be grateful for a ruling on a matter. I am sure that there will be those in the Assembly who will be pleased to see Mr Adams expounding the virtues of joined-up Government, but to what extent are you going to allow people to discuss issues which are not directly contained in the Programme for Government?

**Mr Speaker:** It is certainly preferable that Members concentrate first of all on those aspects of the Programme for Government that are in the section under debate. That is what I have encouraged. I cannot stop Members ranging widely over the content of the Programme for Government, and I guess that some Members will want to make comments about the programme as a whole.

Given that they have only five minutes in which to do so, I think they would be wise to focus on the content. I will allow Members a fair degree of latitude within their five minutes, since the Programme for Government is wide-ranging in both its purpose and its content. Please continue, Mr Adams.

**Mr Adams:** Thank you. I am dealing with the sustainability of this experiment. I am dealing with the sustainability of these institutions and, among other things, I am dealing with the refusal of the First Minister to nominate Sinn Féin members and with his taking away of the cross-border, all-Ireland strand. These are supposed to be interlocked and interdependent.

I am also dealing with the other demands which have been put forward by the First Minister; for example, a call for a moratorium on policing as well as a demand to change the remit of the decommissioning body, neither of which is within the authority of this Assembly or the office of the First Minister. I make all of these points because this is not joined-up Government. You cannot have an Executive or an Assembly putting together the type of Programme for Government which we are debating here today if the First Minister has already commenced an exit strategy and if — in his own words — he differs only from his party political opponents on a matter of tactics. In other words, he thinks they will collapse the institutions, and it will not be possible to put them back in place, while he simply wants to suspend them so that they can be restored.

The answer has to be made very clear. Any Government must be a Government of equals. That is of paramount importance. This Assembly has to be based on the principle of equality: the rights of all citizens, whether we disagree with them or not, must be cherished. All citizens have to have due entitlement to have their rights upheld — and they have to have their rights upheld by the First Minister. I want to appeal to the First Minister today to review, to reconsider, to step back from the process

which he has commenced, because the only conclusion to what he has begun will see not just the suspension of these political institutions, but their collapse.

**Mr Ford:** We will have to put the Programme for Government to the test to see how well it deals with the entire range of problems which affect this society. There is no doubt that the draft programme is long; it is detailed; it is even specific in places, and perhaps it is a good start on socio-economic policies. If, as Mr Peter Robinson suggested, this were Wales or Scotland, we could, perhaps, give the Executive seven out of 10 for a moderate start — although we might have to deduct a few marks for the length of time it took to hand in its homework.

Despite the agreement, the fundamental problem that we in this Assembly have to face is the deep division in our society, and it is in that respect that the programme is sadly lacking. When my party launched its alternative Programme for Government last month, we highlighted a central theme which we determined as “sharing over separation”. While the Executive’s draft programme does have many positive policy suggestions, it fails to address fundamentally the divisions in this society — divisions which, if they are not addressed, could well destroy the agreement and the institutions. Having listened to the last two Members who spoke, I think that is evident.

I am concerned about health, education, agriculture, the environment and railways, but we will never deal with those if the Executive do not do something to address the real problem which we have to face. It starts off quite well; on page 10 there is a nice piece of rhetoric:

“We must promote a just society where everyone enjoys equality of opportunity, whatever their religion, gender, ethnic origin and personal background.”

and it continues. This is fine rhetoric, but if you wade through the full programme, you will emerge wondering what the plans actually are. Section 2.5 is supposed to deal with that. There are only seven points in it, but not one has a target attached to it. The flowery rhetoric belies the fact that there are no specific targets to promote community relations and sharing over separation, and that is the fundamental weakness — the utterly key weakness — in the way the programme has been put together.

11.30 am

Let us look at some of the possibilities. My party has called for the number of pupils in integrated education to be boosted to 10% by 2010 through the transformation of existing schools. The Programme for Government has one weak reference to integrated education: one line in 85 pages. We have called for measures to aid the integration of public housing. The Programme for Government does not mention promoting mixed housing at all. We have called for more funding for community relations projects, and, while there are certainly gestures in that direction, there is no detailed strategy for improving community relations. One would have thought that after

a year of working on a Programme for Government, we might have seen something on that.

During the summer, we had complaints in this Chamber, outside in the streets and in every local newspaper about the proliferation of paramilitary flags and emblems in housing estates and on public property throughout Northern Ireland. Where are the measures in the Programme for Government to condemn that kind of intimidation? I cannot find them. There is a need for new shared symbols in Northern Ireland. Last week, the problems caused by a lack of shared symbols were demonstrated, but there is nothing in the programme about it. My party has called for all Government policies to be proofed to ensure that they promote sharing over separation. There are no plans for that in the Programme for Government.

Of course, targeting social need is important, as are rural proofing and compliance with human rights legislation, but what about the biggest divide in this society? Where does the Programme for Government address it? It simply does not. All kinds of issues are missing. Where is the “green economy” task force? Where are specific problems addressed, as opposed to bleating about the Barnett formula, on funding for Northern Ireland as well as Wales and Scotland? Where is the proposal for a children’s commissioner? What about student finance? What about freedom-of-information legislation? I have asked about that in this Chamber and have been told nothing very much.

Those matters are all important, but the priority remains building a shared society. George Holyoake, the nineteenth-century radical publisher, once said that a liberal is one who seeks to secure for everyone the same rights that he asks for himself. In this place, we have turned things on their head. I stand here as a liberal demanding for myself the rights that the two major sections of this society have taken for themselves but denied to every other minority.

There is a danger that if we apply that we will not have a united, pluralist and diverse society, but a dualist one wherein only two sections are recognised. The fundamental test that we will be looking for in January 2001 is what specific measures within the final Programme for Government will be applied to promote sharing and end separation.

**Mr C Wilson:** Regardless of the merits or otherwise of the Programme for Government presented to the Assembly today, my party will be neither supporting nor endorsing it.

Mr Trimble has said that this is the most important business ever to be discussed in this Assembly. He referred to it as “the maturing of the Belfast Agreement.” It may well be that. However, what we will witness today is an attempt to place a veneer of democracy and normality over something extremely undemocratic and very abnormal. What is abnormal — and the public are well aware of it, even if those in this Chamber have become slightly insensitive to it — is that those who have participated in this Programme for Government include a party that is fronting a terrorist

organisation. As we sit here planning government, they are planning further acts of terrorism, restocking and replenishing their weaponry, planning bombing campaigns and targeting members of the security forces.

It is also abnormal that in this very Chamber one of the major parties in the Executive and involved in this Programme for Government, namely Mr Mallon and the SDLP, is not prepared to give its unqualified support to the security forces in Northern Ireland. It will not support the RUC. Along with its partner Sinn Féin, it even questions whether it will ever be able to endorse any law enforcement group in the Province.

There is another extremely abnormal thing about the situation we find ourselves in today. Many Members were elected on a mandate to oppose the Belfast Agreement. They stood, as I did, through the referendum campaign and during the election for this Assembly pledging themselves to oppose the outworking of the Belfast Agreement and the institutions and Executive set up under that agreement. When Sinn Féin Members took the Pledge of Office under Annex A of the Belfast Agreement, committing themselves to non-violence and exclusively peaceful and democratic means, others in the Chamber had to make a pledge to participate in the preparation of a Programme for Government. That programme is before us today, and those Members will have to operate within the framework of that programme when it has been agreed with the Executive Committee and endorsed by the Assembly.

I make no apology for saying that my party will not be supporting this draft Programme for Government. Others have in that under the Pledge of Office they swore that they would see to the implementation of the programme once it had been agreed. The majority of the Unionist community in Northern Ireland is opposed to the Belfast Agreement, to the outworkings of the agreement and to those elected to this House to represent that view who are renegeing on their pledges and promises. We in the Northern Ireland Unionist Party intend fully to meet our commitments. We are opposed to the Belfast Agreement, to terrorists in Government, and we are opposed to the sham that passes for democracy.

**Ms McWilliams:** I noted that the First Minister in his introduction stated that they had produced a Programme for Government that

“represents the beginning of the maturity of the new politics which the Belfast Agreement has achieved for Northern Ireland.”

I have to say that we have reached an immature stage where, if the programme goes out today, we will have already created what is mentioned on page 25

“a strategy for the development of centres of curiosity and imagination”.

I do not know what that entails, but we have already created a centre of curiosity and imagination, because

one party has not participated in the Programme for Government. Another party which did participate is probably now prohibited from taking part in an aspect of that Programme for Government.

I will follow the themes set out by the Executive, and I want to make a number of points relating to targets and timetables. It was unfortunate that the public service agreements have not arrived with the Assembly, for they would have contained most of the meat for the Programme for Government.

The First Minister informed us that the public service agreements should be with us by next month, although potentially in draft form only. We are not approaching this in a coherent way. This Programme for Government lists some actions and some targets but very few. Most will be in the public service agreements, but we do not have them, so we cannot compare one with the other.

We are told there are 32 action points. One in particular tells us that by 2002 we will have some type of health education programme for schools. That point has been talked about for a number of years. Why was it not linked with the issue of teenage pregnancy? We do not have these programmes in our schools at the moment, and clearly that is an emergency. That is one example of where the Government have not met their own target of being cohesive.

I welcome the Executives' programme funds, though like my Colleague, Mr Ford, I feel that an opportunity has been lost. We have heard enough about the need for a children's commissioner in Northern Ireland. The Deputy First Minister has, I understand, already signed an Early Day Motion in Westminster to have the remit of the children's commissioner extended to Northern Ireland as it has been to Scotland and Wales, and when the possibility of there being a children's fund was mooted, he should have followed this up. However, there is no mention of it under the children's fund in the Programme for Government.

What will the distribution network be? The Chancellor has set up a children's fund in Great Britain, although we know that the distribution network there was not to be used to subsidise statutory programmes but to create new funding for those who work with children. We should do likewise here, but the Programme for Government does not state that.

The welfare-to-work programme has one of the largest budgets. If we bring in those funds, we will have the flexibility that should go with devolved expenditure. At the moment, we are greatly restricted in how we spend funding from the New Deal programme. Since Northern Ireland has the highest unemployment, I would have liked to see that in the Programme for Government.

I have raised the private finance initiative over and over again. We are to decide whether this is strategic and practicable by 2002. I am tied up in planning appeals at the moment because the private finance initiative has had such a disastrous impact in a community in which I have lived. It has been decided to build a school under the private finance initiative, and all the hockey pitches have been sold off. The Department of Education has said that the pitches were surplus to needs. However, at the inquiry, the Department of the Environment said that that should never have been done. Is that cohesion? It certainly is not. In the Programme for Government, I would have liked to see a reference to Departments' talking to one another about what they are going to do about open space.

I would like to point out something about justice, equality and inclusion. In the Northern Ireland Civil Service review, only three women were appointed to senior positions. If any new review is to take place, it should have an affirmative action programme to take account of that.

The lack of consultation worries me greatly. The Assembly Committees are mentioned once in the entire document, as is the Civic Forum. If the Assembly Committees have powers for policy development, consultation and scrutiny, why was so little reference made to their important work in the Programme for Government?

Finally, the issues in the appendix were the most useful, because there we have actual performance indicators. They should be integrated into the Programme for Government, not annexed.

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

**Mr McCartney:** It has been said that a house that is built upon sand cannot stand. This is a Programme for Government, but it is a programme by a Government whose sustainability is by no means certain. We are masking the real questions by talking about social and economic matters. These are very important, but it is rather like talking about the social and economic welfare of the inhabitants of a house which is in imminent danger of collapsing around their ears.

Mr Adams raised a fundamental point when he said that the First Minister and his party were exercising some sort of veto over the progress of government. To some extent that is true, but why is it true? It is true because while this is a unique form of government, it is not a unique form of government in the process of evolution. It is in fact a form of government which, like the mule, has no pride of ancestry and, if the pan-Nationalist front has its way, has no hope of posterity.

Nationalists, and particularly Sinn Féin, have made it clear that they see this Government, which is to deliver the programme, as nothing more than a transitional mechanism to enable them to obtain their final objective of a united Ireland. If one looks at the fundamentals of



the Government which is to deliver this programme, that fact is self-evident.

We have here a unique form of government — some might describe it as a political Caliban — and what does it do? It creates the very differences which Mr Adams has underlined. In a normal democracy, a Government which achieves a majority then delivers its manifesto. There is collective responsibility within its Executive, which is chaired by the Leader of that Government. No such thing exists here. We have strange tensions given the First Minister's obligation to his party and to the manifesto upon which members of his party were elected to this Chamber. That manifesto made reference to the equality agenda, the RUC, decommissioning and the representation in Government of representatives of a party which the Prime Minister has described as inextricably linked to one of the most sophisticated and deadly terrorist organisations in Europe, which is determined to remain armed.

These tensions, divisions and objectives will inevitably prevent this Government from ever having any viable future, except a future as a temporary and transitional arrangement to achieve the objectives of those who wish ultimately to destroy it.

11.45 am

If there are any queries about this analysis, simply look at the construction of this Government. Under the d'Hondt system, there is not one but a selection of parties, each with its own objectives and political imperatives, and Ministers run their Departments as independent fiefdoms. Like Chinese warlords, they advance only their own interests. If this Executive should prove totally incompetent and have a disastrous period of office, and if there is another election under the d'Hondt principle, broadly the same parties will be re-elected in similar numbers.

They will appoint their own Ministers from within their own parties. There will be no criteria by which to judge whether these Ministers or the policies of these parties have delivered good government in social, economic or constitutional terms. There will simply be the same again, because the Assembly, in its design and purpose, was never intended to be permanent. Its institutions do not create the circumstances in which permanent, practical and real evolution can occur. It is simply a Mexican stand-off incorporated in a form of government.

The scant merits of this Programme for Government are long on aspiration, noble language and what the press describe as the "vision thing". However, they are very short on elements which address the fundamental problem of what sort of Government there will be to deliver this programme.

**Mr B Bell:** I welcome the Executive's Programme for Government, which provides a way for the people of

Northern Ireland to prosper in a spirit of co-operation and mutual respect. At this stage, I have to admit, the programme can be little more than an outline for government. It provides the bare bones for future development, and it will need to be fleshed out by each Department. A positive start has been made, and this must be applauded.

In 'Making a Difference', the Executive commits itself to good government and to the fostering of debate, co-operation and government in an open, efficient and accountable manner. I concur with this, and I will suggest a base on which this pledge can be secured. As a former Belfast councillor and as a long-standing councillor in Lisburn, I can contribute to what I hope will be an ongoing debate on this matter. In 1972, the Parliament of Northern Ireland passed legislation to reform local government. The present system of 26 councils came into operation in 1973 and has remained virtually intact ever since.

Councils have obtained extra powers in areas such as tourism and economic development. However, while the system is meant to be complementary to this regional Parliament at Stormont, it has, in effect, operated in the vacuum of direct rule. As a result, councillors have had the semblance of power without the substance. Too often, they are the scapegoats in a system over which they have little control. For example, when dealing with planning issues, a contentious matter in Northern Ireland, councillors must be careful not to overstep the mark between consultation and decision-making. They also have to be careful not to give the impression that they have influence where they have none.

In cases of road problems, constituents often blame councils rather than the Roads Service, which has the ultimate power. Decision-making systems must be examined in their entirety. The number of quangos has risen over the years with the result that virtually all areas of public life are populated by those described as "the great and the good", few of whom have ever presented themselves to the electorate. I have represented my council on various bodies. At least I can claim some democratic credentials for doing so. At one time there was council representation on health boards, but the previous Government removed these elected representatives. Now the virtually toothless health councils are all that is left for councils to deal with.

I am not attacking the quality of work that has been carried out by quangos — far from it. Many members give up valuable time to public service, but public accountability must be a priority, and the whole area of local government, boards, trusts and the other bodies must be examined. Members may agree when I contend that 26 councils are excessive for an area of the size of Northern Ireland — by the same token, the number of councillors must also be considered if the local government system is scaled down.

We should also examine the optimum number of health and education boards and consider whether 19 health trusts provide too much duplication for a population of 1.6 million. Can we economise?

In the area of economic development, the operation of both the IDB and LEDU must lead to overlaps and confusion. We should consider establishing a single body to seek out and maintain jobs and to work in close conjunction with relevant Ministers.

I am a member of the National Association of Councillors. Every party in this room is represented there; they all agree that there should be a review, and I too support that aim.

**Mr A Doherty:** We are a small part of a small island. Our island is a small part of a small island group. To our left is a huge mass of water stretching from continent to continent and from pole to pole. To our right is a huge land mass; two continents reaching half way across the world. In global terms we are very small, but we are not insignificant. Our horizons are as wide as anyone else's. Our skies are as high and reach as far. So while we are small we must not think small: we must think big; we must think globally.

That is one reason for the Programme for Government's being so important. That is why those who say that the programme should concentrate on our internal affairs are so wrong. They want to have as little as possible to do with our neighbours on this island, in Europe and the world. It is not enough for us simply to put our house in order.

We have all seen the distressing pictures of hundreds of proud home owners who have put their lovely houses in perfect order only to see them destroyed by nature out of control. Anything that might have been done to prevent or minimise flooding would have involved forethought and action, not just at local or national level, but even on an international scale.

It is right then that the Programme for Government should take account of the need for north, south, east, west and international co-operation at many levels, not least with regard to environmental and sustainable development issues. Our seas and many of our waterways and beaches are polluted. Our fish stocks are dwindling. Animal disease and genetic modification of crops pose serious threats to public health as well as adding to the grave difficulties facing our farmers. The rich diversity of our animal and plant life is under continuous threat from dodgy development plans, from dodgy agricultural and gardening practices and from littering, ignorance and vandalism. We pump millions of tonnes of chemical pollutants into the air from our cars and vans or lorries and buses, from our mopeds, from coal fires and central heating and from our factories and power stations — even our cows and our sheep are guilty of gaseous pollution. When meteorological turmoil occurs in our atmosphere

we do not know what to do, since our brains have been cooked by mobile phones and high-tension power lines.

And there is more: we create piles of waste, mountains of waste, Himalayas of waste. Irresponsible people tip waste over fences or bridges. Good citizens fill their wheelie bins to overflowing. Waste is buried in holes in the ground, sending clouds of methane into the atmosphere and poisonous leachate into our water systems. We talk about waste minimisation, waste reuse, recycling, energy recovery and zero waste. What great ideas — let us get started.

These are just a few of the issues that the Programme for Government must tackle. I have not touched on the topic of sustainable development, which is at the very heart of every aspect of the programme. I do not have time to discuss costs, but we need all the help we can get from the United Kingdom, from the Republic, from Europe, from wherever.

I finish by quoting from the Programme for Government:

“In the Agreement, unique structures were established within the Island of Ireland, within the United Kingdom, and East/West to provide a new basis for relationships.”

We must use those relationships, that new co-operation, to save our beautiful country for our children and our visitors, who are enchanted by it, and in our own small way do what we can to save our planet.

**Mr Shannon:** I would like to speak on paragraph 1.9 in the draft Programme for Government, which covers the rural economy.

There should be a real emphasis and focus on the farming community and also on our beleaguered fishing industry. Prices for finished products continue to fall; fuel prices continue to rise; more and more farmers and fishermen have gone to the wall; and their jobs are in jeopardy. Recent statistics have shown that the number of suicides in the farming community is rising. These figures are very worrying and represent a catalogue of misery, broken families and despair.

In the Programme for Government there has been an increase in the budget for agriculture and rural development, but where is the money going? Is it going towards administration, or is it going to the farming sector? The budget allocation for the Office of the First Minister and the Deputy First Minister constitutes some £29 million, while the figure to run the Assembly is £39 million. Has lottery fever struck the Office of the First Minister and the Deputy First Minister? How can they justify those costs given the costs for the Assembly? Perhaps they see this as their roll-over year. Some of that funding would be better allocated to the agriculture and fishing sectors. It would be better spent, more appreciated and much more productive. We know that the farming sector is the largest employer in Northern Ireland, making up some 10% of the workforce. We also know how much is owed to the banks and about falling incomes.

In the rural economy section, the Programme for Government could have addressed the desperate need for childcare facilities, which are scarce in rural areas. Even if they do exist, the cost is prohibitive, as many farmers and their workers earn the equivalent of part-time wages.

There are structural changes to the agriculture budget, which means less money for farming families. However, the increase in rural development money should be targeted towards farming families.

12.00

More and more people are moving to the countryside — people who do not depend on farming for their livelihood or to survive, but we need to focus on farming families. The slow but steady downturn in profitability has resulted in full-time farmers being on part-time wages and seeking alternative employment. How will the Programme for Government help with retraining, and how will help be made available to the farming sector directly? Can the Minister indicate what proportion of the Department of Agriculture and Rural Development's budget of £191 million will go straight to the farmers instead of to administration? Does anyone feel that the Programme for Government will deliver a viable future for farmers? Many farmers do not agree, and their futures are bleak.

Paragraph 1.8 refers to a better environment. How will the environmental scheme work? It is already underfunded, so what tangible benefits does the Minister see coming from it if it is not funded adequately? If this remains the case, it will fall at the first fence.

Paragraph 1.9 refers to the creation of new skills and new job opportunities. While there is a great opportunity for job creation in the agri-food industry, further processing offers no such possibilities. Vegetables, beef, lamb or fish cannot be processed, for the money and assistance are currently not available. Potential processors will have to wait until next year or the year after before their applications can be processed. There is a plethora of golden job opportunities that could create prosperity and breathe life into the rural community. A vibrant agriculture industry is possible, but a vision is needed from within the Department of Agriculture and Rural Development. Is there that vision and the commitment to realise it? If the programme does not focus on the farming families and the job opportunities within further processing, it will have failed miserably.

**Mr Speaker:** Members are raising relatively detailed issues relating to particular Departments. Almost all the Ministers will respond at some stage, but when a Member raises points of detail — for example, as Mr Shannon has done on agriculture — it is not reasonable to expect the Minister responding at the end of this particular section to cover that. He will have substantial difficulties covering all the matters that have been raised in any case. The

Minister of Agriculture should be speaking later in the day and may be able to respond, as may other Ministers. This does not apply only to Mr Shannon but to a number of Members. The various Ministers will speak at different times. If a Minister has spoken and a Member raises a question in his bailiwick after he has spoken, that Minister will be able to respond to that only in writing. If the matter is raised earlier in the debate before the Minister has spoken, he may be able to pick it up later in the day.

**The Chairman of the Finance and Personnel Committee (Mr Molloy):** Go raibh maith agat, a Cheann Comhairle. The Finance and Personnel Committee discussed the Programme for Government but could not agree on how to respond. All parties will want to respond, and we will do so today. I want to touch on some of the issues that came up in the Committee. I welcome the opportunity for this discussion of the so-called Programme for Government, and I hope that partnership, equality and accountability will become a reality.

It is a pity that the discussion did not take place before the document was published. The cloud of secrecy which hung over the Executive discussions does not auger well for inclusivity. Can this be a Programme for Government when we are not a Government, when we do not control our finances and when we are dependent on the British Exchequer for resources and for the workings of the Barnett formula? However, I welcome the statement that the Executive will press for a fair allocation of resources. The other sort of finance is the regional rate.

Let me deal with the Barnett formula. It is flawed, and, as stated in the Programme for Government, it does not address our needs. It cannot address our needs, because Barnett does not target need; it is a headcount that regulates the difference between areas. What has been done so far to press for a fair allocation? What has been the British Government's response? What is proposed for the future to ensure that we get a fair allocation? What was the percentage rise allocated under the Barnett formula from the block grant? The Barnett formula discriminates quite clearly against the North. Less is allocated for health here than is allocated in England, Scotland or Wales. Less is spent on education here, and particularly on school buildings. Approximately one third of what is spent on sport and leisure facilities in England is spent here. We are clearly not being given a fair or equal share of the allocation.

Barnett does not target need, but we must target need if the Programme for Government is to mean anything for the people we represent. In the Programme for Government and the Budget, the Executive have gone for the easy option — to add 8% to the rates. We were told that the Assembly would not have tax-raising powers, but it has increased the regional rate for domestic property by 8% and by 6.6% for non-domestic property such as small shops and businesses, which are already suffering. These increases are based on a valuation

made five years ago, and they certainly do not represent an easy option for those people involved.

If it is a tax, then we should call it a tax. If the regional rate is to finance the Budget and the Programme for Government, we should call it the Assembly Tax and collect it as such. Any rise should be in line with inflation — approximately 3%. Where did the figure of 8% come from? Is there a balance sheet to show that 8% is needed to match up with what is already allocated under the block grant? The rates are a very unfair method of taxation. Those who do not have access to services — hospitals, roads and infrastructure — pay the same as those who do.

The rates hit all households but not individuals. The issue will further divide families and create problems with housing benefit, et cetera. Those living west of the Bann will pay the same as those living in other areas and those who have services such as hospitals, schools and infrastructure. The M1 stops at Dungannon, and the M2 stops beyond Antrim. The 6% rise for shops, offices and businesses takes no account of the suffering of town centres over recent years from the effects of out-of-town developments. It is based on a valuation made five years ago, and it is an unfair system of taxation.

We rightly criticised NIE last week for a 9% rise in electricity charges. We criticised the fuel rise, yet now we are saying that there must be an 8% rise on rates. The Assembly should reject this rise in rates, just as we said that the electricity charge increase announced last week was unacceptable.

If the Programme for Government is to mean anything to people, it must redress the imbalances of the past. It must redress the 80 years of neglect west of the Bann and reverse the discrimination of the past. What other sources of finance were sought? Were the British Government asked to use the war chest and the peace dividend to redress the imbalance? Was the issue of the Celtic tiger addressed with the Irish Government? When are the Irish Government going to ensure that the Celtic tiger covers the 32 counties of Ireland? As far as European funding is concerned, will there be matching funding available and will additionality be ensured? The Civil Service statement talks about —

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

**Ms Hanna:** I welcome the opportunity to speak about the Programme for Government. I want to focus on the environmental aspects and, more specifically, on sustainability, which has been referred to several times today and which is referred to several times in the Programme for Government.

Sustainable development is development that meets the needs of current generations without compromising the capability of future generations to meet their needs. We should all strive to achieve this goal, and it is much

more than an environmental agenda. We must consider the long-term implications of our decisions and give equal weight to the environmental, social and economic dimensions of development. That aspiration should become a reality. Sustainability must be a key theme of the whole Programme for Government.

There should be clear recognition of the importance of protecting our built heritage. This important element is a cornerstone of sustainability. I refer to chapter 2 on the tackling of poverty and renewal of disadvantaged neighbourhoods. The preservation of our heritage is not just about the aesthetic. It is also about needs, especially the need for safe and healthy housing and a healthy environment. If we can meet these needs through the restoration of historic buildings and the rehabilitation of existing buildings, we will have a more sustainable and attractive environment.

We should encourage the flexible take-up of improvement and repair grants. We should encourage urban regeneration through rehabilitation rather than redevelopment. To avoid disposal, we should train more plumbers, electricians, joiners and other tradesmen. We should encourage a sense of pride and the restoration of historic buildings by promoting an awareness of local history. The attractiveness of our country to visitors, tourists or workers, depends on the retention and promotion of our heritage as well as clean air, clean water and good infrastructure.

We should promote the concept of third-party planning appeals. That would increase the power of people to influence decisions on their local environment. The elimination of the planning backlog should not be achieved at the expense of sound planning decisions. We must encourage general environmental awareness.

With regard to chapter 3 of the programme, 'Working for a Healthier People', we could reduce air pollution by encouraging greater use of public transport and ensuring fast and regular bus and train services. We should also develop more pedestrian and cycle routes.

If such points were addressed, we would truly see sustainability in action. I am glad to have an opportunity to focus on sustainability. It is a live environmental issue that connects the generations, giving us all a greater sense of ourselves and our environment. Despite our political differences, every Member of this House wants to protect and cherish our environment.

**Mr Poets:** I wish to address section 1.3 of the Programme, 'A Cohesive, Inclusive and Just Society'. It discusses the new targeting social need policy. We should consider that policy: members of the public often refer to it as "targeting sectarian need". We must ensure that the targeting social need programme reaches across the entire community and does not reach only to specific areas of the community. We should recognise that there are severe problems in many Unionist as well as

Nationalist parts of the community. We should look in particular at the Shankill Road. The terms of the new targeting social need policy, especially in relation to long-term unemployment, would rule parts of that area out.

I would like to see the appointment of a children's commissioner. Many children are living in abject poverty, and many are brought up in situations that many of us could not comprehend. It is sad that children are brought up in such circumstances.

Chapter 2 refers to the employment of Roman Catholics in the senior Civil Service. I have no objections to the Executive's examining that issue, but it should look at the entire Civil Service. In the lower ranks, the Protestant community is under-represented. In a few years' time, we will have the same problem with the senior Civil Service, as Protestant civil servants will not have come up through the ranks. Therefore, there should be an examination of the Civil Service as a whole, as opposed to its senior ranks alone.

Chapter 6 of the programme sets out the aspirations of the Executive regarding relations with north America and Europe. I do not think that the funds that have been set aside make those aspirations feasible. As regards Northern Ireland's international image, the document talks about the development of

"a marketing strategy to promote awareness of our cultural treasures and recreational facilities".

One of our cultural treasures is the celebration of the Twelfth of July. It is enjoyed by hundreds of thousands of people every year and is one of the most colourful events in the Province. The Government should examine the promotion of the Twelfth of July as a tourist attraction, with a view to undermining those who seek to destroy what is good in the Province.

12.15 pm

Chapter 7 talks about setting targets, monitoring development and progress towards electronic service delivery. Once again, what is set out in the Programme for Government fails to match up with what is in the Budget. An application for £15.9 million was not successful. No money has been allocated for electronic government, and there will clearly be problems in meeting the targets set unless the finance is made available.

Will we be introducing our own freedom-of-information legislation, or is it the Executive's intention to adopt the Westminster legislation for a period, afterwards seeking to amend it?

I should like to see a clear definition of Executive and Northern Ireland Office responsibilities on the issue of victims. On too many occasions Members of this House, and victims themselves, have sought answers, only to be sent from one Department to another. We need clear definitions of the responsibilities of each Department. The issue of capacity-building, to which the document

refers, must be looked at, for it has been used as a means of discriminating against certain victims' groups that do not happen to be in favour with the Office of the First Minister and the Deputy First Minister.

Those are only a few of the issues I wish to tackle. I welcome the proposal to introduce free public transport for senior citizens.

**Mr G Kelly:** Go raibh maith agat, a Cheann Comhairle. David Trimble opened his speech this morning by saying his objective was a new beginning. He listed Protestants, Catholics, Unionists, Republicans, Nationalists and Loyalists and other groups in society, saying that they were what the draft Programme for Government was about.

I should have liked to talk in particular about chapter 7 and the partnerships involved between the institutions — all the institutions — in the community, including the Assembly. Community leaders are an essential part of this and must be equal partners in moving the process forward. I should have liked to discuss devising ways of dealing directly with the community sector, methods and mechanisms for going into the community. Some of that is already happening.

As a member of the Social Development Committee, I should also have liked to talk about the substantial shortfall in the budget for that Department. A substantial portion of the blame for that shortfall lies with the two successive DUP Ministers who failed to go to the Executive and argue vociferously for the Department.

Unfortunately, the two most important documents, which in my opinion go beyond the draft Programme for Government that the Assembly has received, are those sent to members of the Ulster Unionist Council detailing the proposals put to it on 28 October. Both of these were penned by the First Minister, and therein lies the great difficulty. The first might be described as a statement of intent to collapse the Executive on the part of the First Minister, while the second details a method of collapse. In the first, he argues that Mr Jeffrey Donaldson's proposal was an exit strategy without a re-entry strategy. I shall quote one short section:

"The response is intended to increase pressure progressively on Republicans and Nationalists. This might result in a crisis for the Assembly and Executive. But if that arises we must do all that we can to put responsibility on republicans."

This is about crisis and suspension and putting the blame on Republicans. We must remember that all these institutions are entwined, so that if one falls, they all fall. In his own proposal, after saying that he will not nominate Sinn Féin Ministers for North/South Ministerial Council meetings, the First Minister goes on to put demands on almost every other party to the Good Friday Agreement.

He demands that the Independent International Commission on Decommissioning (IICD) be proactive in fulfilling its mandate; he demands monthly reports,

sets deadlines and prescribes timetables. He warns that if either of the two Governments, or any other party, interferes with this, he will progressively terminate meetings of the North/South Ministerial Council and the British-Irish Council. He then demands that the Government convene a formal review and put a moratorium on policing. After setting us all these tasks he is going to set up another Ulster Unionist Party meeting in January to decide whether we have all performed well. Somewhere he has said that he has had twenty-one meetings of the Ulster Unionist Council.

I read the draft Programme for Government. I have criticisms of its being aspirational — many people have spoke of its being definitively too aspirational — and sustainability is a recurring problem. There is a substantial difference between the programme and the Budget, which is to be discussed tomorrow. This whole debate is aspirational: the sustainability of the Assembly and the other institutions is under scrutiny, because David Trimble is involved in their collapse. That is what we need to rectify and what David Trimble needs to rectify.

**The Minister of Finance and Personnel (Mr Durkan):**

Given the number of points raised and the fact that I have only five minutes in which to speak, I am not going to be able to cover everything. Several issues recurred in Members' comments, and I want to deal with some of them.

First, we had criticisms that this is too aspirational, too visionary. Others seemed to imply that there was not enough vision, that the document was too prosaic. The fact is that in embarking on this Programme for Government, the Executive has tried to come up with the right balance between a clear vision — where we want to take this society under these new institutions — and a real sense of mission, in other words how we will use the responsibilities and resources that fall to us as a regional Administration. Clearly our resources are not as we would want them to be, and, in many cases, our responsibilities are not as complete as we would want them to be. Nevertheless, we have to meet those responsibilities and manage resources. That is what we have tried to do, in a planned way, in the proposals we have brought forward in the Programme for Government and the draft Budget as well.

The whole Executive Committee agreed this Programme for Government. They also agreed that the draft Budget for the next financial year was consistent with it and would help to enable the aims of the programme to be discharged. This is a draft Programme for Government, and tomorrow we will be discussing a draft Budget. This programme is a multiannual prospectus; the Budget proposals that have been tabled to date relate only to the next financial year.

Some Members indicated that they would have preferred more detail about public service agreements, et cetera. More detail would be welcome, and it will be

forthcoming. However, if the Executive had waited until it had the detailed public service agreements worked out for every Department, for every area of spend, and had then presented a draft programme in those terms, people would have said “No, you should have presented a more general draft. We would then have decided on the priorities and principles from which the public service agreements should flow.” Members cannot have it both ways — wanting us to consult and then criticising us because we have produced a document that is clearly for consultation. This is here for further elaboration, for further work and for development. The Assembly will have the detailed public service agreements in a consolidated Programme for Government in January, to be decided in February.

The Assembly and its Committees have the opportunity to follow through on many important detailed points that concern Members today. Points were raised in relation to several areas. Environment seemed to get most attention in this session as regards sustainable development and how we understand that concept. Consistent with the Programme for Government, the Minister of the Environment, Mr Foster, will bring forward more details to ensure that sustainable development receives the sort of comprehensive, joined-up approach required, as it affects all aspects of public policy and public management.

Members have asked for detail on certain points. The Departments will provide that detail as they develop, in consultation with the relevant departmental Committees, the detailed actions and targets necessary to bring forward informed and articulate public service agreements. Those points will be brought forward in due time, whether they relate to housing, education or water and sewerage.

It would have been impossible for us to have a Programme for Government that details every single item currently being undertaken, because people would say it was simply an inventory of all current activities and, therefore, would lack the sort of vision that people here have rightly been asking for.

In this Programme for Government we have tried to set out an agenda for change and improvement across the range of Government Departments. The programme emphasises many new activities and new actions, and to that extent, it understates a huge volume of work that has already been undertaken by Departments.

**Mr Speaker:** We now move to the second section, beginning with chapters 2 and 3 of the Programme for Government.

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** As the First Minister explained at the opening of this debate, the Executive Committee agreed that two of the key challenges we face are the need to build a cohesive, creative, inclusive and just society and the need to improve the health of the population. These major issues require all the Departments to work

together, and we hope the following session will provide an opportunity for a full debate.

First, I want to focus on the theme we explore in our priority area: growing as a community. We can create confidence in our different communities only if we are confident in our rights and responsibilities. We can achieve it only if we can create security from poverty for individuals and security from disadvantage for communities. That confidence is essential if we are to tackle the real divisions in our society and tap into our latent creativity.

Our approach, therefore, will not only focus on promoting equality in human rights. We will link that to tackling poverty and social disadvantage, the renewal of disadvantaged neighbourhoods and the sustaining of local communities and their organisations. We will marry this to improving community relations and the breaking down of the deep divisions in society. The danger is that we can easily produce fine-sounding rhetoric, but these are extremely stubborn problems, and we have to be realistic about what can be achieved and the timescale in which that will be done.

Nevertheless, we are a new devolved Administration. We are the locally elected representatives of the people, and we know what the problems are. We appreciate that people are our only natural resource. We know what different groups need, and we know what can be done.

Moving on to the details of the priority, our first focus is on ensuring the effective promotion of equality in human rights. Key to this will be the development of a number of important cross-cutting approaches such as developing and implementing new policies on gender and inequalities. By April 2001, we will consult on a single equality Bill to be introduced in 2002, and by the end of 2002, we will complete an evaluation of the targeting social need policy, enabling us to see how this works.

We will tackle the major issues of participation and accessibility. We will also address the needs of the disabled and assure equality of treatment for all.

12.30 pm

The victims of past violence are very important. We are all agreed that their needs must get special attention. Our aim, in meeting victims' needs, is to help healing and assist individuals affected to gain confidence. By April 2001, we will have put in place a cross-departmental strategy to ensure that the needs of victims are met by the different services that we provide.

I want to talk about the socially excluded and those facing poverty, particularly children who are blighted by its impact. We will use instruments such as the ONE initiative, involving the Department for Social Development, the Department of Higher and Further Education, Training and Employment and other Government agencies, to provide joined-up welfare and

employment services to help families re-enter the labour market.

The Executive will bring forward proposals to introduce free travel on public transport for older people. We will also help households suffering from fuel poverty by introducing a new energy efficiency scheme.

Social housing is also an important matter. Present housing policy will be developed and will ensure that existing housing is adapted in the best way to suit those with special needs, such as the disabled. Problems of disadvantage and social exclusion are often found in distinct geographic pockets in our community. We will therefore work, not only on neighbourhood regeneration task groups, but also in rural districts where we will seek to use rural development activity to focus on particular areas.

We want to enhance local communities by strengthening areas where community infrastructure is weak and by encouraging people to take an active role in their neighbourhood's regeneration. This will include areas such as arts, culture and libraries, sports activities and housing, which can all play a vital role in helping to instil confidence throughout our society as well as enhancing community relations.

A related issue must be the celebration of cultural and linguistic diversity. The Department of Culture, Arts and Leisure will play a major role in this. My Department will ensure that all communities can feel confident in their own culture and language. We can benefit from and take pride in the richness of our diversity, rather than see it as a problem. In so doing, we can promote a positive image of Northern Ireland.

A second priority area is 'Working for a Healthier People'. During this session, we have linked this priority to that of 'Growing as a Community', because there are natural links. Deprivation and poverty have led to inequalities in the health of our population. Indeed, our health record compares unfavourably to that in many European regions.

**Mr Speaker:** Order. I have to intervene. The Minister's time is up.

**Mr Armstrong:** I welcome the opportunity to speak on the draft Programme for Government and specifically, to voice my views on 'Working for a Healthier People' from the rural perspective. Our rural community has been facing severe hardship in recent times, and there is a need to look to the future, form new strategies and plan a better tomorrow.

First, I welcome the realisation, as outlined in section 1.9 of the draft programme, that rural areas are important and that it is necessary to develop new skills and jobs. Our rural community must be considered in every aspect of future plans for Northern Ireland. Farmers and those living in rural areas must be sustained. The farming community is the backbone of

the rural community. They are the custodians of the countryside, the environment, and a substantial part of our culture and heritage.

Rural areas make up a large proportion of Northern Ireland, and this must be taken into account. Northern Ireland has a surface area of 1.4 million hectares, which is approximately 3.5 million acres, and a population of 1.6 million. Rural districts account for 95% of Northern Ireland, and 700,000 people live in those areas — that is 43.6% of the total population. Over 359,000 people living in rural areas — that is over 50% — are classified as disadvantaged.

Secondly, section 2.4.2 of the programme states that the Government will “sustain and enhance local communities”. I urge that the programme take into consideration the needs of farmers and those living in rural communities and, in particular, outline specific objectives to provide support in these times of great hardship.

Thirdly, under the heading ‘Working for a Healthier People’, I welcome the recognition that

“Everyone has the right to timely, quality care based on clinical and social need.”

However, the programme should pay particular attention to those living in rural communities, the vast majority of whom should have equal priority and the same hospital services as received by people in urban areas. There should be adequate acute service provision in all areas of Northern Ireland.

I note that under section 4.3, all young people are to have the qualifications and skills needed to gain employment in a modern economy by March 2002. The proportion of the workforce in agriculture who hold vocational qualifications at NVQ level 3 or higher is to be increased to 9%. I also welcome section 4.4, which outlines the aim to

“provide lifelong learning opportunities to enable people to update their knowledge, skills and qualifications.”

This aim is equally applicable to rural communities since the agriculture industry is deteriorating and there is an increasing need to find alternative employment. These farmers must be supported as they look for new ideas and employment in different areas.

I am pleased to note in section 5.1.3 the reference to the difficulties faced in rural areas as a result of falling incomes. What better way to modernise farming than to have a farm regeneration scheme to encourage onto our farms young people who are well trained in modern farming methods and skilled in business management? The Programme for Government should make a commitment to do just that. This is a clear vision of the future.

In conclusion, I welcome the recognition of the need to work together across Departments and agencies to tackle the fundamental problems of our society. In the

same way, farmers must be remembered when examining all aspects of government.

It must be remembered that the future of the agriculture and the agri-food sectors has a direct relationship to the well-being of the rural economy. We must ensure that there is a high-quality environment with good-quality water and air. We must produce food in natural surroundings to create a healthier way of life, thus allowing us to market ourselves abroad as a centre of tourism and investment. Agriculture is the backbone of Northern Ireland, which promotes health and social development for our children.

**The Chairman of the Culture, Arts and Leisure Committee (Mr O'Neill):** First, on behalf of the Culture, Arts and Leisure Committee, which has discussed the Programme for Government, I welcome the document and congratulate the Executive on what is a very detailed and constructive report. I particularly welcome the innovative approach of the Executive’s programme funds to assist the development of activities across Departments, particularly in relation to equality and targeting social need. We welcome the inclusion in the document of structured actions and actual dates for specific purposes and the fact that public service agreements are to be established with Departments to link achievement with agreed outcomes for public funding.

However, it is not clear if the programme funds have been set up in response to the underfunding of these policy areas in Northern Ireland and if, as a result, they will address issues of underfunding rather than be completely new departures. We hope to see more clarity on that issue in the report.

There are many references to joined-up Government, but there are no details of how, in practice, Departments will work towards mutual goals. These goals have been established on a short-term basis, for example, one to two years. The Committee believes that long-term objectives should also be looked at. We are concerned that the proposed date for completion of the strategy for the development of centres of curiosity and imagination is April 2002. Perhaps a scarcity exists, but it is a lengthy period of time.

The report has to be aspirational, but there are times when the aspiration becomes so great as to lose contact with reality. Speaking as an Assembly Member and not as Chairman of the Culture, Arts and Leisure Committee, I am concerned that the Programme for Government could become so aspirational as to lose touch with reality and leave Members in some difficulty. I refer particularly to something that was raised with the Minister for Social Development at the Social Development Committee last week. It is one example, though there are others. Paragraph 7.6 of the programme states

“In each of the years 2000/01, 2001/02, and 2002/03, we will reduce levels of Social Security fraud and error in Income Support,



Job Seekers' Allowance, Disability Living Allowance and Invalid Care Allowance by 5%".

That is a worthy aim, but there is no indication of how it can be realised. What do the Executive want the Assembly to support? If draconian measures were introduced to achieve those aims, many Members would raise their eyebrows in alarm and warning. There should be greater clarity about what is meant by assertions in the programme that are too aspirational.

I am also concerned that the provision of rural housing is not identified as an aim in the Programme for Government. As the Deputy Speaker can attest, it was a long and hard struggle to get rural housing on the agenda. Some of the other aims in the report may be seen as making reference to problems with rural housing, but I am concerned that the issue has lost its prominence. Will the Executive look at the issue again and consider whether there is not a need for it to be seen as a separate and important issue? Mr Gallagher spoke about the problems with grants, particularly for houses in Fermanagh that are unfit for habitation. Although Fermanagh is the worst-affected local government area, the problem concerns everyone who lives in a rural area. There is a great need for further work on that issue. I am concerned that it is not included in the report. The Executive should do something about it.

**Mr Dodds:** Members from all parts of the House have commented, rightly, on how aspirational the Programme for Government is and on how much of it deals with spin rather than substance. It is short on concrete actions and long on aspiration. It contains very little that is new. Much of it is a drawing together of proposals from various Departments that were already in the public domain. The parts of the programme that deal with how we tackle poverty and social disadvantage had already been laid before the Social Development Committee in July. Therefore there is nothing innovative in the document.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

This morning, the First Minister lamented that there had been so little public comment and debate on the document, but I note, with interest, the comments made by the business community on the day after its publication. The business community was of the opinion that the plethora of aspirational statements in the document needed to be firmed up. That is the reaction of the business community — hardly inspiring.

The First Minister and the Deputy First Minister have tried to inject some enthusiasm and energy into the matter, but that cannot be done because of the way in which the document is framed. We have heard that this is a wonderful milestone in the life of the Assembly and that, among other things, we have people working together in joined-up Government. Then, one of the parties that is supposed to be in the Government attacked the First Minister.

We have heard reports that the Health Minister refused to go the joint ministerial council, that the First Minister banned another party from going to North/South meetings, that legal action has been threatened and that there have been rows. That is a wonderful example of joined-up Government and a wonderful example of how the new Executive works harmoniously together, or so we were told when the document was launched a few weeks ago.

*12.45 pm*

At the document's launch Mr Mallon said that it would be business as usual for the future. He was proved wrong within a week. Mr Trimble had not even bothered to tell him of his plans. We have the sort of joined-up Government where the First Minister does not even tell the Deputy First Minister, never mind the other parties on the Executive, what he plans to do.

Nothing in the document deals with the core problem that at the heart of the Government, and corrupting that Government, we have parties that hold on to terrorist arms and ammunition. Sinn Féin has indicated that it is not going to give up any arms or ammunition. That is the central issue that needs to be addressed. The document is full of the North/South, all-Ireland, dimension, and that was raised at the time. We pointed out that expenditure on the North/South bodies is about £17 million and not £11 million, as the First Minister said. He will have to apologise once again for misleading the House, and I hope that he will take the opportunity to do that as quickly as possible. That money could be better spent. For every £1 million spent on implementing the all-Ireland dimension of the agreement, we could have 200 more heart operations, we could adapt 1,000 more homes for the disabled, and so on.

When we deal with the Budget tomorrow we will go into that in more detail. While there is a reference to the review of public administration in Northern Ireland, no Minister has yet given details of the review, what it will mean and how long it will take. We have heard statements outside the House, but the Minister has refused to come to the House to tell us what is happening. I would like to address more issues, but that will not be possible in the time that is available. One Member attacked the DUP for its stance on the agreement. I find it very sad to hear a Member such as Mr C Wilson, who is supposed to be in the anti-agreement camp, doing all he can to assist Mr Trimble and the Ulster Unionist Party. I sometimes wonder who puts him up to it and why he continues to attack those of us who have the people's support on our anti-agreement stance.

I congratulate the Minister for Social Development on many of the issues that have been included in the Programme for Government, and I look forward to the introduction of free travel on public transport for older

people. I hope that that will be implemented as quickly as possible in keeping with DUP manifesto commitments.

**Ms Gildernew:** A LeasCheann Comhairle, I welcome our first attempt at a Programme for Government. Given that this is the first time in generations that locally elected representatives have had an opportunity to make an impact on the day-to-day running of the Six Counties and that the past few years have been a steep learning curve for all, it is not surprising that this document is not without fault. As Deputy Chairperson of the Committee for Social Development, I will concentrate my remarks on chapter 2 'Growing as a Community'. It focuses on poverty and social inclusion, community regeneration and the enhancement of our voluntary and community sector.

Previous attempts at government have failed, but it is imperative for the people of this statelet and for all sections of the community, urban or rural, young or old, Catholic or Protestant, that we do not fail this time. In recognising the failures of the past, we must address what needs to be done to ensure that we do not make the same mistakes again. We should draw on the experiences of the international community, particularly Europe, and learn from other communities that are coming out of conflict. We must be radical, imaginative and decisive. We have to direct resources to the areas of greatest need in order to achieve measurable results, and we must make regeneration work. Above all, we have to ensure that people see tangible benefits from what we are doing and address issues of critical importance in a way that empowers our communities and eradicates poverty for good.

Therefore it is essential that this is a template for good effective governance. Words like "inclusive", "cohesive", "effective", "transparency", "just", "equal", "accessible" and "consistent" are dotted throughout this chapter.

However, we must guarantee that those sentiments are not merely aspirational but real targets for the next 12 months. In order to achieve this we must ask ourselves some challenging questions. For example, given that we have had community regeneration initiatives since the 1980s, why are many of our towns and huge parts of our cities still run down and derelict? Have projects like Making Belfast Work delivered real and tangible benefits to all of the community, or are some areas attracting vast sums of money while others remain neglected and impoverished? Has EU funding really been additional, or has it systematically been used in place of British Exchequer funding? Money, ring-fenced for community projects that will prioritise tackling discrimination and poverty, should not be wasted or redirected into other areas.

We must all strive to achieve the promotion of equality and human rights. Without our fundamental rights we cannot make progress on any of our policies. Therefore I am glad to see plans on how we do this early in the

programme. If we achieve all of the targets set out in section 2.2 we will have achieved a great deal and will have started to move away from the inequalities of the past.

The promotion of human rights and equality must be the key priority of this Assembly. Further, it is time for Unionism to accept that institutionalised discrimination has been practised here for the past 80 years. In this building, the founding fathers of Ulster Unionism preached and practised discrimination as a tool of political manipulation and control. Discrimination and disadvantage did, and does, exist.

Paragraph 2.3.2. says

"We will work to provide high quality affordable social housing for those on low incomes"

I was disappointed to see no mention of tackling rural unfitness. My constituency, Fermanagh and South Tyrone, contains the highest levels of unfit rural housing on these islands, yet this has been omitted completely. In order to achieve what we set out to do in terms of replacement programmes and disabled adaptations, we are going to have to fund the Housing Executive adequately. I am sure every elected representative here has been frustrated at some point about the lack of resources to get things done or the speed at which work gets carried out. I would also agree with Gerry Kelly that if Maurice Morrow had fought his corner in the Executive, I do not believe the Housing Executive would have suffered from budget restraints in the way it has.

I would also like to have a point clarified. Paragraph 2.4.2 aspires to

"develop the necessary community infrastructure in the most disadvantaged areas and where it is weakest, encouraging people to take responsibility in and for their own communities."

Are we going to prioritise areas with the weakest community infrastructure or those most disadvantaged? These mean very different things.

How committed are we really to the community and voluntary sector when it has received a pittance from mainstream funding, when the actions in the Programme for Government do not include details of how this ambitious section is going to be achieved and when this year's Budget proposals do not seem to take any of this into account?

The Programme for Government sets out our stall for a better future and is the first step in creating a better society for all. However, it needs to be clear not just on its objectives but in how they are to be achieved. That means that we have to fund the targets set out and make them achievable. If that involves asking the Dublin Government to provide additional funding, that is what we must do. Given that we do not receive enough from the British Exchequer and that we have not seen any money coming from savings made from the British war machine, we have to be imaginative about how to fund

our priorities in order to achieve these aspirations. Go raibh maith agat.

**Mr McCarthy:** The words “cohesion”, “inclusion” and “justice” underpin the implementation of all Government policies and programmes. These are laudable sentiments and can only be welcomed. However, after reading the document I am sad to say that I am disappointed. I want a cohesive, inclusive and just society, but I am afraid this Programme for Government does not deliver. It falls far short, leaving too many things unsaid and too many problems unsolved.

I am heartened by today’s developments in the Assembly. I presume that since only Minister McGimpsey and Minister de Brún are speaking, they will also be speaking for their Colleagues in other Departments. It is indeed reassuring that the Executive is so cohesive and so inclusive that the Minister of Health can speak on behalf of the present Minister for Social Development.

The Alliance Party, without the help of the Economic Unit special advisers and a building filled with civil servants, has already put forward its own Programme for Government and has even managed to deliver it before the Executive. We agree with the Government on some points. We too call for a consolidated Equality Act and for the application and monitoring of equality schemes, but even here the Executive’s plans fall short. We want the fair employment categories widened to apply to all of our increasingly diverse society, but the Programme for Government makes no mention of this.

We want the existing legislation applied to tackle the problems of graffiti, illegal flags and paramilitary murals that pollute our public places and intimidate the average person in Northern Ireland and visitors too, but the Programme for Government makes no mention of this either.

We would like to see the Assembly’s taking the lead in ensuring equality in its workforce through the use of innovative programmes such as flexible working, job-sharing, childcare provision and disability access. As an elected representative I think that part of my duty to the electorate is to lead by example, and this Assembly affords us an opportunity to do so, but the Executive ignore this, and there is no mention of it in its document.

I very much welcome the commitment to providing free travel for older persons. Members will know of my concern and interest in all areas affecting the elderly. The Alliance Party has advocated this policy for some time now; we feel this is necessary in order to build the inclusive society that we desire. We believe that this commitment is so important that it should have been specified that the Assembly fund this travel — not the councils by using rates. Alliance does not want to pass on the responsibility for this programme to overstretched councils which are already juggling many resource

demands. However, I do not find this commitment in the document.

We have also called for the establishment of a public health strategy, as does the Programme for Government. We have called for all policies and legislation to be audited for their impact on people’s health.

Of course I cannot speak on health matters without spending a few moments talking about hospital closures and, indeed, condemning last week’s scandalous inability of the Ulster Hospital, due to a lack of finance, to provide a bed for a seriously burnt patient from Bangor. I say “Shame on the Department and its Minister”. I see that she is here today, and I hope she will take immediate action to ensure that this will not happen again.

Alliance advocates the innovative use of local hospitals by allowing them to develop into different areas of expertise. In this way more closures and bed shortages would be avoided while allowing for the concentration of specialities and a more efficient use of resources. It is hoped that this is the kind of policy the Executive will pursue, although no mention is made of it in the Programme for Government.

I welcome many of the proposals, aims and actions in this document. However, I believe that they fall crucially short of providing for an inclusive society. We in the Alliance Party want to see the Assembly promoting sharing over separation and leading by example.

**Dr Hendron:** Health has been defined as being a state of complete physical and mental well-being and not merely the absence of disease. It is a fact that the health of Northern Ireland’s population, is, in general, not as good as that of other similar countries in western Europe. There must be major improvements in people’s health, especially in the case of our children and young people, since our future rests on their development. We need to ensure that our policies and programmes take account of their needs.

There has been concern in recent years over the quality of provision of children’s residential care services in Northern Ireland. The Health, Social Services and Public Safety Committee, as part of its scrutinising role, has conducted an inquiry on residential and secure accommodation for children here, and we hope to present the report of that inquiry to the Assembly before Christmas.

*1.00 pm*

Too many of our children are living in poverty. As stated in the Programme for Government, we acknowledge the close relationship between family poverty and higher infant mortality, between poor general health and an increased risk of social problems. When a child is born its IQ (intelligence quotient) is partly due to genetic factors but, as it gets older, intelligence is also due to

environmental factors. So it is not just a question of being born bright or stupid; a child's development is also affected by its environment. Therefore a school-aged child from an underprivileged area or from a family living in relative poverty is at a gross disadvantage compared to other children in the community, especially with regard to education and health. That point has been proven over and over again and is supported by examination results in some areas. Of course we pay tribute to the people who are teaching them, but young people from poor backgrounds are at a gross disadvantage. They encounter higher levels of unemployment, and what jobs they do get seem to be the lesser types of jobs. In areas like that, young people are also more likely to smoke.

The problem of inequality in health must be tackled. Diet also affects lifestyle, and this is a factor that many of us try to teach our children. Hamburgers and fast food are particularly dangerous. Members may remember the experiment in Vietnam on thousands of young Americans aged between 18 and 20, whose post mortem examinations showed that most of these men were found to have atheroma. In other words, the hardening of their arteries started during their childhood.

Mr McCarthy spoke about the elderly. The recent findings of the Royal Commission on the elderly should be implemented. That is a massive debate on its own.

I shall move on to the issue of young people with learning difficulties. Much has been said about Muckamore. I am sure the Assembly supports the Friends of Muckamore in hoping for the very best for their people. A lot of them are adults who have been there for many years — if they are to move into the community, there must be proper resources to assist them. Some people would like those patients to stay in Muckamore for longer than necessary, but human-rights legislation stipulates that such people are entitled to proper care in the community. Provided that the proper care is available there, we support their return to the community.

The ongoing crisis in hospitals is a massive subject, but we will not resolve that by attacking individuals — and certainly not by attacking the Minister. The problems go back for years, when beds were closed by other Administrations. When beds are closed you cannot just open them up again. You need the resources and you need trained nurses. Some of the boards are getting nurses from abroad. I am sure they are very able girls, but a consultant recently told me about a nurse trained in the United States, who had impressive qualifications. When asked to take a patient's blood pressure, she did not know how to do it. I am not belittling that nurse — she was trained in a certain way — but training is a major problem. I know that the Minister and the Department are tackling it, but all of us must work together on this crisis.

My last point is on primary care. The Minister is publishing her document, and I hope it will affect everybody

in this Chamber and every person in Northern Ireland in primary care.

**Mr B Hutchinson:** When we get to this stage, after having talked so much, there tends to be a lot of repetition. The Programme for Government affords an excellent opportunity for us to discuss policy. As other Members mentioned earlier, this is the first time in 25 years that something like the Programme for Government has been discussed by local representatives. However that does not mean that we should refrain from criticism, and there are a lot of things in this document which do need to be criticised.

This document seems to be very aspirational. It uses a lot of flowery language. It actually talks about implementing new legislation and policies. However, it does very little about developing programmes, and that concerns me. For instance, as far as promoting equality and human rights, as stated on page 18, is concerned, the document simply lists all of the things that the Government must do anyway. It does not tell us how that is to be communicated to the communities.

In terms of listing the actions to be taken to ensure human rights, the document could have stated how we could use affirmative action policies to meet the targets when set. That work has been lost in this draft programme, and I hope that Ministers consider including it at some stage. I hope people will forgive me for thinking that the Natural Law Party had been elected and is actually in Government. The proposal to set up centres for curiosity and imagination sounds like something it would come up with.

As a Belfast City councillor, I know that there already is a good community arts sector. It is well organised and is coming up with lots of ideas. We need to take arts to the community so that people can understand what it is about. I get no sense of that when I look at the objective of setting up centres of curiosity and imagination. It is a very bland statement and suggests that people do not have imagination and are not curious about the arts. We need to be more positive rather than negative. Perhaps the Programme for Government will outline exactly what that means.

I was astounded that people talked about how they were going to improve community relations by educating people together and building houses for them to live together. This programme does not mention anything about an integrated housing programme or integrated education. Yet people talk about both of those things helping improve community relations.

The Government have also shied away from the fact that Catholic and Protestant teachers are trained in different establishments. There is no mention in the document of why we need two teacher training colleges. Teacher training methods are the same, and it does not matter whether you are Protestant or Catholic. No one in

the Government has talked about this. They have just come up with flowery language and aspirations suggesting that we intend to deal with community relations. We need to encourage people to live together and be educated together. Our present integrated school system has been refused funding by the Government, and it is parents, not the Government, who are driving it. We have actions in the draft programme to improve community relations, but there is no notion, or no mention, of how we are actually going to achieve it.

Public health and the prevention of ill health were very well prioritised and well laid out. Unfortunately the issue of access to acute services in rural areas was not mentioned. That has been the subject of great discussion, and I had hoped to see how we would deal with it. The last action point says

“by 2002, revise a curriculum for schools to enhance the status and impact of health education.”

It does not tell us what they are going to do to achieve this. I suggest we introduce education on relationships and sexuality. We need to think about things like this, rather than just make bland statements about revising the curriculum.

**Mr Berry:** I have read the Programme for Government, and I do not know whether to laugh or to cry. There are not only contradictions between sections, but even within the sections themselves. I want to concentrate on section 3. The first thing that is apparent is the absence of reality and priority.

This is nothing but a wish-list. If acted upon, it would require every other Department to be closed down to achieve these goals. This drives home the fact that if any Department needs to be reviewed, it is the present Health Department. If this Administration were to attempt to follow what is written here, they would either fail completely or require it to be very domineering. That, no doubt, would suit the terrorist ideology of the party to which the current Minister of Health belongs and which she represents.

Secondly, there are some very dubious claims made on the causes of ill health. There is an old saying that if one makes a half-truth the whole truth, it becomes a lie. Worse than that, no budget will ever be able to meet what the ideology of simply looking at alleged causes would require. We have a nanny state that is out of control.

We get the usual Republican rant about cross-border issues. The ordinary people will quite rightly fail to see how that will solve the real health problems in Northern Ireland or return accident and emergency services to, say, Whiteabbey. It will simply provide the most lucrative gravy train since fuel smuggling started. Perhaps it is a placement for unemployed terrorists.

Thirdly, the number of areas that the Department presumes to have authority over, and seeks to control, is

huge. Here is a programme that is going to look after housing, wages, family life, diet, disability, the mentally ill, the terminally ill, Sure Start, residential care — and the list goes on. It is little wonder that nothing is being done to deal adequately or effectively with these problems. The areas where goals will definitely be achieved should have been set out, and priorities should have been stated.

Fourthly, I note that of all the hospitals in Northern Ireland only two get a mention in this document. I recall my Colleague Iris Robinson referring to the current Minister of Health as a west Belfast politician with a west Belfast mentality. That seems to have been borne out yet again. All the other hospitals do not matter enough to get a pledge for anything.

Fifthly, there is a very suspicious and rather worrying statement on page 33. It reads

“Everyone has a right to timely quality care based on clinical and social need.”

To use social need to determine health care is a very dangerous concept. Where is the proper view that health care is free to all? That point needs to be addressed. What rules will be used to determine this? Who will determine this? There seems to be a deliberate shift of emphasis in who is going to get health care. On this point alone this entire section should be scrapped and replaced with something acceptable.

The current section is too ambitious. By trying to do everything, little will be achieved. Furthermore, there is no mechanism in existence that could possibly monitor or control everything mentioned.

This section will not be fulfilled, and its failure to deliver will result in a deliberate falsification of what is achieved — on the same scale as was operated by bureaucrats under Stalin — to make it all read right in the newspapers. It will produce bureaucracy obsessed with image and spin. If the answers to written questions are anything to go by, that process has already begun.

**Ms Ramsey:** Go raibh maith agat, Mr Deputy Speaker. I do not know how I am going to follow that. Sinn Féin’s goal is to improve the health and social well-being of the people on this island. Everyone is entitled to access to a quality health service. We are all conscious of the social, cultural and economic inequalities that exist in the Health Service and other areas. Added to that, the poverty and disadvantage faced by our communities will have a direct bearing on the state of public health, on individual self-esteem and on human rights.

I welcome the statement in the draft Programme for Government where the Executive point out that they too recognise the inequalities in the life experience of our communities in poverty, health, housing, educational and economic opportunity and disability. I welcome the fact that the Executive are determined to tackle them.

It has been clear for quite some time — and it has been reaffirmed in the draft Programme for Government — that people in the North suffer from high levels of ill health.

The death rate shows that. The figures for problems such as heart disease and teenage pregnancy are among the highest in Western Europe. Given that record and the fact that the Programme for Government admits that the provision of services to treat illness is falling behind, we must ensure that the Department of Health is properly funded. The document says that the Barnett formula is not fair, but what have the Executive done to address the matter? Barnett himself has criticised the formula because it does not reflect need.

1.15 pm

Under the heading ‘Working for a Healthier People,’ the overall strategy to improve public health focuses on reducing preventable disease, ill health and health inequalities. Does that mean that the Executive will work to redress the inequalities faced by people living west of the Bann? If the Programme for Government is realistically to tackle the cycle of disadvantage and focus on the causes of preventable diseases, it needs to ensure that policies, funding and programmes strike at these problems. Among the range of factors that contribute to disadvantage is low income, and there is also a close connection between family poverty and high infant mortality.

Another priority of the Executive is to ensure that the environment supports healthy living and that recreational facilities are improved. Where does that leave the issue of glass-fronted fires, which statistics show have led to an increase in asthma among our young people? Will the money be provided to remove these fires, thus improving public health?

Have the Executive the power to direct local councils not only to improve but also to provide recreational facilities? For years, local councils have discriminated against working-class and Nationalist communities. While the lead Minister is Bairbre de Brún, cross-departmental responsibility requires that all Departments target resources to the most disadvantaged areas. I am disappointed that not all Departments are involved. We are all aware that health affects us all.

I agree that the action to produce cross-departmental plans for securing reductions in the main causes of ill health requires specific measures to reduce poverty by tackling the community differential. While the Programme for Government informs us of the implementation of the new TSN action plans there is no mention of whether those plans address the community differential, or whether resources have been skewed to the most disadvantaged areas. One example is the Grand Opera House in Belfast, which is entitled to grants under TSN as it falls in a TSN area. That omission needs to be corrected.

If we are to provide timely and effective treatment, the Programme for Government must address the allocation, location and siting of resources. We must ensure that the proposal for a modern acute hospital service and the measures to maintain, where possible, safe and effective services at smaller hospitals do not result in even greater levels of disadvantage. If the trend towards centralisation of services in bigger hospitals, particularly in the Greater Belfast area, is not reversed, many rural communities will be further disadvantaged.

Ill health is not confined within borders, and given the size of our island there is a necessity for us to work together and address health issues on an all-Ireland basis. The Programme for Government includes an action point to take forward work in the North/South Ministerial Council giving an immediate priority to cancer, et cetera. As a party, we are clear about the importance of that work. However, we recently witnessed the First Minister playing politics by vetoing Sinn Féin. Given Mr Trimble’s clear disregard for people’s health, will the North/South Ministerial Council be able to function on health issues?

**Mr S Wilson:** The last speech indicates the flaws in a Programme for Government that allows the bone-breakers of IRA/Sinn Féin to stand up and eulogise about human rights and the health of the community.

The First Minister used colourful language to describe the Programme for Government: it is a road map; it is a contract between the Assembly and the people. On a previous occasion he called it a shining light in the dark recesses of Government. When we look at the Programme for Government, we see that it is none of those things.

I want to talk about a few issues to illustrate this. Chapter 2 talks about the viability and the integrity of rural and urban neighbourhoods. The Government are committed to maintaining those. When the Minister of Education came to the Education Committee, I asked him what that meant. How would the Department of Education fulfil that part of the contract? Would he give the same treatment to small rural schools that he is offering to Irish-medium schools, where they can start if they have twelve pupils? He would not give that commitment, yet this is meant to be a contract. He would not give any commitment. He either would not or he could not, and yet we are told that this is a contract.

We are told that it is a road map which will tell us how to get from one place to another. There is a lot of information in it about tackling disruptive behaviour and raising literacy standards. When I asked the Minister of Education if he would he give me just three things that would be done — three ways of getting from one place to the other — to improve literacy standards, he could not give them, yet this is meant to be a road map. Perhaps his reluctance to answer questions is a hangover from his previous employment, when he found that answering questions was a rather dangerous occupation.

As has been said by other Members today, on one hand we are told that the Programme for Government has been carefully costed — that is what the First Minister said this morning — and then in the next breath he told us that we have to use our imagination. Either it has been carefully costed, and there are commitments, or it has not. It is odd that we are given some specifics — for example, so many houses will be improved. However, in other cases we are just given vague generalisations. If the whole of this programme has been costed, surely we ought to be able to know what lies behind each statement. The vast majority of these statements use words like “we will establish”; they say that they will continue to do something, or produce certain things, and the specifics are left out. The cynic would say, of course, that they are left out so that when they are not delivered, you cannot point the finger at anybody.

This is the contract we are being asked to sign. I do not believe that this draft Programme for Government is an important document. I do not believe that it shines a searchlight into the darker recesses of Government, nor indeed is it a contract which any lawyer would encourage you to sign. I have given two or three examples, to illustrate the point.

This is a contract so full of loopholes that it could be better described as a fishing net. For that reason, I believe that those who really want to see effective, efficient and accountable government in Northern Ireland would say that it falls short and is not worthy of support in its present form.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I am disappointed that the Programme for Government did not mention the private finance initiative (PFI), which was introduced by John Major’s Conservative Government in 1992. The motivation behind PFI was to reduce public expenditure at a time when public borrowing was out of control. Put simply, the aim of PFI was to achieve public sector investment without appearing to increase public sector borrowing. It was a sleight of hand in many ways.

It has been strongly opposed by Unison, the largest union in the public sector. Significantly, the British Medical Council has added its voice to those opposing PFI. The British Medical Journal described PFI as

“perfidious, financial idiocy that could destroy the NHS.”

PFI is expensive and wasteful.

Private finance initiatives will damage the NHS, now and in the future, and PFI projects are escalating in both scale and cost. They reduce pay, employment and working conditions. Most importantly, PFI represents an unacceptable increase in the privatisation of economic and social life. Critically, PFI involves the determination of such public services as health and education, using unaccountable, commercial criteria

rather than those based on social need. In a nutshell, PFI represents profit before people. This has been illustrated by the latest increase in electricity charges by a rate three times greater than the rate of inflation. People are now being asked to get subsidies for private investment which will be paid for by the Government.

A further example of this theory is the privately owned car park at the Royal Victoria Hospital, the use of which by staff is subsidised by the board. Money is being paid out by the board to a private investor, when it should be being asked to reduce the board’s expenditure. In the education sector, the closure of school maintenance depots, because of the contracting out of services under PFI, is creating job losses. School governors have to be more careful about their expenditure, with the result that school maintenance is affected.

Since the Labour Government came to power, £45 million has been paid out by the Department of Health to lawyers, financial advisors and other consultants. Government figures issued last March show that the bill for PFI consultants since 1997 would pay the salaries of 3,230 nurses for one year. It would also have allowed the Health Secretary almost to double the allocation of new money for heart operations.

Private companies which build or refurbish hospitals to lease back to the National Health Service earn over £20 million. Financial consultants have been paid £20 million, while other consultants have received £10 million. We can only guess at how many beds this wasted money, used to subvert private investment, could have provided for the Health Service. The private finance initiative is merely a dressed-up term for privatisation.

Essential services, such as health and education, must remain under the protective responsibility of public bodies, the core responsibility of Central Government. No party which calls itself a social democratic party or, like Sinn Féin, a Socialist Republican party — and I do not use the term “Socialist” in a dialectic sense — indeed, no party with a social conscience, which cares about the protective social fabric of our society, can give way to the concept of PFI without scrutinising the social implications of a laissez-faire attitude towards it for health and education. We must not allow PFI to compromise further those who are already socially and economically disadvantaged.

**Mr M Robinson:** The overwhelming wish from this most wondrous wish-list, namely a cohesive, inclusive society, is stated again and again in this document, and the overriding and central element needed to produce this seeming Utopia is “A feeling of justice for all.”

To create this form of justice for at least a minority of the citizens of this Province, it has been necessary to strip the name of one of the best police services in Europe, if not the best one. This has been done not in part — the name has not been given second place — rather

there has been a complete annihilation of that name, even though such action has been deemed shocking and unfair by the Lords of the Realm and in spite of promises to the Unionist community by persons of the first order. However, perhaps this action is now to be known as an innovative policy. If this ongoing sublimation of pride is to continue, and if the expected observances of one side of the province's citizenry are to be viewed as aspiring to a feeling of justice for all, a unique idea of justice must be envisaged.

1.30 pm

Is the Unionist/Protestant community to go on as over the past decades with a give, give, give policy and the Nationalist/Roman Catholic community with more, more, more or take, take, take tactics before finally, if ever, admitting that they feel a sense of justice for all? Is there even a faint possibility that at the dawn of that ever-elusive day, any remaining members of the Unionist community will feel that same sense of justice and enjoy life in such "a secure and cohesive society"?

In one of the few places in this Programme for Government where actual, hard and fast figures are given, we are informed that Province-wide there will be 400 more offers under access to work, 50 places in employment support and 60 work trials under the job introduction scheme. Almost 510 jobs are envisaged. Then follow 26 paragraphs promising arbitration schemes, accessibility to culture, improved transparency, new formulae, equal impact assessments and cross-departmental approaches. This soaring list of promises lacks one notable entity — specific quantities. Until we read 26 paragraphs, there are no figures of any kind.

Then we see some figures which are very specific. By keeping to the present level of co-owners' support, 570 families Province-wide will gain a foothold on home ownership; 36 more families will be allowed to purchase from housing associations per year; and disabled people will have access to 1,500 more buildings in the Province. The paucity of these figures sits uneasily beside the grandiose schemes described on those pages where no parameters are given at all.

Under heading 2.2.1. the final action promised is a review of the appointment and promotion procedures in the Northern Ireland Senior Civil Service. Does this herald another purge of Protestant senior civil servants? These people have worked for years to obtain by merit a high position in their chosen field only to be replaced by someone who claims discrimination and who gains under the politically correct banner of under-representation. Perhaps we should see any such allocations as the workings of TSN "re-direction of resources". The senior civil servant now holding the resources will henceforth be discriminated against in favour of another, who will be positively singled out for preferential treatment. Will

this ever further the core element of a feeling of justice for all?

**Mrs Nelis:** Go raibh míle maith agat, a LeasCheann Comhairle. A recent newspaper editorial read

"Why don't our leaders tell it as it is? Nothing will ever be the same again in this island."

The UK and Irish Governments have signed an internationally binding agreement regarding the future of this island and specifically in respect of the Six Counties. This means great change for all of us here, and for some people this is the change that they cannot countenance. Painful as it may be, change allows the possibility of debate and a dignified response to this Programme for Government. If we do not all pull together on this, we may be in danger of pulling ourselves apart. If that happens our communities will suffer.

It is important that the Programme for Government extends the opportunity to all citizens of this country, North and South, to get real and to join together in seeking new solutions to new problems and new solutions to old problems. That might enable us to address the current paranoid myth which says that if Catholics get more, Protestants will get less. Targeting social need means that whatever their religious or political beliefs, resources must be targeted at those most in need. If through the Programme for Government we create equality, parity of esteem, rights, and action TSN, really nothing will be the same again. The promotion of equality and human rights is now enshrined within law and central to the agreement, as they are to the Programme for Government.

They must form the basis, not in rhetoric but in action, of how this Programme for Government will address the most vulnerable members of society, the young, the old, the victims and survivors of the conflict, the disabled, the travelling communities, those living west of the Bann and those on the Shankill Road. However, the Programme for Government does not tell us how the Assembly will contribute to the Bill of Rights, as outlined in the Good Friday Agreement. Nor does it tell us if the Assembly will set up a cross-party human rights Committee.

In terms of victims, the Northern Ireland Office, which represents the state, needs to acknowledge that it has not been a passive or neutral player in the experience and management of conflict and is therefore not a neutral or passive player in managing how the needs of victims of state violence are met. In this respect it is not clear under paragraph 2.2 what exactly will be the nature of the cross-departmental strategy group or the interdepartmental working group, and how these will relate to the victims' liaison unit and the victims' unit, and these to date have created total confusion among victims and contributed to the notion of a hierarchy of victims. The work of groups who are dealing with victims of state violence at grass-roots level is being constantly undermined by the



victims' liaison unit and the victims' unit, not to mention the duplication of resources.

Under paragraph 2.3.1, travellers, the most marginalised group on this island, are discussed. From 2001 it is proposed to develop appropriate permanent accommodation to meet travellers' needs. Having listened to a direct rule Minister some years ago, I had hoped that this particular programme would be under way. I am now told that it is not. In paragraph 2.3 we find these words:

“ensure appropriate measures are taken to address the educational needs of Traveller children and children from other ethnic minorities”.

The Programme for Government does not tell us how or when this will happen or what timescale is envisaged.

In terms of employment support for the disabled, some of those who were encouraged to sign on for New Deal programmes are now being penalised by losing entitlements to disability living allowance and incapacity benefit. Under paragraph 2.2.1 it is not clear how the needs of the disabled will be addressed in terms of access for them to sports, arts and venues.

However, I would like to welcome free travel for our senior citizens, which will now bring us into line with provisions in the Republic.

Under paragraph 4.3

“We will seek to ensure that all our young people have the skills and qualifications to gain employment in a modern economy.”

To address this inequality, we must, as stated, concentrate on the digital divide and explore ways to equip those living in the most disadvantaged areas to exploit the opportunities of technology. How do we propose to make all our young people computer literate? Existing plans for 4,200 additional undergraduate places by 2004 must address the disparity of places in those disadvantaged areas.

Finally, I welcome the proposed single equality Bill, which may address the existing discrimination in terms of gender, employability, and the elderly.

**Rev Robert Coulter:** I give a broad welcome to the Programme for Government. Much has been said about its aspirational language. However, at the beginning of section 3, there is an honest recognition that our general health record is not good. Even though the Health Department has inherited an array of National Health Service problems, once we recognise the initial premise, we can instigate the necessary programme of activity to redress the wrongs. You only have to look at the thousands on waiting lists, the cancelled operations and the long waiting times at accident and emergency units to know that there is a need for immediate action. If we are to tackle these problems effectively, it is essential that we focus on their causes and ensure that our policies and programmes tackle them.

However, the next paragraph states

“We need to create the right socio-economic conditions and break into the cycle of disadvantage which is the major cause of ill-health.”

That has not been proven philosophically or otherwise. Reducing preventable disease must be the first objective of any health service. I am glad that the programme will demand the attention of other Departments — seven others are mentioned. The Department of Health's problems cannot be seen in isolation as being the answer to the problem that faces us all. The causes of ill health must be taken on board, and throughout this section we are returning to the primary cause of our future needs — dealing with the causes of ill health. Modernising and improving hospitals and the primary care services is also considered, and the logic of the argument for acute hospitals is sound and acceptable.

I spoke to a group of people in the south-west of the Province the other evening, and they admitted that no one would mind going to acute hospitals for acute services. The problem is not with the acute hospitals, but with the aftercare. When the operation is over and the patient is in need of 24-hour professional nursing care, he is sent home because the acute hospital is so busy and under such demands. Therefore, I suggest that the acute hospitals cannot be looked at in isolation. Mention is given to developing proposals for a modern acute hospital service. We must take steps, where possible, to maintain safe and effective services at the smaller hospitals. I am sorry that more attention was not paid to providing aftercare in community or convalescent hospitals in the main centres of population.

New management arrangements for the recruitment and training of additional nursing and front-line staff were mentioned. We have already heard about the problem someone in one of our major hospitals faced the other evening. He was looking for an acute bed for a seriously ill patient and could not find one. Finally, Craigavon Hospital said that it had found enough nurses to man another acute hospital bed.

This section deals with the very heart of the problem in our modern Health Service — the lack of nursing and front-line staff. That is the critical problem. Following a motor accident in my part of the Province, North Antrim, the victims had to be taken to Craigavon Hospital for treatment, when there were two hospitals within 20 miles of the scene of the accident. What can be done, or what should be done, about that? The Ambulance Service was also mentioned —

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

**Mr C Murphy:** Go raibh maith agat, a LeasCheann Comhairle. It is difficult not to feel like a member of the band on the Titanic when debating this issue. In the week that the Programme for Government was launched, the First Minister and his party were plotting an exit

strategy from these institutions. Granted, the First Minister's was a temporary exit strategy while others in his party would prefer a permanent one.

The future of the Programme for Government may be dubious, but it is important to comment on the equality aspects in the document. Sinn Féin will be measuring the potential success of the Programme for Government against its stated ability to deliver on equality obligations — to deal with entrenched social, economic and cultural rights as well as with the civil and political ones at the heart of its operations; to tackle the religious differential in employment; and actively to target social need.

1.45 pm

Bearing that in mind, it is disconcerting that the mission statement in paragraph 11.2 fails to mention equality or measures for tackling structural discrimination. The section on promoting equality and human rights fails to take advantage of the scope for positive discrimination. The action plan does not mention the strategy for tackling religious differentials in employment, and it does not refer to partnership arrangements to deliver any of the programmes.

In the section on tackling poverty and social disadvantage, the Executive missed a golden opportunity to put in place an anti-poverty strategy encompassing all sectors. TSN alone will not address society's deep-rooted problems of poverty and disadvantage. This requires a unified, strategic approach across Departments and sectors, with a commitment of resources as well as specific goals and timetables.

Paragraph 2.5.2 fails to take into account the position afforded to the Irish language under the Good Friday Agreement, and it does not apply the equality duty to the rights of the Irish-language community. Paragraph 1.16 refers to the equality impact assessment carried out on the Programme for Government. How was this done; who was consulted; and what were the recommendations? The equality duty places an obligation on Departments to consult on the equality impact of all functions and policies — how was this done?

We challenge the assertion that it is not possible to apply a detailed impact assessment of equality to the whole Programme for Government. A method for this must be found and, as far as possible, it should be uniform across the Departments. The Executive and the Programme for Government should not be exempt from monitoring and impact assessment.

Sinn Féin believes that the Equality Unit's suggestion in the Programme for Government and the Budget that the criteria for measuring need should vary according to the policy or practice under consideration by the Department or public body is a charter for chaos. There must be consistency in how need is measured if the same need is to be addressed.

A further difficulty is the scheduling of publications. While there are references throughout the document to TSN action plans, these plans are not available to the public, so no one can judge the efficacy of claims made about the delivery of equality and TSN to detailed actions and budgets. It is therefore impossible for the beneficiaries of the Programme for Government to make any genuine assessment of it. This must be urgently addressed to ensure that there is full delivery and accountability.

TSN is a policy initiative. It is complementary to the equality duty, and it must be governed by that fact. It is therefore illogical that TSN action plans have not been included in the Programme for Government to ensure scrutiny in the context of this duty. TSN should be redesignated as a public expenditure priority and featured as such within the Programme for Government and the Budget. The TSN action plans must be formulated in compliance with the statutory duty to promote equality of opportunity and detailed explicit programmes of affirmative action with targets and timetables deliberately designed to lift those most disadvantaged in our society. This has not been done, and that is a major flaw in both documents. This also distorts the debate on the equality duty and the eradication of religious discrimination in this society. Go raibh maith agat, a Cheann Comhairle.

**The Minister for Social Development (Mr Morrow):** I speak as the Minister for Social Development, dealing with matters within my brief, unlike other Ministers who have wandered outside the areas of their briefs. I assure Members that my Department and I will continue to work vigorously to promote the interests of the most deprived and marginalised members of society. Meeting social and economic need lies at the core of my Department's programme, and that is strongly reflected in the Programme for Government.

Within my Department the provision of affordable social housing is a key priority and a vital component of regeneration and the promotion of social inclusion. People in Northern Ireland, particularly those on low incomes and the disabled, expected us to produce effective policies for meeting their housing needs, to tackle unfit accommodation and to enable them to get on the ownership ladder. My aims are to provide affordable social housing, promote more effective and economical heating systems, maintain or improve the present level of co-ownership, increase the numbers who can buy their homes from housing associations and increase the number of adaptations to existing buildings to improve access for disabled people.

In my recent meeting with the Social Development Committee on the Programme for Government, the Committee indicated that it would like to have seen specific mention made of improving the level of unfitness in rural housing and the setting of more measurable targets. I wish to confirm that I will acknowledge these views as we continue to refine our commitments in the

programme in the light of final decisions on the Budget for 2001-02. I have not yet decided on the rent increases for Housing Executive tenants from 1 April 2001. I met the Committee recently, and I discussed this matter. It has deliberated, and I am awaiting its views.

Another key priority for the Department for Social Development is tackling poverty and social exclusion, particularly where children are affected. I am determined to target its causes and effects. I was disappointed that action for children was not accorded a higher priority in the Programme for Government. We will ensure that all objectives in the new targeting social need action plans are achieved, and we will work with other Departments to promote social inclusion.

The Assembly has passed the Child Support, Pension and Social Security Act, which is awaiting Royal Assent. It will help to ensure better support for children and improvements in the provision of retirement pensions. It is the only piece of substantial legislation that has been passed by the Assembly.

There is continuing evidence of deprivation and social exclusion in the Province. The Department for Social Development must take the lead in implementing definable improvements in disadvantaged neighbourhoods and assist in empowering local communities. A new urban regeneration strategy will be launched early in 2001, aiming to bridge the gap between the most deprived neighbourhoods and the rest of Northern Ireland, lower long-term unemployment, reduce crime and promote better health and educational qualifications. There will also be strong linkages to the provision of good and affordable housing. Inner north Belfast will benefit greatly from the URBAN II programme. It is an excellent opportunity to address, in a co-ordinated way and with local people, the physical and economic decline and dislocation of the community infrastructure in that area.

I recognise and appreciate the work of the various voluntary and community organisations in Northern Ireland. The Programme for Government reflects the important and invaluable contribution these organisations make to the social and economic well-being of our community. The Department for Social Development will continue to work to maximise the contribution this sector can make to the delivery and implementation of the programme.

I would like to emphasise that the actions I have outlined are not merely aspirational; rather we are embarking on clearly focused programmes of work. In due course these will be underpinned by measurable targets and objectives against which our performances can be assessed. I have agreed to share this information with the Social Development Committee.

The social security system plays an important role in the social and economic life of Northern Ireland. The majority of people who claim benefits do so honestly and properly. We know, however, that others do not, and I am determined

to take whatever action is necessary to prevent fraud and abuse of the system. The targets I have set for reducing fraud and error levels are challengeable and realistic.

Finally, the provisions in the Programme for Government reflect the priorities and direction of the Department for Social Development. They take account of the Department's draft budget allocations, but they can be further refined in the light of the views given in the consultation programme. I am grateful for the constructive and positive contribution the Social Development Committee has made in our discussion programme. I will take its views on board as we proceed. There is much more I would like to say, but time does not permit me to say it.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Tógadh réimse leathan ceisteanna ag Teachtaí le linn an tráthnóna, agus leis an am atá fágtha agam, ba mhaith liom freagra a thabhairt ar oiread de na pointí a tógadh agus a thig liom.

A wide range of issues has been raised by Members in the course of the debate, and I would like to address as many of them as possible. Clearly time is of the essence. I will try to cover as many points as possible, including those that are the responsibility of other Ministers, drawing as necessary on material provided by the relevant Departments. Any points I am unable to address may be covered at a later stage in the debate, possibly in writing by the relevant Minister.

Nigel Dodds said there was nothing new, and Billy Hutchinson asked for further detail. Unfortunately neither is here to hear the answer. In the Programme for Government we have set out very clear priorities and detailed plans of action to carry them through, using the available resources to improve people's health, education and skills, create jobs, tackle disadvantage and protect the environment.

Mr Dodds asked specifically about funding for the North/South Ministerial Council. It must be pointed out that the figures in the Budget proposals were expressed on the basis of a financial year and therefore do not tally precisely with those initially agreed by the North/South Ministerial Council, which were based on a calendar year. Where the most is made of economies of scale, expenditure on North/South bodies — provided, of course, that they continue to exist and are not blocked — will save money, and this action will improve services for all throughout the island.

Éamonn O'Neill asked if the money being allocated would address new priorities or merely be put to addressing underfunding in the recent past. I cannot speak in detail for each Department; that must be a matter for the Ministers themselves. In health and social services the money is going towards addressing problems which have arisen as the result of recent historical underfunding. Had we not had a situation in which, over the years, £190 million of savings were made by the Department

— more than by any other local government section here — we would be in a very different position. Those savings were not put back into health and social services here, unlike in England where they were put back into the National Health Service.

John Kelly asked about the private finance initiative. The Programme for Government includes a commitment to review, by 2002, opportunities for the use of private finance in all major public service provisions and decide whether such partnerships are practical. There will be full public consultation to help us develop a cross-cutting public health strategy. We shall examine proposals for health impact assessment on all policies. Paul Berry said that was being overambitious for one Department. This is, of course, a cross-departmental strategy.

Given that time is of the essence, and since I see that people have left, I may pass over some responses in case I do not manage to deal with everyone's questions.

Kieran McCarthy, Robert Coulter and others raised specific questions about the Ulster Hospital and bed shortages in general. The draft Budget allocates an additional £7 million to combat the pressures on hospital beds and waiting lists in 2001-2002, and we will now be able to provide 13 high-dependency beds to improve capacity in this vital area. In the Ulster Hospital, there will be two extra intensive care unit beds this year. Next year, there will be six extra high-dependency beds.

We are very much aware that it is not merely a question of the beds themselves, and I welcome Robert Coulter's comments about the need for a more integrated service. That is precisely what I wish to see. I appreciate Joe Hendron's comments that we are addressing an inherited situation, and I have asked for a review of our acute hospital capacity to be completed by September 2001.

Billy Hutchinson asked about the promotion of equality and human rights. Specific actions to promote equality and human rights are detailed on pages 19 and 20.

*The debate stood adjourned.*

*The sitting was suspended at 2.00 pm.*

*On resuming (Madam Deputy Speaker [Ms Morrice] in the Chair)*

## Oral Answers to Questions

### ENTERPRISE, TRADE AND INVESTMENT

#### West Tyrone: Investment Projects

2.30 pm

1. **Mr Byrne** asked the Minister of Enterprise, Trade and Investment if he will detail the number of inward investment projects the Industrial Development Board secured for West Tyrone in each of the last five years; and if he will make a statement. (AQO 275/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** No green-field, foreign direct investments have been secured for West Tyrone since April 1994. However, since that time the Industrial Development Board (IDB) has financially assisted eight expansion projects from externally owned companies, and these have created 372 new jobs and safeguarded 438 existing jobs.

**Mr Byrne:** There has been great concern in West Tyrone for many years about the IDB's track record in bringing inward investment to and creating jobs in this area. Does the Minister agree that the IDB's track record is poor?

Will the Minister and his Department reassure the people of West Tyrone that they will put into practice the equality legislation and the new TSN in order to achieve balanced economic development across Northern Ireland? Will the Minister ensure that the IDB will exhaustively examine and evaluate all potential job creation projects presented to it, particularly any projects that may be currently on the desks of IDB executives? The people of West Tyrone are in grave danger of losing faith in the IDB because of its very poor record.

**Sir Reg Empey:** It is unfair to condemn the IDB in that way. First, the IDB is committed, as is the Department, to working with local authorities. Only recently the IDB held a meeting in West Tyrone — in Omagh — and had discussions with many local representatives. The Department is fully committed to the equality legislation and has set a target for first time visits of 75% to new TSN areas. Currently that target is being achieved, if you take the Province as a whole, and we are strongly committed to ensuring that that continues.

I want to make a number of observations. The position in both council areas concerned is that there is continuing downward pressure on unemployment. Unemployment

is falling in the Strabane and Omagh district council areas. If the Member cares to examine the most recent figures, published last month, he will see that that is the case. The difference is quite marked compared to two or three years ago.

Most of the jobs created in West Tyrone, as with everywhere else, come from indigenous companies. Foreign direct investment is only responsible for a relatively small proportion of the new jobs created in Northern Ireland. The vast majority are created by businesses that are already there. The Local Enterprise Development Unit (LEDU) is extremely active in the area, and many client companies throughout West Tyrone are receiving attention.

Other problems arise because of, for example, the concentration of the textile industry in that part of the county. The Member will be aware that the Department is very much involved at the moment with the textile sector. Next month I expect to publish the Kurt Salmon Associates proposals that have been created in conjunction with the industry, which is strongly represented in the Member's constituency, and I look forward to the development of a strategy to help that sector.

I can assure the Member that, as far as this Department is concerned, West Tyrone and other new TSN areas will continue to receive a very high priority. We will continue to do everything in our power to strengthen the economic infrastructure in the area.

**Mr P Doherty:** Given the support that the First Minister and the Deputy First Minister have given the Omagh 'Strategy 2010' document, a document I also commend, does the Minister agree that a multi-agency task force should be set up to capitalise on the initiative both in Omagh and in the West Tyrone constituency area, as envisaged in that document?

**Sir Reg Empey:** I will, of course, look at any proposals. However, we run the risk of treading on the toes of the existing agencies that are already functioning in the area — for instance, both local authorities are extremely actively involved in economic development. We know that there are local partnerships, area partnerships and European partnerships, many of which have been extremely successful, and they are very vibrant organisations. I am conscious of the visit made by the First and the Deputy First Ministers to West Tyrone and of the matters they referred to. It is perfectly obvious that sometimes you reach a point where, although a great many organisations have been set up, things are not necessarily being done. You can sometimes have too many organisations. However, I would certainly be prepared to look at any realistic proposal.

I reiterate the point I made in my answer to the Member's Colleague from West Tyrone. I am aware of the great pressure on the agriculture sector in West Tyrone. It is, however, outside our control; it has been imposed on us, not only by the currency differentials, which have affected the amount of support, but by a

range of matters that have directly affected agriculture and had a knock-on effect. In fact, the progress that has been made on the industrial base in West Tyrone has, to some extent, been masked by the fact that the difficulties in the agriculture sector have been superimposed on it. Without making any firm commitment to the Member, I will certainly look at proposals, but I stress that there is a great deal of ongoing activity, and one would have to be convinced that any new suggestions would add value and not distract existing organisations from their current work.

**Mr Gibson:** The Minister is quite right when he says that an industry is growing up — it is called "the development industry" — around trying to attract money. In view of the fact that there has been such a downward trend in the farming industry and we now have the new poor in great measure, what is being done by LEDU to encourage indigenous industries? We need new infrastructure such as the Strabane stage 3 bypass, the Newtownstewart bypass and phase 3 of the Omagh bypass — which is £17 million of investment — to make us much more viable from the point of view of transport — bear in mind that we have road transport services only. What is being done to ensure equality of opportunity? This is something that is levelled against all developing authorities. Things are more favourable for those who come from outside, but the local entrepreneur has great difficulties. What is being done to encourage —

**Madam Deputy Speaker:** I must advise the Member that he must limit himself to the question in hand.

**Sir Reg Empey:** I am conscious of the infrastructural weaknesses in the district. The Member has referred to some of the planned remedial measures, but there are others. Infrastructure is not confined to roads; it can and does include telecoms, which are basic infrastructure. I am currently studying a report on that matter, and it is perfectly clear that towns in the west of the Province will be directly affected. Our objective will be to ensure that there is as level a playing field as possible, because in respect of telecoms, infrastructure is fundamental to the ability to attract industry and business.

The Member feels that indigenous companies do not get the same attention as foreign investors. Over the next decade the vast majority of jobs created in Northern Ireland industry will have to come from indigenous companies. There is a trend for less direct foreign investment, and incoming projects are generally smaller than they used to be.

If we have to create some 112,000 jobs over the next decade, they will not be created by direct foreign investment. They can only be created by indigenous companies or by the expansion of foreign-owned companies. The eight projects that have been supported by the Industrial Development Board, came from existing foreign-owned companies. The Local Enterprise Development Unit is active and successful in this area,

and we are looking at the entire support package, and at the balance of that package, for the small business sector in particular, because that is the growth area of the future.

Ninety-nine per cent of companies in Northern Ireland employ fewer than 250 people, so if this sector is not receiving attention, then no sector is receiving it. I can assure the Member that these points will be kept in mind when we are reviewing the package.

### Small and Medium-Sized Local Enterprises

2. **Mr J Wilson** asked the Minister of Enterprise, Trade and Investment if he will outline his plans to increase assistance to small and medium-sized local enterprises; and if he will make a statement. (AQO 269/00)

**Sir Reg Empey:** I am almost afraid to answer this question because the Member is sitting so close to me.

I will continue to ensure that the type and balance of assistance given to indigenous businesses, more than 99% of which fall inside the small and medium-sized enterprise (SME) category of employing fewer than 250 people, is the most effective method of achieving our objective of an enterprising, knowledge-based economy.

**Mr J Wilson:** The South Antrim constituency is made up mostly of the entire local government district of Antrim and most of the local government district of Newtownabbey. Both areas have much to commend them to inward investors. Can the Minister tell the House what the IDB's record is in attracting investment to the two areas and how the IDB is marketing them?

**Sir Reg Empey:** The IDB continues to work with Antrim and Newtownabbey Borough Councils to market the area to potential inward investors. It has invested significantly to ensure that appropriate property is available, spending £4.3 million on the infrastructure and development plateau at Ballyhenry. The IDB expects to see ProLogis Developments Ltd act as development manager, drawing down the land from the IDB on an agreed profit-sharing basis as occupiers fill the site. Additionally, it has spent £11.5 million on the infrastructure and buildings at Antrim Technology Park since it opened in 1986.

The IDB will hold a regional meeting in the Dunadry Hotel on 29 November, where elected representatives and representation from client companies, education and the Antrim and Newtownabbey communities will have an opportunity to speak with the IDB board and executives on issues affecting the area. There are 48 clients on the list in the Antrim and Newtownabbey Borough Council areas, which together employ 9,300 people.

Since April 1995 the IDB has offered client companies in the council areas assistance totalling £26 million in support of projects involving a total investment of £132.2 million. These projects anticipate a total of 1,444 new jobs and will safeguard a further 1,560.

**Mr McMenamin:** The area of West Tyrone that I represent and my home town of Strabane would welcome any assistance for small firms and enterprises. However, the bureaucracy involved in helping small firms can take forever. If and when the agencies are restructured, will the Minister consider setting up a special task force to cut out the red tape and thus expedite assistance to these small companies? Will the Minister also share his thoughts with us on the issue of the US Small Business Administration (SBA) as distinct from selective financial assistance?

2.45 pm

**Sir Reg Empey:** A number of Members have asked me about bureaucracy recently. Two years ago there was a review of all Government Departments and the necessity to produce paper for people to fill in. All the Department of Enterprise, Trade and Investment forms were reviewed, a number were eliminated and a number were redesigned. Within the last few weeks, I have asked officials to take each form and examine not only the need for the form but also the policy rationale for it.

Tourism is the first section that is going to be done. The objective will be to see whether it is absolutely necessary to have the form, whether there is a statutory basis for it, and whether it is a policy issue or purely an informative issue. I am going to go through each division of the Department systematically to see if all these bits of paper are essential.

Having been in business myself, I know only too well how frustrating it can be. Some things are inescapable, as the Member will know from his own experience. Where public money is involved there are accountability issues. The Government need certain information, which can only be obtained by asking questions. I am conscious of the pressures that companies are under. I will be taking personal interest in this to see if it is absolutely necessary to have each piece of paper.

With regard to the Small Business Administration in the United States, I have met the Cabinet Minister responsible, Aida Alvarez. She gave a seminar in Belfast in December 1998. The Enterprise, Trade and Investment Committee delegation that went to Washington last August had a further meeting with Mr Charles Tansey, a senior official. There is no question that the potential of the loan versus selective financial assistance model is quite attractive.

However, there are statutory differences. First, the banking sector in the United States has certain statutory obligations to the community that do not obtain here. Secondly, where guarantees are given for loans, under current Treasury rules the Department would have to assume that the total value of the guarantee was spent. It would have to hold that cash back in reserve and not spend it. While those rules exist, or are applied in that fashion, there would be little gain. The American experience

has been that only 5% or 6% of their loan book is actually called in in any one year, and Congress provides that revenue support, whereas under current Treasury rules we would have to provide 100% support.

**Madam Deputy Speaker:** I am aware of the time constraints and the number of people wanting to speak. I ask the Minister to be brief in his responses.

### ICT-Based Information and Advice Centres

3. **Mr Ford** asked the Minister of Enterprise, Trade and Investment if he will detail where the regional outlets for the information computer technology information and advice centres will be located. (AQO 283/00)

**Sir Reg Empey:** No decision has been taken as to the location of the regional outlets. It is intended that they will be based within existing public buildings, as the purpose of the regional outlets will be to provide easy access to information and advice on health and safety at work issues.

**Mr Ford:** I thank the Minister for his response, but I trust that he will very soon move beyond the Programme for Government and see the need for more issues than just health and safety to be addressed. Will he also look at the issue of the total number of outlets? At the moment, a large number of SMEs need not just access to the Internet but advice on navigating it. That is something that is not best done on a regional basis but may well be required in every district town.

**Sir Reg Empey:** The likelihood is that one or two pilot offices will be established initially to see how things go. The Member is correct about advice and so on. It does require a degree of spreading out. Certainly there will be one office in the Greater Belfast area. I think there will be at least two pilots initially, but I take the point he is making. It really is a question of how the pilot projects run. If the demand is there, the principle could be applied to a whole range of other services outwith health and safety, which happens to be what I am focusing on at the moment.

It is really a matter of seeing how it goes and how the pilots perform. If the Member wishes, when the pilots are established and the results of their operations become apparent, I will keep him informed.

**Dr McDonnell:** Will these centres be fully equipped? I know of similar situations — I think the Minister will be familiar with them too — where such equipment was set up and did not quite meet expectations. The Minister mentioned a couple of services. Will any others be provided? Will there be a fee per item, or will it be free? Ultimately, what are they expected to achieve?

Most importantly, with reference to Mr McMenamin's earlier question, would it not be possible for some of the forms that confuse and overload people to be put on a database so that form-filling could be interactive, and

they could be prompted. My information is that in the United States, for instance, where people fill in forms on a computer the number of mistakes is reduced dramatically. I welcome the move, but I wonder —

**Madam Deputy Speaker:** Thank you. The question has been asked.

**Sir Reg Empey:** I am conscious of the point made by the Member. As he says, there is an opportunity for other organisations to be involved in the services. It will be an advice centre. I am aware that in Canada and in other places form-filling has been successfully dealt with in that way, and there is a very high take-up. We want these centres to be places where people can walk in off the street and have access. We have not yet worked out whether the pilot will be free or whether charges will be made, but we have to maximise the use of IT in the delivery of public services. We have a long way to go and, quite frankly, we are only at an early stage. I take the Member's points under consideration.

**Mr Beggs:** The Minister advised that the likely location would be in an existing public building. Does the Minister accept that that would further disadvantage those constituencies — for example, East Antrim — where the number of civil servants is already low?

**Sir Reg Empey:** The Member's point is that from a cost-effectiveness point of view it makes sense for the centres to be in buildings that are already in public occupation rather than go to the expense of acquiring more buildings. The object of the exercise will be to ensure that on completion there will be a regional spread. We are only at the pilot stage, so we will have to see how it goes and learn. It may be that, if things are on line and available anywhere in the Province, the location of offices will be less significant, and what they actually do will be more significant. It is too early to give the Member a definite answer, but I assure him that I understand the point he is making, and that will have to be taken into account when the final decisions are made.

### Down Business Park: Investment Projects

4 **Mr McGrady** asked the Minister of Enterprise, Trade and Investment if he will outline his current and future plans for the location of inward investment projects at the Down Business Park in Downpatrick.

(AQO 272/00)

**Sir Reg Empey:** The IDB is working with councils, the private sector, universities and further education colleges to win new knowledge-based projects for Northern Ireland. The new Down Business Park forms an important part of this strategy.

**Mr McGrady:** I thank the Minister for his short reply to the question. It does not give me much to go on, but I draw his attention to statistics indicating that inward investment visits to the constituency of South Down and

to Down District Council were consistently less than 2% each year over the past decade and beyond. The ministerial team said here on 17 October that, since December, the IDB has promoted 7,100 jobs — 3,000 more than in the previous year. I would like to know where those jobs went. They certainly did not go east of the Bann or to South Down.

**Sir Reg Empey:** I am conscious of the Member's representations. He has to be aware — he is aware — that the obligation on the IDB is to ensure that the maximum number of visits are to new TSN areas, and we are doing that to the best of our ability. However, people have to be aware that a company goes largely where it wants to go.

We can try to market an area, but a company will go where it wishes. Take the Down district area, for example. Between 3 July and 5 July of this year a Korean company visited the Down Business Park units. That was a repeat visit. Between 23 July and 25 July a USA company visited the area; between 24 August and 26 August a Korean company visited; between 1 September and 3 September another Korean company visited; and between 27 September and 29 September a third Korean company visited Down Business Park — again, that was a repeat visit.

There is activity taking place, and I am conscious that Down District Council is working hard to help with the strategy for the Down Business Park, about which the Member has written to me on a number of occasions. I assure the Member that activity is taking place and that the IDB is involved in that. I have just mentioned five visits which have taken place since July 2000.

**Mr McElduff:** My supplementary question related to Question 3 — I was not called.

**Mr Shannon:** Will the Minister confirm that inward investment projects at the Down Business Park in Downpatrick will not prevent similar investment projects from taking place at Killyleagh, some eight miles from Downpatrick? Does the Minister's Department intend to make similar provisions in Killyleagh, in the light of the 200 to 250 job losses there in the last 18 months?

**Sir Reg Empey:** There is an assumption that the IDB can tell a company which is coming to Northern Ireland from abroad "We want you to visit here" or "We want you to go there". Members have to understand that the IDB cannot be as prescriptive as that. Clearly the pattern of business location in Northern Ireland has developed through the years as businesses have come and gone. We have projects such as Down Business Park, which the IDB has assisted in the development of. There is now a place in the district where companies can quickly establish manufacturing or other activities. I am conscious of the difficulties that arose in the textile industry in Killyleagh and the surrounding area in the Member's constituency about this time last year. It is understandable that his Colleagues and he wish to draw attention to particular blackspots in their areas. However,

Members should not exaggerate the degree to which the Government are able to determine where companies visit.

I take the point the Member has made and will ensure that the IDB is aware that it has to take into account other areas in addition to existing business parks where investment has already taken place.

### **Lagan Valley Constituency: Tourist Board Support**

5. **Mr Poots** asked the Minister of Enterprise, Trade and Investment if he will outline his plans to address the shortfall in financial support from the Northern Ireland Tourist Board for the Lagan Valley constituency.

AQO 289/00

**Sir Reg Empey:** The Northern Ireland Tourist Board (NITB) administers a number of grant schemes, which are open to applications from across Northern Ireland. The Tourist Board therefore encourages applications from the Lagan Valley area. Provided an application meets the published scheme criteria, the NITB will consider it on its merits.

**Mr Poots:** I thank the Minister for his response. I know that Lisburn Borough Council has been active in tourism and spends something like £0.75 million per year of its budget on it. Therefore it is somewhat depressing when Lagan Valley is awarded £121,000 while other inland councils such as West Tyrone are offered £1.5 million. That is how it goes in the marketing end. We would like to see more hotels in the Lisburn and Lagan Valley area.

**Madam Deputy Speaker:** Will the Member ask a question please?

**Mr Poots:** Is the Minister prepared to lift the moratorium on grant aid for hotels outside the 10-mile radius of Belfast?

**Sir Reg Empey:** The reason the moratorium was imposed in the first place was that there were enough people prepared to build and establish hotels with their own money, without recourse to public resources. If any arbitrary limit is imposed, such as nine, 10 or 11 miles, there is always a difficulty because people get on the wrong side of the limit.

3.00 pm

The Member will be aware that there has been a difficulty with hotels in the Lisburn area for a number of years. Hotels closed down at Hilden and elsewhere. It has been difficult for hotels to establish themselves in this area. Part of the reason for that is their proximity to Belfast and, of course, the Forte hotel has now moved to Belfast. I do not have plans to remove the moratorium at the moment, but if I were convinced that there was a need or that it would make a difference, I would reconsider my position. With regard to the wider question —

**Madam Deputy Speaker:** The time, Minister, is up.



**Sir Reg Empey:** I am trying to answer the question, Madam Deputy Speaker.

**Madam Deputy Speaker:** Time is up.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Career Development Loans (Students)

1. **Mrs E Bell** asked the Minister of Higher and Further Education, Training and Employment if he will detail his plans to make career development loans available to Northern Ireland students studying in Northern Ireland.

(AQO 284/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** My Department is considering options for introducing supported loan arrangements, particularly for further education courses. This will take account of the role that career development loans have played in Great Britain. I expect to be in a position to announce the outcome of work on how they may be developed in the future and the impact of individual learning accounts early in the new year.

**Mrs E Bell:** I thank the Minister for his very encouraging answer. I am sure that the Minister will agree that this type of loan for vocational, rather than academic, courses is very necessary in today's world.

**Dr Farren:** I agree with the Member's comments on the need to provide additional support to students, particularly those pursuing vocational courses at further and higher education levels. As I indicated in my response to her question, my Department is actively considering the matter of career development loans, and I reiterate that I hope to be in a position to make an announcement early in the new year, when all the deliberation is completed.

**Mr Leslie:** In view of the difficulties that there have been in the administration of student loans, does the Minister accept that there may be a case for transferring this role from the Student Loans Company, which is based in Glasgow, to a locally based company?

**Dr Farren:** The initial question addresses the issue of career development loans, which are administered in Great Britain by the commercial financial institutions — by a number of the banks. The question that is now being posed relates to student loans for undergraduate students pursuing higher education courses, which are administered by the Student Loans Company in Glasgow. It is an entirely different matter.

### Training Facilities (East Belfast)

2. **Mr McCarthy** asked the Minister of Higher and Further Education, Training and Employment if he will

outline his plans for the provision of training facilities in East Belfast; and if he will make a statement.

(AQO 281/00)

**Dr Farren:** The Training and Employment Agency, through existing programmes, currently contracts with five local training providers to offer a wide range of training which best meets the needs of employers. Future training developments will continue to concentrate on enabling local, particularly long-term, unemployed people, to get access to both new and existing jobs.

**Mr McCarthy:** Does the Minister realise that the proposed closure of the training facilities at Templemore Avenue, Willowfield and Park Avenue in east Belfast from the end of this academic year would create a severe shortage of such opportunities from Newtownards right through to Belfast city centre? Will the Minister agree to meet with representatives from the Belfast Institute of Further and Higher Education, the Greater East Belfast Partnership, East Belfast Community Development Agency and other groups to hear of the concerns of the residents on this issue?

**Dr Farren:** There are currently five recognised training organisations offering job skills training to a total of 440 young people in the area. Those are the five training providers that I referred to in my initial response.

In addition, Castlereagh College and the Belfast Institute of Further and Higher Education, which has 600 places, serve the needs of people from east Belfast and further afield. Access training is available locally, and modern apprenticeships are widely accessible through local employers, in particular in Shorts-Bombardier. The various New Deal strands cater for adults, and they are complemented by the provision of a range of bridge-to-employment opportunities.

**Madam Deputy Speaker:** As Mr Tierney is not here, the Member will receive a written answer to his question.

4. **Dr Hendron** asked the Minister of Higher and Further Education, Training and Employment if he will detail the current status of the Training and Employment Agency and plans he has to review its status.

(AQO 293/00)

**Dr Farren:** The question relates to the current status of the Training and Employment Agency. It is a Next Steps agency within the Department of Higher and Further Education, Training and Employment. I have recently reviewed the Training and Employment Agency's status and have concluded that its formal status as a Next Steps agency should be discontinued with immediate effect.

**Dr Hendron:** Can the Minister give an assurance that the services provided by the Training and Employment Agency staff and offices will continue, or at least will not be disadvantaged, by the loss of agency status?

**Dr Farren:** I can answer both questions in the affirmative. The services will continue to be provided,

and the jobs and conditions of service for members of staff will not change. My decision will also not have any impact on the customers of the Training and Employment Agency.

### Walsh Visa Programme

6. **Mr Poots** asked the Minister of Higher and Further Education, Training and Employment if he will detail (a) the number of young people who have participated in the Walsh Programme so far, (b) his satisfaction with the jobs allocated, and (c) the drop-out rate of those participating. (AQO 291/00)

**Dr Farren:** Question 6? Has question 5 been withdrawn?

**Madam Deputy Speaker:** The Member entered the Chamber at the moment question 6 was being put.

**Dr Farren:** The number of young people from Northern Ireland who have participated in the Walsh Visa Programme to date is 254. I am satisfied that the jobs available, although they are at entry level to match the limited experience and skills of the target group, offer opportunities for further skills development and career advancement. To date, 139 participants have returned from the United States.

**Mr Poots:** I thank the Minister for his report, which is fairly damning. It was envisaged that up to 4,000 young people a year would participate in the programme. We have 254, with a drop-out rate of 139. The jobs are not satisfactory, and a review of the Walsh Programme is needed. I ask the Minister to review this issue, as it is not satisfactory.

**Dr Farren:** I do not accept that this is a damning situation, nor that it is unsatisfactory. The matter, with respect to the Walsh Visa Programme, has been under constant review from the outset. When the programme was put into operation it was recognised on all sides that the numbers originally targeted to participate annually were overly ambitious. That is the view of the Training and Employment Agency and FÁS, and is shared by the Department of Labor in the United States.

A number of drop-outs from the programme was expected, given the nature of the target group and the difficulties that they were already experiencing in the Northern Ireland labour market. The scale of the drop-out, however, is greater than anticipated and was a key issue for the scheduled review of the programme and the planning of the next phase.

Since early summer officials in my Department have had regular contact with the Department of Labor in Washington and have visited the USA for discussions with them and the US programme administrator. While there some weeks ago, my officials and I took the opportunity to discuss and review the Walsh Visa Programme with

the Department of Labor. I also met some of the young people participating in the programme. I assure Members that many of them were quite satisfied with the administration of the programme.

Members will appreciate that there are many reasons, both personal and job-related, for so many drop-outs. I assure Members that when the review of the Walsh Visa Programme is complete, its reintroduction next spring will be in the light of a thorough consideration of all issues raised in the course of this year's experience.

**Mr Bradley:** I confirm that several participants are well satisfied with the Walsh Visa Programme, especially those from the Newry and Mourne area. The uptake was not what some of us had anticipated — something similar to what happened with the Morrison Programme. Will the Minister outline his contacts with the United States and other officials regarding the Walsh Visa Programme?

**Dr Farren:** The contacts are those mentioned in my response to the supplementary. Officials have been in regular contact with the Department of Labor, and FÁS, our co-partners in recruiting participants to the Walsh Visa Programme. On my recent visit to Washington I had a thorough discussion with representatives from the Department of Labor who are administering the programme. I visited and spoke with participants in two locations in the Washington area, and they expressed a considerable degree of satisfaction, some greater than others. Undoubtedly, in a programme of this nature, for some the experience has not lived up to expectations. It is important to remember that the Walsh Visa Programme is targeted on those who have experienced unemployment in Northern Ireland. Therefore, difficulties come into the programme as a product of those individual experiences. Some who have remained are gaining an invaluable experience, and some who have returned prematurely have brought home a positive experience. Not all come back with a negative attitude towards their experience in the United States.

**Mrs Nelis:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's assurances. Was the drop-out rate connected to the administration of the programme by Logicon, who I understand have had the contract renewed? Given the serious problems which young people encountered earlier this year, is the Minister satisfied that these difficulties will not reoccur, and is he satisfied with Logicon's performance?

**Dr Farren:** We cannot guarantee that problems will not arise when a programme has many participants. We must expect some problems, either amongst the participants themselves, or as a result of the context of the strange surroundings in which they find themselves living and working.

3.15 pm

Administration of the programme in the United States is a matter for the Department of Labor. That Department

issued terms and conditions and invited companies to tender for the contract. Only two companies tendered, and the successful company was Logicon. Logicon is in regular contact with the Department of Labor and officials from the Department of Higher and Further Education, Training and Employment.

The three Government Departments involved—the Department in the Republic of Ireland that administers FÁS, my Department, which administers the Training and Employment Agency, and the Department of Labor in the United States — and Logicon have reviewed good and bad experiences from the first few months. We should remember that the project has not yet completed 12 months. I assure Members that there is an ongoing overview of the programme and that it has many positive aspects. The experience that the participants have gained in different workplaces and the new skills that they have acquired and developed will be beneficial to themselves and to our developing economy.

**Madam Deputy Speaker:** I ask the Minister to be brief in his response to the next question.

### **Further and Higher Education Students: Socio-Economic Profile**

7. **Mr A Maginness** asked the Minister of Higher and Further Education, Training and Employment if he will detail the socio-economic profile of students at further and higher education establishments in Northern Ireland in each of the last five years. (AQO 295/00)

**Dr Farren:** The socio-economic status of students in the institutes of further and higher education is, unfortunately, unavailable, as such data have not been collected hitherto. Information on the social class breakdown of students entering degree courses at Northern Ireland universities is collected through the Universities and Colleges Admissions Service (UCAS). It shows consistently that the majority of students — between 64% and 67% over the past five years — came from the professional, intermediate and skilled non-manual groups. More than a third of new entrants — between 33% and 36% over the same period — came from the skilled manual, partly skilled and unskilled groups.

**Mr A Maginness:** The Department of Higher and Further Education, Training and Employment should set targets in relation to the numbers of — essentially — working-class entrants in higher and further education. The figures that the Minister has produced show that participation rates in higher education are not as high as one would like. The Minister should ensure that increasing the numbers of working-class entrants to higher and further education — particularly higher education — is a central aim of his Department. Has the Minister looked at the situation in other countries to see how successful they have been in attracting a higher number of working-class students into higher education?

**Dr Farren:** The Member's question relates to access in this country and the experience elsewhere. With respect to the second part of the Member's question, experiences elsewhere reflect a rather patchy situation. Members will have noted a significant report published recently in the South, which has raised concern that in spite of finance initiatives to support students in further and higher education, there has been an undesirably low level of participation by people from unskilled manual working backgrounds. Even now, the situation in the South compares unfavourably with that in Northern Ireland.

**The Chairperson of the Higher and Further Education, Training and Employment Committee (Dr Birnie):** We can perhaps take some cheer from the statistics since the width of social access to our student body is probably better than that in the Republic of Ireland and England. Nevertheless, there is room for improvement, and the Minister rightly referred to that recent and interesting research carried out in Dublin by the Higher Education Authority. Does the Minister agree with one of the report's main conclusions, namely, that an increase in grant support to students is crucial to raising access for those from unskilled and skilled manual working-class backgrounds who are underrepresented?

**Dr Farren:** I agree that we must examine all elements of student support to determine the balance between the various options available to us. Issues related to maintenance certainly seem to be of significance and must therefore be given special attention. The question is of particular relevance given the final stages we have reached in our review of student financial support.

**Mr Ford:** The Minister referred to data held on students admitted to universities in Northern Ireland. Are there any data on the social background of Northern Ireland students at universities in Great Britain, where I suspect there is an even greater skew towards the middle classes than in local universities? Further to his response to Dr Birnie, does the Minister not agree that the whole issue of student finance has now fallen seriously behind in Northern Ireland and should be addressed, given the fact that Wales has now followed Scotland in taking the Cubie approach well ahead of us, meaning that our students are having difficulties not being experienced elsewhere?

**Dr Farren:** Over the last five years Northern Ireland students who have gone to Great Britain to study are more likely to have come from the higher social classes than their counterparts who stay. Approximately 58% of Northern Ireland students who went to Great Britain were from the professional or intermediate classes, compared to 49% of those who stayed in Northern Ireland to study. Conversely, around 9% of Northern Ireland students who went to Great Britain were from the partly-skilled or unskilled classes, compared to around 11% of those who stayed to study in Northern Ireland.

On the second part of the question, I am not sure where the Member has been since February when I announced

the terms of reference for the review of student financial support. We are taking account of what has transpired in Scotland, and we are way ahead of our colleagues in Wales, who have only recently announced that they are to undertake a similar review.

**Mr Ford:** On a point of order, Madam Deputy Speaker. The Minister is now starting to respond to the second part of questions. My question was in two parts, but he answered only one.

**Madam Deputy Speaker:** We do not take points of order during Question Time.

### New Deal for Disabled People

8. **Mrs Nelis** asked the Minister of Higher and Further Education, Training and Employment if he will detail the number of people who signed up to the 'New Deal for Disabled People' option and who consequently were disallowed incapacity benefit or disability living allowance or both. (AQO 277/00)

**Dr Farren:** I am advised that no client has been disallowed either incapacity benefit or disability living allowance due to participation on the 'New Deal for Disabled People' programme. Participation on the programme does not affect entitlement to either of the benefits.

**Mrs Nelis:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his reassurance, but I have a constituent who signed up to the 'New Deal for Disabled People' and, two months into the programme, was disallowed her disability allowance benefit. This may be a coincidence, but I hope that no disabled person signing up to such a programme will be penalised for doing so.

**Dr Farren:** I would welcome any information that the hon Member has in respect of constituents' situations. I must point out, however, that entitlement to incapacity benefit, severe disablement allowance and disability living allowance is subject to a regular review of claimants' circumstances. Review dates are set by the Social Security Agency and are not affected by clients' participation on the programme. Decisions taken at reviews may have an effect on participants' benefits.

### Department's Relationships with Republic Counterparts

9. **Mr Dallat** asked the Minister of Higher and Further Education, Training and Employment what steps he is taking to develop North/South relationships between his Department and those in the Republic of Ireland. (AQO 288/00)

**Dr Farren:** In the context of the North/South Ministerial Council I have pursued areas of common interest through the Trade and Business Development Body. I have had a number of meetings on areas of mutual interest with Irish Ministers in the Department of Enterprise, Trade and

Employment, the Department of Education and Science and with the director general of FÁS. I have also attended and participated in a range of events involving higher education, professional and training institutes in the Republic.

**Mr Dallat:** Does the Minister accept that closer links between the North and South are vital to the future economic well-being of people in both parts of Ireland? Will he give an undertaking that bureaucracy and red tape, where it exists, will be removed to ensure that no obstacles stand in the way of students or workers who wish to move between jurisdictions?

**Dr Farren:** The Member can be assured that any inhibitions to the mobility he refers to will be looked at and examined in order to have them removed. The considerable degree of mobility with respect to workers at all levels is evidenced by the very few, if any, restrictions on people moving from the North to the South, or vice versa, for employment purposes.

3.30 pm

A visit to our universities and to many of our colleges of further education will reveal varying levels of participation by students from the South. The same is true, particularly at university level, with respect to Northern students and Southern institutions. I have been encouraged by the openness evident within my Department, and with our counterparts in the South, towards improved forms of co-operation.

## SOCIAL DEVELOPMENT

### Public-Sector Homes (Rural Areas)

1. **Mr Paisley Jnr** asked the Minister for Social Development what plans he has to improve the conditions of public-sector homes in rural Northern Ireland; and if he will make a statement. (AQO 263/00)

**The Minister for Social Development (Mr Morrow):** This question really is a matter for the Northern Ireland Housing Executive, whose chief executive has advised me that, until recently, the Housing Executive defined rural properties as those located outside the Londonderry City Council area and the Belfast urban area, which is defined as including the Belfast, Carrickfergus, Newtonabbey, Lisburn, Castlereagh and North Down Council areas. Within this definition the Housing Executive planned improvement schemes for five years commencing in April 2000, and covering just over 7,000 of its properties. These involve either multi-element improvements, which may include a range of improvements, or single-element improvements. The latter involve specific upgrading: the fitting of kitchens, central heating installation, or major adaptation work such as property extensions. In addition, as part of its rural housing policy, within the next three

to five years, the Housing Executive intends to make improvements to 800 of its rural cottages which still require them.

**Mr Paisley Jnr:** Perhaps I may probe a little further and ask the Minister about the levels of rural unfitness in public-sector housing across Northern Ireland. Can the Minister tell the House what plans he and his Department have devised to tackle levels of rural unfitness in public-sector houses? Can he also assure the House that he will make the issue of tackling rural unfitness a priority for his Department?

**Mr Morrow:** I come from a rural constituency. For that reason, among others, I can assure Members that rural unfitness gives me considerable concern. In County Fermanagh, for instance, the last survey showed that rural unfitness there runs at 17.1%. We hope that on the publication of the next report on rural unfitness, there will be a substantial fall in that toll. I can assure the Member that my Department and I take rural unfitness very seriously, and we will be devoting our energy to it in the coming weeks and months. The 1996 House Conditions Survey recorded just under 23,000 unfit dwellings in rural areas, excluding Belfast, Londonderry and other towns. This represents some 52% of all unfit properties. In 1996, rural unfitness was recorded at 12.1% — a reduction from 17.2% in 1991. We are better off than equivalent areas in the rest of the UK. We take little comfort from that, because we are still striving to ensure that we deal adequately with rural unfitness. My Department and I will be giving much time and attention to this issue in the future.

**Mr Fee:** Can the Minister review the existing policy of his Department with a view to funding primarily multi-element improvement schemes at the expense of single-element schemes? The effect is that the queue for much-needed improvements in the rural public housing stock is extremely long and is getting longer. In many of these houses, simple improvements to a kitchen or an electrical system may be the overriding priority. Would it not make more sense to do one scheme now and, perhaps, complete the other house improvements further down the line?

**Mr Morrow:** Most unfit rural housing is in the private sector, not the social housing sector. I want the Assembly to be clear about that. I listened carefully to what the Member for Newry and Armagh (Mr Fee) said: it makes a lot of sense. That point will be given careful consideration when the Department decides on its priorities, and I undertake to provide the Member with a more comprehensive answer at that stage.

**Mr McClarty:** Does the Minister recall a recent statement in which he acknowledged that much still needs to be done on housing? Furthermore, does the Minister accept that nothing needs attention more than public-sector rural accommodation? The Executive Committee's decision to commit an extra £27.3 million to social development gives him the opportunity to effect

real improvements. Has the Minister's party given him permission to remain in office long enough to make a difference to rural housing?

**Mr Morrow:** That question has more to do with politics than housing, but, nevertheless, I will make an honest endeavour to answer it. The question of my position as Minister is not part of my brief — the Member should address that question to others. I will be here for as long as my party leadership decides, be that a long or a short time. That is the best answer that I can give. Decisions on my departure are not in my hands, but I am ready to go or stay.

I am aware of the statement that I made. I want to emphasise again that I have a keen awareness of housing issues. I was a member of a district council for 27 years and an estate agent. I believe that a good home is not a privilege but a basic human right. I intend to work as hard as I can to ensure that everybody in Northern Ireland has a good home to live in. The Member for East Londonderry (Mr McClarty) can go to bed content tonight, knowing that, in this case, his principles and mine are similar.

### **Social Exclusion: Interdepartmental Co-operation**

2. **Mrs E Bell** asked the Minister for Social Development if he will detail his plans to co-operate with the Minister of Education on the issue of social exclusion.

(AQO 287/00)

**Mr Morrow:** My Department works closely with other Departments, including the Department of Education, across a number of areas relating to the issue of social exclusion.

**Mrs E Bell:** I thank the Minister for his brief statement. Does the Minister agree that social disadvantage can have an adverse effect on the education of vulnerable pupils and that it should be addressed as a priority both by his Department and the Department of Education?

**Mr Morrow:** The answer to that is yes. However, education is not my field.

**Mrs E Bell:** On a point of order—*[Interruption]*

**Madam Deputy Speaker:** Order. If the Member wishes to raise a point of order, she can do so at the end of the Minister's Question Time.

**Mr Dallat:** I welcome the Minister's assurance that he co-operates with the Department of Education. Will he also assure the House that there are no other individuals or groups on his exclusion list? Can he explain why he refused to attend a recent strategy launch by Limavady Town Centre Forum, which is made up of community groups, local councillors and a plethora of individuals?

**Madam Deputy Speaker:** That question seems unrelated to the statement. Does the Minister wish to respond?

**Mr Morrow:** I do not see the relevance of the question to what I am here to deal with today. However, perhaps the Member knows more about why I was not there than anyone else.

**Mrs Carson:** How many meetings has the Minister had at ministerial level with his counterparts in the Scottish Parliament and the Welsh Assembly to deal with the issue of social exclusion?

**Mr Morrow:** I have made attempts to meet with my counterparts in England, and they cancelled the meetings — I did not. Lest the Member go home and lose a lot of sleep about that, may I emphasise that there is nothing of any significance in that; it was due to timetable problems across the water. I was ready to fly to London to have the necessary meetings, and I am ready to do so again.

### Housing Executive Rents

4. **Mr McCarthy:** asked the Minister for Social Development what steps he is taking to keep Housing Executive rents low for those who choose not to buy their home. (AQO 285/00)

**Mr Morrow:** My overall objective is to set a rent affordable to tenants on low income, while at the same time meeting the Housing Executive's income requirements to enable it to maintain that accommodation to standards acceptable to the tenants. I made a bid for additional funding for the Housing Executive under the spending review 2000. Only some of those bids were met, but I will continue to argue the strongest case possible for the proper resourcing of maintenance funding for Northern Ireland Housing Executive stock so that rents can remain at affordable levels.

**Mr McCarthy:** Will the Minister give an assurance today that any rent increase for 2001-02 will not exceed the rate of inflation?

**Mr Morrow:** I can give no such assurance. Suffice it to say that in keeping with my party's policy and with my own interest in Housing Executive tenants, I can assure the House that rents will be kept to a minimum. Also, I have met with the Committee on a number of occasions — indeed as recently as last Thursday. I put this issue to its members again and informed them that I have not yet decided the level of rent increases. I am waiting for the Committee to tell me what level of rent increase it would find appropriate, and I am assured that it is currently considering the matter. I look forward to receiving a reply soon, maybe even this week.

**Mr S Wilson:** I suggest that the Minister inform the Assembly of the shortfall in the Housing Executive budget which would result if the proposal from the Member for Strangford were implemented. Does the Minister agree that if programmes for roomheater replacements or kitchen improvements were to be cut as a result of this proposal, the

Member for Strangford would be the first to squeal about it?

**Mr Morrow:** The Member has dealt with a number of issues. I will try to give some figures to indicate the impact of increasing rents at certain levels. The physical consequences of a GDP plus 2% rent increase's not being imposed would be as follows: if we froze rents at their existing level, a loss of £13.6 million would be sustained. That would result in no new starts in the year 2000 and the deferral of 1,000 multi-element improvement (MEI) schemes.

3.45 pm

If we increased rents in line with GDP, which we are told we must calculate at 2.5%, a revenue shortfall of £7.8 million would result. There would be no new starts in 2000, and 400 MEI schemes would be deferred. At GDP plus 1%, the shortfall would be £5.4 million, and there would be no new starts in 2000. At GDP plus 2%, the shortfall would be £3.1 million, and there would be a choice between 2000 planned replacements or 1500 MEI schemes, but not both.

I trust that those figures clearly illustrate the impact that that will have on the housing scheme, particularly to the Member who said that the rate of rent increases should be below that of inflation. I ask the House to reflect on those figures and think about them carefully, because it is not a simple equation.

**Ms Gildernew:** Go raibh maith agat. The Minister rightly said that he met the Social Development Committee on a number of occasions on this issue. However, he said that he asked the Committee for its view on how much rent should be increased by. Will the Minister clarify that it is he who makes those decisions and not the Committee?

**Mr Morrow:** I have not asked the Committee to make any decisions for me. I have asked it for advice, to identify its priorities and what level of increase it would like to see. I may or may not agree with the Committee's views, but I assure the House that those views will be taken into consideration before any decision is made on any level of rent increase. I will take the decision. I will not ask the Committee to make my decisions for me. I am ready to make the decision, but it is only courteous to ask the Committee for its views and take those views into consideration.

### Winter Fuel Payment

5. **Mr Beggs** asked the Minister for Social Development if he will detail the number of eligible people who have yet to apply for the winter fuel payment, and what steps he is taking to encourage uptake of the payment. (AQO 270/00)

**Mr Morrow:** Some 285,000 people in Northern Ireland aged 60 and over are entitled to a winter fuel payment this year. The first payments go out this week. The majority of eligible people — about 250,000 — will receive their payment automatically. Although the Social Security Agency (SSA) has contacted the 38,000 people who need to apply, 13,000 people have not yet submitted a claim. Press advertisements were used in April, July and September to maximise the uptake of the scheme. Further advertising will take place soon.

**Mr Beggs:** Does the Minister agree that the majority of those people not claiming their entitlement are males over the age of 60 who are still in employment? Does he agree that they could easily be identified if information were shared between Government Departments? What plans does the Minister have to develop links and share data with other Departments so that benefit entitlements can be automatically established?

**Mr Morrow:** I cannot say with assurance that the majority of those not claiming are males over the age of 60, but the Member may be right. It is important that all those who are entitled to benefit get the benefit.

With regard to sharing information with other Departments, I am sure that the Member is aware that we are presently in the process of reorganising. The ONE Scheme, under which many of the agencies will co-ordinate their efforts and information will become effective soon. I do not know if that will happen before this payment is made. The £200 payment was announced only last Thursday, and the legislation came into effect last Saturday. Some of the cheques will be sent this week. My Department has reacted very quickly and is working flat out to ensure that everyone who is on benefit and who is entitled to this payment will get their £200 before Christmas. I am sorry that I cannot give the same assurance to those aged over 60, but an honest effort will be made.

**Mr Dodds:** I thank the Minister for his assurances that the winter fuel payments will be issued as soon as possible. Will he continue to make representations to the Chancellor on the level of winter fuel payment? While the payment has increased from £150 to £200, and while pensions have recently been updated, will the Minister continue to make strong representations to Treasury and Whitehall Ministers on the need to restore the link between the rise in pensions and earnings? Will he continue to press for the winter fuel payment to be kept at an appropriate level to deal with the yearly winter crisis?

**Mr Morrow:** I am sure the Member will be the first to recognise that those issues are, by and large, parity issues with the rest of the United Kingdom. Nevertheless, I assure him that the Department for Social Development and the Social Security Agency will not be found wanting in delivering a service to the people who need it most.

I also assure him that Northern Ireland will be kept on a par with the rest of the United Kingdom on levels of future benefits and pensions.

**Mr Hussey:** I welcome the Minister's comments on the efforts to ensure that winter fuel payments are dispersed as quickly as possible. I am sure he will agree that energy efficiency is also of great importance to those who require winter fuel payments. Will he update the House on the plans for implementing both, and will he assure Members that there will be a positive approach to them, particularly for those in rural areas?

**Mr Morrow:** With regard to winter fuel payments and fuel poverty, I recently launched a pilot scheme on domestic energy efficiency in Aghnacloy and Darkley. The scheme will be launched in April 2001. I believe it is an excellent scheme and will go a long way to tackling fuel poverty in Northern Ireland. I assure the Member that we have placed much emphasis on this scheme and that it will deal with the matters that he has raised today. I will supply the Member with more detailed information.

### **Public Health: Interdepartmental Co-operation**

6. **Mr Ford** asked the Minister for Social Development if he will outline his plans to co-operate with the Minister of Health, Social Services and Public Safety on public-health issues. (AQO 286/00)

**Mr Morrow:** Over some months an interdepartmental group, led by the Department of Health, Social Services and Public Safety and involving officials from my Department and others has been working on a new strategy for improving the health of people in Northern Ireland. I understand the strategy will be published for consultation later this year.

**Mr Ford:** Even though the Minister was sufficiently rude to my Colleague on the topic of education, I am delighted that he at least acknowledges his responsibilities in this area, but I remind him that the question actually asked about his co-operation with the Minister of Health. Given Mr P Robinson's earlier comments on the need for joined-up government, and since Ministers carry responsibility for housing executive rents, is it not up to the Minister to co-operate with other Ministers in urgent matters of public concern, rather than leave them entirely to officials?

**Mr Morrow:** The Member has missed the point on this, but I will take him through it as best I can. First, I have no plans whatsoever to meet the Minister of Health, Social Services and Public Safety. I cannot be more direct than that. With regard to the matter he is hinting at, although he could be more explicit, the RUC is the main component in the drive against drugs. It is notable that the RUC has been excluded by the Minister of Health, Social Services and Public Safety. I thought that would have concerned Mr Ford as much as it concerns me.

**Mr P Robinson:** Instead of meeting the Minister of Health, Social Services and Public Safety will the Minister take the advice of an earlier questioner and meet his counterparts in the Scottish or Welsh cabinets? Does he recognise that, according to the Hansard of 10 November, by doing so he would be ahead of eight other Ministers who have not met their counterparts in Scotland or Wales?

**Mr Morrow:** I listened carefully to what Mr P Robinson said. Rather than interpret it as a question, I will take it as sound advice. It is something that I will pursue in the coming weeks and months. Then I will be able to say to all and sundry that I have had all those meetings. There are those who wish to direct me down the Dublin road, but I am not prepared to go along that route.

**Madam Deputy Speaker:** Time is up, unless there are further questions.

**Mr McCarthy:** Will the Minister encourage the Housing Executive to check its dwellings in radon-affected areas and take action to eradicate any health risks? Radon gas is the second-greatest cause of lung cancer in Northern Ireland.

**Madam Deputy Speaker:** That question is not relevant to the one that was tabled.

**Mr McCarthy:** It is a public-health issue.

**Madam Deputy Speaker:** The Minister wishes to respond.

**Mr Morrow:** I did not hear the start of the question, but I will deal with it generally. If there is a threat to anyone's health as a result of any situation that arises in the social housing sector, I take that very seriously. It would be a matter that I would want to deal with. If the Member writes to me about a particular case that he would like dealt with, I will certainly pursue it on his behalf.

**Rev Dr William McCrea:** Public health and safety is greatly endangered by many of our constituents in socially deprived families throughout the Province in that they are not able to get rid of their Economy 7 heating. Can the Minister ensure that the domestic energy efficiency scheme is brought in as quickly as possible? He has said that that will happen in April, but will it begin in one particular area, or will it occur throughout the Province simultaneously?

**Mr Morrow:** It is our intention, as the Member said, to introduce this scheme in April 2001. I hope that it will go right across the Province and tackle fuel poverty as it arises. I have already said that we have launched pilot schemes at Aughnacloy and Darkley.

**Mr Beggs:** Earlier, a Member mentioned the need for co-operation on drugs issues. Does the Minister agree that given the experience in Edinburgh and Glasgow, it would be very relevant for him to visit the Scottish Parliament

and undertake discussions with both the Strathclyde and Lothian police forces?

*(Mr Speaker in the Chair)*

**Mr Morrow:** I do intend to take the route that Mr Peter Robinson suggested earlier. I do see significance in speaking to my counterparts, in particular in areas like Edinburgh. I am confident that when I go to Scotland or Wales and discuss this with my counterparts there, the police force will be in the driving seat and in the vanguard of tackling this problem. I am certain that the Member will agree with me on that.

**Mr Attwood:** I think it is interesting that the Minister has various meetings planned with Welsh and Scottish Ministers in the months ahead. Given the frequency with which the Ministers on the DUP change sides, months ahead is somewhat optimistic on his part. Since he has not yet met with the Welsh Assembly and the Scottish Parliament, is not co-operating with the North/South structures and has not met with the Minister of Health, Social Services and Public Safety, there seems to be a declining number of people whom he is speaking to.

4.00 pm

His colleague on Belfast City Council, Cllr Eric Smyth, has been in the lead in Belfast in promoting anti-drugs activity and awareness. Cllr Smyth has participated in a European anti-drugs conference and has gone to Dublin to participate with colleagues in anti-drug strategies in the city of Dublin. In the next few months there will be a conference in Belfast that Eric Smyth will be a sponsor of—

**Mr Speaker:** Order. What is the Member's question?

**Mr Attwood:** The point is that if his colleague—

**Mr Speaker:** No, the question—

**Mr Attwood:** Does the Minister agree that his colleague in Belfast City Council is participating on an all-Ireland basis in anti-drugs awareness activities? Should he, as a Minister representing this Executive Assembly—

**Mr Speaker:** Order, order. The time is up, and the Minister will have to respond to the Member in writing. You have a point of order, Mr Dodds?

**Mr Dodds:** I thank the Member for his party political broadcast on behalf of the DUP.

**Mr Speaker:** I have no doubt that the Member concerned will use it on his election leaflets. Order.

**Mr S Wilson:** Mr Speaker, is it in order for a member of the SDLP to electioneer blatantly for the DUP?

**Mr Speaker:** It is entirely in order, but I am not sure that it is wise for either party.



## PROGRAMME FOR GOVERNMENT

### *Debate resumed on motion:*

That this Assembly notes the Executive Committee's proposed Programme for Government; notes that it will guide the public spending plans for 2001-02 in the Budget; notes that the Programme for Government will be presented for the approval of the Assembly in the New Year, embracing public service agreements for all Departments. [*The First and Deputy First Ministers*]

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** The focus of this session of the debate is on education, training, the economy and the infrastructure. This covers two of the Executive's priorities, investing in education and skills and securing a competitive economy. These are key priorities to contributing to a prosperous society, which is part of the Executive's shared vision for the future.

Education and training have a central role in the programme, not only for social and community development but as an engine for our economy. While a high proportion of our young people achieve good examination results, there are also major challenges for us, as the draft programme highlights. The increasing focus on knowledge as a key element of economic growth emphasises the importance of getting our education and skills right. A high proportion of young people are underachievers in school, and they should be given every opportunity to succeed through access to quality higher and further education.

Within our existing work force there is a significant population with few or no formal qualifications and with poor standards of literacy and numeracy. We must continue to address areas of high unemployment. We must break the cycle of unemployment, making sure that we do not allow those leaving school with few qualifications to be caught in the unskilled trap for their future careers. As the programme highlights, these are areas we will focus on.

The selection review and decisions on the future structures of post-primary education, together with the outcome of the review of student financial support at further and higher education levels, will clearly be major vocal points of debate. The Executive have identified a wide range of other actions to underline its commitment to investment in education and skills at different levels: the provision of one year of pre-school education for every child; support for underachieving schools; the development of technology in public libraries; and the piloting of a new training programme for adults with basic literacy and numeracy problems.

In the chapter headed 'Securing a Competitive Economy,' we emphasise that a firm basis for economic growth requires the close co-ordination of a wide range of policies and Departments. We must ensure that we have the physical infrastructure that business needs. We

need to create the right conditions for economic growth by promoting competitiveness, enterprise, innovation and creativity. We plan, for example, to stimulate the private sector to increase the level and scope of research and development and to implement a small business strategy with a view to achieving better co-ordination and effectiveness of local enterprise support.

We must also work to make Northern Ireland more attractive for inward investors and tourists. We need a competitive location for investment, while at the same time ensuring that sufficient investment is directed to areas of disadvantage and high unemployment. It is also essential that we have the appropriate infrastructure for competitive regional development, and meet the needs of individuals as well. We will agree, therefore, on a regional development strategy and a regional transport strategy.

We will ensure that Northern Ireland has a world-class telecommunications infrastructure, and on that basis we will promote Northern Ireland as a world-class centre for e-commerce. We also need to consider the most appropriate energy infrastructure to help improve business competitiveness and create greater consumer choice at affordable prices. In striving to improve the economy we must be aware of the difficulties that have been experienced in rural areas. The Executive propose to develop a programme to modernise and diversify the structure of farming and assist fishery areas.

In taking this agenda for developing our economy and infrastructure forward, we must also ensure the protection and enhancement of the environment. We will, therefore, produce a strategy for sustainable development. This will cover a number of Departments and the district councils, because we have to build sustainability into all relevant policy areas including the development of public attitudes.

**Mr Speaker:** Order.

**Dr Farren:** Two more sentences. I have attempted —

**Mr Speaker:** I regret that the Minister's time is now up.

**Dr Farren:** Thank you for drawing my attention to that —

**Mr Speaker:** I must ask him to resume his seat.

**Dr Farren:** Having completed an outline of the agenda, I am very happy to resume my seat.

**Mr J Wilson:** I welcome the draft Programme for Government, and I am pleased that we have the opportunity to discuss it in detail today. The Belfast Agreement has brought many benefits to the people we represent. At last, we have locally elected representatives producing a programme that we have the opportunity and resources to enact. At last, those who provide government in this Province can be held to account by the electorate. We can truly say that, through this

programme, we are delivering accountable democracy to Northern Ireland.

I commend the Executive on their role in guaranteeing that delivery. I applaud the commitment to a better society. My party and I will continue to do all that we can to help. However, the delivery of accountable democracy also requires that those of us who might loosely be referred to as Back-Benchers can and must criticise constructively where we find fault. I am reasonably satisfied that the draft programme will start to undo the damage caused to this country by direct rule. Having said that, I must also say that in some areas the programme does not do enough to address the years of under-investment, poor planning and general disregard that characterised long-distance Government.

Notwithstanding the announcement of increased funding for water and sewerage, not enough has been done to bring that vital area of infrastructure into the Programme for Government. It would be easy to single out the present Minister for criticism; he has not been in the job long and will soon have to hand over to the next man — or woman — in advance of the Westminster elections. We look forward to seeing who is next for a game of Ministers. Of course, it would help regional development generally if the Minister were fully committed to the portfolio. It would also help if the Minister were to carry through to the Executive the work his party is engaged in with the rest of us at departmental Committee level.

I acknowledge that addressing the direct rule years will be hard, and nowhere more so than in dealing with the Water Service. The damage was done over many years and cannot be undone by one Programme for Government. However, I regret that the opportunity to deal radically with the massive problems that we have with water and sewerage services has been missed. Rather than spend money on patching up an ailing infrastructure, we should aim at a complete overhaul.

Chapter 1 of the draft programme states

“The provision of infrastructure and major public services such as public transport, roads, water and sewerage are essential for the social and economic well-being of the region”.

I agree with that. It also states

“Serious deficiencies in our infrastructure assets have been identified as a result of years of under-investment”.

I agree with that too. The document continues

“This is giving rise to real public-safety and public-health concerns. We need to act now if we are to reverse the unacceptable deterioration in the quality and reliability of our infrastructure and to comply with European Directives”.

Although the problem of underinvestment is identified, the draft programme contains little evidence of commitment to address it. There are some commitments to improvement. The commitment to achieve a 20% reduction in the

1996 level of high- and medium- severity water pollution incidents is welcome, as is the commitment to eliminate the backlog in implementing European Directives on air, land and water. I am pleased with the commitment to achieve 80% compliance with the waste water treatment works discharge standards set out by the Environment and Heritage Service. I trust that, before too long, we will achieve 100%.

The Executive must appreciate the importance of a good water and sewerage infrastructure; it is as good an indicator as any of our social and economic conditions. My constituency is a pleasant and attractive area, made up mainly of small towns and villages and surrounded by countryside. We do not live at the foot of enormous mountains or beside the banks of broad rivers, but, in south Antrim, we are beginning to expect that rainfall that is anything more than moderate will lead to flooding. The flooding occurs because the Water Service infrastructure is below standard.

The level of rainfall in Northern Ireland in October was among the lowest in the United Kingdom, but householders still had to deal with water seeping into their homes for the second time in two months. In an area of relatively mild rainfall, we should not have such a situation.

**Ms Lewsley:** I wish to concentrate on education. In order to attain equality in the present education system, we need to look at the targets set out in the Programme for Government and examine how to turn those targets into achievable objectives. How can we do that without adequate funding? Feedback from public meetings suggests that the overwhelming majority of the public feels that the 11-plus ought to be scrapped. Undoubtedly, the examination places pupils under severe pressure and is counter-productive and damaging in that it increases class bias and leads to social disadvantage, low self-esteem and demotivation. Preparation for the examination dominates the curriculum in P6 and in P7. Teaching is totally focused on preparation for the 11-plus, and attention is directed away from areas that would be more beneficial in the preparation for secondary education.

The issue of the future of the 11-plus cannot be viewed in isolation. The structure of our education system must change radically to meet the needs of society today, as well as the needs of the future. Equality of opportunity must be built into the system. We must tackle underachievement; I welcome the Minister’s commitment to do so. I commend the allocation of funds to help children with special needs. That will enable them to enter mainstream education without having to face the terrible bureaucracy that they have faced in the past. For many of those children the issue is not just physical access to schools and classrooms but access to all the services in the schools. We must ensure that they are included, not isolated.

We need equality of treatment for our rural schools and the retention of those schools, which play such a vital role for those who live in rural communities. Pupil numbers in rural schools are dropping, and the reasons for that must be examined. Decisions must be made about what can be done to revitalise those schools in order to extend equality of opportunity, accessibility and choice and to raise standards.

School transport in rural areas needs a complete overhaul. It is neither fair nor realistic to expect young children to walk two miles along country roads, often with bad lighting and no footpaths. Children's safety is of paramount importance, and transport is an essential element.

4.15 pm

On school transport in general, I would advocate an approach that would ensure training for drivers and escorts, both on buses and in taxis, and particularly for those working with children who have special needs.

While attending an Education Committee meeting recently I was glad to hear the Minister's statement underlining his commitment to the three Rs and to what he termed "the four Es" — encouragement, enjoyment, entitlement and enthusiasm. I hope that other initiatives and those proposed in the Programme for Government to tackle bullying and behavioural problems will be strengthened and that we will soon see a positive outcome from those and from other vital programmes currently running in our education system.

We must ensure that we target social need and direct funding towards areas where it will benefit children in the greatest need. Targeting social need must be people-based, not geographically based as it is now. We need a second-level education that gives the same weight to vocational education as it does to academic education, and I hope that we will soon move away from perpetual testing to perpetual teaching.

In conclusion, I hope that equality and social inclusion will remain high on the Government's agenda. The Department of Education and, indeed, the Assembly itself, should be proactive in seeking solutions that will redress the balance and provide equality of opportunity for the whole population.

**Rev Dr Ian Paisley:** My remarks concern agriculture. First, the draft Programme for Government commits the Executive routinely to consider the rural dimension by rural proofing during the making and implementation of policy. We do not know what rural proofing is. We questioned the Deputy Secretary at the Department of Agriculture, and he could not define rural proofing. He said that we would have to wait until January 2001 before the Minister, or anybody, would know what rural proofing means. How will the other Departments co-operate with rural proofing when even the Department responsible

for it does not know what it means? This causes great concern to members of the Agriculture Committee and to me as its Chairperson. We believe that proper rural proofing is necessary and that steps should be taken right across the board which should benefit those living in rural districts and especially the farming community.

We are also concerned about the programme to modernise and diversify the structure of farming, yet we are amazed that there are no action points listed on how this is to be achieved. We need to know the steps proposed.

We know that neither the Minister herself nor the Department is eager to bring in a pension scheme for farmers and that that may not happen. What about new people coming into farming? Is it not possible for those who have served their time in farming to see new people entering with certain advantages so that those older people can retire? Why is the United Kingdom not to have a pension for farmers, as other parts of the European Union do, and especially for those who are in dire straits because of debts which resulted mainly from the BSE crisis and the tragedy in our pig industry. I hope the Minister will be able to enlighten us, because those issues lie right at the heart of this matter, and they need to be addressed.

I hope that by January the Minister and her Department will be able to give us a clear definition of rural development and that they will give us to understand how she will communicate the usefulness of rural development to every other Department. That is going to be a big business. Sir Reg Empey is sitting in the Chamber, and I am sure that he has some views on the matter. He ought to have views because of his responsibility for industry in rural districts. We need to have information on that big issue so that the next time we debate the matter it will not be in the dark but in the full light of candid definition.

**Mr McElduff:** Ba mhaith liom béim a leagan ar fhreagrachtaí na Roinne i gcúrsaí oideachais sa doiciméad seo. Mar bhall den Choiste Oideachais, ba mhaith liom comhghairdeas a dhéanamh leis an dá Aire, Máirtín MacAonghusa agus Seán Ó Farracháin. Is orthu atá an fhreagracht tosaíocht a dhéanamh den oideachas sa doiciméad seo.

I must begin by commending the inclusive approach adopted by the Executive in drafting the Programme for Government. At its root is the imperative of eliminating the democratic deficit which pre-dated partition and has characterised the history of the Six-County state since its inception in the early 1920s. However, I share the frustration of others who have addressed the debate on the dishonest tactics of the First Minister in plotting the collapse of the political institutions, while most other Ministers were dotting every i and crossing every t in the Programme for Government. That lends an air of unreality to the programme and instils public scepticism;

it is regrettable insofar as it flies in the face of the notion of a shared vision.

As to the content of the programme — yes, it is aspirational; yes, it is ambitious in some regards; and no, it is not nearly radical enough.

As a member of the Education Committee I am pleased to note that investment in education and skills has been identified as one of the five Executive priorities. It is only right that education should enjoy, and continue to enjoy, such priority. The Ministers, Mr McGuinness and Dr Farren, deserve commendation for their efforts and future support in sustaining this type of agenda.

I welcome the general commitments to raising educational standards for all, cherishing each child equally. I also welcome the commitment to seriously address the issues of low and underachievement. Underachievement is a specific area for North/South focus and co-operation.

The document highlights the central role of education in securing an inclusive society and a strong and vibrant economy and in promoting lifelong learning and healthier lives for everyone.

As Ms Lewsley pointed out, the programme invites ongoing redefinition of our educational objectives. We have heard of the three “Rs”; now the “Ens” are coming into the debate — encouragement; enjoyment; enlightenment and enthusiasm. I welcome the swing away from solely academic achievement.

Specifically, I welcome the commitment to implementing new viability criteria to help promote Irish-medium education by the year 2001. That sector has suffered neglect for years, decades and centuries. The Irish language was officially frowned upon in our education system, and it is time for it to take its rightful place. I await the outcome of the consultation on education through the medium of Irish. People in the cities, towns and villages are also awaiting that.

Similarly, the objective of expanding and enriching pre-school provision to benefit every child for at least one year is extremely important. The deadline of June 2001 has been set for the completion of the review of post-primary education. It is timely to speak about that matter now, as our young people sat the first section of the 11-plus examination last Friday, and the second section will take place on 24 November. I hope that those children are among the last to undergo the 11-plus, which has been very damaging.

Finally, the emphasis on education as the engine for the economy is very pertinent. We need to help equip our young people with the skills and qualifications they need to take their place in the modern economy. I recently spoke to an official from the Sligo County Enterprise Board who told me that that was a key ingredient of the Celtic tiger. Similarly, I welcome the emphasis on

knowledge-based economy. Let us hope the Celtic tiger gets his paws wet in the North soon.

**Mr Speaker:** I call Mrs Bell.

**Mrs E Bell:** Mr Speaker — *[Interruption]*

**Mr Leslie:** On a point of order, Mr Speaker. It concerns the application of the equality principle to your selection of parties and their speaking order. In calling Mrs Bell to speak, you will have called 50% of the Alliance Party. It seems to me that at this stage, by the same token, we should have heard from a dozen Members of my party and the SDLP, 10 from the DUP and nine from Sinn Féin.

**Mr Speaker:** Order. Mr Leslie ought to know that on a point of order it is not open to him to question the Speaker about such matters on the Floor of the House. If he wishes to do so in the proper manner, he is entirely free to do so, but it is not in order for him to raise a question of that kind here.

**Mrs E Bell:** I have to say, Mr Speaker, that we have quality — perhaps not quantity but quality.

I note the draft Programme for Government with some disappointment. The title of the introduction, ‘Making a Difference’, would be more credible if there really had been an attempt to get away from the dangerously traditional, two-communities concept. I also hoped that the parties which are not in the Executive could have had more direct input, other than as members of Committees, but perhaps that will come.

However, I totally agree that we need significantly to improve the educational successes of so many of our young people. It is also encouraging that the need for an holistic perspective on education involving a number of Departments has been recognised — although someone should talk to the Minister for Social Development who appears reluctant to work with the Health and Education Departments on the effects, for example, of social disadvantage on children. Targeting social need is a matter for all Departments, and there must be joined-up Government on such issues.

I am glad that education is included throughout the draft programme and involves different Departments. I hope that all Departments will take note. I can only hope that investing in education and skills will take a high priority, given that there are other competing policy issues. In the long term, society will benefit only if there is a vibrant, efficient, accessible and affordable education sector for people from early years to adulthood, and for some time beyond. It is to be welcomed that pre-school education has been expanded so that, by 2003, every child will have one year of pre-school education. This is another very important part of our education sector.

The 11-plus — or selection — review must be comprehensive so that real and informed decisions can be made. As one who sat, or attempted to sit, an 11-plus

exam last week, I have nothing but admiration for those children who have done it. I would like it to be scrapped as soon as possible, because I would not want to do it again.

Other actions promised, such as tackling disruptive behaviour and bullying, and information and communications technology training will also help to improve the situation in the education sector. Improving access to all levels of education will also need realistic and effective decisions taken regarding such things as student fees and loans. I also suggest that in this series of actions, the equality priority should cause the viability criteria for integrated and Irish-medium education to be reconsidered. I know that a Member who spoke earlier has welcomed the viability criteria consultation, and it is right that Irish-medium education should be included. However, in the existing consultation criteria for integrated education, there is talk about the religious determination, which openly discriminates — *[Interruption]*

Mr Speaker, I ask for a bit of quiet; I am being distracted by those on my left.

**Mr Speaker:** Order.

4.30 pm

**Mrs E Bell:** In the criteria for integrated education in the consultation document, the religious determination that each school needs in order to qualify is mentioned. That discriminates openly against children and parents who, quite properly, do not wish to be labelled as one or the other. It is regrettable, but integrated education is barely mentioned, as is Irish-medium education. I hope that will be rectified once the criteria are agreed on.

I note that children with special educational and/or physical difficulties get only a scant mention. In fact, the document does not refer in any great detail to children generally. Therefore I call once again for a children's commissioner so that education and other areas to do with children are given priority. I would be pleased if the Children's Fund that has recently been set up were increased to allow for basic literacy and numeracy teaching in primary schools and at other levels in education.

It is also essential that the number of university places in Northern Ireland be increased, possibly aided by a degree of financial input from the private sector. That has already started, but I hope that it continues, and continues well, so that all stages of the education process — academic and vocational — can flow freely with young people acquiring the skills and qualifications needed to realise their potential. A good pre-school education, effective primary school conditions and a second-level system that caters for all pupils are desirable.

**Mr Speaker:** Order. I am afraid that the time is up.

**Mr Douglas:** I wish to address specifically section 5 of the Executive's Programme for Government. First, I welcome the proposals for public transport and for the

maintenance and renewal of roads. Telecommunications are vital for a vibrant economy, both rural and urban, but transport and the telecommunications infrastructure must be balanced to deliver efficiently the extra product gained through improved telecommunication links.

We must improve the rail network to carry more of our output from the Province. That would increase access to markets and help reduce, if not minimise, the amount of large trucks on our roads. They contribute greatly to polluting the air and to congestion.

I am glad to see that the work on the road network, as a result of the Chancellor's announcement in 1998, is to begin. Those projects, which include the improvement of single and dual carriageways, are necessary to provide efficient links throughout the Province. I come from the north-west and I appreciate greatly, as will my Colleagues from the area, the fact that the proposed Toome bypass is underway and on course for completion.

This will expedite trade and travel on the Londonderry to Belfast route that are so vital at present for workers and traders in the north-west. I also welcome the consideration being given to new funding sources. We must encourage private-public partnerships with appropriate regulation to ensure that the taxpayers and consumers get the best value. Private concerns can often run the business of government better, as privatisation in recent years has demonstrated. However, we must always ensure that concerns are properly and adequately policed so that they do not become private monopolies.

The next references are to energy infrastructure. Although, as the programme states, our energy market is relatively small, we need to improve access to various energy sources for the more remote areas of the Province. People in rural areas are restricted almost exclusively to oil and electricity to meet their energy needs, and both are rapidly rising in price. The oil costs — and the Assembly has already debated this — are extraordinary and have a knock-on effect on electricity prices.

A north-west gas pipeline would benefit greatly the main towns of Coleraine and Limavady in my constituency. It would offer more choice, flexibility and, it is to be hoped, cost savings to both the domestic and business consumers who could avail of the development. It would also help with inward investment in the north-west, as energy needs can take up a large element of the cost base of intensive business.

I welcome the aim to eliminate the backlog of planning applications. Planning problems are a sore point with many constituents, and shortening the backlog will be of help. However, while I welcome this development of long-term planning strategies, we should make the Planning Service more open, and more acceptable, to the general public.

The initiation of a process to prepare a regional planning policy statement for the countryside in 2001-02 must be expedited, as many rural areas are becoming denuded of their inhabitants as a result of planning applications being refused. Many farmers' sons cannot build a modest house on their farm because of planning regulations, while others can build in exposed areas, almost willy-nilly, with the blessing of the planners. Where is the sense in that? The Programme for Government wishes to keep farmers in rural areas, but no one helps drive them out more than the planners.

Finally, I want to address the issues of rural regeneration and tourism. I welcome the policy of rural proofing because the rural community has often been neglected as far as development is concerned. We need to support rural dwellers, including farmers, in addressing the economic and social problems that are encountered.

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

**Mr Leslie:** One of these days we will have a debate on the principle of equity within the concept of equality. I will leave that for another day. I would like to address a few — *[Interruption]*

**Mr Speaker:** As the Member knows, he is free to put a motion down on the No Day Named list and to lobby his Whip to get it onto the published list.

**Mr Leslie:** Indeed.

I want to say something about the economic growth section of the programme, but I first want to comment on remarks made earlier by Mr Peter Robinson about cross-border bodies and the North/South apparatus generally. To summarise, he said that much of the content was rather woolly and imprecise. He is entirely correct. He could have added that they are full of contradictions and contain aspirations, particularly on matters of competition. Common sense would tell people that these cannot be delivered in practice. That is the way I want my cross-border bodies. They may have political value in certain quarters, but they do not have any constitutional significance, and they have little practical application. Long may it remain that way.

Looking at the economic growth section I am a little concerned by the rather nannying tone of some of the suggestions. As Northern Ireland is already over-administered, we must be exceedingly wary of increasing work by creating more administration. Essentially, the business environment thrives best with the minimum of regulation. There are many examples of that around the world. The business community often says that the zeal with which the United Kingdom implements all the Directives that it receives from Brussels is somewhat in excess of that of our European partners. We need to be exceedingly conscious of this and be careful to limit our zeal. I particularly noticed that one of the provisions was to encourage businesses to become more competitive by

learning from consumers. A business that does not constantly learn from its consumers has very little prospect of succeeding in the competitive world. We must be careful about making statements of this kind when they should be well understood already.

The Minister of Enterprise, Trade and Investment has frequently said that you cannot dictate to businesses where they should set up. You might attempt to use a light guiding hand, but that is the most that you can do. If the Government cannot bring jobs to the people, which I do not believe they can, they must take adequate measures to ensure that people can get to the jobs, and their transport policy should reflect this.

I note that among the provisions for the cross-border bodies there is provision for

“Consideration of proposals and of appropriate action on enhancing competitiveness of the two economies.”

I do not think this is the case. Competitiveness takes place between the two economies and between these economies and any other economy with which one might be attempting to trade. That competition is entirely healthy so any differences between neighbouring regimes are welcome, because what is good in one place may be bad in another. We should bear this in mind.

All the emphasis in tourism tends to be on the marketing of Northern Ireland, or of all of Ireland, to the outside world. I am concerned that we have not placed enough emphasis on the internal marketing of our product, and I am concerned that this is not addressed in the document. It is one thing to attract visitors here, but it is another to give them a good time when they arrive. We need to ensure that their attention is drawn to every facility that might be attractive to them. The same applies to our own population. Tourist attractions in Northern Ireland are not well known to many of those working here. I hope the Minister will address that matter.

**Mr Byrne:** I welcome the Programme for Government, and I pay tribute to the Ministers who assembled it. It is an important vision statement for the future of Northern Ireland.

I want to discuss the physical infrastructure, and I welcome, in particular, the five Executive programme funds. Adequate investment in the physical infrastructure is necessary for economic development in Northern Ireland. Those of us who live many miles outside Belfast have for many years accepted our social and economic disadvantages, as there has been inadequate investment in physical infrastructure across the region.

Those who want balanced regional economic development want the Government to take the lead in securing a fair and equitable distribution of resources throughout. The implementation of a balanced regional development strategy across the North, as a means of regenerating the economy, is a core SDLP policy. My

party recognises that uneven development has exacerbated social exclusion in this area, adding to the political instability which has held this society back for too long. For the first time we have devolved power, and we now have the opportunity to reverse political instability and make, in the words of the Programme for Government, “a real difference to the lives of the people of this region.”

This responsibility should not be taken lightly. I commend the Executive for creating an infrastructure/capital renewal programme fund to address the under-investment in our road, rail, sewerage and water networks and develop our energy market and telecommunication systems. The intention to produce a ten-year transportation strategy and to bring a Bill on transport before the Assembly should ensure that the North will have a truly integrated transportation system, which will achieve the correct balance between public and private, road and rail.

Resources are limited, so I am pleased to read that the Executive will be exploring alternative means of financing new projects in the form of public-private partnerships. The people of this region have suffered for too long on account of the poor condition of our roads and restricted access to public transport. We should not be shy about taking advantage of the benefits which private finance can bring to our transport system. With particular reference to the rural areas of Northern Ireland, the announcement that work will soon begin on a number of strategic route improvement schemes and on the plan to operate 15 rural community transport partnerships will help to rectify the transport deficit in rural areas, enhance safety and enable regional towns to maximise their economic potential. My constituency has three of the most deprived council wards in Northern Ireland. West Tyrone has not received its fair share of new inward investment projects. I therefore welcome the Executive’s aim of attracting 75% of all new first-time inward investment projects to such areas of disadvantage.

4.45 pm

The Executive could further demonstrate their confidence in areas of high unemployment by initiating a wide-ranging policy of administrative decentralisation. A programme for Civil Service decentralisation could be drawn up and implemented over a five-year period, relocating entire sections or subsections of Government Departments to the major or key service centres identified by the Department for Regional Development’s strategic framework document ‘Shaping Our Future’ as local engines of economic growth. Such a policy has successfully operated in the Republic.

The measures that will be taken to create a more co-ordinated and efficient planning process are also very welcome. For several years there has been a backlog of planning applications, and planning regulations have been too restrictive, especially in rural areas. The Executive’s

intention to issue a series of regional planning policy statements to make planning policy more flexible will form an important component of an overall regional development strategy and should strike a balance between our economic and infrastructure needs and our environmental concerns. I agree with the Minister of Enterprise, Trade and Investment’s earlier reference to the importance of small- medium-sized enterprises.

**Mr Speaker:** Order. The Member’s time is up.

**Mr Paisley Jnr:** All that has been said in the debate by those Members whose parties are in the Executive Committee of the House — and indeed all that is in the 200 proposals contained in the 87 pages of this report — is nothing more than flannel. The report in total disguises the essential nakedness of this Administration. It has no serious proposals which it can bring before the House and have implemented in a serious fashion. In fact, it attempts to disguise this lack by embellishing the report with a great number of clichés. Indeed, this report is not a Programme for Government, but a book of clichés and well-meaning phrases. It is a book from a Government that will not actually achieve anything. It is a Government that says much but does very little.

This Administration — if I am generous to it — has allowed its ambition to get in the way of the political realities with which it is faced. We shall find that this Programme for Government, to which we shall return time and time again in the lifetime of this Executive, contains very few substantial proposals that have been implemented.

Mr Mallon, in his opening comments in this debate, paid tribute to the North/South Ministerial Council. Clearly those compliments do not extend as far as the First Minister, given the fact that, according to some of his friends, he has tried to scupper the operation of those council meetings.

Mr Leslie, who spoke a few moments ago, will find at page 55 in the very extensive chapter on developing North/South relationships that we are not going to get the benign and inoffensive North/South bodies that he seems to want. Mr Leslie’s desire to have largely inactive bodies will not be achieved. He will see that if he reads page 55 of the report, which says that the plan is to

“develop consultation, co-operation and action on an all-island and cross-border basis”.

**Dr Birnie:** Will the Member give way?

**Mr Paisley Jnr:** The Member knows that I do not have time. The intention of this report is to act, not to be benign and inoffensive and not have all-Ireland action. It is to establish an all-Ireland, cross-border, governmental authority in Northern Ireland. Indeed, Mrs Carson talked about sustainability and made great play of this, as did the Leader of Sinn Féin/IRA in a dance of mutual respect. They were both talking about sustainability — we will

sustain this if you sustain that. I checked the meaning of the word “sustain”, and it means “to support, to bear the weight of over a long period, to give strength to and encourage”. There is no doubt about it: this all-Ireland programme sustains Provisional IRA murder men in the Government of Northern Ireland. That is the reality of this report, and people ought not to lose sight of it. It sustains them. Is the Ulster Unionist Party going to continue to sustain those people in Government? We will find out soon enough.

Mrs Carson welcomed the report. However, during the course of her contribution she listed at least 20 objections. If that was a welcome, I would hate to see her attack something she disagrees with.

We should object to this agenda because it contains nothing to deal with the specific issues that we raised in the various Committees. There is nothing in this report that will eradicate farm debt. How will the ordinary person, trying to develop his or her farm, know what rural proofing means, how it will operate and where the mechanics are for it? It contains nothing for a farm-restructuring scheme, and that disappoints me. The only way we can inject new life into this industry is to have a new farm retirement scheme that will allow new blood in and new measures to apply.

**Dr O’Hagan:** Go raibh maith agat, a Cheann Comhairle.

First, I want to turn to the introduction to the section ‘Securing a Competitive Economy’, which refers to the achievement of a cohesive, inclusive and just society that places communities at its centre. It states that the creation of a vibrant economy, producing employment and wealth for the future, is essential. This is a laudable and worthy objective, yet it appears that it is mere rhetoric. When we turn to the equality aspects in annex B, under section 6 we are told that economic development may not initially benefit all equally. Why? Is this an admission of failure before we even start? *[Interruption]*

**Mr Speaker:** Order. If Members wish to have a conversation, they should do so in the Lobby.

**Dr O’Hagan:** Are the Executive and the Department of Enterprise, Trade and Investment telling us that they are not going to meet their statutory equality obligations? This is not good enough. Targeting social need (TSN) has been in place since 1990. It is about time we all started taking it seriously.

Earlier my Colleague John Kelly pointed to the legitimate public concerns about private finance initiatives (PFI) and privatisation. Turning to the plans for the development of the rail system and the proposed Transport Bill, I would also urge caution. Privatisation, whether under PFIs or public-private partnerships (PPPs), of essential public services is a major policy change which will have a long-term and, I would argue, adverse

impact on the public sector. It is a case of “Buy now, pay dearly later”. It is not acceptable that the Programme for Government should present privatisation as a fait accompli without any debate, consultation or investigation into the efficacy or otherwise of such a drastic policy change. It is time we had a debate about PFI, privatisation, PPPs and so forth.

Section 5.3.2 on the role of inward investment states

“A challenge will be to change international perceptions to ensure that we can be a competitive location for investment and to ensure sufficient investment in areas of disadvantage and high unemployment. We will aim to attract 75% of all first time inward investment projects to such areas.”

This has been the stated aim of the IDB for several years, and it has manifestly failed, through lack of political will, poor marketing strategies, a failure to work with people from disadvantaged areas and the failure to plan strategically for inward investment. The Programme for Government fails to acknowledge the important role of agencies such as the IDB in redressing years of religious discrimination. The equality agenda has to be applied to the role of the IDB and an end put to its practice of inflating the numbers of jobs promised and of actual jobs created. In this regard, it is a matter of major concern that the IDB is not subject to statutory equality duties under section 75.

We are also told in annex B, paragraph 6.5, that there is no power to direct investors to specific locations. There has been power here for generations to direct investors and business to specific locations, to the disadvantage and detriment of one community. It is about time we began to take our equality provisions seriously. Instead of paying lip-service to equality, we should be putting these provisions in place to lift areas up that have been disadvantaged through structural discrimination. Therefore I welcome the provisions under paragraph 5.3.1 to re-structure the economic development agencies, because it has been recognised for some time that there were major problems — particularly within the IDB. As an all-Ireland party, our preference is the creation of a single development agency on the island of Ireland.

However, whatever structures are eventually put in place — whether there are single agencies or multi-agencies — it is essential that an ethos of openness, transparency and accountability is put in place. It is time that TSN and our statutory equality duties were taken seriously and placed at the heart of the Department’s policy and that a close relationship was built up with the IDA and Enterprise Ireland. In that way we could enjoy economic co-operation on an all-Ireland scale instead of indulging in wasteful competitiveness. Go raibh maith agat.

**Dr Birnie:** I welcome this programme for two main reasons. First, there will be an advance in transparency of government which will become more apparent when we get access to the public service agreements for inspection and scrutiny. Secondly, I commend the promotion of cross-cutting interdepartmental co-operation in Government.



Thus the key elements of the document run across the 11 Departments. I also welcome the Executive's programme funds, though there are some questions about who will scrutinise their devising and application.

Chapter 4, which deals with investment, education and skills, is a good example of cross-cutting in Government in that it provides for co-operation between the Department of Higher and Further Education, Training and Employment and the Department of Enterprise, Trade and Investment and also between the Department of Culture, Arts and Leisure and the Department of Agriculture and Rural Development. The Higher and Further Education, Training and Employment Committee fully supports the aspirations outlined in chapter 4. Why? This is because human capital, in other words education and training, is now widely recognised as a key component of economic growth.

We must try to address what may be the central problem of the Northern Ireland economy: low pay. Relative to the rest of the United Kingdom and to much of north-west Europe, output and employment have grown impressively here over the last decade, but wages have declined. Low pay is better than no pay, but high pay is better still. Therefore we need to work on these aspirations in chapter 4 of the document.

There is also the question of skill shortages. They may not be evident at the moment in a static sense, but they would probably become very pressing in sectors such as tourism, financial services, and information technology, if the economy were to grow as rapidly as we fervently hope it will.

5.00 pm

In the light of those considerations, I doubt that the targets and aspirations contained in chapter 4 go far enough. I share the reservations of John Simpson, expressed in an article in the 'Business Telegraph' on 7 November 2000:

"Are the further and higher education and vocational training targets high enough given the changing state of the market for skilled people?"

For example, are 200 higher education places enough, given the much higher number of places available in Scotland on a per capita basis, or the thousands of often unwilling student exiles this Province produces every year? The argument that 200 extra places are not enough can still be made, even after the Minister's previous announcement of 4,200 places for 1999-2004. Given this background, the 5,000% increase in attainment levels in further education may also be too modest.

In conclusion, I welcome the outward-looking orientation of the document. Incidentally, the objective on chapter 4, page 40, relating to increased university lecturer exchanges between Northern Ireland and the Republic of Ireland should appropriately be widened to include

exchanges with the rest of the United Kingdom and the rest of the world.

Commendably, the programme often emphasises accountability. My Committee would like to see more specific mention of the roles of Assembly Committees in this regard, for example, in paragraph 7.1. The Higher and Further Education, Training and Employment Committee has already provided the Finance Committee and the Minister with several dozen detailed comments on the text of this milestone document. It is a document that should help devolution to endure and work to the benefit of all the people of Northern Ireland.

**Mr A Maginness:** I welcome the Programme for Government. The production of this substantial document is evidence of the hard work that the Executive have undertaken in order to produce a programme for the good of the whole community in Northern Ireland. It demonstrates the value of having a devolved Administration and the Good Friday Agreement.

I was surprised to hear some Members, particular Ian Paisley Jnr, describe this document as insubstantial flannel. One could not get a more substantial document than this. It really is a great credit to the Administration that they have produced such a substantial document. Mr Paisley Jnr should look at the document again, especially the part relating to infrastructure.

He should look at the section on regional development, because he included all the Departments in his criticism. The regional development section talks about the production, by summer 2001, of a 10-year regional transportation strategy that will consider new funding sources. It provides for a strategy, from the spring of 2001, to tackle the historical underinvestment in Northern Ireland's rail services, and, from 2001, an initiative to assist Translink to replace its buses and coaches after 18 and 12 years of service respectively. By the spring of 2002, the Belfast metropolitan transport plan will be completed.

The first tranche of legislative proposals for trust ports will be put forward in early 2001. Further work on a number of strategic route improvement schemes, a Railways Safety Bill and a Transport Bill are proposed. Fifteen rural community transport partnerships will be put into operation by 2001. These all fall under the remit of the Department for Regional Development — a DUP Department, so to speak. That shows how bankrupt the Member and his party have been in critically assessing this document. This is a substantial document that addresses the historical underfunding and underdevelopment of Northern Ireland's infrastructure, and it places the whole problem of the underdevelopment of infrastructure within the context of creating a competitive economy in Northern Ireland. That is what we all have to do — create a vibrant economy, and by doing that we will create a situation in which the whole community benefits from the progress made.

We cannot develop a modern, competitive economy if we have Victorian infrastructure. Of course, recognising that problem is not sufficient — we have to apply our minds to remedying those deficiencies by developing alternative methods of funding in relation to our public programmes and to our infrastructure in particular.

It is not fair or right for Dara O'Hagan to say that we should have a debate on public-private partnerships and private finance initiatives. We have to look at all the options, because we do not have sufficient funds under the Barnett Formula to develop our infrastructure. If we do not develop our infrastructure, we do not develop our economy. Therefore, it is unfair for the Member to come to the House and say that she does not want PPPs or PFIs. We have to look at all the options. We may reject some of them, but, nonetheless, we have to look at them all.

It is essential to develop a modern water system — for our environment, for public health, and for industry. It is also essential for industry and for people generally that we develop a modern transportation system in Northern Ireland. It is also important that we develop our ports to maximum business efficiency, and that is what the document sets out to do.

**Mr Wells:** I have listened with interest to the various contributions, and I still cannot help but think that this is a matter of rearranging the deckchairs on the Titanic. The Programme for Government does not address who should be in the Government in the first place. The Government are devising a programme with people in power who have tortured this community. We still have two Departments with terrorists in Government. That is still totally unacceptable.

**Mr Speaker:** Order. I must advise the Member that he and his Colleagues need to be careful about what they say about other Members. I will be carefully scrutinising Hansard to see what precisely is said and whether there are specific accusations about specific Members, for that would not be in order.

**Mr Wells:** Mr Speaker, it is a matter of record that the Minister of Education is a convicted terrorist. I am not saying anything that has not been on the front page of every newspaper in the country.

**Mr Speaker:** The Member would be well advised to read what I have said in Hansard and to be more careful about what he says in the rest of his speech, and then to read tomorrow in Hansard what he has said.

**Mr Wells:** I will certainly do that, Mr Speaker

**Mr Speaker:** You would be well advised to.

**Mr Wells:** I suspect that I will not for one moment be withdrawing that last comment.

The programme does not address that fundamental problem. The ordinary, decent people of the Province

will never accept, in the Government of their country, an Executive that includes people who are out and out supporters of — and in a previous life were — active terrorists. That is simply unacceptable. That is the rock on which the whole process will ultimately fail.

By all means, it is good to have an academic debate on the Programme for Government, but at the next election the people will clearly destroy this Government, and quite rightly so. As a party, we are dedicated to the overthrow of any system that allows terrorists into the Government of the Province.

However, there are one or two issues that should be highlighted. An issue that I am very concerned about and which, unfortunately, obviously there is going to be no movement on, is the early retirement scheme for farmers. There are 28,000 full-time farmers in the Province. Many of them are trapped in the industry; they cannot get out because they are over 50 years old, but below retirement age. There is no scheme which would enable them to enjoy some form of retirement, to get out of the industry and receive a decent income. Until we address that fundamental problem in the overall structure of the agriculture industry, we will not solve the problems of the Province's farming sector. This is one of the rare occasions on which the Minister cannot say that she is bound by EU regulations. Not only do EU regulations permit such an idea, but it has been successfully implemented in countries such as France. That is a crucial point that should have been, but was not, addressed in the programme.

I am particularly interested in the environment and in regional development. There is some reference to private finance initiatives and public-private partnerships in the Programme for Government. However, more emphasis should have been placed on finding alternative funding for the enormous problems faced by the Department for Regional Development. The Water Service requires £3 billion to be spent on water over the next 30 years. The Roads Service requires £2 billion to be spent over 10 years. Regardless of what Dr O'Hagan or anyone else in Sinn Féin says, the Assembly will never have sufficient money to meet the needs which exist under the present budgetary constraints. It will not happen.

I share the feelings of those who are concerned about privatisation. I am sure that most Members would oppose any moves to privatise the Water Service, for instance. However, between the present budgetary arrangements and privatisation, we have to explore every possible angle and create a funding package with which to overcome the huge lack of investment in infrastructure in the Province.

May I be parochial and say that there are many towns in the Province that are still being strangled by congestion. It would be remiss of me not to mention Ballynahinch, which desperately needs a by-pass. There are one or two

towns in every constituency where a relatively small amount of investment would relieve congestion.

I welcome the emphasis on public transport. We have turned the tide on that, and the £102 million package for railway investment is to be welcomed. However, that only takes us up to the end of year three, and many people will be asking what will happen after that with regard to funding.

Therefore, some aspects of the Programme are welcome but, in others, opportunities have been missed. However, that does not solve the ultimate problem facing the Province.

**Mr McLaughlin:** Go raibh míle maith agat, a Cheann Comhairle. The Programme for Government represents a consensus between parties who do not often agree but quite often disagree on political aspirations and social and economic analysis. It is not a radical document, but a radical departure was not an option, given the limited devolution and severely prescribed control of finance that exists. However, the Programme for Government contains some innovative and creative ideas, which are very welcome. It is churlish not to recognise that.

In some respects, it is an indication of the benefits and effects of bringing local expertise and accountability to bear. However, we cannot ignore the impact of the subsequent actions of the First Minister. Regardless of how reality is presented or dolled-up, the programme was presented on Monday 23 October — and it was generally welcomed by the people of the Six Counties — but by 28 October, five days later, there was a programme for the destruction of government. Both programmes were presented by the same person. That has in many ways affected this lacklustre debate. There is an air of unreality.

Public confidence in the ability of the Executive and the Assembly to rise above party interest has been severely dented.

5.15 pm

At the start of today's debate, David Trimble said that the Draft Programme for Government was arguably the most important business that the Assembly had transacted since it came into existence. He said that that might strike some as a bold assertion — I can think of a more accurate description. He went on to say that the debate represented the beginning of the maturity of the new politics of the agreement. Which agreement is he talking about? He always seems to be referring to a different document from the rest of us. That is at the heart of the difficulties that we have experienced.

In his statement, David Trimble set out his objectives:

“to deliver a new beginning for Government ... Government which is responsive to the community that it serves and which is in tune with the people by whom it has been elected”.

Those are grand sentiments. He said that it would be a Government that would

“seek to provide new and better public services and new and better opportunities for the community as a whole—Protestant and Catholic and those of other religions and none, Unionist, Nationalist, Republican and those of no particular political conviction, male and female, the young as well as the elderly, those of British or Irish descent and those who have only more recently come to live among us”.

It would be encouraging if that were supported with integrity and consistency. We listen to David Trimble and weep, as we reflect on the reality.

We face the most serious crisis yet in the peace process. It has been engineered by David Trimble and the unelected, unrepresentative Ulster Unionist Council. Genuine supporters of the Good Friday Agreement have been disappointed by the British Government's failure to establish clear blue water between their position and the position adopted by the Ulster Unionist Council and the First Minister. It is not good enough for Peter Mandelson to say that he will not endorse what David Trimble says—we did not ask him to endorse it, and, to my knowledge, no one else did. It is not good enough for Peter Mandelson to say that he does not have the power to force David Trimble to sign a piece of paper—nobody asked him to adopt those powers and nobody argued that he had those powers. However, the British Government have a responsibility under the terms of the international treaty that they signed, and under the terms of the agreement, to protect the integrity of the agreement. So far, they have failed to do so.

The agreement stipulates that if the North/South Ministerial Council does not function as prescribed, the Assembly will fall, because of their interdependence. That is the specifically stated, intended result of the UUP's strategy. David Trimble set out his aims in his letter of 26 October — create a crisis, force a suspension and blame Republicans. That is in writing. David Trimble set out a six-point plan to achieve that: disrupting the functioning of the North/South —

**Mr Speaker:** Order. Time is up.

**Mr Savage:** I broadly welcome the Programme for Government. The fact that we have a Programme for Government at all is testament to the solid and sustained progress that has been made. That progress has not been widely enough realised in the community, and we will have to address that issue. There is much for which to commend the Programme for Government and much to commend in the specific measures relating to the work of the Department of Agriculture and Rural Development. I have a particular interest in those matters and hold a remit from my party on them.

No one can fault the commitment to improve the quality of Northern Ireland's agricultural produce. Northern Ireland already has a good and well-deserved reputation, and any steps to reinforce and maintain those

high standards must be welcomed. That reputation for quality underpins the commercial success of the agri-food industry at home and in the export markets.

I welcome the proposals and the targets for the number of clean cattle given E, U and R grades. My concerns about the Programme for Government's measures for agriculture and rural development are not about what it says, but about what it does not say. I am concerned about what is not contained in the programme — the sins of omission, not the sins of commission. To say that agriculture is in crisis is an understatement — every schoolchild knows that. One blow has followed another and there are real and pressing issues to be tackled.

The agriculture department in any country is required to look to producers and consumers. The emphasis in the Programme for Government, while it rightly addresses consumer concerns here and abroad, does not favour producers and its comments in section 5.3.4 relating to producers are rather sparse. I agree that producers cannot thrive if consumers are not happy. I agree that it is in everybody's interests to secure product quality, and I agree that we have a reputation to maintain in that regard, as we have been at the cutting edge in food production and have shown the rest of Europe the way ahead. A case in point would be our tracking system for beef products in the context of the BSE crisis now beginning to ravage our partners in France.

However, the crisis in agriculture does not rest with consumers, either primary consumers in the agri-food industry or secondary consumers, the customers in the shops or supermarkets: it lies with the farmers, as producers. The issues threatening to destroy agriculture are farm incomes and farmgate prices. Destroy the farmers and the whole edifice of the agri-food industry that rests on them will also be destroyed. Yet, I do not see, in the Programme for Government, any direct measures to alleviate the profoundly serious situation in which farmers find themselves.

At best, product quality measures will have only an indirect and long-term impact on the viability of farming as a livelihood. "Rural development" is no afterthought in the title of the Department of Agriculture and Rural Development — it is not just something tagged on to the end. Rural development — in this age of declining farm incomes, and when, because of the common agricultural policy, land is being taken out of production — is a critical part of the rural economy. It could be the means by which farmers' heads are kept above the economic welfare waterline. Indeed at section 5.1.3, the Programme for Government specifically states that the Executive will seek to promote other sources of income generation in the rural economy. But that must be more than words, it must be action, and action now. "Rural development" was not an afterthought. Farmers are diversifying into other businesses, such as agri-tourism, but they need time, encouragement, and most of all they need backing.

**Mr Dallat:** I support the Programme for Government. This is a very important day for me. It is the first time in my lifetime that there has been an opportunity to debate such a programme. That is, in itself, little short of a miracle given our political instability in the past — when we were governed by absentee landlords, some of whom did their best, some of whom did not care, and all of whom were quite unable to give the attention to detail that is now possible. I make no apology for talking up this Programme for Government. I certainly will not talk it down as others have.

The Good Friday Agreement promised equality above everything else. However, equality is not a solution in itself, especially if inequality is shared by everyone. Many groups desperately hope that the Assembly will recognise their plight, and I make no apology for singling out the 250,000 people who have serious literacy and numeracy problems. There can be no greater injustice than having people who struggle to read and write or cope with simple arithmetic. That must be addressed, and there has to be a concentrated effort to find the additional resources needed to tackle one of the most fundamental rights of any citizen — the right to communicate, to understand and be understood.

There are many pressures on the education sector, but a new start has been made. Lifelong learning is now a reality but it is also inadequately funded. Nevertheless, we will not rule out any sources of funding. Recently, the Minister of Education was involved in a private finance initiative scheme with St Genevieve's school in Belfast, which I support. The additional places at local universities are most welcome, but thousands of our young people will still have to travel to England, Scotland or Wales for their education when it should be their fundamental right to be educated at home. The amount of extra cash for further education is small — will it be enough to train young people in the skills needed to meet the demands of modern industry? The Minister has highlighted that sector, and his efforts are worthy of our support.

Reference has been made to the crisis in the agriculture industry. I want to welcome the 24,000 new training places created for farmers — 12,000 for business training and 12,000 for environmental training. The commitment to developing a rural planning policy statement by 2002 is a major step forward, which demonstrates that a cross-cutting approach will be needed to tackle the real structural problems in the rural community. For the first time in 30 years, these and many other agricultural issues are back on the agenda. As a member of the Agriculture Committee, I will ensure that the Chairperson understands the importance of rural proofing to the community that I represent.

Rural development programmes have played their part in the regeneration of small towns and villages, and that will continue through the Programme for Government.

It is no mean feat that, during direct rule and some of the worst violence, ordinary people put their ideas together, defied hopelessness and transformed many small towns and villages. The fight to save our towns and villages is not over. The future of our rural post offices is a challenge that must be faced shortly, while we must also address many other aspects of the infrastructure. Rural development is an important part of the Programme for Government, and everything must be done to ensure that our rural culture, heritage and economic well-being are preserved for this and future generations.

The public attaches great importance to accountability. They are only too well aware that, during the dark days of direct rule, Government accountability was minimal. There is now two-way, direct communication with the Comptroller and Auditor General, who has demonstrated a willingness to work with the Assembly for the greater good of the electorate. The Public Accounts Committee has already done excellent work in scrutinising expenditure, and I fully support the moves to include many semi-state bodies and other providers of public services, which currently fall outside the remit of the Comptroller and Auditor General. Value for money, accountability and the elimination of waste are crucial to the success of the Programme for Government. Perhaps the most important factor, which will ensure the successful delivery of the programme, is the ability of all Members to work together. To date, there has been remarkable co-operation across party lines, and the public welcomes that because it knows we are making history together, despite our reservations, concerns and mistrust.

**Mr Carrick:** I take part in this debate as someone who is opposed to the Belfast Agreement. In the limited time available to me, I will take a critical look at the Programme for Government. Will the programme, or rather can it, deliver policies of social betterment and equal opportunity for all sections of the community in the fields of the economy, education, and social welfare? I have some concerns about that.

Where does the Programme for Government tackle the problems of those young people trapped in the unemployment blackspots, who can find neither training nor employment opportunities? Since the demise of the ACE scheme, programmes that provided real social support through a range of training opportunities geared to real life have withered. This training included trade skills, household skills and care programmes.

5.30 pm

On 24 October we were told by the Deputy First Minister that our young people are an “important focus of attention” — and so they are — yet all he could promise was an extra 500 training places in areas of skill shortages. What are these areas of skill shortages? Where are these training places going to be provided? I also noted that Mr Mallon promised an extra 200 undergraduate

places on top of the 4,200 further and higher education places planned by 2004. Where are these 4,400 places to be located? When will they be available to students? What student support arrangements will be created so that the places can be made available to those who need them most?

The Minister of Higher and Further Education, Training and Employment has promised that his student finance review will address the needs of part-time and full-time students in further and higher education. I am surprised to see in the draft budget for 2001-02 that despite the promised additional places, no provision has been made for extra funding for students. Is this all to be jam for tomorrow?

I call, yet again, for assurances that the new student finance arrangements will be working for the next academic year. It is a disgrace that every year 35% of all Northern Ireland school leavers who go on to university have to leave Northern Ireland. It is a disgrace that most of those who leave do so unwillingly, because there are simply not enough openings for them in Northern Ireland. It is a further disgrace that most of those who leave are of one religious persuasion — Protestant. How can we allow this to happen when we know that most of those who leave to study will not come back? What a tragic loss at a time when this battered region needs its young people to build a society based on the principles of social justice and opportunity for all.

I was shocked to learn that graduates working in Northern Ireland consistently earn less than others throughout the United Kingdom — only 80% of the UK average. I am saddened to note that earnings in Northern Ireland are only 86% of the UK average. Is this Programme for Government going to be enough, not only to provide the further and higher education places and skills training which existing employers need, but also to encourage industry to invest? Will the programme do enough to tackle the problems of adult literacy and numeracy which have been so well documented?

I am disappointed that the monitoring of evaluation accountability arrangements gets scant mention in the draft programme. The Northern Ireland Assembly, in its plenary activities, has an important scrutiny and consultative role regarding legislation and policy development, and the Assembly’s Committees have explicit legal powers with respect to policy development consultation scrutiny. Where are these mentioned?

Finally, what of the role of the Comptroller and Auditor General as an officer of the Assembly with the specific duty to supply propriety, safeguard against fraud and ensure effectiveness and efficiency? This is simply not mentioned.

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

**Mr M Murphy:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to comment on the

Programme for Government, and I want to detail priorities such as securing a competitive economy within the wider global economy. I recognise the financial constraints put on this Assembly by the British Exchequer as regards proper funding, and I am extremely disappointed that the huge British war machine budget, accounting for hundreds of millions of pounds, has not been redistributed but instead has gone back to the British Exchequer. If we are to focus on environmental issues, we must do so on an all-Ireland basis. We are a small nation, and in respect of environmental issues, no one part of it should be disregarded.

We must also draw a clear line under many of the economic and business developments — the failures of the past, North and South, to bring a cross-section of business potential to the whole of Ireland. We must also bring benefits to those areas and communities throughout the island that are most economically marginalised and disadvantaged. You may ask what this has to do with the Programme for Government. We are supposed to benefit from all-Ireland bodies set up under the Good Friday Agreement, but these are the same bodies that the First Minister is trying to destroy by putting a block on the all-Ireland structures.

There is a need for business on both sides of the border to live up to its wider responsibilities so that it can benefit from the economic growth that has occurred in the rest of Ireland. A number of topics fall into this category — union recognition, profit sharing, adequate wages, better working conditions, as well as ensuring that the business activities are not harmful to the environment. There must be greater co-operation in areas such as roads and rail development, electricity, gas, waste management and recycling, not to mention telephone communications, infrastructures, the harnessing of taxes and a single currency for the whole of the island.

We must capitalise on all-Ireland bodies by forging greater links in economic planning and policy making, driven by bottom-up participation. When building the economy here in the Six Counties, we must look to the future, and that future must recognise cross-border trade. At present, 26% of exports from the Six Counties go South, while only 4% of exports from the Twenty-Six Counties come North. The two Administrations agree that it would be in their mutual interests to exchange information on co-ordination and work on trade and business development and other related matters, with a view to bringing benefit to everyone on the island. This will happen only if everyone is ready to play their part. The Programme for Government must give the lead. Go raibh míle maith agat.

**Dr McDonnell:** Mention was made of the rural economy. All too often, I see that rural economy recognised as being agriculture, with maybe a bit of tourism thrown in, and a few people living out there who commute to the towns and cities. However, we may have missed out

on a big slice of rural life. There is a large rural economy consisting of perhaps small businesses; some of them may be only metal bashing, for example, but some of that metal bashing turned into major operations such as Powerscreen International Ltd in the Dungannon area. There are small woodworking operations, firms that deal in concrete products and other commodities. For example, Finlays Block Making Equipment in Ballygawley and the Quinn Group do business all over west Fermanagh and west Cavan. There are also equally good opportunities for small-scale food processing.

I do not want to delay unduly, but I want to raise those issues. All too often we look at the rural economy as being purely agriculture-focused, and it does employ a considerable number of people. I get the distinct impression that LEDU and other agencies are perhaps not as favourably disposed towards these small rural companies as they would be if they were in an urban setting.

I welcome the general aspects of investment in public transport, but there is a need for a major overhaul of Translink and its accountability. I am somewhat bemused, if not befuddled, by the prospect of coaches being subsidised, which is a tour-operating rather than a public-transport issue. I would like more information on that.

Briefly, I turn again to the question of overall government. Improvement and greater efficiency in services is mentioned. I emphasise an interest in e-government in the modernisation programme. There is an opportunity, as yet unrecognised by many and an urgent need for early pilot projects across every Department. This was touched on indirectly at Question Time. We should not be passive.

I could spend some time outlining the opportunities in health. It should not take three or four weeks for communication between a GP and a hospital to reach its destination, but in some cases that happens. It is equally difficult to find a patient's hospital discharge letter.

I would welcome the opportunity for a pilot jobfinder project in the Training and Employment Agency. All too often, certainly in the Belfast area, people looking for jobs are herded towards Gloucester House. If they could work on an interactive programme and personal profile themselves, or create a curriculum vitae, the work involved in job placements could be reduced by between 50% and 60%. This is not to criticise the people who currently deal manually with these matters, but I wonder how we can remove some of the more laborious and boring administrative aspects. Every project could be worked at by every Department. I can only imagine the benefits to farmers if some farms were put on an e-government process.

**Mr Deputy Speaker:** Dr McDonnell, your time is up.

**Mr Kane:** I must begin by saying that the elevation of rural issues is a significant feature in the Programme

for Government proposals. There is an acceptance of the number of the people who work, are educated and live in the countryside. The implications for the rural communities and the aspirations for how this programme should affect rural life are, in theory, noble. The reality may prove less than a match for expectations. The constraints that have been placed on the budgetary scope of the Department of Agriculture and Rural Development have created a situation in which we may have missed the point. Measures designed to restructure rural life to provide opportunities to improve the skills and qualifications of the work force are desperately needed and are, therefore, welcome.

However, in one calendar year the number of farm businesses in existence that offer traditional forms of rural employment has shrunk by 4%. To that extent we have missed the point. By training our young people we are in danger of preparing them to move away from rural communities. Our agriculture industry is heading towards retirement, and there is no incentive for young people to go into it.

5.45 pm

The retirement scheme would have actively engaged young people in meeting the challenges of modern farming. Instead, they will drift away from our rural communities in search of employment. To that extent, expenditure targets have failed to address the problem. To put these comments into context, in the Moyle area, where I am a councillor, 25% of the population depends on agriculture for direct and indirect employment. That illustrates the essential need for radical restructuring of individual farm businesses in order to protect employment.

Failure to provide assistance for capital investment on farms would have a twofold effect. First, the farming industry and the rural economy have been so damaged by crisis that it is well-nigh impossible for farm resources to meet the requirements of investment in deadstock, that is, buildings, boundary fences and fields, et cetera. Secondly, the impact of continued rural ruin on tourism will be such that we will have nothing concrete to offer.

There are some positive and constructive proposals in this programme to sustain the life of Northern Ireland's rural communities. However, because of the diversity of their requirements, the implications of the Programme for Government have not been as comprehensive or as far-reaching in some areas as they should be. Therefore, I contend that in some key areas the programme has been remiss and continues to miss the point.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I would like to address chapter 5, 'Securing a Competitive Economy,' from an agriculture and rural development point of view. The draft Programme for Government is quite a good document; it is extensive, although somewhat vague. The introduction to chapter 5 says

"If we are to achieve a cohesive, inclusive and just society which places people and communities at its centre, it is essential that we create a vibrant economy, to produce employment and wealth for the future."

Two of the action points at the bottom of page 42 are

"Working together to regenerate the rural economy; and ensuring the protection and enhancement of the environment."

At point 5.1.2 it says that creating the right conditions for economic growth depends on

"the promotion of enterprise, innovation and creativity ... if local industry is to compete and prosper in the global economy."

Agriculture is one of the main industries in rural areas. I am disappointed that there is no real commitment to farming. There is nothing in the document in relation to an environmental scheme which has broad support from farm organisations and the farming community and which the Agriculture and Rural Development Committee asked for. The Programme for Government makes no mention of a retirement scheme or restructuring, nor is there any installation aid to help young farmers get into the industry.

There is nothing in the document to show that money will be directed to farming to raise prices, ease the debt situation and put money directly into farmers' pockets. In defence of this, the Minister and the Department of Agriculture and Rural Development say that the European Union will not allow state aid to be handed down to farmers directly.

In the South this week they are launching a new seven-year plan in which they have given IR£3.9 billion to the farming economy. If they are spending that sort of money in the South and giving that commitment to their agricultural economy for the future, while we have just tinkered around the edges with a few things like training and the upkeep of what is already there, then someone has got it wrong. That is why I am particularly disappointed.

What we asked for is what the farmers are asking for, and the matter will have to be looked at in the future.

On the wider economy, joined-up Government must look at the trade and industry side to allow small business development to help to replace some of the shortfall that will occur in the agriculture industry over the next few years. The IDB and LEDU — or perhaps an amalgamation of the two — should be of some help to the small industries. At present, the IDB does not help small businesses, because it can assist only in much larger job creation ventures.

The North/South structures of the Good Friday Agreement would have been very helpful. I know that there are those who are totally against them for their own political reasons, but it makes sense to work on policies which relate to an all-island structure. We have the same type of geography and farming practices here as they have in the South, yet the British Government policies work directly against us in almost every area.

As far as targeting social need is concerned, nowhere needs money to be directed towards it more than the rural areas generally and the farming industry in particular. I am somewhat disappointed in the part of the programme that relates to the rural economy. There is no real commitment to enhance that economy over the next few years. That has to be changed. Whoever is in charge of the relevant Departments in the future must think about moving forward and putting money into the base industry. The base industry must be strengthened so that we have something there for the future. Go raibh maith agat.

**Mr McFarland:** We have listened today to a succession of Sinn Féin Members complaining about David Trimble. The solution to their problem is very simple. Sort out the weapons issue, and politics can return to normal. The people of Northern Ireland did not vote for an armed peace. Also, in listening to the DUP, one could be forgiven for assuming that its Ministers had absolutely no input into the Programme for Government.

I welcome the Programme for Government and, in particular, the Executive's action on a regional development strategy. For the first time we will have a cross-departmental strategic plan for the Province. The plan will spawn a rural development strategy to ensure sustainable development in the countryside, so that farms may diversify and remain viable and small villages may expand with incoming jobs, encouraging young people to remain in the rural areas.

The strategy also proposes the development of our infrastructure. If we are to take full advantage of the expected economic benefits of peace, we will need airports and seaports and a rail and road infrastructure which can cope with that. It is particularly welcome that the programme accepts that the rail network needs to be stabilised and developed. Next year's transport strategy will map out a way forward to start rolling back years of underfunding.

The regional development strategy also paves the way for an urban regeneration strategy to introduce an agreed plan on how our urban areas, particularly Greater Belfast, are to be developed. I particularly welcome the review of planning statement policies. I hope that the review will stop the destruction of old buildings throughout the Province resulting from the construction of flats for financial gain.

At a time when the system of setting a 60% limit on building on brownfield sites in Britain is being revised upwards, I hope that the review will reverse the present proposal to set brownfield development at 40% in Belfast. Such a policy would provide open season for the large developers to destroy the hills around Belfast and most of north Down's green belt.

Overall, the cross-departmental strategy should make Northern Ireland a better place to live in. The real test will come next year when detailed rural, urban and transport

strategies will come into being and their resulting costs will become known.

**Mr Close:** When the First Minister and the Deputy First Minister introduced this draft programme in a statement to the House on 24 October, they promised that a longer debate would be held in mid-November to receive the Assembly's broad views on the programme

"once the Committees have had an initial opportunity to consider the document."

I have listened today to what I can only refer to as a disorganised farce passing for a debate. It is clear that what we have heard is a collection of individual views. Why? The Committees have not had sufficient time to form a view and present it to the House. Therefore, today's exercise cannot be the last word, the second last word, or the third last word on this programme. The views expressed must be co-ordinated by the respective departmental Committees to preserve the integrity of the House. They must be prioritised before we can contemplate agreeing a final programme.

As I said in October, much of the programme is aspirational, resulting in targets that will be difficult to achieve, for we cannot see them. Perhaps they do not even exist. We are promised public-service agreements (PSAs), but we do not yet know what they are. How can we properly scrutinise and consider what we cannot see? The public-service agreements are extremely important: they will set out the aims, objectives and targets for each of the Departments. How can we offer constructive comment on a programme, particularly when it refers to the longer term and the anticipation of those public-service agreements? This seriously calls into question our whole *modus operandi*.

Throughout the document we are promised that various strategies will be put in place. On page 45 there is a reference to a strategy to ensure that all of Northern Ireland has a world-class telecommunications infrastructure. That is a wonderful idea, but how is it going to happen? When is it going to happen? How much is it going to cost?

We are told that by next summer a ten-year regional transportation strategy will be produced. I say "Hallelujah" to that, but will it be a rail- or road-orientated strategy? I do not know, because it is not in the draft programme. Until we see these programmes and strategies fleshed out, how can we tell if they meet the expectations of the people and address their priorities? Equally important is whether they are affordable within a reasonable time span.

The public have major concerns about health, education, and administration, yet it is not programmes for action or strategies that we see. It is reviews, and reviews mean more uncertainty. With a devolved Government run by locally elected politicians, the people want to be assured that their hospital will be secure and that Northern Ireland will have more intensive care beds. They want



to see the 11-plus and student fees abolished and an efficient and effective Administration with fewer quangos, less bureaucracy and savings used to finance the type of changes to which I referred earlier.

The draft programme needs strengthening in other areas. For example, there has been much talk about a new multi-sports arena for Northern Ireland. That is not mentioned in the document. There have been many calls at district council level to allow third-party planning appeals. Are these to be ignored? I am unclear as to whether 'Strategy 2010', referred to on pages 12 and 43 to name but two, is going to be speedily implemented. Where are the targets for gross domestic product (GDP), new business start-up, exports, et cetera? What about a single development agency or an economic forum?

While I appreciate that the Budget for 2001-02 deals with the costing for that year, projected costs for future years would have helped. That could help prioritisation, and it would certainly help transparency. A review of public administration will be introduced to reduce the cost of administration. No doubt this will involve looking closely at local authorities, their numbers and their powers, et cetera. However, why is the completion of the review on the calculations of the resources element of the general exchequer grant one of the draft Programme for Government's action plans for 2001? That will involve more legislation and expense.

**Mr Speaker:** Your time is up.

**Mr Bradley:** I welcome the Programme for Government, and I am pleased that emphasis has been put on agriculture and rural development. Twenty-five years have passed during which we had no printed proposals to debate or anything to contribute. Therefore my welcome is understandable.

6.00 pm

In particular, I welcome the announcement that within the next five months the Assembly will implement final arrangements for formal co-operation between the two Governments on animal health issues on the island of Ireland. I further welcome the announcement of a specific target date of March 2002 for implementation of joint strategies for the improvement of animal health on both sides of the border. If this common-sense approach is properly implemented, we may see the eradication of costly diseases such as BSE, bovine TB and brucellosis within the next decade. The joint exercise makes sound economic sense, as duplication and expenditure will be greatly reduced when the respective research centres unite to address the common goal of good animal health. The subsequent benefits that the marketing of top-quality food will bring to producers and consumers alike is a plus factor to which we can all look forward

I welcome the proposal for free travel for senior citizens. This could be implemented very quickly if the

Minister of Health, Social Services and Public Safety, the Minister for Social Development and the Minister for Regional Development accept that it is within their respective powers to assist financially a free travel programme. Some Members have claimed the free travel proposals to be the policy of their respective parties. In the SDLP we have sought this facility for decades, but just like the other parties, our message was falling on the deaf ears of direct rule Ministers.

I welcome the fact that efforts are being made to secure proposals for the introduction of North/South and north-west gas pipelines. I hope that if they are not introduced simultaneously, the North/South aspect will get priority.

I endorse the comments of those who addressed the positive attention paid to matters such as protecting our villages and hamlets, training for members of the rural community, the importance of infrastructure and transport, the beef quality initiative, et cetera. I ask all Members to adopt as policy the words of the Executive in section 5.4.1 of the Programme for Government:

"We will work together to regenerate the rural economy."

Finally, as party spokesman for agriculture, I welcome the announcement in the rural regeneration section of the programme that the Executive have agreed to establish a ministerial group to proof all Government policies for rural impact. This paragraph alone will offer great assurance to the rural community and those of us concerned with the future of agriculture and rural development.

**Rev Dr William McCrea:** Mr J Wilson said earlier that this Programme for Government was a great gain brought about through the Belfast Agreement. The old saying is that the proof of the pudding is in the eating. The community is going to have to digest some very serious pudding. I have no doubt that much of the document is designed for presentational purposes and that behind much of the rhetoric there is little of consequence. However, it will be a good benchmark by which we can judge the operational effectiveness of individual Departments. Alban Maginness said that one of the most substantial parts of the document was that relating to the Department for Regional Development. Naturally I concur that my Colleagues take their departmental responsibilities seriously and will prove to be excellent Ministers.

Paragraph 1.8 could be regarded as outlining the Programme for Government's mission statement on environmental issues. It says that a good quality built and natural environment is the key to our economy, helping to attract investors and visitors as well as being integral to the future of agriculture. It adds that sustainability must be the key theme running through the Executive's work.

Those are very fine words, but the words might be the weightiest part of it, because the Environment Committee does not consider that sustainability is a key theme of

the Programme for Government. Does the Minister consider that it has been given a sufficiently high profile, and if he believes it has, can he explain how and where it appears in the Programme for Government? The Committee understands that it is unlikely that the environment will benefit to any significant extent from the Executive's funds.

Does this reflect the real priority attached to the protection of our environment? The Environment Committee is concerned that there is virtually no mention in the Programme for Government of the need to protect the built heritage. Can the Minister tell us why? This absence is borne out by the failure of the bid for additional funding for the historic building grant that will lead to a loss of funding from the Heritage Lottery Fund. Is this how we will protect our heritage? Those are fine words, but what of substance?

Section 5.2.3 sets out a number of actions to be taken to create a more efficient planning process. The Committee would like to know if the Department has secured the necessary resources to carry forward this work. If not, how realistic is the aim of the programme to clear the backlog in planning applications by December 2002?

Section 3.1.5 refers to "The Well-being of our Children". The Environment Committee welcomes the active increase in the number of road safety education officers. The safety of our children is of paramount importance to the Committee. At its first public inquiry, the Committee will be looking into the legislation which allows up to 101 children under 14 years old on a 53-seater bus. How can the Programme for Government claim that the emphasis on improving road safety through education will continue, when the Department itself considers that overcrowding of school buses is safe?

Section 3.3 states

"we will not only fulfil our EU obligations, but also seek to ensure that development takes place in a sustainable way."

Can the Minister assure me that the Department of the Environment is now in a position to implement EU Directives and will no longer be in danger of infraction proceedings? Can the Minister guarantee that we will fulfil all our EU obligations as stated in the Programme for Government? If not, this claim should not be made.

Section 7.4 of the Programme for Government refers to

"greater accountability for all services through a more efficient and effective structure of administration at local level."

Given that we are to have local government elections next year, the Environment Committee has been endeavouring to obtain information about accountability from the Minister and his Department. Is it not time that the Department came clean on this issue?

**Mr Kennedy:** I am grateful for the opportunity to address the Assembly on this subject. The Programme for Government is ambitious, and it remains to be seen

whether all that is promised will actually be achieved. Only time will tell. As Chairman of the Education Committee, I would like to bring a number of comments to the attention of the Assembly. This document puts strong emphasis on new TSN at an educational level. The Education Committee is unable to confirm that the action it has planned reflects the issues in the Programme for Government or vice versa. We await the outcome of that.

Equality issues are also prominent in the document, and the Department of Education is still awaiting a response from the Equality Commission on whether its equality scheme will be acceptable. Many issues remain unresolved, and the Education Committee will scrutinise that work.

Through its memorandum on the Budget, the Education Committee has sought to obtain an allocation of the Executive's Programme Funds for education. In the coming years it will press for as many resources as possible for education. Education is a priority. We also note the inclusion of public-service agreements in the Programme for Government and intend to scrutinise these targets to assess their educational value to the Department.

The Department of Education recently issued a consultation paper on the viability criteria for Irish-medium and integrated schools, and the Education Committee wants the same viability criteria to be applied to all schools, while ensuring that there is educational choice for every child and parent.

Given the rural nature of Northern Ireland, the Education Committee acknowledges the important role schools play, particularly in rural regeneration. We note the actions which relate specifically to education and will monitor closely the implementation of these targets and stated policies.

The Education Committee has asked the Department of Education to undertake research into early formal education, given that children in other European countries start their education at a later age. We will make comparisons and monitor the future progress of the transfer system.

The Department of Education has stated that it intends to review the current educational arrangements of what are called "quangos" — quasi-autonomous, non-governmental organisations. My Committee welcomes this and would like to see proposals for taking this forward at an early stage.

A great deal is promised in this Programme for Government, but much of the detail is missing at this stage. Only as we scrutinise the work of the Department of Education over the coming months will our members be convinced that everything is possible and that appropriate action is being taken on all these points.

**Mr Gibson:** I have heard many comments about this document today. Some people have called it transparent, and I would certainly call it transparent — to the point of opaqueness. It is a great wish list. It is a weaker document than many believe, for it is transparently unrealistic.

Let us turn to the last three paragraphs on page 10 that pay particular attention to the needs of victims. The sum of £4 million goes to prisoners who have perpetrated the deeds against the victims, while the victims receive £40,000. We are committed to helping those affected by economic difficulties and to give them equal opportunities. I have sat in this Chamber and heard about a partnership which distributes European and British money to the Catholic population that describes itself as a Catholic body with a few token Prods. Is this tackling inequality? Certainly not. Is this a just society?

Last Saturday evening a truck came in to blow up another Armistice Day commemoration. There have been 49 contract murders since the signing of the Good Friday Agreement.

Let us look at the top of page 11. Two sentences there show that some people are more equal than others. When we examine this document in detail, we see it as a willy-nilly wish list, a grouping of clichés that may be acceptable to some people in this Building who have no contact with reality.

I wish to pursue this and to examine the transparency needed to achieve equality in the distribution of funds to schools, because 80% of funding goes to the Council for Catholic Maintained Schools sector. Is that equality? Those of us who are used to the real world must view this document with a little scepticism.

By 2001 we will implement new viability criteria to help promote integrated education — 2% of education. By 2001 we will implement new viability criteria to help promote Irish-medium education — only 1% of the population can speak Irish. Where are our priorities? We then have some obscure statement about an Environment and Heritage Service education strategy. Alban Maginness is right, and those Ministers who have taken themselves seriously have put down a programme that can be costed and targeted with an implementation date. In many cases we have wish lists. Education is every citizens' bedrock, regardless of class or creed. The Minister may have been a field marshal elsewhere, but the abilities demonstrated in this document are those of a field mouse — maybe a Mickey Mouse.

6.15 pm

We can turn to other areas that have been neglected in the past few years. The Minister of Health will review the cardiac services to assess their efficiency and effectiveness and develop best practice. We have backlogs running into months. The Western Health and Social Services Board has been forced to send patients to London. It

was cheaper to send the patient and his wife to London than to have the operation here in Northern Ireland. Why do we not treat hip replacements in the same way? Why have we not tackled the problem? Rather than a wish list, we have developed a review of cardiac services. It can be done, but it has not been done. The truth of the matter is that there is neither the will nor the ability within those Departments.

When we look at the packaging of care, on page 34, we see four wish lists. The truth is that the patient's charter has come off every hospital notice board. Already there has been a departure from what is written here.

**Mr Hussey:** In section 1 of the draft Programme for Government I note a vision that we can all aspire to for a Utopia in Northern Ireland sometime in the future. In the meantime we have to address the first sentence of the mission statement on page 13:

“to make a difference to the lives of our people, enabling them to grow as a peaceful, fair and inclusive community.”

I question the commitment of Sinn Féin Ministers and their Members to this statement and wonder when, if ever, the shadow of the gun will be removed from our society. My party, and every party on this side of the Chamber, questions that. The SDLP should also question that, but it seems to be adhering more to the Hume/Adams agreement than to the Belfast Agreement. Maybe there is another Programme for Government coming from that.

The broad-brush scope of sections 2 to 7 in the draft must be fine-tuned. I hope that the final programme the Executive produces will take on board the many concerns that have arisen today. We all know that everything cannot be done at once. In general I welcome the action plans, but I await greater detail on an overall prioritised list for implementation as asked for by Mr Close before I can give my final verdict.

Item 2.4 promises regeneration of the physical built environment and is most welcome, given that its remit extends across the whole community, rural and urban. It recognises that strong communities are central to economic, social and cultural development. I strongly support those Members who have already addressed the sincere concerns of the rural community, particularly in the west, with regard to equality of access to primary care services, hospital treatment and after-care facilities within the Health Service, under section 3. This must be done, as Mr Gibson has said, in a reasonable time.

One of the finest education systems in the world has been weakened by quick-fix, mainland-imposed policies. Any reviews under paragraph 4 of the programme must seek to restore confidence both inside and outside the school system, particularly in vocational areas of study. I welcome the development of this field, in both secondary and tertiary level education. In today's world, education is closely linked to the creation of a secure competitive economy, as is the implementation of

provincewide infrastructural policies. Therefore, I welcome the aim of ensuring that there will be an infrastructure for competition.

I seek assurance that the Executive's final programme will ensure that priorities throughout Northern Ireland are treated equally. Actions under paragraph 6 to promote Northern Ireland's image abroad are also most welcome. However, in the strategy for securing high-profile international events there must be a recognition of the need for appropriate facilities and for Northern Ireland to be considered as a whole in any marketing strategy.

Finally, I ask Ministers to consider very carefully the proposals for arrangements to ensure that the rates provide an adequate level of funding for public expenditure. I remind the Executive that, for three consecutive years, the regional rate was increased by 8% by direct rule Ministers. This was a cumulative rise of 26%, which, we were told, would be channelled specifically into infrastructural development. I am concerned that the Assembly should seek to continue this situation prior to a proposed review of rating policy by March 2002.

**Mr Deputy Speaker:** I have no further indication that Members wish to speak. The Ministers will now speak.

**The Minister of Education (Mr M McGuinness):** Go raibh maith agat, A LeasCheann Comhairle. I am grateful to my Colleague, Seán Farren, who opened this debate, but I stress the importance of the Programme for Government in setting our agenda on education.

We have a successful education system, which has shown progress in recent years. Our economic success depends on the quality of our education and training system. The experience of the South is an illustration of what can be achieved with a well-educated and highly-motivated workforce. Therefore, there is no alternative to investment in education if we want to improve the quality of people's lives and offer them the prospect of fulfilling, well-paid and stable employment.

Our education system has improved in recent years, despite its legacy of problems and significant under-investment over a considerable period. However, much remains to be done. We have had one of the lowest levels of access to pre-school education in western Europe. We still face serious problems of low and under achievement. This was illustrated today when Ian Paisley Jr admitted that he had to go to the Library to find out the meaning of the word "sustain".

We must also respond to the challenge of the digital revolution and to the phenomenal growth of ICT. We need a secondary education system which values our children and develops their potential to the maximum. I want to put the three "Ens" — encouragement, enlightenment and enjoyment — at the heart of our education system, and it is vital that we do so. This is the underlying rationale for the schools and youth sections of

the Programme for Government, which is rooted in a clear analysis of our needs. We must invest in our education system to ensure that there is equality, excellence, choice and accessibility.

A central element of the Programme for Government is our pursuit of co-operation through the North/South Ministerial Council. Our education systems, North and South, spring from the same historical roots, and we face the same problems of under achievement and unfulfilled potential. We are both struggling to cater for the special educational needs of our most marginalized children. We need to co-operate, to share best practice and to develop joint provision for the most specialised forms of support. The North/South strand is a key element of my programme, which has the potential to deliver real and immediate benefits to all children. I am deeply concerned that the attitude and actions of the First Minister will impede this work and have a directly negative effect on the education of our children.

Many were sceptical of the Executive Committee's ability to reach agreement on the draft Programme for Government. I am delighted to say that their scepticism was confounded, because those of us who support the agreement determined that this was an opportunity to deliver change and, within the monetary limitations imposed upon us, to make a real difference for all our people. I had hoped that we could enter this debate in that same spirit of co-operation and partnership. However, the decisions taken by the Ulster Unionist Council at the Waterfront Hall represent a full-frontal assault on the institutions established under the terms of the Good Friday Agreement. It is bizarre that we are conducting a debate on an agreed Programme for Government, when the First Minister has informed his party that it is his objective to see the institutions suspended or collapsed.

The decisions taken by the Ulster Unionist Council must call into question the commitment of the Ulster Unionist Party. The party's decisions also call into question the commitment of its Assembly team and its Ministers to the Programme for Government. Most pointedly, the attempt to obstruct the functioning of the North/South Ministerial Council blatantly contradicts the commitment in the draft Programme for Government to the development of North/South co-operation and relations. The exclusion imposed on the Minister of Health, Social Services and Public Safety and the First Minister's discrimination against her, directly contradict the commitment he declared in the draft Programme for Government to equality, inclusivity and partnership.

The First Minister's actions also fly in the face of his commitment to the Executive as a unifying force for the community. To have any prospect of achieving a cohesive, inclusive and just society requires, in the first instance, a cohesive, inclusive and just Executive Committee. We need to get real, folks. This debate is being conducted against a background of determined attempts by the

Ulster Unionist Party to collapse this Assembly, and with it the other institutions in which we are involved. This is ridiculous.

**Mr Deputy Speaker:** Minister, your time is up.

**Mr M McGuinness:** The First Minister needs to rethink his approach, and I appeal to him to do that.

**Mr Kennedy:** On a point of order, Mr Deputy Speaker. I want to establish the purpose of ministerial statements during this debate on the Programme for Government. My simple understanding was that Ministers would, at least be in a position to respond to points raised by Members — not to engage in speculation, or put forward their interpretation of the Ulster Unionist Council — *[Interruption]*

**Mr Deputy Speaker:** I am sorry, Mr Kennedy, but that is not a point of order. I call Mr Foster, Minister of the Environment.

**Mr Kennedy:** It is very clearly a point of order, Mr Deputy Speaker. What is the role — *[Interruption]*

**Mr Deputy Speaker:** Order. Please sit down, Mr Kennedy. I call Mr Foster, Minister of the Environment.

**The Minister of the Environment (Mr Foster):** Despite the ominous and destructive Republican weapons of war, and the backdrop of terrorist activity in my home county of Fermanagh over the weekend — 13 years after Enniskillen — I welcome this opportunity to take part in the debate. The Programme for Government is an important document which illustrates what can be achieved when local Ministers work together. It clearly demonstrates that a locally elected Executive can make a real and positive difference. This could be destroyed by Republican intransigence.

I was pleased with the emphasis placed on environmental matters by many Members today. Several Members referred to the importance of sustainability. My ministerial Colleagues and I support that. The Programme for Government undertakes to prepare a sustainable development strategy. Sustainable development covers every aspect of Government, and it ensures that we consider fully the needs of future generations.

That is equally important for environmental issues. The Programme for Government recognises the crucial importance of the environment to a healthy community and a competitive economy. This is supported by the draft budget allocation, which will be discussed tomorrow and which provides a 14.4% funding increase for my Department — a clear signal that the Executive has recognised the need to deal with former underfunding of environmental issues, road safety and local government functions. We will work to ensure that the additional £10 million allocated in the draft budget for implementing EU Directives will help improve our air, land and water quality.

In reply to Rev Dr William McCrea, the budget for environmental programmes next year will increase by almost 40%. This is a true reflection of the importance that the Programme for Government places on environmental matters.

In this section of the debate, we are specifically considering the actions in the Programme for Government to secure a competitive economy.

6.30 pm

The protection of the environment is critical for economic growth, and we want to ensure that businesses develop in a sustainable manner. International businesses in particular will be very aware of their environmental responsibilities, but these responsibilities are not just for them. Members will be aware of the major conference on climate change which commenced today in The Hague. Some 5,000 delegates from 180 countries will be discussing how greenhouse gas emissions can be cut. We must all take steps to ensure that the environment is protected.

The Programme for Government deals with other areas of my Department's remit. Earlier in the year, I announced that I was increasing the number of road safety education officers and intensifying the road safety advertising campaign. The Programme for Government commits the Executive to a new road safety plan which will set out a strategy for further reductions in the totally unacceptable level of carnage on our roads.

Another aspect of my Department's activity reflected in the Programme for Government is planning. A growing economy requires development, and we all want to encourage that. We also need to protect the environment and social amenities and, therefore, we need a proper and efficient planning process which will make a major contribution to facilitating economic growth. I have already initiated a review of the processes in the Planning Service, and I am committed to addressing the backlogs with planning applications and to furthering area development plans, including the major Belfast metropolitan area plan.

I also welcome the commitment to a review of public administration in the Programme for Government. I want to ensure an efficient and effective local government for ratepayers and full consultation for district councils in review plans.

As shown by the debate in the Assembly today, there has been a keen interest in the Programme for Government, and a number of Members have raised specific issues relating to my Department. In the short time available to me, I cannot address each of those issues, but I have sought to comment on the main themes. I trust that Members will realise the significance of the programme and give it their support.

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I would like to place on record my thanks to ministerial Colleagues for their co-operation in ensuring that the importance of the rural economy and rural society is recognised in the draft Programme for Government. I also thank the great number of Members who have spoken in this debate about the importance of our rural economy and the agriculture industry. That proves — if proof were needed — the importance of the rural society to Northern Ireland.

In referring very briefly to the comments made by Jim Wells about early retirement, I remind him that that issue is not contained in the rural development regulation plan submitted to Brussels and, therefore, that it cannot now be introduced until the review stage. I have not ruled it out. I will remind Mr Wells, however, that the three and a half months of suspension of the Assembly — which he approved and supported — was at the time when the plan was being prepared, and we as an Executive and an Assembly were denied an input at that crucial stage.

I also wish to inform Mr Wells that the feedback I get on a daily basis from farmers in all sections of the community indicates that they want to retain their local Administration and that they appreciate the accessibility and responsiveness of a local Minister. If further proof were needed of that, we have it in this programme, which shows that the Assembly is responsive and that it is making a difference. This a clear spur to all of us to reach agreement and to ensure that the structures we have remain in place.

One area that has been very neglected under direct rule is agriculture. It is my intention to build on the impetus that has already been established. I am especially pleased to have secured a commitment that all major Government policies will in future be rural proofed. By this I mean that all major policy proposals will be carefully and objectively examined to determine their impact on rural dwellers. We all want to see public services being fairly made available to all people in Northern Ireland, regardless of where they live, and we want people to be able to realise their potential and their aspirations without being hampered by whether they live in a city or a town.

The draft Programme for Government also sets a new direction for assistance to farmers and gives a new impetus to rural development. I am acutely conscious of the genuine hardship being experienced by farmers and rural dwellers, but as I listen to them, I have also been struck by their sense of frustration. They believe that their views are not being listened to and that policy makers too often bring to bear an exclusively urban perspective on problems.

Rightly or wrongly, they fear that solutions may be adopted that do not fit rural circumstances. The Executive Committee is agreed that we need to take action now to ensure that we do not foster an urban/rural divide in a society that has already suffered too much from divisions.

That is why the commitment to rural proofing is so important.

The draft Programme for Government contains an explicit commitment to build on the recommendations of the vision for the future of the agri-food industry exercise. It outlines initiatives to enhance the competitiveness of farming by improving quality, particularly beef quality, and by developing education and training programmes aimed at enhancing competitiveness.

There is also an emphasis on the environment that includes assisting the fishing industry to develop in a sustainable way and enhancing forestry programmes. Furthermore, there is an explicit commitment to the regeneration of rural areas, particularly the most disadvantaged. The proposed new approach covers not only agriculture, forestry and fisheries, but also the economy in rural areas and support for rural societies.

We have a well-established rural development programme, and we are integrating its contributions with the rest of Government to produce a co-ordinated approach. A good example of that is the initiative to establish a natural resource rural tourism programme which draws together my Department, the Northern Ireland Tourist Board and the Environment and Heritage Service of the Department of the Environment.

I also welcome the commitment to work more closely with the South on a formal and strategic basis. In the cases of agriculture, fisheries and certain animal health issues, there are practical benefits. There is also support for the Foyle, Carlingford and Irish Lights Commission. We will also be developing a strategy to promote rural development on a cross-border basis by working through various community initiatives with European Union support to develop network links and enhance different parts of the rural economy and society on a cross-border basis.

I also welcome the commitment to put rural community transport partnerships into operation, and the Department for Regional Development's commitment to preparing a regional planning policy statement on the countryside, as well as their commitment to put in place 15 new rural transport partnerships.

**Mr Deputy Speaker:** Minister, the time is up.

**The Minister for Regional Development (Mr Campbell):** I hope that I do not have to avail of the extra 13 seconds that the previous contributor used.

Some Members who spoke earlier were diverted into a series of political issues, but I do not wish to be so diverted. There are a number of matters within the Department for Regional Development's responsibility that I intend to pursue vigorously in the forthcoming year. I will do that in keeping with my election commitment until we get a satisfactory governmental system that has the consent and support of the Unionist community as

well as the existing one that has the consent of the Nationalist community.

Some Members referred to free fares for the elderly. That is a top priority for my Department. I have identified it as a priority, as did my predecessor, and we are determined that it should be introduced at the earliest opportunity.

Some references were made to the burden that was being placed on local councils as a result of the consultation exercise. Members will be aware that we had a series of consultation exercises and that this will be a voluntary scheme for councils that wish to participate. If Members do not wish to burden local councils, they will have, in the Budget debate, the opportunity to vote the several million pounds that would be required to have the scheme implemented and controlled directly by the Department for Regional Development. I would welcome that, as I bid for the money in the first instance.

The regional development strategy will provide the strategic planning to plan our infrastructure more effectively. I want to put in place innovative arrangements at sub-regional level to ensure the effective implementation of that strategy. The regional transportation strategy, which my officials are working on, is an offshoot of that. Many in the House, and those outside, commented favourably on the work of the officials who were on the railways taskforce. The same group is working on the regional transportation strategy. I hope to be able to bring out the first draft of that document before the summer recess. It will be of fundamental importance to the whole of Northern Ireland.

I will move to rail travel. I mentioned that the taskforce carried out very comprehensive and worthwhile work. A party Colleague said that under the draft budget £102 million was put in place, but the figure is actually £105 million. We are in a position to put the framework in place, but that will not be the ultimate solution. It will not deliver a two-tier rail service, but it will provide the infrastructure and the bedrock upon which we will build a comprehensive rail strategy for the whole of Northern Ireland, not just for the most frequently used lines.

In conclusion, I want to refer to two fundamentally important issues — the infrastructural fund and the reference to it in the Programme for Government regarding roads and water. The underinvestment is such that I will support any effort to get a one-off payment for an infrastructural fund. Several Members have mentioned this, but we need something substantial. Without encroaching on the next Member's time, I want to thank the Regional Development Committee for its assistance throughout, and I look forward to its assistance in the coming year.

*(Mr Speaker in the Chair)*

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** It is not possible, in the time available, to carry out a normal winding-up of the debate or to respond to the many points made.

However, I want to mention a matter raised by Mr Close on the procedures available to Members who wish to comment further. This is a draft Programme for Government, and it has been submitted to the Assembly for consideration and ultimate approval. We are currently seeking the views of Assembly Committees, particularly on actions relevant to the first year of the programme, but the views of others also have to be taken into account. The Civic Forum has been asked to consider the proposals set out in the draft programme and will give its views on those. The document has also been made available more generally to key stakeholders such as district councils, trade unions and representative bodies across many sectors and to other interested groups and individuals. People have been encouraged to respond with their views on its contents, and we welcome that. The feedback will be used to improve the document so that we can present a more detailed programme to the Assembly in the new year, one which will incorporate public-service agreements for each Department, which is fundamental to how the programme is joined up and the actions determined.

The third and concluding part of the debate focused on education, training, the economy and infrastructure. Like other priorities in the Programme for Government, these are important issues for our community's future prosperity and quality of life. While I, and the Education, Regional Development, and Higher and Further Education, Training and Employment Ministers clearly have lead roles in these priorities, all Ministers and Departments have a contribution to make in achieving these goals. The fact that in the last few minutes we have had contributions from the four parties making up the Executive is not without its own significance.

I thank the Members for their worthwhile contributions throughout the day, although at times one or two of them appeared to be on autopilot, probably blissfully unaware of what they were saying and participating in. Nevertheless, the general contribution has been important. Members have made some very good suggestions that should be followed up.

6.45 pm

These suggestions should be taken up in the Committees' Consideration Stage, and I welcome the fact that people were able, albeit briefly, to make an initial response to the programme. Copies of Hansard will be available to the Departments. I have asked my officials to take note of certain points on which I picked up, in the context of my portfolio, and other Ministers will do the same. Ultimately, we have a unique opportunity to make a real difference to this community, in spite of our political problems. The Minister of Education and his colleagues made known their views. However, it is an unavoidable fact that they have a major contribution to make and a responsibility for these matters. The problems we face today are not for someone else but for everyone to deal

with — perhaps Mr McGuinness will devote some of his attention to this fact.

The programme does have its weaknesses, and there are areas in need of improvement, but it has nevertheless been a comprehensive attempt to merge, for the first time, the various strands of Government, the different themes and the cross-cutting elements. It has been an attempt to get away from the silo mentality and to try to offer a vision of what this Province could be like if we get the opportunity to implement the programme.

We must bear in mind the 30 years of misery which have gone before us, with all the wasted opportunities, and the fact that we have very little time left to catch up with our major competitors. European funding will come to an end in five or six years' time; competition is at an all-time high; and developing countries throughout the world are snapping at our heels. Nobody owes Northern Ireland a living, and my Colleagues will be doing their best to provide the best possible service and infrastructure, using the resources available, to provide the people of

Northern Ireland with a real future for themselves and their children. I commend this programme to the House.

**Mr Ford:** This morning, some of us noticed that the First Minister and the Deputy First Minister did not even have the manners to remain in the Chamber to hear the first round of speeches. However, is it in order for the Question to be put, without either of the proposers of the motion being present?

**Mr Speaker:** It is in order. Any Minister can represent the Executive.

*Question put and agreed to.*

*Resolved:*

That this Assembly notes the Executive Committee's proposed Programme for Government; notes that it will guide the public spending plans for 2001-02 in the Budget; notes that the Programme for Government will be presented for the approval of the Assembly in the New Year, embracing public service agreements for all Departments.

*Adjourned at 6.48 pm.*



## NORTHERN IRELAND ASSEMBLY

Tuesday 14 November 2000

*The Assembly met at 10.30 am (Mr Deputy Speaker [Mr McClelland] in the Chair).*

*Members observed two minutes' silence.*

### NORTH/SOUTH MINISTERIAL COUNCIL

#### Environment

**Mr Deputy Speaker:** I have received notice from the Minister of the Environment that he wishes to make a statement on the North/South Ministerial Council sectoral meeting held on 23 October 2000.

**The Minister of the Environment (Mr Foster):** With permission, Mr Deputy Speaker, I will make a statement about the second North/South Ministerial Council sectoral meeting on the environment, which was held in Navan, County Meath, on Monday 23 October 2000.

Following nomination by the First Minister and the Deputy First Minister, Ms Brid Rodgers and I attended the meeting. The Irish Government were represented by Mr Noel Dempsey TD, Minister of the Environment and Local Government, who chaired the meeting. This statement has been agreed by Ms Rodgers and is also made on her behalf.

The Council was given a progress report on the development of a joint register of current research projects. This included plans for the further development of the register as a website. The Council noted progress and agreed that the Environment Protection Agency and my Department's Environment and Heritage Service should proceed to tender for a jointly funded contract to develop a website of current environmental research.

A summary report by officials on the scope for co-operation on new technologies for monitoring emissions to air and water, the aquatic environment, air quality and deposition was also presented to the Council. The full report will be presented to Ministers shortly and will be available on the websites of the Environment Protection Agency and the Environment and Heritage Service.

The Council agreed that the greatest scope for successful co-operation on new technologies lies, for the present, in monitoring the aquatic environment. It was agreed,

therefore, that the initial work in this area should focus on chemical and biological monitoring of surface waters and assessment of fish stocks.

The Council received a progress report on the work of the water quality management working group, which was established to consider strategies for the Erne and Foyle catchments and implementation of the EU water framework directive. The Council endorsed the work undertaken so far, particularly in developing appropriate arrangements for joint implementation of the Water Framework Directive in relation to shared waters, and the co-operation on associated technical issues. The group was asked to continue the effective development of the work and prepare progress reports for the Council.

The Council was also asked to consider proposals for the development of a database of environmental information, as a further area of co-operation. The Council noted progress to date, in both jurisdictions, on the development of environmental databases in a wide range of initiatives. It agreed that a database development and co-operation programme should be taken forward progressively by the Environment Protection Agency and the Environment and Heritage Service. It was agreed that this programme should place particular emphasis on the following: examining the options for completing the CORINE Land Cover Project 2000 in co-operation with the UK; developing and integrating key databases on issues such as river water quality, air quality and groundwater quality and a register of environmental data sources; and developing a joint Internet portal, providing access to information on environmental data.

The Council also considered a proposal for developing co-operation on the issue of the environmental impact of agriculture. It was agreed that a scoping study should be undertaken to develop co-operation on nutrient management planning in agriculture and controls on the cross-border movement and management of slurries, particularly in the context of the EU Directive on integrated pollution prevention and control.

The Council was asked to approve the release for public consultation of the draft equality scheme for the cross-border body on special EU programmes. That will assist the Special EU Programmes Body to finalise its equality scheme as soon as possible.

I took the opportunity afforded by this meeting to raise with Minister Dempsey several issues about which Assembly Members had expressed concern, following the report that I made to the Assembly on 11 September about our first sectoral meeting. The matters that I raised were as follows: the problem of pollution in cross-border rivers, such as in the Erne system; the spread of zebra mussels; the mutual benefits that could arise from the management of waste in a cross-border context; the problems with disposing of spent mushroom compost, which affect the mushroom growers on both sides of the

border; and our concerns that the major accident hazards Directive has not yet been implemented in the Republic of Ireland. The Council noted those matters and agreed that they would be addressed as the work programme of the environment sectoral group was taken forward.

The Council agreed that the next sectoral meeting on the environment would take place in February in Belfast and considered and agreed the text of the joint communiqué that was issued after the meeting. A copy of the communiqué has been placed in the Assembly Library.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** I note the Minister's statement. Last week my Committee wrote to the Minister about the Department's budget for the coming year. Although we welcomed the increase in the overall budget, we were concerned that a number of bids had not been met. I am thinking in particular of the ongoing moratorium on the historic buildings grant and the £3.6 million needed for vital landscape protection projects and major conservation.

**Mr Deputy Speaker:** The question should be about the Minister's statement.

**Rev Dr William McCrea:** It is directly related to the statement.

I cannot remember seeing any reference in the bids or allocations to the work mentioned in the Minister's statement. Where will the funding for the projects that the Minister mentioned come from? If it is to come from his Department, can he specify how much will be set aside in the coming year for those projects? The Minister mentioned a contract to develop a website for environmental research. How much is that contract worth? What benefits will it deliver? How much will it cost Northern Ireland Departments?

The Minister said that he expected that a full report on new technologies for monitoring would be issued shortly. How long will that "shortly" be? He also referred to the work undertaken to develop arrangements for the joint implementation of the water framework directive. How many of his officials are involved in that joint project, and what is the total cost to date — including salaries — to his Department? When will he advise the Environment Committee about that work?

Proposals relating to the environmental impact of agriculture were mentioned in the statement. Will the Department of Agriculture and Rural Development pay anything towards them?

The Minister said that he had expressed concern on matters such as pollution in the system of Lough Erne, the spread of zebra mussels and the failure of the Republic of Ireland to implement the major accident hazard directive. He noted those serious issues, but when will something be done about them?

**Mr Foster:** That was a long series of questions. I am afraid that I will not be able answer them all in the pedantic fashion that Mr McCrea seeks.

The meetings of the North/South Ministerial Council are, overall, very beneficial. The costs of attending the meetings are largely confined to the travelling cost of Ministers and officials to venues in the Republic of Ireland or the cost of hosting the event when it is held in Northern Ireland. For example, the cost to my Department of the environment sectoral meeting in Navan was approximately £1,000. The web site will cost £60,000, of which £30,000 will come from the Northern Ireland budget.

The EU Water Framework Directive requires cross-border co-operation. The water quality group would be carrying out that work, in any case. The work involves five staff from the Environment and Heritage Service. We will work closely with the Department of Agriculture and Rural Development on all environmental issues. I spoke recently to both the president and vice-president of the Ulster Farmers' Union. We are willing to work with them on any issue.

**Mr J Wilson:** Following his statement to the House on 11 September, I congratulated the Minister on his commitment to the improvement of water quality. I congratulate him again on the action that he is taking to fulfil that commitment.

I noted in the statement that the Council received a report on the work of the water quality group. What progress has been made on arrangements for the implementation of the Water Framework Directive? Among the other matters that the Minister raised with his Southern counterpart was the spread of zebra mussels. Fermanagh is in his constituency, so he must be well aware of the infestation in Lough Erne. Will he focus on that issue as a matter of urgency?

**Mr Foster:** I spoke about zebra mussels to Minister Dempsey at the North/South meeting, and he took my comments on board. I am very concerned at how Lough Erne has been infested with zebra mussels, and I am also aware of the problem in Lough Melvin at Garrison. We will watch the situation closely.

The Water Framework Directive requires that co-ordinated river basin management plans should be agreed between member states with transboundary waterways, such as those that we share with the Republic of Ireland. That is why implementation of the Directive was adopted as an early item of business for a water quality working group, consisting of officials from both jurisdictions. The EU Water Framework Directive has to be transposed into local legislation by member states within three years. It will establish catchment management plans and improvement programmes for the next two decades. We are making progress on that issue.

**Mr McGrady:** I congratulate the Minister and his colleagues on the Council on the work that was set out in detail in his report to the House.

What consideration has been given to the question of global warming? I am sure the Minister is aware that the Hague Conference meets this week as a follow-on from the Kyoto conference of 1997. Is he aware of the urgent report by 27 European climatologists which warns of the drastic effect of global warming? Will his Council take this on board? In view of what seem to be irreversible climatic changes, will it look at the effects on the local environment, the landscape and farming and make provision for them?

10.45 am

**Mr Foster:** We do not take those big issues lightly, and we are monitoring the global warming situation. We are progressing with a scoping study to identify the key areas in which climate changes is most likely to impact on Northern Ireland. I assure the Member that the matter will not go unnoticed; it is being watched very closely.

**Mr M Murphy:** Go raibh maith agat. I am grateful for the opportunity to welcome the statement from a Minister on the North/South Ministerial Council meeting on the environment. In developing and establishing experimental issues across this island we shall all learn lessons which will enhance the importance of all cross-border ministerial meetings. It is, however, unfortunate that his party Colleague, the First Minister, has —

**Mr Deputy Speaker:** Is there a question in there, Mr Murphy?

**Mr M Murphy:** — decided to exclude the key issues of health and education from the North/South Ministerial Council.

I am pleased to welcome the Minister's statement that co-operation —

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

**Mr M Murphy:** — between the Environmental Protection Agency and the Environment and Heritage Service will be taken forward. Does he agree that there is a lot to be learnt on waste management and recycling on both parts of this island?

**Mr Foster:** I thank the Member for his question. It was a bit difficult to understand what it really was, but I think he referred to waste management and waste strategy. There is a lot to be learnt from cross-border issues, and I have no hesitation in working from one jurisdiction to another. It is useful for both sides of the community, so it does not concern me at all. With regard to cross-border institutions, two different jurisdictions working and living together in a neighbourly fashion are bound to help each other, and I hope it will remain that way.

I am pleased with the progress that has been made on implementing the waste strategy since its publication in

March 2000. I am particularly pleased that the draft Budget proposals enable my Department to make available £3.5 million to help councils to implement the waste management strategy. That strategy requires district councils to submit individual or collective waste management plans to my Department by June 2001, and district councils have formed three waste management planning groups to meet this requirement. The north-west region cross-border group takes in Donegal County Council, and there is no problem whatsoever. We can learn from each other as two separate jurisdictions.

**Mr Ford:** I too would like to welcome the statement but ask the Minister "When?" at least six times. The development of a joint register of current research projects is mentioned. When will we see it, please? When will we see the report on co-operation on new technologies for monitoring? What about the database development and co-operation programme referred to on page 3 — when will that be in place? What about the scoping study referred to at the bottom of page 3? There are probably too many questions to expect the Minister to answer now. My point is that, while this is a good report insofar as it goes — and I welcome its breadth — unless we can have a timetable, unless we can be sure that the report referred to will be produced and that the work referred to will be undertaken in the near future, it will not be of any benefit to us.

**Mr Foster:** We are working on those issues. These are early days. The database was demonstrated at the meeting, and outcomes are expected over the next six months or so. The joint report proposed by officials examined the technology for monitoring emissions to air and water, the aquatic environment and air quality and the deposit of airborne pollution. The report concluded that there are well-established methodologies in place for monitoring emissions and air quality. We are working on it.

**Mr Deputy Speaker:** Members are reminded that it is extremely discourteous to continue private conversation while the Minister is responding. It will be difficult to hear what he is saying if Members persist.

**Mr Davis:** When the Minister last reported on a North/South Ministerial Council sectoral meeting, a number of Members raised queries on a wide range of issues, from the increased number of zebra mussels to the major accident hazards Directive. I welcome the Minister's willingness to take account of concerns expressed from the Back Benches of the Assembly. We are all grateful to the Minister for raising our concerns with his counterpart in the Irish Republic. Does he agree that this demonstrates how North/South co-operation can give us all a role in ensuring improvement to the environment?

**Mr Foster:** As I said earlier, there is no hesitation as far as I am concerned. It is useful to have cross-border co-operation because we are living as neighbours, although we are two different jurisdictions. As for issues

which concern Members in Northern Ireland, it was an ideal opportunity to make points about those. I was pleased to put those issues to Mr Noel Dempsey at our last meeting, and he took them on board. It was a useful, worthwhile discussion. Despite the cross-community question mark, I was willing to act as a conduit. The whole issue is the benefit that we can gain for Northern Ireland. It is a matter of living neighbourly with our neighbours, so long as they live neighbourly with us.

**Mr A Doherty:** Will the new technologies for the monitoring of emissions to air and water provide accurate information about the nature and effect of the emissions from Sellafield?

On a different issue, will the Minister inform us of the current situation with regard to EU regulations on the transport of various types of waste across frontiers? Will these regulations impact negatively on the important work being done through cross-border co-operation on the development of waste management strategies?

**Mr Foster:** Again, this is a matter of co-operation and working together. There is no doubt that there are benefits to be gained from this sort of thing.

The Member referred to the issue of Sellafield, which is raised quite often. The Sellafield plant is being watched closely. It is not our responsibility, but we do take water quality samples. Half of the radiation received by the average person in Northern Ireland is due to exposure to radon gas in the home, 12% comes from medical exposure, and nuclear discharges account for less than 0.1%. While there are concerns about Sellafield, it seems from my Department's monitoring programme that there are no serious issues to be found in the water quality of the Irish Sea because of the Sellafield plant.

The overall question is co-operation and what can be gained by both parts of the community.

**Mr Poots:** There is nothing pedantic about the Chairman of the Environment Committee asking reasonable questions of the Minister. It is the role of the Committee to scrutinise the work of the Minister. *[Interruption]* I am coming to the question, Mr Deputy Speaker. You were fairly liberal with other Members.

I welcome the mention of the major accident hazards Directive. Did the Irish delegation give a timetable for implementing the Directive, and what excuse did they give for not having implemented it thus far?

**Mr Foster:** I thank the Member for his reference to the concerns that were raised here last time. I made the point to Mr Dempsey, and he took it on board. He did not give any timetable. I am glad that I can put these questions to the Minister from the Republic of Ireland on behalf of the DUP. It wants us to act as a conduit, but to blame us if anything goes wrong. That is rather sad. It is a little hypocritical.

**Rev Dr William McCrea:** Get some answers.

**Mr Deputy Speaker:** Order.

**Mr Foster:** It is a little bit hypocritical.

**Mr P Robinson:** He has waffled long enough.

**Mr Deputy Speaker:** Order.

**Mr Foster:** The implementation of EC Directives by individual member states is monitored and regulated by the European Commission. However, as I said, I have registered a concern with Mr Dempsey in the Republic of Ireland. He has taken it on board. We are awaiting a response, but he has not given a definite timetable.

**Mr McHugh:** A LeasCheann Comhairle, will the Minister put it to Mr Dempsey that the proposed incinerator in County Louth, just across the border from us, will affect the clean, green image of the country as a whole in the future? We will not be able export food that is free from dioxins if we go down the road of incinerators to deal with waste management.

Will the Minister also impress upon the Department of Agriculture here that it is vital for the future of the environment that we have an environmental scheme in place to ensure good water quality in our lakes and rivers? Farmers will be policed by the Department, but there is nothing in place to address the difficulties that they face in keeping the water free from pollution.

**Mr Foster:** Water quality is a big issue. Incineration is also a big issue at present. I have nothing definitive to report on that aspect yet, but, as the Member has requested, I will pass on his concerns the next time that I am in touch with the Minister. I have no hesitation in doing so.

The Member has referred to a number of issues. They will be taken on board. That is part of our role and responsibility in relation to the environment.

**Mr Leslie:** I welcome the Minister's statement, and I note that he has diligently raised a variety of issues with Mr Dempsey that had been raised by the Assembly during questions on previous meetings of this sector of the North/South Ministerial Council. Does the Minister agree that it is somewhat curious and contradictory that he is expected and required by the DUP to raise matters on its behalf at the Council, yet its Ministers are unwilling to shoulder any responsibility in this regard themselves?

**Mr Foster:** Yes, it certainly is a strange set of circumstances. There is no doubt at all about that. The DUP expects me to act as a conduit, as I said earlier. The question also gives the answer. It is circumvention. It is hypocritical and very sanctimonious. It is a pretence. The DUP ignores the bodies to which it wants questions put. It also communicates with the Executive Committee, despite the fact that it refuses to sit on the Executive Committee. It is highly hypocritical.

**Mr McMenamin:** I welcome the Minister's statement. With regard to work being done on water quality management in the Erne and Foyle catchment areas, does the

Minister have any information about the effect of the current water quality on the health of the rich native mussel beds in Lough Foyle?

**Mr Foster:** I am not yet aware of any issue relating to mussel beds in Lough Foyle. Could the question be repeated, please?

**Mr McMennamin:** My question is about the water quality in Lough Foyle and the health of the rich native mussels. What effect is the water quality having on the mussels?

11.00 am

**Mr Foster:** Water pollution is a major issue, and water quality is continuously monitored and assessed. However, consideration of mussel beds is not part of the Foyle catchment study. Nevertheless, the Member's point will be taken on board.

**Mr Gibson:** Is the Minister aware that the only time the border with the South of Ireland has been sealed was when BSE first broke out in Northern Ireland? I note from his statement on the North/South Ministerial Council sectoral meeting on the environment the proposal to develop co-operation on the environmental impact of agriculture. What has been initiated by the joint committee to prevent the illegal importation of contaminated meat, live or dead and causing ruin, given the fact that we are pushing for a zero-incidence BSE status?

Secondly, what is being done on a co-operative level to prevent fishing in the Foyle estuary by poachers from the Republic?

Thirdly, can the Minister assure us that there are no zebra mussels in the Foyle estuary?

**Mr Foster:** I thank the Member for his wide-ranging questions. Any cases of cross-border contamination will certainly be examined, for that is an environmental health issue.

I am not aware of the existence of zebra mussels anywhere outside the Lough Erne catchment area or Lough Melvin.

The importation of BSE carcasses has been referred to, and rightly so because there is a concern about contamination. This is a very important matter which is the responsibility of the Department of Agriculture and Rural Development, and not just the Department of the Environment.

**Mr Armstrong:** Will the Minister continue to listen to the views of the agriculture community so that it may be fully involved in any environmental improvements? I am reassured that the Minister of Environment is alert to the needs of the agriculture sector and to the impact of the environment on agriculture and on those who depend on the environment for their living, not least our farmers.

**Mr Foster:** We take very seriously the impact of agriculture on the environment. Recently I spoke to the president of the Ulster Farmers' Union, and on Saturday I met the union's deputy president. Everyone acknowledges that agriculture is a major contributor to the economies of both Northern Ireland and the Republic of Ireland. Coming from a rural constituency, I fully appreciate the parlous circumstances in which Northern Ireland's agriculture industry finds itself.

However, we must also recognise the potential impact of agricultural activities on the environment. The greatest problem is the run-off of nutrients to lakes and rivers, leading to the excessive growth of algae and plants, which can cause oxygen levels to fall. This is the most serious water quality problem affecting waterways on both sides of the border. That is why at a recent meeting Ministers agreed to examine the scope for co-operation on the environmental impacts of agriculture. We agreed that the most mutually beneficial areas for co-operation might include planning for the controlled use of fertilisers and manures in agriculture and controls on the cross-border management and movement of slurries, particularly in the context of the European Directive on integrated pollution prevention and control.

**Mr Dodds:** What does the Minister mean by the joint Internet portal, to which he referred, and how does he envisage this working?

**Mr Foster:** These are early days of co-operation, but there is no problem with our working together — it is very important that we meet and work with each other.

**Mr Dodds:** I asked what was meant by the term "Internet portal".

**Mr Foster:** The joint Internet portal is a shared system of access to the web site, and it will give us a degree of awareness.

It will enable us to present our respective difficulties and interests, thus keeping us up to date with activity on either side of the border.

**Mr Dodds:** It would be easier on Mr Davis's shoe leather if the civil servants whose messages he is carrying were simply to come and read out what they write.

**Mr Deputy Speaker:** Mr Dodds, you know as well as I do that that is not a point of order.

## DOGS (AMENDMENT) BILL

### Consideration Stage

**Mr Deputy Speaker:** No amendments have been tabled, but some Members have indicated that they wish to speak on clauses of the Bill. It would be useful if they were to begin by clarifying which clause they are referring to.

#### *Clause 1 (Power of Court to order destruction of dogs)*

*Question proposed,* That the clause stand part of the Bill.

**Mr P Robinson:** Good intentions do not always make good legislation. I have concerns about this piece of legislation which I want to put on the record, and I hope, as we are still at Consideration Stage, that the Minister will be able to satisfy me that those concerns can be dealt with. I wish to raise matters in relation to clause 1 and clause 2.

Certain difficulties are becoming obvious for Members dealing with any legislation. First, I find that Members are beginning to think in sectors. For instance, if someone is on the Finance and Personnel Committee he tends to focus on business and finance. Because there is so much business in each of the Committees, Members are not looking at the legislation of Departments other than those whose affairs coincide with their Committee work. Indeed, this piece of legislation only came to my notice on Friday, and I only started asking questions about it yesterday as it was a matter which the Agriculture and Rural Development Committee was dealing with.

But it is a very important matter for local authorities. They have a key role because they will have to enforce the legislation. I therefore found it incomprehensible that the local authorities, which will be most affected by this legislation, were not asked by the Department for their views on it. On 7 November 2000 a dog control enforcement officers' seminar in Craigavon made that very clear to the Department's representative. It was felt that to some extent the district councils had been snubbed. Indeed, the Department took advice from other bodies, such as the USPCA. The legislation is all the weaker for this failure, deliberate or otherwise, of the Department to consult with those who will have to implement and enforce the legislation.

My second point is on the issue of discretion. There must be few, if any, Members who would deny that the Bill is useful to the extent that it will provide a court with new discretion when dealing with a destruction order for a dog. Under current legislation, no matter what the circumstances, councils are required to take the matter to court where, if it is found that the dog had attacked or worried, a destruction order must be made. That action is mandatory under the current law.

Clearly that is an unsatisfactory set of circumstances, but I wonder to what extent it will be improved by this piece of legislation. Some discretion is to be given to the courts, but are they being given enough and should discretion be being given to someone other than the courts?

Dealing with the latter issue first, should district councils have some discretion? Under this legislation, if a dog is involved in an attack, the matter will automatically be taken to court; there is no element of choice or freedom. Should that always be so? For example, say that your daughter is out walking Rover and is set upon by two or three louts, who perhaps intend to rape her or rob her. Rover attacks these people and, in fending them off, he bites or mauls them. Will a district council say "Yes, this dog probably saved the girl's life, but we are going to issue a destruction order against it — we are going to take the matter to court"? Surely there are exceptional circumstances where a council should be able to say "This is ridiculous, we are not prepared to do this" and not proceed with a prosecution. The public will not view councils in a favourable light if they are seen to be taking a case like that to the courts.

Even if councils are not given that level of discretion, under the new legislation the courts will have very limited discretion. Either they will be able to have the dog destroyed or they will be able to impose measures on him. There is no such thing as exoneration for this dog, even though most people would say that he deserved a medal. The court has no alternative but to punish the dog. The legislation says

"Where it appears to a court that a dog has attacked any person or has worried livestock, the court shall".

There is a requirement on the court to do it. I am worried by any piece of legislation which, in the same context, contains both a "shall" and a "may". Clause 1(2) uses the word "shall", and then, when explaining the measures that might be specified, says

"An order under paragraph (1)(b) may include provision requiring the dog to be".

Can the Minister explain this?

Four provisions are specified. Is the Minister saying that these are the only four provisions that can be employed? Do the courts have the discretion to create their own measures? What are the implications for the general public and for the councils who have to carry out these additional measures? We are entitled to know if these are the only four provisions and if the court has to apply at least one of them. We need some clarity, but in the meantime I will assume that there are only four. These are the words of the first requirement:

"securely fitted with a muzzle sufficient to prevent the dog biting any person".

11.15 am

I notice in the Committee's minutes of evidence that an official from the Department of Agriculture and Rural Development had this issue put to him. He did not answer the question, and what he said caused me more concern. After where it says that the dog should be muzzled permanently, he suggested the insertion of the words "when in a public place". That would be counterproductive because it could place legitimate visitors to the person's premises in jeopardy. The milkman and postman would, in theory, be at risk if the dog were not, in law at least, muzzled in all places. In practice, I am sure, it would not be muzzled while on the owner's premises. However, under the current wording, the owner would be responsible if somebody were bitten on his premises. I am pretty sure that if the courts were to apply the provision about securely fitting a muzzle to prevent a dog biting any person the intention would not be to exclude visitors to the owner's home. The courts would not simply dismiss the incident with the words "Well, it is his fault because he did not have a muzzle on the dog."

The courts will want an assurance that fitting a muzzle will prevent anybody from being bitten. According to the evidence of the Department's representative, there were caveats. I am curious about the phrase used. The milkman and postman would, in theory, be at risk if the dog were not, in law at least, muzzled in all places. That can only mean that it may be required by law, but common sense will prevail, because we cannot expect the dog to be muzzled in all places. My view is that it should be muzzled in all places if the circumstances require it.

**Mr Fee:** At the beginning, the Member advocated that councils, or certain council officers, should exercise greater discretion. Now he is advocating that the owner of the dog should not be allowed to decide when it should be muzzled and when it should not. The only discretion that will be exercised in this matter will be by Rover. Can the Member clarify exactly where he is coming from on that point?

**Mr P Robinson:** I am sorry that the Member is being obtuse — perhaps deliberately so. The discretion that I want is on whether measures are applied. Once that is done there should be no discretion, and those who ultimately have to enforce the measures will want to know exactly what they are enforcing.

We have to address the issue of enforcement because it is not clear. I am saying that the muzzle, in the circumstances I have referred to, should be on in all places, but I am not saying that it should be on at all times. The dog should be allowed to eat a meal or there will be feeding difficulties. However, it should be muzzled in all places, and that matter needs to be dealt with. The suggestion is that we turn a blind eye to various issues that the law should be concerned with.

The issue that follows on from that is while the dog may be muzzled, it is not required to be controlled on a lead, be in the charge of someone over 16 years of age, or be muzzled in a public place, as required by the Dangerous Dogs Compensation and Exemption Schemes Order (Northern Ireland) 1991. We need to clarify how this requirement will be enforced, and by whom. Once the courts have applied it, will district councils be required to check periodically to ensure that it is being enforced? Is it for a period or for the life of the dog, and what is required if there is a change of ownership? These issues are unclear, but this is what the people who have to enforce this legislation need to know.

The second requirement is that the dog be secured in a building, shed, yard or other enclosure. Will the courts be giving guidance as to the nature of the enclosure and the level of security, or is that going to be a matter for councils? If councils have that additional responsibility will additional funding be required? Also, is there any guidance on the size of the enclosure? The legislation is silent on all those matters and on where the responsibility will lie. Where legislation does not clearly state where responsibility lies, problems will occur. Inspection comes under this particular measure. Will there be inspections? If so, by whom? What powers of entry will the inspectors have, and when does the dog have to be confined?

The third requirement is that the dog be excluded from places specified in the order. If an accompanied dog goes into an excluded area what action is to be taken, and by whom? The legislation does not give any guidance, nor does it suggest that there is any sanction to be applied other than to follow the same procedure all over again.

The fourth requirement is that dogs shall be neutered, and — I like this — it adds in brackets

"if it appears to the court that the dog is a male".

I am not being mischievous, but how will the court make that determination? Before I get any suggestions, I assume that the dog will not be in the courtroom for the judge to decide. Without drawing pictures, it might be easy to determine whether a pit bull terrier was male or otherwise, but there might be difficulties with one of these long-coated hairy dogs. Are councils required to provide this information to the courts to facilitate such a determination? Although the Bill does not say so, I assume that the courts will require a veterinary certificate, or something similar, to confirm that the male dog has been neutered.

The matter of timescale goes across each of these four issues. Should the legislation not require the courts to specify a period within which compliance would be required? It is not currently the case, and it has caused problems for many local authorities. They have brought a successful prosecution, and the courts have specified, for instance, destruction, but this has not occurred. The only

measure open to those councils is to repeat the process and show that the court order has been defied. There should be a clear timetable for a court order to be carried out.

As we are dealing with a Dogs Bill, I am disappointed there is nobody from the PUP present. I would have thought that the PUPs would have been the first to be present for this piece of legislation — I had to get that in somewhere.

The Bill has defects, and when it is operating at local government level, those defects will be more keenly seen. I would prefer a delay so that there can be proper consultation. If these matters can be raised after one phone call, what would proper consultation produce? Would the legislation not be improved if there were more clarity on these issues?

**Mr Deputy Speaker:** In calling Mr Jim Shannon, may I ask for brevity as there are no amendments. This is merely an opportunity for comment.

**Mr Shannon:** I would like to make a couple of points, though not as eloquently as Mr Robinson.

Clause 1(2) refers to alternative measures such as the muzzling, keeping a dog confined, keeping the dog in certain places, and having the dog neutered. Who will monitor these alternatives? I presume this will be the responsibility of the council. From where will the funds and the time for this come? I would like some clarification with regard to the monitoring process. The provision refers to the action a court can take if a dog has worried livestock. The outcome could be that the animal is not put down. Is that good or bad thinking? A dog that attacks livestock gets the taste for the chase, the taste for the blood. More often than not, it cannot be deterred from that activity. If a dog worries livestock there is really only one measure that can be taken, and there should be no alternative.

Clause 1(3) provides for discretion. That is important. As elected representatives we have come across cases where a dog has been playful and has not viciously attacked anyone, yet a destruction order has been made against it. Current legislation states that a physical attack can mean physically harming the person, but it could also refer to the threat of attack or to someone living in fear of attack. A dog that playfully pushes someone over in an act of energetic exuberance would be destroyed as readily as an animal that viciously attacks someone. That has been the case until now. For that reason I welcome the changes. There has to be discretion, there has to be an alternative, and that option is in this legislation. However, the monitoring process needs clarification. Who will take charge of that? How will it be carried out? Finally, is it sufficient in the case of a dog that worries livestock to have any other alternative other than its being put down?

**The Minister of Agriculture and Rural Development (Ms Rodgers):** Many issues have been raised. I will deal with some, but not all, of them today. Members

could put down amendments at Further Consideration Stage. I will certainly consider everything that has been said today before the Bill returns to the House.

11.30 am

I have noted Mr Robinson's comments in relation to the fact that he did not bring this matter to the House's attention at the Second Stage of the Bill. That is understandable, since he is not on the Agriculture and Rural Development Committee. However, there is perhaps the implication in what he said that the Committee Chairman, who happens to be the leader of his party, and two Committee members who are also in his party have been somewhat remiss in not bringing this to my attention before now. Having said that, I accept that the Member has raised issues, which I shall consider.

I shall deal first with the issue of consultation. The legislation was ready to go through by Order in Council but was held back by the fact that, it was hoped, the Assembly would come into being and deal with the matter. The legislation was ready to roll when the Assembly got up and running and was immediately brought before the House so that it might be put through quickly. What we are doing at the moment is something we could not have done without the Assembly and our new structures, for the legislation would simply have gone through as an Order in Council. Now, however, we are going through the democratic legislative process. Mr Robinson is, of course, entitled to bring his concerns before the House, and I shall consider them as Minister. At least we have that amount of consultation now, despite the fact that there was none earlier.

I accept that there are implications for district councils, but they are not onerous. To put this into perspective, destruction orders were served on 56 dogs last year — roughly two per district council. There may be a number of appeals, and it could well be a matter of one dog per district council. There will be no huge monetary costs or onerous implications for them.

The question was raised about whether the court would have enough discretion. I can think of no other party which should have such discretion apart from the court. People can, in a sense, make their case in a court — they can appeal — and the court has been given discretion to consider that. The legislation is based on that which exists in Great Britain, where it is generally thought to be satisfactory, and I am not aware of any complaints.

If the Member wishes to table further amendments for consideration, we shall deal with them when the time comes. However, it is important to get ahead with this change, for as the Member will be aware, there has been great public demand for this legislation and for us to bring our laws into line with those in Great Britain. One must also remember that that the court will apply the penalty only if an attack is proved. It will not simply



do what is laid down in the legislation without giving consideration to the views put before it.

With regard to Mr Shannon's views on sheep-worrying, the present position is that the dog will be put down. I thank him for the welcome he gave to the Bill and the need to have flexibility. He is clearly articulating the public demand.

I shall sum up by saying to Mr Robinson and Mr Shannon that I have taken note of the issues they have raised. As Members are aware, they may table amendments for the Further Consideration Stage. I shall, of course, consider all their views in the meantime. There is, however, no possibility of removing the flexibility this Bill gives us, for it is a response to public demand. If there are areas where Members believe the Bill can be improved or clarified, we should certainly look at their ideas at the Further Consideration Stage.

*Question put and agreed to.*

*Clause 1 ordered to stand part of the Bill.*

**Clause 2 (Power of a resident magistrate to order destruction of certain dogs)**

*Question proposed,* That the clause stand part of the Bill.

**Mr Deputy Speaker:** I have an indication that Mr P Robinson wishes to speak. I remind Members that there will be another opportunity to table amendments at a later stage.

**Mr P Robinson:** It is hardly worthwhile speaking, for I raised a series of issues during the discussion on clause 1, and the Minister spoke to only one of them — and even then managed to miss the point I was making. I hope she will look at the issues raised in the report of these proceedings. I would rather be given answers to my questions than put down amendments, particularly if they are unnecessary.

I wish to raise only one issue on clause 2. This provision relates to articles 25A and 25C of the Dogs (Northern Ireland) Order 1983, as amended by the Dangerous Dogs (Northern Ireland) Order 1991. It refers primarily to dogs such as pit bull terriers and dogo argentino. Under the current legislation, as I understand it, it is an offence to keep any of these dogs unless the keeper is in possession of a valid certificate of exemption and complies with specified conditions on how the dog is to be kept and controlled. If those conditions are not fully met, the keeper is in breach of article 25A of the Dogs (Northern Ireland) Order 1983 and is liable to prosecution. If he is convicted, the court shall make an order directing that the dog, in respect of which the offence was committed, be destroyed.

I have some concerns about the bad administrative practices or the misbehaviour of owners resulting in

dogs being destroyed. Presumably no one would suggest that it is the dog's fault that the provisions laid down were not kept by the owner. I understand that this new provision means that on conviction of an offence under article 25A, the court would make an order directing the dog to be destroyed, and will do so unless it is satisfied that the dog will not be a danger to the public. Are there circumstances where the court could take into consideration the willingness of another person to become the owner of the dog? This might make the court believe that the dog would not be a danger to the public, providing it was satisfied that the new owner would behave in a more responsible manner.

In addition, there is the matter of a dog being kept during the two months given to obtain the necessary certificate of exemption. The main concern is that the dog would be likely to disappear during that period, given that the owner would be the person in default and might not be regarded as a responsible individual. If, to prevent that possibility, a dog is held in a secure place approved by the court, who will pay for kennelling costs? Is that to be a cost on district councils?

We must bear in mind that the opportunity given by the Bill to legalise the dog — if we might use that term — is being offered to someone who has been found guilty of an offence. The dog may have been seized in a public place or removed from his home as a result of a warrant being issued. Is it not reasonable to suggest that the dog be held in secure conditions, rather than being returned to the owner's care, from where it could escape or otherwise disappear?

**Ms Rodgers:** I will take legal advice and come back to the Member with regard to the matter of dangerous dogs, because complicated legal issues are involved. He asked who meets the cost of complying with any restrictions that district councils put on dog owners. Costs are borne by the dog owner, and not the district council. We are talking about very small numbers. I will also take legal advice about what discretion courts might have to change the legal ownership of dogs.

As regards the other questions to which the Member seems to think he has received no answers, I am perfectly open in saying that I have not answered all his questions because I had no notice of them. There are issues involved which I, as a Minister, would be foolish to address off the top of my head. I have done my best to deal with those issues with which I am familiar. I look forward to the Further Consideration Stage, when we may be able to clarify some of the issues raised today.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clauses 3 to 6 ordered to stand part of the Bill.*

*Long title agreed to.*

## **STREET TRADING BILL**

### **Committee Stage (Period Extension)**

*Resolved:*

That in accordance with Standing Orders 31(4) the period referred to in Standing Orders 31(2) be extended to 31 January 2001 in relation to the Committee Stage of the Street Trading Bill [NIA 2/00]. — [*The Chairperson of the Committee for Social Development*]

### **BUDGET PROPOSAL (2001-02)**

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

That the Assembly takes note of the draft Budget proposal announced on 17 October 2000 by the Minister of Finance and Personnel.

Go raibh maith agat, a LeasCheann Comhairle. Yesterday, we debated the Executive's draft Programme for Government. In calling for this debate my Committee wanted to ensure that Members also had the proper chance to scrutinise the Executive's spending plan proposal for the incoming year and to make our views and concerns known.

On 17 October the Minister of Finance and Personnel presented the first Budget Proposal that has been prepared entirely under the discretion of the devolved Administration. At that stage the Minister remarked that the Budget constitutes a significant stage in the implementation of the Belfast Agreement and in the cementing of the new institutions. I agree, and, as was noted by a number of Members following the Minister's announcement, the Assembly, through its Committees, has a statutory duty to consider and advise on departmental budgets in the context of the overall Budget allocation. My Committee believes that if it is to meet its statutory duty in the future, then all Assembly Committees will need to be given adequate time and opportunity to consider the Budget Proposal, and to co-ordinate their responses to the Minister of Finance and Personnel and the Executive Committee for consideration.

*11.45 am*

I think everyone would agree that the timescales adopted this year have prevented the kind of research and in-depth analysis that is desirable if Committees are to contribute to a report that adds real value to the Budget consideration process. There must be a firm commitment by the Executive Committee and the Minister of Finance and Personnel to adhere to a satisfactory programme in future years.

In the Committee's view, this should be based upon an acceptance that the autumn session of the Assembly should open with the presentation of the Executive

Committee's Programme for Government. The Programme for Government should be followed immediately by a Budget proposal. This will give significant time for the process of analysis and consideration.

In addition, each Department has a duty to ensure that its Committee has the information it needs to perform its statutory role in scrutinising and considering, and advising on, the departmental Estimates. It is our view that this process should commence in the spring and early summer of each year when the Departments are giving initial consideration to the formulation of the following year's Estimates.

A LeasCheann Comhairle, I do not intend to go into the details of the Budget. Today's debate will enable my Committee to listen to the issues that are raised, to form its proposals and to advise the Minister accordingly. I want to mark up, as I did yesterday, the issue of using the rates as a means of taxation to finance the Budget. That issue has come up in the Committee, and we need to discuss it. The purpose of this debate is to give Members the opportunity to raise their concerns, to give their support to the various provisions and to ask questions.

That will enable my Committee to co-ordinate a response to the Minister of Finance and Personnel that encapsulates the views of the Assembly and its Committees. Go raibh maith agat.

**The Chairperson of the Committee for Higher and Further Education, Training and Employment (Dr Birnie):** I will start with the Barnett formula because I imagine that many Members will wish to comment on it and its impact on our Budget. Clearly, its impact is not satisfactory. By definition as a formula, it is somewhat rigid and mechanical. Undoubtedly, when Mr Barnett, as he then was, devised the formula in the 1970s he did not intend it to be a long-term arrangement. Indeed, I understand that he has recently implied that he is surprised that it is still in use a quarter of a century later.

The formula does give a certain set percentage increase for Northern Ireland public expenditure. Northern Ireland's population is taken as a percentage of either the population figure for England or the Great Britain population figure, depending on which change or base in public expenditure is most appropriate.

For example, that affects the case of the Department of Higher and Further Education, Training and Employment, where there are clear cases of needs in Northern Ireland exceeding the relative percentage share of population. The percentage of long-term unemployment in Northern Ireland exceeds that in England. In percentage terms, there are also more 18- to 21-year-olds, and there are greater training needs.

What then must be done? First, I applaud the fact that the Northern Ireland Executive had success during the summer in negotiations with the Treasury in London, when

the aim was to get a fairer base with respect to the changes in public expenditure in either England or Great Britain, which would then be set up for comparison and multiplication through the formula to give the Northern Ireland increase.

We could commission a fully fledged needs assessment to shift the measurements of increases in public expenditure in Northern Ireland from the rather mechanical and rigid Barnett-type formula to one based on an assessment of needs.

We could even — though this is a longer-term and perhaps tentative suggestion — allocate Northern Ireland a certain percentage of tax revenues that are collected locally. We could move closer towards the sort of federal system of revenue sharing that operates in a number of countries around the world.

At the same time, Members must recognise that the “begging bowl” approach — as it might be derogatorily described in some quarters — does have dangers. In some sectors a needs assessment might lead to Northern Ireland receiving a smaller percentage increase than it currently does because there are greater social needs in certain sectors in Wales or Scotland. When negotiating with the Treasury, Northern Ireland can only plead its special case status for so long. We have an opportunity to do that at the moment, but it will not last for ever. Northern Ireland’s GDP per capita is already higher than that of some regions in Great Britain, and its unemployment rate is lower than the European Union average.

Yesterday we received advance notice of the provision in the Budget for cross-budget activities and the implementation bodies. Their budget amounts to approximately 0.2% of the roughly £6 billion in the departmental expenditure limits. The total employment in the six implementation bodies in Northern Ireland amounts to several hundred, compared to a central Civil Service employment in Northern Ireland of 20,000.

I raise those statistical comparisons for the sake of some Members in this corner of the House who seem agitated about the extent of North/South activity. Those Members should recognise that much of that employment relates to activity that has been going on for many years — for example, running and maintaining waterways and maintaining lighthouses. Don Quixote attacked windmills; some Members of the DUP probably want to attack North/South lighthouses.

**Mr S Wilson:** Does the Member agree that attacking windmills is better than tilting at windmills, which he appears to be doing at present?

**Dr Birnie:** I am not tilting, but some of the Member’s Colleagues did so yesterday.

The Higher and Further Education, Training and Employment Committee is disappointed by the small budget allocation to the critical area of adult basic

education. That is especially so given the well-documented problems of adult illiteracy and innumeracy. That may be linked to my previous point, considering that there are problems with basic mathematics in some quarters in the House regarding the proportional importance of the six North/South implementation bodies.

**Mr McGrady:** I congratulate the Minister and the Executive on their first independent Budget for Northern Ireland. In many ways, however minuscule, it tries to reflect local needs rather than those of the United Kingdom. I hope that that development will continue over the years as more knowledge is gained and more flexibility can be created.

In the opening paragraph of his presentation the Minister made a very significant remark. He said that the Executive was disappointed that the increase in spending power that Northern Ireland received was markedly less than the increases applied to England, Scotland and Wales. The Minister went on to say that Northern Ireland could continue to press for a more equitable and sustainable approach to the allocation of spending.

Dr Birnie mentioned the Barnett principle, which, I think, is the kernel of the problem.

He expressed a cautionary approach, but I have no doubt that if we were to examine what has been happening over the years, we could clearly illustrate the ongoing annual shortfall in the block grant, as it is commonly known. I have listened to departmental debates for several months now, and I am shocked by how much Northern Ireland has been neglected during direct rule. This can be seen by the underspend on railways to the point where they are now unsafe, the gross and obvious underspend on the roads programme and the £80 million that is required to replace the entire water and sewerage distribution system which is also in a state of emergency. Why were we not told all of this during the years of direct rule? Why was that kept from us, and why was this neglect allowed to accumulate so that it would become a burden for the new Executive?

I recall a meeting with the then Minister, the good Lord, Lord Dubs, in December 1998 when privatisation of the shipyards was talked about, and the idea was that the resources raised from that privatisation would be used on the water system. It was obvious that they wanted to run fast with the privatisation of the harbour, but they held back on the £80 million required for the water and sewerage services so that the Assembly could deal with it. That was deliberate, and I am sure the same applied to roads, railways, water, sewerage and health; the hidden burden was being pushed forward until devolution took place, and then we would be left to deal with it.

I suggest to the Minister and the Executive that we re-examine what has happened over the last few

decades, measure the shortfall in capital investment and compare it with that in England, Scotland and Wales. We should then renegotiate and say that we have been underfunded, that our block grant falls short of the requirement to sustain Northern Ireland's infrastructure on the same basis as that in the remainder of the United Kingdom. We should then request that that funding be reinstated, maybe through a 10-year programme, so that we can catch up in those areas that have been neglected in the past.

Dr Birnie suggested that in future the Barnett principle should be dealt with on a needs-assessment basis rather than on a mathematical formula, because that does not address any of the real needs and issues of the communities that we represent. I do not intend to address any constituency and parochial matters, however tempting that may be, I will merely deal with some very broad departmental issues.

I have referred to the problem that was highlighted regarding the £80 million required for the updating of our railway system to the relevant safety requirements. The Department for Regional Development must spend money to address the public safety aspect, and an attempt must be made to modernise what is an antiquated railway system, but we must be conscious of the fact that the railway system serves only a limited geographical area in Northern Ireland. Many in the Six Counties do not have access to railways, but I would like to think that there will be the same importance and the same determination to achieve funding to improve our roads infrastructure as there has been to improve the railway system. If we boil this down to safety issues, many more are killed on our roads than on our railways, although that is a very crude criterion by which to judge the importance of the spending priorities. We will have to balance what we are doing on transport infrastructure between railways and roads. Roads must be given a much greater priority. There has been a gross and obvious underspend in that area over the years, and the state of repair of our roads is deteriorating as we speak.

12.00

As I represent a rural constituency, it will come as no surprise that I have great concerns about the future of rural communities. I am not just referring to farming incomes. I am concerned about the future of our rural communities in general — farmers, rural workers, rural dwellers and small factories, all of which are currently under siege.

They are not just earning a living from the land or the locality. We should be aware they are also the custodians of the countryside and of our natural assets. Unless we address that issue in a more dynamic way, that which we all love and value, and which we should be utilising as a natural earning asset through tourism, will be dissipated.

I will give one small example. We are all aware of the problem of public safety. In my constituency the sheep farmers have been banned from using the Mourne. That has had a direct impact upon their income, yet it has been done on behalf of all of us, but they are still not getting any real compensation for this. If they are banned up to the year 2005, as is anticipated, the natural environment, which has had sheep grazing on it for centuries, will change dramatically. It will cost as much to maintain it in a normal and natural state as it would to compensate the farmers to keep them on the land. They should be engaged in that process and employed on environmental works to keep this natural resource. One can apply that argument anywhere in Northern Ireland.

We must have a more dynamic approach if we want to sustain a proper rural community. Farming is not the only way to do that. We must consider a small business approach to farming. At present we do not do that. We hive off farming to the Department of Agriculture, and we talk about stock, fodder and transport costs. However, it is much more than that. These are small businesses, and we must adopt a LEDU or IDB approach to sustaining them. We must make it possible for farm products leaving the farm gate to be deliverable on the world market and to be of the highest possible quality.

The Department of Enterprise, Trade and Investment must take an interest in the huge workforce which exists in the rural community, and which has not been addressed as a workforce. They are treated as individuals who do not count. They do count. We are going to rue it if we do not give them full and proper consideration.

My greatest worry — this is true of every Member of the Assembly — relates to the provision of good quality, locally accessible healthcare. If we are all honest about it, we will admit having had personal experience of a general deterioration in the Health Service. There may be many reasons why that is so, but there are a couple of matters that should be addressed immediately. I was interested to note the reference in the Minister of Finance's paper to the creation of a service modernisation fund, with the aspirations of cutting out bureaucracy and creating efficiency and value for money.

The first target should be the Health Service in Northern Ireland. We need to remove the bureaucracy, to get away from the inefficiencies in the purchasing and supplying of services, and to redirect the funding from administration back to the delivery of the service and to the treatment of patients in our hospitals and surgeries.

More money should be released for spending locally, which is the aspiration whether we like it or not. Whether it is contrary to the dictates of the Royal Colleges or not, our people want a health service in their local areas. We need to address efficiency and bureaucracy and challenge the validity of the vested interests dictating to us over the delivery of our healthcare.

I also want to touch upon local government. A point was made in the media early this morning — in order to catch the early media worm — on the regional rate, which has gone up by 6.6%. This has always been a bug bear for those of us who have served in local government over the years — it has a long history. I remember questioning the basis upon which the regional rate was cast year after year. I now regret my response to that because I was told by Minister and civil servant alike not to rock the boat. They said I was doing all right, to keep quiet and not to fudge it. I regret that I did not insist on having a full, public, detailed analysis of how that money was being spent.

When the rates bill comes through my door, and through the doors of every household in Northern Ireland, I want to see what services will be provided with the money being demanded of me. We know the history of this. Macrory restructured local government in 1972. Responsibility for health, education, water, sewerage, roads and planning were all transferred to central Government, and the regional rate was to cover that — they were previously funded by local rates. It is only since then that the regional rate has come into being to assess ratepayers for services that were regionally provided. Depending on what everyone says about reorganisation and the restructuring of local government, we can immediately address the issue of how that regional rate is spent on health, education, water, sewerage, roads and planning, big spending areas. We can tell the ratepayers what is happening and we will be able to see whether there is efficiency or not and whether we are getting a fair deal or not. With the splitting of the regional and the local rate, there is a danger that people are being doubly taxed, and I think that matters should be made absolutely clear and precise. I would like to think that there will be greater efficiency and that the regional rate increases, that grow year on year squeezing local government, will be addressed in a more scientific and open manner.

Finally, there is the question of whether the Northern Ireland Executive should seek to have some powers in respect of local government and local taxation. Scotland took it upon itself to have a 3% tax-varying power. I am not talking about increased taxation but rather about greater flexibility in how we deliver the services we have to deliver across the board.

We have spoken of certain areas that have required an enormous amount of funding over the years. I recall an opinion poll — it did not translate into votes, which most of us will be very conscious about — that said that the English electorate would vote wholeheartedly to suffer the burden of increased taxation if it were ring-fenced and devoted to the provision of a better Health Service. I hasten to admit that that did not translate into votes at the subsequent election. I am not advocating increased taxation; I am just saying that it is something we should look at to see if we in Northern Ireland could have some flexibility

with general taxation which would allow us to catch up with, or surpass, the better infrastructure of some of our neighbouring countries in this new millennium.

It would have to be equitable, and it would have to be endured by those who could afford it rather than those who could not, and with our local thinking we could come to a reasonable arrangement. I hope the Minister and the Executive will address this problem — maybe not this year but some time in the not-too-distant future.

In conclusion, I would like again to emphasise my party's appreciation to the Minister and the Executive for the Programme for Government and the Budget. I am sure it has not been an easy task. I have just one question left. It has been said in the House that the Budget follows the Programme for Government and that if we aspire to do something then we must pay for it. I suspect that, because of the block grant's construction and its finite terms, in many instances the programme follows the budget. We cannot raise the finances to pay for what we want to do. We can only decide what we can do when we get the finances. That is not good housekeeping, and it is not good government. It is not the way to address local issues and I think that is another good reason to look at some aspects of the local tax situation.

**Mr Dodds:** We have been told that the Budget increase on the figure for the current financial year is approximately 7.3%. While that is quite a hefty figure, as the Minister pointed out in his statement to the House several weeks ago, it is significantly lower than Scotland, Wales and England. Therefore we are not reaping the same benefits as other parts of the United Kingdom from the Chancellor of the Exchequer's largesse running up to the next election.

I would like to press the Minister about the way Northern Ireland is being treated under the Barnett formula. I know he has made representations with others to the Treasury in the past, but I would like him to spell out what he plans to do in the medium term to address Northern Ireland's underfunding in the block grant situation.

May I also press him, although I am talking generally at this stage, about the Executive programme fund. These were praised by a number of speakers when the statement was first made in the House and have been referred to this morning. There is to be £16 million set aside in next financial year, £100 million the following year, and £200 million the year after that. Yet we have had no indication so far of what the indicative figures would be for allocations to Departments over the next two to three years. I would like to know exactly when the Minister proposes to give us those figures. We have the figures for next financial year, but I think it is important to have some idea for years thereafter — even if they are only indicative.

While people are welcoming the Executive programme funds I take it that the Minister will be confirming that

there is no extra or new money involved here. Money that would otherwise have been allocated to Departments will be held back until later in the financial year. In effect, there is not going to be the promise or indication that this is new or extra money at all. In fact, this money is part of the Northern Ireland block and will simply be taken from Departments, put into the Executive and then handed back out again.

I would also like an indication from the Minister about the Programme for Government, which we debated yesterday. A number of Members indicated that there were some broad and sweeping statements, many of an aspirational nature.

12.15 pm

When one analyses some of these statements it becomes clear that moneys have not been allocated at all in some cases, or that inadequate funds have been allocated to meet some of the targets which Departments bid for funding for. To what extent does the Minister feel that the Programme for Government and many of the actions therein have been adequately funded, and which of those have not been funded at all, in this year's Budget? That would be very interesting and enable us to measure what the impact of the Programme for Government will be in real terms. It is all very well to talk about aspirations and visions. We all know that if no money is allocated to fund these programmes, then very little is going to change in the standard of living of our constituents.

Turning to the timetable, there is a general feeling that both the way we have looked at these issues and the time we have been given have been inadequate. The Minister has been pressed on this in Committee. Can he assure us that in future years, if indeed there are future years and the Minister is still in place, we will not be in this position of having to rush our consideration of the Budget?

I welcome the introduction of resource budgeting and accounting, as this will place more emphasis on the setting of output and target measures. That is a positive step, and I hope that it will continue in years to come. I am sure that it will.

When the Minister introduced the Budget statement on 17 October he said that these would not be a set of hand-me-down Budget proposals that simply rolled forward plans inherited from the period of direct rule. He referred to the previous year, when exactly that happened, for understandable reasons. However, the Minister was at pains to stress that on this occasion we would not be doing that. He said that this would be the first evidence of how we will begin to make a difference. I imagine that that whetted the appetites of some people and led them to believe that we would see some very different approaches to issues that have been difficult in the past. Earlier, Mr McGrady mentioned one such issue, the regional rate. However, the Minister then said

“The Executive has decided to roll forward the increase of 8% in the domestic regional rate which was assumed at the time of the 1998 comprehensive spending review.”

Obviously, he was not just rolling it forward from the previous year. He was taking it forward from the 1998 comprehensive spending review, despite his having said earlier that we would not be engaged in the business of bringing forward a set of hand-me-down budget proposals.

I do not see much difference under devolution this year compared to the last number of years. The percentage increase in the regional rate is going to be exactly the same — far and away above the rate of inflation. I have not seen the Minister bring forward any justification for that, except to say that without this increase we could not have made the allocations that were made in the Budget. That goes without saying. The non-domestic regional rate is to rise by 6.6%, which will have a major impact on costs for industry and employers. That will, in turn, make us less competitive.

Obviously, if we increased the regional rate by the rate of inflation, we would not have as much money. Anyone can understand that point, but where is the justification for an increase of this magnitude? Look at the outcry that there has been, and rightly so, at the suggestion. I notice that some of the people who have been waxing eloquent about this issue have become silent when it comes to the rates, an issue that clearly bears upon many householders in Northern Ireland who are on low incomes.

What about the issue of the increase in Housing Executive rents? It is suggested — or assumed — for the purposes of housing benefit that they might increase by GDP plus 2%, but people are saying that that is far too high. When I was Minister for Social Development I indicated that I wanted it brought down to the level of inflation, but this figure of 8% has been thrown out here on the grounds that that is what it was in previous years, and if it does not continue at that level, there will be less money. That is unacceptable. The Minister needs to go away and rethink this issue.

Many Members of this House are local councillors, and we know all about the misrepresentation on a rates bill. When the rates bill arrives, people pick it up and say “Look at Lisburn Council” — I cite Lisburn because I am looking at Mr Davis — “and what it is doing. Look at the size of its rates bill.” I am not looking at Mr Robinson, of course, because people in Castlereagh never say that; they look at their rates bills and say “My, what a wonderfully low rates bill”. They then go on to say “But look at the size of the regional rates bill”. Most councils in Northern Ireland have been reasonably prudent in managing their local rates and the burden that they place on ratepayers, but year after year the Government step in and increase the regional rate far above the rate of inflation.

Mr McGrady mentioned the idea of transparency. People should know exactly what they are paying for when these rates bills come through. That is right, but the problem is that the Minister has already made it known that this is just a general means of raising money. It is a taxation measure. We pressed him on this in the Committee. We asked him if the money that is being raised through the regional rate will be linked to expenditure on water or sewerage or any issue that is ring-fenced in any way, and he admitted that it was not. It is a general tax, which goes into the general pot and is then distributed as he and this Assembly sees fit. When we talk about taxation and tax-raising powers it is therefore clear that the Minister is a tax-raising Minister as far as the regional rate is concerned.

**Mr McGrady:** The Member is over-simplifying the situation. He knows well — and I am sure he will agree — that if the regional rate is not paid, then provision for the funding of water, sewerage, electricity, health and education will have to be included in the district rate. The ratepayer will still pay — as he always has done — for those services. We need transparency and then we will know whether the amount is right or wrong.

**Mr Dodds:** I want to deal with how we can improve the situation. It would be wrong if we were simply to stand here and say “We should not have this rate increase” or if we were to criticise certain aspects of what the Minister proposes without suggesting alternatives. That would be irresponsible, and I will deal with the matter shortly. The point I want to make now is that it is simply unacceptable for the Minister to come here and talk in generalities about needing this because otherwise we would not get the money in.

**Mr P Robinson:** Until he rose, I thought that the Member for South Down agreed that any taxation — whether it be this Durkan tax or any other tax — must be for some specific service or product. By doing things this way, the Minister is pulling a figure out of the air and giving no justification for the amount. It is simply a top-up tax to meet his final figure.

**Mr Dodds:** The Member is absolutely right. This was backed up, and the Minister agreed with that analysis at the Committee. In previous years there may have been an attempt to link the money raised through the regional rate to expenditure on water and sewerage, but the Minister has made it absolutely clear that that is no longer the case. The money goes into the general pot and is distributed widely, as the Executive sees fit. What concerns me is that no proper justification whatsoever has been given for such a large tax increase, way above the rate of inflation.

Maybe one of the reasons why the Minister felt that he had to put forward such an increase was the provision for additional departmental running costs as a result of the devolution arrangements put in place because of the Belfast Agreement.

In 2000-01 an extra £26.1 million is being spent on running the Civil Service bureaucracy, not on delivering services or giving people the things they need to improve the quality and standard of their life. There will be another £26.1 million next year. That is £52.2 million so far. It will continue in the years after that.

The proposed Civic Forum will cost £300,000 to get up and running next year. Dr Birnie and his party, as enthusiastic advocates of the all-Ireland dimension, sought to justify expenditure on the North/South bodies. However, he would have better spent his time considering the fact that £8.2 million will be spent on that.

The Minister sent a letter dated 24 October to the Finance Committee, in which he said that expenditure on North/South bodies in 2000-01 was £8.2 million. Another document from the Minister, dated 12 October, says that costs for North/South bodies for the same year were £8.9 million. Perhaps I can help the Minister to clarify that. In one letter he tries to leave out the costs of the North/South tourism body, whereas in his original letter he includes those costs. They should be included, as it is one of the North/South bodies. The total expenditure on North/South bodies next year, including the North/South tourism body and the North/South Ministerial Council, comes to almost £18.1 million.

The First Minister recently told the House that expenditure would be about £11 million. He seemed to think that that was a trivial amount — why were we getting so exercised about over £11 million? The real figure is nearer £20 million when what should be added in is added in. The Minister himself added in these factors in his letter of 12 October to the Finance Committee.

There are those who say that we should not get too exercised about expenditure on the all-Ireland dimension of the Belfast Agreement. Perhaps they can justify this to their constituents: for every million pounds spent on the all-Ireland political dimensions of the Belfast Agreement, 200 extra heart operations could be carried out, 25 houses might be built for the homeless, or 1,000 homes could be adapted for disabled people. Some money has been allocated for that in this Budget, but not enough to deal with the demand in the community.

Members who represent their constituencies face the daily demand for work to be carried out to adapt homes so that people can live in their own homes in a safe, decent and proper way. For a million pounds we could put central heating in 300 family homes. Look at fuel poverty: 170,000 homes in Northern Ireland still do not have adequate heating. Six hundred people —

**Mr Leslie:** Can the Member explain the basis for his confidence that if the structures of devolved government, including the North/South bodies, were not here, and instead we had direct rule, the money saved would be spent on the services that he has mentioned, such as heart operations and heating for Housing Executive houses?

**Mr Dodds:** I would have very little confidence if I were putting the matter in the hands of direct rule Ministers. However, Members will have an opportunity to vote on the matter. I hope that those who are concerned about these issues will go through the Lobbies in favour of these things. Any who so wish may vote against, but that will be a decision for them and no one else. They will be responsible, answerable and accountable, and no doubt the people will hold them accountable.

12.30 pm

I well remember the words of the Deputy Leader of the Ulster Unionist Party about a year and a half ago — I have not seen much of him since then — in one of the earliest debates we had in this House, when we raised the issue of the cost of the present system of devolved government and quangos. We have yet to see any proposals for a reduction in the number of quangos.

All we have heard about is a review of public administration. We have heard about it outside this House when it has been discussed at conferences for local government chief executives, at party political conferences, and in the media. However, there has been no ministerial statement — and we all know that we have ministerial statements on virtually every subject at the drop of a hat — about what this review of public administration is going to entail. No one has told us what it means, how long it will take, what it is going to cost, what the targets are, or what it hopes to achieve. However, Ministers have been at pains to say, in the Programme for Government, and in previous statements to this House, that one of the key reasons why it is not necessary to get so exercised about the costs of devolution is because these costs will come down when we get rid of these layers of bureaucracy. All I have seen so far is the building up of more layers of bureaucracy — the Civic Forum, North/South implementation bodies, and so on.

Then we look at the departmental running costs. I would be interested to know how the Minister will justify some of the figures that we have for increases in departmental running costs. In the case of the Office of the First Minister and Deputy First Minister — I take that as an example because it is the most glaring one — on page 37 'Budget 2001/02' speaks of an increase of 20.6% in the departmental running costs for next year. This is a Department that does not actually deliver any services directly to people. The cost is for administration and the running of various units and departments that have been set up within the Office of the First Minister and the Deputy First Minister. That is something that needs to be addressed.

**Dr Birnie:** Will the Member give way?

**Mr Dodds:** I have given way already, and I want to bring this to a conclusion, as other Members want to speak.

**Mr Deputy Speaker:** Mr Dodds, will you bring your remarks to a close.

**Mr Dodds:** I will be very brief.

The Minister — I mean the Member; I do not want to elevate him too soon, although after this morning's performance he may get an approach — had an opportunity to say something on a number of issues, some of which I have already highlighted, during his own remarks.

I have already mentioned issues such as fuel poverty. I have mentioned homes being adapted, and so on. Money could be diverted from some of the expenditure on political correctness, bureaucracy, and all-Ireland, political North/Southerly. That money would be better spent on addressing issues like fuel poverty. Other Members will have an opportunity to raise other issues. There are issues such as kitchen and bathroom replacements in the homes of people on low incomes who desperately need them. There are issues like the North Belfast strategy, which is one of the Housing Executive's main priorities in view of the very pressing housing needs on both sides of the community in that area. There is also the need to maintain a proper, decent and adequate spending level on the maintenance of Housing Executive properties.

England and Wales are now paying the price of underinvestment in maintenance over the years. They are now facing a massive bill to try and make up for underinvestment. We in Northern Ireland have kept up a reasonable standard of maintenance. That must not be allowed to drift. We need to put more money into it. We need to look at the supporting area of weak community infrastructure. Money needs to be spent on that as well.

I urge the Minister to think carefully before he proceeds with the allocations he proposes in terms of the all-Ireland machinery and to divert that money to better uses.

*The sitting was suspended at 12.34 pm.*

*On resuming (Madam Deputy Speaker [Ms Morrice] in the Chair) —*

2.00 pm

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I will address the lack of impact which this budget has had on the state of our health services. At a time when the media are telling us every day about the serious state —

*Mr Leslie rose in his place and claimed that fewer than 10 Members were present. Assembly counted, and 10 Members being then present —*

**Mr J Kelly:** We learn of the crisis affecting the Health Service — bed shortages, patients on trolleys, waiting lists for cardiac and orthopaedic surgery, shortages of nurses, acute services in turmoil and insufficient primary services provision. In addition, winter pressures are bearing down on us earlier than was anticipated, while the problem with our Ambulance Service continue. The historic and ongoing underfunding of all levels of NHS health care must be acknowledged by the Assembly



and by whoever is attempting to fund essential services in this part of Ireland.

The new revenue and investment on a per capita basis should be at least equivalent to the NHS national plan in Britain — this point should be indisputable. Nevertheless, in a recent ‘Belfast Telegraph’ article, John Simpson said that the Barnett formula, which was introduced in the late 1970s, has been responsible for reducing the differential between the per capita spend on health in the North of Ireland and that in England. In 1984, the per capita expenditure on health in the North of Ireland was 25% higher than that in England. This differential has now been reduced to five per cent. The formula for the division of extra money is calculated on the basis of the population of an area. The health needs of the people of the North of Ireland are much greater than the needs of the people of England. For instance, the coronary heart disease mortality rate is 20% higher in Northern Ireland than it is in England. John Simpson argues that, as a result, per capita expenditure on cardiology and cardiac surgical services in Northern Ireland should be 20% higher.

We could examine the history of how the Health Service in the North of Ireland has been diluted, underfunded and neglected over the years. Reckless, long-standing neglect of health services here is inextricably linked to the present acute crisis, and to deal with that there will have to be more planning than there has been to date. I suggest that a five-year plan, perhaps even a 10-year plan, is required to fund the Health Service, rather than periodic bandages in between recurring crises. That is how we have been treating the Health Service. We have not been caring as we ought for those at the cutting edge of the shortages in it.

The challenge for the Assembly, a *LeasCheann Comhairle*, is to agree a strategy which will address the current emergency and enable our hospitals to deliver the first-class service which our patients and our old and infirm deserve well into this century. This Budget does not even begin to address our current problems, let alone our future.

The Minister might well ask where the money is to come from. In her proposal to the Executive, she requested £275 million. People said that that was money for a wish list. But as we look now at the formidable task before us, we can see that £275 million was far from money for a wish list. The £154 million that she received will do no more than put a sticking plaster on the predicament which confronts us.

Whatever our political differences, we always agreed that the health of the people in the North of Ireland required our urgent attention. It is something that affects every Member of the Assembly, and it affects our families and the community. If we stand idly by we will be complicit in the neglect that has been inflicted on the Health Service over the last number of years. We must take some measures, however painful. We will not be forgiven if we do not treat this matter with the urgency it deserves.

We have to go back to the Exchequer. We must make an urgent case to the Treasury, and those members of the Executive who are centrally involved in this must beg, plead or borrow to get the money from somewhere. However, we must not only address our existing problems but also formulate a strategy which will insure against repetition of this crisis. A neglected Health Service must become a thing of the past, and if it does the Assembly will be seen to have addressed health and the care of our old, young and infirm as our first priority.

**Mr Close:** This draft Budget is inextricably linked to the draft Programme for Government that was discussed yesterday. For the sake of consistency I pose the same question as I posed yesterday. What opportunity have the statutory Committees had to consider this draft Budget? I use the word “consider” deliberately, because that was the word used by the First Minister and the Deputy First Minister when they introduced the draft programme.

I want to emphasise that statutory Committees have a more important responsibility. The statutory Committees have a duty, a duty enshrined in law, to do much more than consider the draft Budget and the draft Programme for Government. They are obliged to scrutinise these documents, and scrutinise means to “examine in minute detail”. I contend that it is only after the completion of this scrutiny that they should come to the Assembly, we hope, for final agreement on a cross-community basis.

I further contend that the opportunity for proper scrutiny has not yet been afforded to the Committees. It will not be possible to fulfil this statutory function adequately given the predetermined timescales within which we are operating. I would like to give Members a couple of examples.

The Finance and Personnel Committee has spent weeks scrutinising the Ground Rents Bill. The Ground Rents Bill may well be an important piece of legislation. However, in terms of giving priority to scrutiny, and to the depth of that scrutiny, should we spend more time on a Ground Rents Bill than on a Budget that will affect every man, woman and child in this community. I know what my answer is. We should have been spending that time on our Budget. We should have been spending that time on ensuring that we get the Budget right. I feel, sadly, that we are being railroaded towards a vote on a Budget without proper scrutiny. That places a huge question mark over the word that has been used by so many people: “transparency”. It also places a question mark over the word to which we should all bow the knee, as it were: “accountability” — accountability to the people who elected us.

Having got that off my chest, I see that my primary role here today — this was mentioned by the Chairman of the Committee — as a member of the Finance and Personnel Committee, a Committee that should have an overarching role in budgetary matters, is to listen to the

views of Members from other Committees in the House. No doubt there will be other opportunities for further constructive criticism of the Budget.

However, as the regional rate falls directly within the purview of the Finance and Personnel Committee, I wish to take this opportunity to object in the strongest possible terms to the proposed 8% increase on this nebulous and iniquitous tax. I do so for a number of reasons, one of which was referred to by Mr Dodds when he quoted what the Minister said when he introduced the Budget on 17 October. The Minister told us

“this is not a set of hand-me-down Budget proposals” —

note these words —

“simply rolling forward the plans inherited from the period of direct rule.”

That is a laudable approach which I commend.

However, what happened then? When it came to the regional rate, we were told

“The Executive has decided to roll forward the 8% increase in the domestic regional rate which was assumed at the time of the comprehensive spending review”.

How could anyone in the House support that iniquity? Anyone who has been a member of a local authority, as the Minister has, for a number of years could not, cannot and should not support this iniquity that is called the regional rate. It is beyond me how anyone could support such a tax. I have been a councillor for 27½ years, and — hand on heart — in this time I have never heard a councillor throughout the land support the regional rate.

2.15 pm

The tax is despised by every councillor and local authority in this land. Why? Because when district councils strive honourably to keep —

**Mr S Wilson:** Does the Member agree that every tax is despised and that the regional rate is no different? Since he has been a fairly vociferous proponent of tax-raising powers for the Assembly, can he tell us what less despicable tax he would like the Minister to use to raise finance?

**Mr Close:** I thank the Member for that intervention. I will address his questions. No doubt the Member will stay to hear.

I also hear a lot of calls to resign. I hope they are not addressed to me because I do not know what I would resign from — I am not a Minister or a member of a Government that hopes to inflict such a penal taxation on the Northern Ireland people.

District councils strive valiantly each year to keep the district rates at a level acceptable to their electorate. They are consistently horrified at the extent to which the regional rate is increased. Until this year we blamed those swingeing increases on a non-accountable, unsympathetic, direct-rule

regime — unaccountable to anyone living in Northern Ireland. What will be the accountable politicians' excuse after the Budget is passed? Whom will they blame?

**Several Members:** Mark Durkan. *[Laughter]*

**Mr Close:** That is your starter for 10, and you have answered correctly.

What will the excuse be? How will those who insist on this type of tax face the people when, we having been given power over our own affairs, they do exactly the same as those we heaped scorn on in the past? The word “hypocrisy” springs to mind.

Just a few days ago the increase in electricity costs was debated in the House. Members from every quarter justifiably expressed their horror, disgust and contempt for this swingeing increase, and I supported them. Are they now going to turn a blind eye to bringing about an increase that will affect those they claimed to protect when they were shouting about electricity costs — housewives and those running a family on a small fixed budget?

**Mr Leslie:** Does the Member not agree that there is a fundamental difference between electricity costs, where the revenue passes mainly to the electricity company, and partly to its shareholders as dividends, and the regional rate, which is redistributed in its entirety to the Northern Ireland economy?

**Mr Close:** Yes, sophisticated arguments like that work well. However, I am referring to the ordinary individual — you might call him Joe Citizen — who receives a bill in which he sees a 9% increase in electricity costs, or, if this proposal is carried, an 8% increase in the regional rate. He will draw no distinction between the two increases because the pound in his pocket will have been equally affected in each case.

Consider the effect on small businesses, which are the backbone of this economy. They will be hit by an escalating rates bill. What are we to say? Whom are we to blame? The Minister? The Government? I will go further than that: I will blame anyone, any elected representative, who supports this increase. I am making it clear that neither I nor my party will indulge in this type of hypocrisy. The Alliance Party will support neither a budget nor a Programme for Government that is funded, even in part, by an 8% increase in the regional rate.

**Mr Kennedy:** Given the history of the Alliance Party, and its differences, is the Member entirely confident that all his Colleagues will subscribe to his policy?

**Mr Close:** Members should appreciate that sometimes the best way of saving face is to keep the lower end of it shut. This is a classic example. How members of the party opposite can criticise the Alliance Party and refer to divisions in it really does defy belief.

**Mr S Wilson:** Does the whole party agree with you, or is there division? I can understand your response to the Member for Newry and Armagh —

**Madam Deputy Speaker:** Order. Will the Member address the Chair, please?

**Mr S Wilson:** I meant no disrespect. I am sure the Member will agree that the DUP is not a divided party and will therefore answer the question.

**Mr Close:** A day or two ago this Member was described in the House as being a slow learner. I am tempted to repeat that, but I will watch with interest, through you, Madam Deputy Speaker, to see how the Democratic Unionist Party votes on the regional rate. I will also watch with interest when we come to discuss the proposed increase in Housing Executive rents. We will wait and see.

As Members have already stated, I have long articulated, both in the House and outside it, the need for the Assembly to have tax-varying powers — not tax-raising powers, as a Member said earlier. It may well be necessary to raise taxes in certain circumstances. I do not run away from that possibility, as Mr McGrady suggested. There are many advantages in ring-fencing particular taxes and making them attributable to certain increases in public expenditure. For example, I have no doubt that the people of Northern Ireland would agree to pay increased taxes to fund additional intensive care beds, and that is a different argument from the proposal to use the regional rate as a vehicle to increase taxes.

I am diametrically opposed to such use of the regional rate. Why? Because the regional rate fails all tests of what is a fair tax. It takes no account of one's ability to pay. It is a regressive tax. It attacks those on fixed incomes. It militates against property improvements. A further tenet of good taxation is that those who strike and levy taxes should be accountable to the people on whom they levy those particular taxes. The Assembly must therefore be accountable to those whom it taxes. That would not happen with this "sleight of hand tax", which in effect, passes the buck and the bill — at least in the eyes of the people — from the Assembly to local government. That is fundamentally wrong. Councillors are accountable to the electorate for the district rates they levy against their electorate. Councillors must not continue to be the whipping boys and girls for the actions of this, or any other, Assembly.

I have referred to another area which gives me great cause for concern: the refusal of the Minister for Social Development to give an assurance to this House that Housing Executive rents will not increase beyond the level of inflation. We have heard many excuses for this refusal, but the reality appears to be that people were on the side of the poor Housing Executive tenants until they found themselves in positions of power. Only then were they prepared to burden those same tenants with inflation plus increases. How can anyone be so barefaced and then face the electorate?

I give notice that the Alliance Party will not accept such above inflation increases. We will honour our social consciences, and I call on other Members of this House to honour theirs. I realise my critics will point and say "It is easy to say 'Do not put this up, do not put that up, but where are you going to find the resources to fulfil a Programme for Government?'" This is where I return to my starting point. If only the Statutory Committees of the Assembly were given their proper scrutiny roles, I have no doubt we could find the necessary money. That could be done by cutting out wastage. Administration in every Department has merely rolled on from direct rule, although the Minister said we were not going to have anything rolling over. Have any of us in our Statutory Committees had the opportunity to look for efficiencies and savings which do not affect services? Have savings been found which do not cut back on services which people are expecting and demanding?

**Mr A Maginness:** Does the Member not agree that the Executive is examining public services and local government and that savings may well ensue from this scrutiny?

**Mr Close:** This topic came up yesterday during the so-called debate on the Programme for Government. The Executive in its wisdom has produced a document containing strategies, public service agreements and promises about what will happen. The Assembly has existed since 1998. We are fighting the same battles as last year. We are trying to get powers vested in Statutory Committees to do the jobs for which we were elected. We have a scrutiny role we have been unable to fulfil because we are told we have to work to predetermined timetables. That is wrong. We have to get our priorities right.

I will give a further example. The Public Accounts Committee, of which I am a member, has had the opportunity to examine some Northern Ireland Audit Office reports. Anyone who has even a cursory glance through these reports will see the millions of pounds that have been wasted through inefficiency, inaccuracy and the mistaken expenditure of public money. We are an accountable body, and we must demonstrate that accountability by ensuring that all past wastage and maladministration is subjected to scrutiny, with improvements being made. I would much prefer to see that happening than to turn a blind eye and levy an 8% increase in the regional rate, the same as was enacted under an unsympathetic direct rule regime.

2.30 pm

**The Chairperson of the Committee for Social Development (Mr Cobain):** I wish to speak on some Budget issues raised in the Social Development Committee. Various Ministers told the House that Targeting Social Need would be at the heart of all departmental spending policies. Nothing in this draft Budget comes remotely close to fulfilling that assurance. It will make the poor

poorer and increase the economic and social exclusion felt by many in society.

I will illustrate that by making three or four brief points. Last year the Housing Executive budget was reduced by £14 million. Some additional resources were found later in the financial year, but the cut was still severe. Many of us thought that in this financial year, with local Ministers in charge, there would be a real possibility of an increase in that budget. How wrong we were. The Housing Executive budget will be reduced in real terms this year for the sixth consecutive year. The difference this year is that these cuts will be imposed by Ministers elected to this Assembly by the people of Northern Ireland.

As a result of the cuts in the Housing Executive budget, the planned housing programme for North Belfast has been, at best, shelved, yet few would disagree that the area has some of the worst housing conditions in western Europe. Where does cutting the Housing Executive budget, which has resulted in the north Belfast programme being taken out of the plans, fit into the overall strategy of targeting social need?

Rents are programmed to rise next year by 2% above gross domestic product (GDP), or 4.5%. If the Social Development Committee were to recommend reducing rents in line with inflation, £5 million or £6 million would have to be cut from the Housing Executive budget. That would result in bathroom and kitchen replacement schemes for Housing Executive tenants having to be cancelled, another first for Targeting Social Need.

Of course, some will attempt to argue that, since 80% of Housing Executive tenants claim housing benefit, these rent increases will affect only the remaining 20%. The argument is that 80% of tenants are protected from any increase, and since housing benefit is paid from the consolidated fund rather than the Northern Ireland block, this is a method of increasing Housing Executive moneys.

That may be true, but it shows a cynical disregard for the 20% who must pay full rents, including many senior citizens who have worked all their lives and accumulated small occupational pensions. These hard-earned pensions place such people above the benefit threshold, and they have to pay the Housing Executive rent, plus any increase, in full. While pensions rise by 2% this year, in line with inflation, Housing Executive rent increases, if unchecked, will rise by the same amount on average. Consequently, those people will be left even worse off.

Many Housing Executive tenants in low-income jobs must pay the full rent. It is inevitable that those people will consider leaving employment and returning to welfare. If Targeting Social Need has any aim, surely it is the elimination of the poverty trap. Despite that, I stand here in a legislature that is supposed to be locally accountable, and contemplate the potential for widening that poverty trap.

Benefits are the only source of income for many people living on the margins of society. Last year alone, £7 million of income support benefit was unspent — moneys that should have gone to those in need. Unfortunately, this does not reveal the whole picture. Income support, as we all know, is a passport to other benefits. In reality, when we consider an underspend of £7 million in income support, we have to recognise that once other unallocated benefits are taken into account the real sum is probably in the region of £10 million to £12 million. What is the response of the Department for Social Development? It reduces, in real terms, the amount of money we allocate to advice services throughout the Province. I suppose that is in keeping with our policy of targeting social need.

How can we cut housing executive budgets, increase rents, reduce expenditure on advice giving services — all matters that impinge on the lives of people living on the margins in this society — while at the same time increase spending by £50 million to ensure that we can get the trains to run on time?

**Ms Lewsley:** I commend the Minister on his Budget proposals and welcome the opportunity to comment on them. In particular, I would like to touch on the areas of equality, disability and education.

I welcome the commitment to a single equality Act because it will help develop a cross-departmental approach to community development. I also commend the policies relating to gender, race and disability. I ask the Minister what the impact will be on the statutory work of the Equality Commission if the £500,000 deficit in funding is not met.

There is ongoing consultation between the Equality Commission and the Office of the First Minister and the Deputy First Minister with regard to this matter. Now that the issue of funding has been raised, I hope that it will be seriously addressed in future Budgets, if we are to take into consideration the recommendations made by the disability task force. Those recommendations would greatly enhance what is already in progress here in Northern Ireland in relation to equality.

If the Equality Commission is to engage in a full programme of activities, it is important to eliminate discrimination and promote equality across the range of issues for which the commission has responsibility, such as fair employment, gender equality, disability, race and, in particular, the statutory duties. Significant funding needs to be allocated to this.

I very much welcome the £1 million allocated for disability within the commission and hope that it will help to target social need and promote social inclusion for one of the most disadvantaged sections of our population. This is a positive move towards redressing the current imbalance in provision for people with disabilities. I take this opportunity to add that I was delighted to see the issue of disability addressed in their own budget

proposals across three of the Departments collectively in this Government.

The Department of Enterprise, Trade and Investment proposes to create 400 places on the access to work programme, 50 places on the employment support programme and 60 work trials under the job introductory scheme. In addition, the Department for Social Development has allocated moneys to the Housing Executive to facilitate an increase in the number of adaptations to existing buildings, to provide access to about 1,500 buildings for people with a disability. This will go some way to improving the access for disabled to avail of these increased jobs and training opportunities. Adding to that, the Department of Culture, Arts and Leisure has committed itself to making 40 venues across Northern Ireland accessible for people with a disability by 2001. With this combined effort across Departments, it can only be seen to promote access in both social and work facilities and a very positive move for inclusion for the future.

I turn now to the additional moneys made available for education. It appears that the allocation only allows for the maintenance of current spending, plus some extra to cover inflation. Northern Ireland is not getting a fair deal in money for education. Money allocated for education is not ring-fenced, unlike that in England, which goes directly from the Chancellor to schools.

Northern Ireland, along with Scotland and Wales, is evaluated under the Barnett formula, and the money actually goes into the block grant. Under the Barnett formula, only 3.3% is awarded, calculated on an overall population basis, which means that, in reality, there is a shortfall of some £7 million, compared to the allocation of extra funds in England. In fact, to have any impact we would have had needed at least 5%, and I am asking for the matter to be addressed in the revised Budget.

I had hoped that extra money would be allocated to help alleviate some of the areas of hardship in many schools, especially illiteracy, innumeracy and special educational needs. However, it appears that will not be the case. Under the social inclusion section of the Programme for Government, it is acknowledged that these areas will have a significant impact on social disadvantage. But in order for that to happen effectively, the £9.5 million earmarked for schools estates would need to be doubled. That will, in turn, help to address the current problems, continue development on an ongoing basis to ameliorate the issue.

The funding of education is an investment in our future, and we need to invest, not only to stop the system from deteriorating any further, but to develop a comprehensive and inclusive system of education which will reap benefits for our society in the short, medium and long terms.

There is a lot to be commended in the draft Budget proposal, and I appreciate that it is difficult to divide up

the cake between competing Departments. However, it is imperative that we address the current inequalities and begin to work towards upgrading those services most in need, such as equality, education and disability.

**Mr Poots:** Before getting to the bones of what I intend to say, I must comment on some of the things that have been said so far.

I was astounded by Mr Cobain's generosity, and I am sure that Mr Campbell, the Minister for Regional Development, will be delighted to learn that he has now got an additional £50 million for the railways as opposed to £20 million actually in the Budget. Of course, we can excuse Mr Cobain — he has got his figures mixed up before, occasionally, and has had to eat his words. If he is prepared to give that money from the Department for Social Development to the Department for Regional Development, I am sure the Minister will be delighted.

**Mr Cobain:** Can you, being an economics expert, give us a guarantee that rents will not rise by 4.5% this year?

**Mr Poots:** Neither do I sit on the Social Development Committee nor am I the Minister, so I can give no guarantees. But I wait with interest to see what recommendation the Social Development Committee brings forward to the Minister as to how much it believes he should raise the rents by. I am sure the Minister will take complete cognisance — *[Interruption]*

**Mr Cobain:** On a point of order, Madam Deputy Speaker. It is not a matter for Committees to instruct the Minister about what rent increases should be; it is the other way round.

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

**Mr Poots:** Thank you for that ruling, Madam Deputy Speaker. We are used to such mistakes.

We will wait to see what the Social Development Committee has to say. Are they for the rent rise or are they against it? Do they want a 5% increase, or do they want a 2.5% increase? *[Interruption]*

**Madam Deputy Speaker:** Order.

**Mr Poots:** Do they want cuts in the housing budget or do they want a rise in the housing budget? Those questions have to be answered. We look forward to the constructive and positive items that the Chairperson of that Committee will come up with.

I found Mr Close's contribution very interesting — very articulate, as usual, but that did not disguise the flaws. He talked a lot about the regional rate and how it was an immoral rate, a bad rate, a bad tax system. He used words such as despicable and detestable. What other system could replace the regional rate? Perhaps the Alliance Party could come up with something novel, more closely akin to the poll tax? Something, perhaps, that takes account of individuals, unlike the regional rate, which takes account of the property that people live in. Of course, the means

whereby district councils raise their revenue is via the district rate, which is based on the same premise as the regional rate. Properties have a rateable valuation, and a penny-in-the-pound levy is set against that valuation. Are they going to change that as well?

**Mr Close:** Again, I suggest that hon Members acquaint themselves with the facts. The Member for Lagan Valley (Mr Poots) should take a brief course in taxation before criticising those who are putting forward alternative ideas. Will he accept an 8% increase in the regional rate — yes or no?

2.45 pm

**Mr Poots:** I thank the Member for the lecture on taxation. The only problem is that he told us about taking up ideas but did not come forward with any ideas himself. We will take a further look at the Member's arguments. He talked about the Housing Executive — *[Interruption]*

**Madam Deputy Speaker:** Order.

**Mr Poots:** The Member talked about an increase. He assumes that the Minister for Social Development will impose a massive rent increase on the ordinary people of the Province but does not say what he wants the Housing Executive to do. He does not want the Housing Executive to raise rents, but he does not seem to mind having cuts in the Housing Executive budget.

**Mr Close:** The Member refused to answer the first question about whether he accepted or rejected a rise in the regional rate. Will he please tell us whether he will accept an increase in Housing Executive rents of 2% or more above inflation? That is a simple question, and I would like a simple answer — yes or no. He should try to answer at least one of my questions.

**Mr Poots:** I thought that that would be a simple question, so I was happy to give way.

My party will look maturely at each situation and will consider the needs in each area. We will propose what we believe is right. Mr Close said that he had no doubt that if people were asked whether they wanted two more intensive care beds, they would be happy to put more money into the regional rate. If we said to the people on the Ormeau Road or Ravenhill Road "We are not going to do any improvements on the water system here — it can flood next year and every year after that. We are going to keep your regional rate down to 2% each year", they would not be happy. So, we have to look at things maturely and reasonably — *[Interruption]*. I will have to get on with this, because I have other items to raise. The Alliance Party has talked at length about tax-raising and tax-varying powers, but is it serious?

**Mr Close:** Yes.

**Mr Poots:** Will the Alliance Party tell us that the 8% was wrong and that we should really have a 15% rise on the regional rate? I hear the Member for Lagan Valley (Mr Close) saying "Yes". Perhaps he is even saying "Yes" to 20%.

Mr McCarthy is shaking his head. Yesterday he had a wish list the length of his arm of what he wanted the Executive to do. The reality — for Mr McCarthy's benefit — is that there is only a certain amount that one can spend — *[Interruption]* If he wants the things on his wish list he will have to raise taxes. Perhaps the Alliance Party will learn to be mature about that.

The Alliance Party backed the December 1998 deal, which proposed that there should be 10 Departments, thus supporting the spending of extra millions on administration in the Province.

**Mr Close:** Is the Member suggesting that we should get rid of the Department for Regional Development or the Department for Social Development?

**Mr Poots:** I would be happy to return to six Departments and see the old Department of Environment split into two Departments, as the DUP proposed at the time. That would lead to better, more joined-up government. However, it was decided to spend more money then, and now there is less money to spend on housing, sewerage, roads, transport, and so on. I thank those who supported the new structures for doing that for the general public; it was very kind of them.

I want to speak on some issues of interest to the Committee of the Centre. First, there is the failure to allocate money to victims. There was a request for £500,000 of extra money for victims — not a penny was allocated. That flies in the face of the Bloomfield Report, and it goes against what was set out in the Programme for Government.

E-government is an area where the Government could make savings. There would have to be an initial investment, but it would lead to savings in the long term. It could even reduce wastage, and I am sure Mr Close would be interested in that.

Two bids were put in for e-government — one for £14.9 million and one for £0.9 million. Neither bid was met, so not a single shilling is going to be put in to e-government. There is the service modernisation fund of approximately £3 million. That fund will come under severe pressure. It will not go any way towards meeting the needs of e-government and it will be subject to bids from other Departments.

The Government have stated their plans for e-government. They want 25% of key services to be capable of delivery by 2002, and 100% by 2005. That is not achievable if the money is not being put in. The bid, as detailed by the Office of the First Minister and the Deputy First Minister, was to increase the accessibility of Government service for all and improve the efficiency,

effectiveness and economy of Government services. Furthermore, this bid was to enable social inclusion and to put the concept of sell Government once into place. The insufficient early funding of this work may place all the achievements at risk and leave Northern Ireland at a disadvantage. This is contrary to the ethos of the knowledge-based economy.

The words spoken by the First Minister yesterday are hollow, especially as there is no funding in that area. He said

“In addition, as set out in the final chapter, there are a number of cross-cutting initiatives that can improve the effectiveness of the Government. These include the increased use of electronics to create new and more effective means of providing services to and information for citizens and to handle data and information within the Government”.

Legislation has been passed on equality issues. A £500,000 bid was made to implement much of the legislation that has been put before the Equality Commission, but it was not awarded.

All of this contrasts with those bids made in respect of departmental running costs which seemed to be met in full every time. No attempts were made to reduce those bids. For example, the economic policy unit bid for additional staff and received £479,000 — the full amount of the bid. The office of the legislative council sought additional staff and received its £106,000. The race equality branch bid for £125,000 for additional staff and received it. The list goes on. Government Departments received all the money they sought for additional staff in the departmental running costs.

The same situation exists in the Department of Agriculture and Rural Development. The agriculture budget has risen by £25 million, however the farmers will not be any better off. It is a good budget for the Department of Agriculture and Rural Development, but it is not a good budget for agriculture. It is alarming that the budget for agriculture amounts to almost twice the profit of the industry. It costs twice as much to administer the Department of Agriculture and Rural Development in Northern Ireland as the farmers are making.

There are a number of environmental issues that must be dealt with. I welcome the 12% increase in direct funding and the possibility of a further 2.3% increase as a result of retaining the receipts from the Environment and Heritage Service (EHS), planning and the Driver and Vehicle Licensing Northern Ireland (DVLNI) — and I thank the Minister for his co-operation in that — but there are matters of concern to the Environment Committee.

For example, there was a bid made for £1.38 million to lift the moratorium on the historic buildings grant. The Programme for Government states that the Executive will seek to bring in additional funding through a number of private initiatives as well as the lottery. However, as a result of the Department of the Environment not

receiving the £1.38 million for the EHS, the Department is going to lose out on a large amount of lottery money. We have to have the money to pump-prime those projects so as to release the money that would be available from the lottery.

A further £461,000 is needed to maintain the Department's own historic properties, and that has not been provided. We need to take a serious look at our built heritage, not just through words in a document but by awarding funding through the budget. In the resources element of the exchequer grant for the local authorities it is also a concern that our councils will lose out on around £556,000, while the councils in England, Scotland and Wales got their rewards in full. Those are matters that need to be addressed.

I am concerned that there has been a 0.1% drop in the money that will be spent on roads. I know that roads are not exactly the darling of a lot of people's eyes and that cars are not deemed as being environmentally friendly, but we all use them. We all like to have good quality transport, drive down good quality roads, and get to where we are going in a reasonable time. Roads continue to deteriorate and it is important that we look after them. We need good quality roads and we must look at the budget and ensure that more money is invested in the Roads Service.

I welcome the additional £20 million that has been invested in the rail service. It has been crumbling for years, and if the money had not been invested, there would be no rail service in a few years' time. In yesterday's debate on the Programme for Government, the Office of the First Minister and the Deputy First Minister stated that it wanted more buses of a higher quality and a younger fleet. Unfortunately that was not addressed in the budget, and the Department for Regional Development's bid for additional money for buses was not met. It received £5.1 million, which will replace 28 buses a year, but 80 buses need to be replaced over the next three years just to bring them up to a reasonable standard.

With regard to Culture, Arts and Leisure, more money should have been invested in libraries. A high increase of 18.7% was allocated to the arts and only 5% was allocated to libraries, but libraries are more accessible to Joe Public. I also have concerns about the allocation to the Northern Ireland Events Company. Some years ago we saw quite a lot of money squandered in projects in the Positively Belfast debacle. The Northern Ireland Events Company should be more accountable for its finances. I would also like to ensure that the money is spread throughout the Province of Northern Ireland and is not spent solely on Belfast.

**Mr McElduff:** A LeasCheann Comhairle. Ar dtús ba mhaith liom argóint a dhéanamh i bhfabhar na cothromaíochta do mhuintir Thír Eoghain agus Fhear Manach sa díospóireacht seo. Leis an fhírinne a rá, níl

rudaí cothrom sa tsochaí seo, agus caithfidh an tAire — leoga, caithfidh an t-iomlán againn — seo a chur san áireamh agus sinn ag plé leibhéal an ráta réigiúnaigh, mar a thugtar air.

Rather than argue for more money for roads, it would be much more productive if Mr Poots could persuade his party's Minister to attend the Executive meetings where those arguments take place and where decisions are made. I oppose the idea that the regional or Six Counties rate should be applied uniformly throughout, ie, 8% domestic and 6.6% non domestic, because it does not take into account the fact that the playing field is very unequal.

As an Assembly Member for West Tyrone, I am acutely aware of the historical legacy of discrimination, neglect and underinvestment west of the Bann — and I refer specifically to County Tyrone, County Fermanagh and County Derry.

The allocation of resources is unequal, and the playing field is not level.

3.00 pm

When arriving at the regional rate, the Assembly must legislate for those areas that have been completely denuded of essential hospital services. County Tyrone is a case in point. There is no maternity hospital, and expectant mothers have to travel unacceptably long distances on poor-quality roads. Lives are being lost, there is virtually no midwife cover at weekends, the out-of-hours surgery and GP cover is inadequate, and people from places like Eskra and Carrickmore are expected to travel to Enniskillen and Craigavon. That inequality needs to be legislated for when striking the regional rate. These are areas where the health service has been in steady decline for many years. It has been constantly eroded and virtually disassembled, brick by brick.

Similarly, the Assembly must legislate where there is no rail provision; where the road infrastructure is completely inadequate; where rural roads are not gritted unless there are 1,500 vehicles per day (not even school bus routes qualify); where official job-creation agencies have failed the people consistently; and where access to many public services which are taken for granted elsewhere has been denied to whole communities.

I do not believe in this uniform approach to striking the regional rate. It is fundamentally wrong and should be reviewed, because it disadvantages rural communities. After all, the M1 stops at Dungannon, and the M2 stops beyond Antrim. People west of the Bann should not be subject to the same percentage increase.

I wish to raise the issue with Nigel Dodds in the strongest possible terms. Earlier, he argued very unconvincingly about North/Southery, as he calls it. He said that North/South development constitutes a waste of public money. That is a completely irrational, party political approach that ignores the evidence that the creation of a single island

economy and the avoidance of duplication is the way forward.

Let us go about the business of creating a single island economy and take account of the huge savings that such a rationalisation would bring about. We would not have two health systems, two education systems, two agriculture systems, two tourism systems, and two industrial development systems. Ireland is far too small a nation to have two systems of health, education, and so on.

Unsurprisingly, Mr Dodds did not mention the Celtic Tiger very often. In my book, there are rather more compelling reasons for deepening and expanding the role of North/South implementation bodies. That is a far cry from Mr Dodds's invitation to justify those bodies from a defensive standpoint.

Today I spoke to a professional person from County Fermanagh who is very concerned about the level of the rates. He said that at the end of the day the only hope for Counties Tyrone, Fermanagh and Derry might lie with the Twenty-Six Counties. Then we might get our kitchen adaptations and house adaptations, our operations and our central heating; and our rural housing, which is unfit, might be addressed.

I want to touch briefly on other relevant issues. The Executive and the Assembly need to begin to define medium-term spending priorities so that we can use these to argue for increased spending targets for 2002-03 and 2003-04 and in future spending reviews. The present proposal to increase commercial rates by 6.6% is going to further cripple traders in town centres, who are already suffering stiff competition from out-of-town commercial centres. In Omagh, there has been a huge outcry from traders at the huge increases in their rates year after year without any hint of a reprieve or any demonstrable understanding of their plight.

On another point, where is this peace dividend that we have heard so much about? Where is this concept of making a difference for people living west of the Bann? Where and when is the balance to be addressed and redressed? Finally, we need to raise public awareness about the whole business of the regional rate being stuck. We need to demystify it and explain it.

Mr Dodds referred to people receiving their rates bills and distinguishing between the regional and district elements. I do not think people do that. People receive their rates bills and wonder what public services they are getting in return. In rural areas there is a particular deficit of confidence in this regard. As other Members have outlined, the district councils have to bear the brunt of the blame from people who, quite understandably, do not fully understand the procedures and methodologies involved. I want to promote a programme of public awareness to aid transparency. Go raibh maith agat.



**Mr Weir:** We need to ground our examination of the Budget in reality. We can all come up with a wish-list of what we would like the money to be spent on. Indeed, if we were to add up the wish-list we would probably find that it amounted to twice the Budget that we are discussing today. We should not lapse into the green-tinted Utopia that the Member opposite seems to advocate — a 32-county Utopia that would cure all our ills. Suddenly there will be no ill people, and there will be money flowing in by the bucket load.

The reality is that we have got to look at how we can play a better role as part of the United Kingdom, which is an economy with a population of 58 million, and not at an all-island economy based on a population of 5 million. If the Member opposite understood anything about economics he would realise that what he has put forward is simply a recipe for Northern Ireland to go backwards into economic decline.

**Mr Paisley Jnr:** Does the Member appreciate that the party opposite knows very little about economics but a great deal about racketeering?

**Mr Weir:** Members opposite are obviously able to speak on their own levels of expertise. I presume that they have many skills and insights which some of us on this side of the House would not be party to.

I give a cautious welcome to the broad thrust of the Budget. That will come as a surprise to many Members, because I am not noted for saying positive things in the House. I will reassure those Members a little. Whatever positive remarks I make about the Budget, I will try to temper them with concerns, so that there will be no undue excitement in the Chamber today.

It is easy to welcome a Budget when we are in a position where, with the exception of the regional rate, or the Durkan tax, as it was called earlier, we are not actually raising any taxation. Instead, we are reallocating the largesse from the Northern Ireland block grant.

Although there are arguments that Northern Ireland could have done better, we are able, following the comprehensive spending review, to have reasonable increases in spending across the board. That is to be welcomed. However, it is easy to deal with a situation where we are essentially looking at what additional bits of the cake can be brought into play. The real test of any Budget will be when we are faced with no net increases and are having to reallocate money on that basis. That may happen in future years.

I add a further caveat. The Finance and Personnel Committee, albeit having a somewhat inadequate amount of time to do so, will be scrutinising this Budget very closely. It is clear from remarks made today that this is not a perfect Budget and that there are changes that need to be made. I advise the Minister that the Finance and Personnel Committee will be doing its job properly and scrutinising the Budget. We will not simply undertake a

rubber-stamping exercise. We will be looking at where improvements can be made. He need not think that we are going to put a big tick at every aspect of the Budget.

Having said that, I want to deal with a number of specific aspects of the Budget. First, a general welcome must be given to the spending increases in education and health. The key test of both of those — indeed, of any local administration — will be the extent to which people on the ground feel the benefit. In education, there is a massive backlog in the capital schools spending programme. The Health Service is in a shocking state. Last week a constituent of mine was injured in a house fire and a bed could not be found in the whole of the Eastern Health and Social Services Board area. That person had to be taken to Craigavon. That is an absolutely deplorable state of affairs. The key test of any increase in spending on education and health, indeed across the board, will be the extent to which it benefits people on the ground, rather than simply adding money to administration. Health and education must be watched closely.

I also welcome additional spending within the Department of Environment on planning services, which has not been mentioned so far. Members will agree that there are problems surrounding planning issues. Many regional plans are out of date. The provision of more money to accelerate various development plans is to be welcomed. I was at a meeting last night in Donaghadee, where there have been a lot of complications with the Planning Service, but North Down is not an isolated example. It is a problem right across the country. The budget increase of 23.5% for the Planning Service is to be welcomed.

It is important that we are putting more money into the railways. I would not be as dismissive of that as another Member. During direct rule, and probably before, regional development tended to be the poor relation of the Northern Ireland Budget. Public transport has been the poor relation within regional development, and the railways have been the poor relation within public transport. As a result, the railways have been underfunded for years. The additional £20 million that has been put forward is an attempt to rectify those problems. This is not a question of luxury spending on the railways; it is an absolute necessity. If we do not spend money on the railways now, as recommended by the AD Little report, we will not have the opportunity in five or 10 years' time. If we do not spend it now, the railways in Northern Ireland will be completely untenable.

Some people refer to spending on railways as if it were some sort of glib project. A lot of that money has to go into track safety improvements. The events of the past month, both in England and now sadly in Austria, show us of the danger of not paying enough attention to rail safety and the threat to human life. This money being put into the railways is welcome.

If, however, we are going to consolidate the railways — which I think is the right course — it cannot be done by neglecting the rest of the railway line. We have got to see this as part of an overall project of real investment in the railways to ensure that Northern Ireland is not the poor relation of the British Isles while vast amounts of money go into transport both in Great Britain and the Republic of Ireland.

Those things are to be welcomed. I also have some concerns, some of which have been raised already. I am concerned about the regional rate. I do not have the experience of local government as some of the other Members who have spoken, so perhaps I do not have the same personal axe to grind, but I remain to be convinced of the merit of the rise in the regional rate. It has to be made clear why that is taking place. I also share the concern that, at the moment, there is no transparency with the regional rate.

3.15 pm

If money is to be raised through a regional rate or some such device, it must be made clear that the decision has been made by the central Administration at Stormont and that local councils are not directly responsible for it. Councils must not carry the can for decisions that are made by other people. We could call it the Stormont tax, or even the Durkan tax, but it must be clear that it comes from Stormont, rather than local government. Furthermore, I remain to be convinced that the rise in housing rents can be justified.

Finally, I express concern at the increase in departmental running costs. Many of us had concerns about whether 10 Departments were appropriate for the administration of Northern Ireland. Setting that aside and looking at the budget figures, we can see that there have been large rises in departmental running costs for the majority of Departments. Not all of those rises are due to the transition to devolution. In each case, the rise in departmental running costs is above inflation. In most cases, running costs are increasing at a higher rate than the level of spending by that Department. There must be a close examination of that.

We have had a useful listening exercise, although the last Member to describe it thus did a great deal of talking for someone who was so interested in listening. We must ensure that we get the Budget right. This is a tremendous opportunity, and we must ensure that it is used to benefit the people of Northern Ireland, rather than just to put money into the Administration.

**Mr Byrne:** The Budget is primarily about distributing the block grant allocation to Northern Ireland determined by the Chancellor, under the notional Barnett formula. Total spending is now about £6 billion a year. The Barnett formula has been in existence for about 25 years. Northern Ireland gets a share based on its population.

The allocation does not, however, reflect relative regional GDP. That would give us more, on a pro rata basis. Northern Ireland is almost doubly dependent on public sector spending as a proportion of GDP. Over 60% of our economic output is dependent on the public sector; the rest of the United Kingdom is much less dependent on the public sector. Our economy is largely driven — or perhaps constrained — by the public sector. The challenge for the Assembly is to decide how the new administration can give new impetus and thrust to the local economy, so as to generate more economic activity, create more jobs and produce higher value added output from the private sector?

We can learn from our neighbours in the Republic. That is why I give a particular welcome to the economic aspects of the North/South institutions and to the meaningful co-operation between the northern Administration and the Administration in the Republic. Why do some parties in the Assembly feel so aggrieved and threatened about spending on these North/South institutions? The promotion and development of economic activity will be to our benefit.

**Mr Paisley Jnr:** Regardless of the political differences in our attitudes to “North/Southern”, does the Member accept that there is a great deal of expense associated with the North/South Ministerial Council meetings? Written Answer No 169 revealed that the cost to one Department of ferrying officials back and forth was £16,000. Does he not realise that that is a waste of resources? I am sure he could come up with ideas on how that money could be better spent in his constituency. I could certainly come up with a whole lot on how it could be better spent in mine.

**Mr Byrne:** I thank the Member for his comments, but my attitude is not to prejudge outcomes. Let us give new institutions and mechanisms a chance to operate, then apply some qualitative assessment to their performance. Let us learn from the Republic in a collaborative and productive way. The five Executive programme funds, in my opinion, offer the greatest potential for stimulating and promoting what I call public policy redirection, for resource adjustment to kick-start the private enterprise sector in Northern Ireland and to enhance general economic activity.

The drawing up of public service agreements in Departments is a welcome development proposal, which offers a new opportunity for us to contribute at three levels to improving the performance of this small regional economy. There is a great need for a stronger interaction and engagement between politicians in this Assembly, civil servant policy formulators, and the other social partner stakeholders — Northern Ireland commerce and industry and the voluntary and community sector.

I welcome resource budgeting if it leads to better Government departmental performance, where targets based on predetermined objectives are set. It is absolutely essential

that output performance is continually measured, so that corrective action can be taken in the remit of public accountability and ultimately deliberated upon in this House.

The thematic approach in the Budget and in the Programme for Government is welcome. Creating a more competitive regional economy is necessary. The primary themes are based on equality implementation and New TSN. To those people and sections of our community who need help, this must deliver an encouragement to develop themselves and their communities. Community development has been very successful over the last ten years, particularly in rural Northern Ireland. How can this administration stimulate and enhance more widespread urban community-based developments, striking a sensible balance between the social and economic parameter objectives? That is now the challenge. The European Union initiatives and money have greatly enabled this process. I regard the five programme funds as a similar public policy mechanism to enable better economic and public performance. I make particular reference to the service modernisation fund, which I believe can lead to a better performance. The new directions fund can enable new directions to be created and can add to the private sector enterprise-driven approach which needs to be developed in Northern Ireland.

Many people have talked about the infrastructure capital fund. We all know about the neglect of investment in roads, rail, water and sewerage over many years. Some Members asked today why nobody had blown the whistle early on. I ask that question again. Surely we should have been informed ten years ago about the under-investment in these funds and projects. We have now reached the stage where massive investment is needed for this region to perform better economically. That is the reason I welcome the discussion about using private finance. We should have no ideological hang-ups about using private finance for public sector investment. However, private finance should be used in such a way that we do not add handicap to the public purse. It must be used in a meaningful way that does not add extra costs or burdens.

In the early 1990s the Irish Government secured £8 billion from the 1994-99 European structural funds. We received only £1 million. The economy in the Republic has performed extremely well since. The reality is that in the same period we in Northern Ireland got £3.5 billion per year from the British Exchequer — £17.5 billion in total. We can reasonably ask what are we doing wrong that we do not have a better local regional economic performance.

**Mr Shannon:** I want to highlight three issues, the first of which concerns the spending on roads. We welcome the fact that there is going to be a substantial amount of investment in the railways. It seems to be specifically directed at the safety aspects, and we would like to see more money being put into that category. That poses some questions. What would happen if the Westlink does

not go ahead? Where would that money go? Would it go directly into the railways or into other road schemes?

With regard to the budget for the Department for Regional Development, we are all aware of the needs. Important roads schemes have been put on the long finger. For example, the Comber bypass has been on the list to be constructed for the past 30 years. Today all we have is the land, which has been recently acquired, but we have not got a start date. Perhaps, at long last, work could commence in the current financial year. There must be some criteria to deal with long-delayed projects such as this. We have waited too long for a road scheme the need for which was recognised 30 years ago, and the problem has been exacerbated during this time.

The second issue is cultural and linguistic diversity. I want to deal specifically with the promotion of Irish-medium education. The Programme for Government document refers to viability criteria. What does that mean? Where does Ulster Scots appear in this? It seems to be solely about Irish-medium education. Are there viability criteria for Ulster Scots in the education system? Can the Government ensure that Ulster-Scots will be allocated funding equal to that set aside for Irish-speaking schools and the integrated education system? In the interests of fair play we want to see this matter resolved. In the programme there is no fair play for the Ulster-Scots language, nor for our culture or history.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

The third issue concerns the health sector. We must all be aware of the needs of the community. I want to target a particular group — those who suffer from Alzheimer's disease or dementia. I find it disappointing that in the proposed Budget there has not been further consideration given to the needs of an ever increasing elderly population. In the next few years there will be an increasing demand upon the Health Department. As people age the possibility of dementia increases as well.

It is estimated that Alzheimer's disease will affect more and more people, yet in the Budget of £2,284 million it has been given no specific consideration. We should be looking at ring-fencing money for the care of those with dementia and Alzheimer's disease. If that money were to be set aside it would mean a full range of care and support services in each of the trust areas. One of the concerns is that in our contact with the boards we have found that only one that has set aside money for the problem. The Western Board has set aside just over £2 million.

3.30 pm

None of the other boards has got as far as that yet. That is very worrying. It shows very clearly that the Health Department itself does not seem to have acknowledged the problem. They have had a programme with recommendations sitting on the table in their Department for

five years, and nothing has been done. The health boards themselves, with the exception of the Western Board, have not even got to the stage of putting this on their list of things to do. That speaks volumes the lack of commitment from the boards and from the Health Department

Are the health boards and the Health Department hoping that the dementia problem will go away? That certainly will not happen. There is a responsibility on the health boards and the Health Department to provide dementia services. They need to be provided now, and the strategy needs to be put together at once.

At present there are 16,000 people in Northern Ireland who suffer from dementia. In the Eastern Health and Social Services Board area — my own area — there are 7,200, by far the largest number in any board area, and yet they have no programme whatsoever at this time. That is despicable. We depend upon volunteers. Everyone recognises the good work that volunteers do. There are some 40,000 volunteers who look after those 16,000 people who suffer from dementia and Alzheimer's disease.

If a little was spent now, a great deal could be saved later on. Early diagnosis costs would be one way of doing this. At the moment, an early diagnosis costs £330. With a distinct possibility of having 1,500 new cases each year, the total cost could be £0.5 million. However, if we do something now, we will have fewer concerns later on in relation to health and the cost of looking after those suffering from dementia. There are also drugs available. Money should be spent to combat Alzheimer's disease. There is also a host of volunteers who are quite willing and able to give aid to those suffering.

The Assembly and the Department have the power to ring-fence moneys. I would like to see that happen, as that is the only way to ensure that dementia sufferers will be cared for. We have to recognise the growing demand on resources. We all recognise that. This is not just a wish list. These things are very important. An increasing number of people will need help, yet there is no security of funding. This must be addressed in this year's Budget.

Many people already feel isolated and socially excluded. It is not just the sufferers but also those who provide the care. Purchasing plans should recognise the need for the development and availability of a full range of care and support services in each community unit and trust area. That is what we are seeking. Service providers should plan to ensure that appropriate support and care is based on an assessment and maintains the quality of life and independent living of people with dementia and their carers. We have to ring-fence the money and ensure that it is there in this financial year.

**Mr Deputy Speaker:** Members might like to have a progress report on how we are doing. There are 15 Members still to speak, as well as the Minister, who, by convention, has 10 minutes for each hour of debate. I am sure that he will manage to get his words in in that

time — about 60 minutes. Mr Leslie will wind up. I am not putting any limit on your time, but I am making a little suggestion that it might be wise to try to think of something absolutely new to say, because there is a tendency towards repetition.

**Mr McCarthy:** Much has been said on the Budget proposals already, and you will be glad to hear, Mr Deputy Speaker, that I do not believe in repetitiveness. I wish only to comment briefly. I wish to underline my total and absolute opposition to the proposed 8% increase in the regional rate. My Colleague Seamus Close has adequately spelled out our total opposition. I welcome the speech this morning of Nigel Dodds, who was also in opposition.

This increase is a breach of two important taxation principles. First, the people who spend the money — namely, the Government — should be made accountable for expenditure. However, when people receive their rates bills, they do not make a distinction between the regional and council rates — they see them as a lump sum. Councillors recognise this, and there are many of us in the Chamber. It is councillors who will be blamed for the rates increase, rather than Mr Durkan or the Assembly.

The second principle is that taxation should be progressive — the more you earn and the more you spend, the more tax you should pay. However, this regional rate is a form of regressive taxation. Everyone needs to live somewhere and most people end up paying rates, directly or indirectly. Rates payment often hurts the elderly and single parents, who do not have a regular income. Has this proposal for an 8% increase been equality proofed?

The First Minister told us yesterday that the new Administration is responsive to the community it serves and that it is in tune with the people who elected it. That was a very important statement. When the Executive discovers that many representatives, including councillors, are opposed to this 8% increase in the regional rate, will it act accordingly and take alternative measures?

The Alliance Party is not opposed to increased spending by the Assembly; indeed, the opposite applies. The people of Northern Ireland want properly resourced public services and they are willing to pay for them. My Colleague Mr Close suggested means by which this can be done — namely, through a reduction in waste and greater efficiency. However, the Alliance Party is opposed to the use of the regional rate as a back-door mechanism for finding extra money. The Assembly should be upfront; it should also be arguing for tax-varying powers for Northern Ireland. This morning I was glad to hear that Mr McGrady is coming round to our way of thinking.

**Mr Paisley Jnr:** Will the Member give way?

**Mr McCarthy:** No. The Member did not have many constructive comments to make, so I will not waste time now.

It is a good idea to set up a common fund under the common authority of the Executive to examine such cross-cutting issues as e-government and children. While these funds are relatively small this year, there will be a more significant sum over the next couple of years. The Alliance Party welcomes some of the specific increases to be made in spending for individual Departments. Nevertheless, I am concerned that the requests from the Department of Culture, Arts and Leisure were not met and that libraries, which are an important facet of the community, are not being properly funded. The lack of funding for our rural road system is another problem.

Health is the biggest concern of the people of Northern Ireland. We welcome the 5% spending increase on paper, but we are suffering from insufficient provision of major equipment, a shortage of intensive care beds, and so on. This problem has been best illustrated by the case of a burns victim from Bangor, who had to be taken to Craigavon Area Hospital before a bed could be found for him. This type of incident is a total disgrace, which cannot be tolerated, and while it continues, every Member should accept some responsibility for the problem and take the necessary action to secure sufficient funding so that this never happens again to any member of our community.

The Budget tells us that this extra money will enable the Department of Health to respond effectively to the needs of an ageing population and to the rising costs of modern medicine. It also claims that there is provision for the continuation of such essential commitments as addressing winter pressures, waiting lists and the deficiencies of the ambulance fleet.

This is certainly a bold claim; we will be able to judge it as time goes on. Let us hope that the ambition will be achieved. Nevertheless, it is worth noting that Northern Ireland will still remain well below the European average for health spending as a portion of GDP. Many more resources are needed. At the same time we must ensure that the money is spent wisely and efficiently. A review of health administration is inevitable, and the sooner this is done, the better.

We in the Alliance Party are anxious that more resources are devoted to preventative medicine, cancer research, care in the community and public health. Such investments can help to avoid much greater costs later.

This Budget leaves a lot to be discussed and debated. I am most unhappy with its contents and look forward to a much improved Budget when the Committees have carried out their duties. Finally, I will not support a Budget which is funded in part by an 8% increase in the regional rate; I will not support a Budget which is funded in part by inflation and by a 2% increase in the Housing Executive rents.

**Ms McWilliams:** Most of my questions are to do with transparency and accountability. Though I have digested these figures during the year, I find it very

difficult to follow them through from the Estimates into this draft Budget. The Minister has mentioned the ability that we have now to draw into the block funds some moneys to which we previously had no access. I want him to address that issue.

Where did the £63 million go? I asked this during the last discussion of the Budget for the New Deal, and I note that, no matter how hard I try, I cannot find it now. This is a substantial sum. It may be worth noting for the record that £63 million is more than what some Departments have to spend. I want to draw attention to the fact that, though we in the Higher and Further Education, Training and Employment Committee have inquired about its whereabouts, we still cannot find that money. A huge sum of money was set aside. We were not allowed to spend it, and we were told it was ring-fenced. As it cannot now be found, there may be a question mark over whether it was ring-fenced. It would be good to have an answer to that before today is out.

I would also like to ask the Minister how he managed to get such a huge increase in the Executive programme funds. The sum of £16 million has been set aside this year, but will that rise to £200 million? While we have been talking about increases of 5% or 8%, year on year, in the devolved expenditure, here is an increase of over 1,000%. How have we managed to rise from £16 million to £200 million? Are these the funds that we were formerly forbidden to touch, or is this some type of new money?

I would also like to ask the Minister who will be held accountable for that funding. Which Committee will scrutinise the Executive programme funds? I must emphasise again that £200 million is more than the entire budget allocated to some Departments. Perhaps a special committee should be set up to query this Budget. I am not for one minute suggesting that I am not happy to see it; on the contrary, I am delighted to see it. However, if we are to exercise a scrutinising function to hold people accountable for spending — as the Assembly requires us to — I would like to know how we intend to do that with such a large Budget.

I am also concerned about the lack of transparency. Perhaps the Minister would have a word with the headmaster and the deputy headmaster. I draw Members' attention to page 26 of the Budget, which refers to the Office of the First Minister and the Deputy First Minister — it gives us three lines.

3.45 pm

If I had asked my students to answer an examination question and had given them as little information as this, I would have expected very little back and would have marked them down accordingly. I am disappointed that something that was set up as innovative and was given such huge responsibility should deliver a Budget like this. It tells us about the Secretariat's functions, but not about how much money is to be assigned to each constituent part.

We talked about the Programme for Government yesterday, and justice is one of its themes. The programme says there will be a strategic policy on victims, but this is not mentioned once in the draft Budget. No mention either is made of funding or of any allocation to service the unit. This issue has been raised on the Floor before. I am asked over and over again who is responsible. I thank the Minister for telling us that responsibility is split between the Northern Ireland Office and the Office of the First Minister and the Deputy First Minister.

Where does this fall under the Budget and how much money is assigned, for instance, for equality and the Civic Forum? Members opposed to the Civic Forum have often asked how much it costs. The Civic Forum is up and running now, and it would do us no harm whatsoever for those questions to be answered. We know how much it costs, and that should have been included in the Budget.

I know that this is asking an enormous question of the Minister, but why has there been such a huge increase in departmental running costs? For example, the running costs for the Department of Higher and Further Education, Training and Employment have increased by 16%. I would like to think that we could send out a message that year-on-year departmental costs should not rise by more than 4% to 5%, and occasionally 6% to 7%, depending on the introduction of new programmes. I sit on the Higher Education Committee, and I am unaware of any new programmes. In a recent announcement the Minister of Higher Education said that he intended to consolidate his Department by bringing in the Training and Employment Agency. That should cut running costs rather than increase them.

I think the Minister misunderstood a previous question about groups going to the wall as a result of transitional European funding. I am delighted to hear the plea that we continue our excellent work in the community and voluntary sector in Northern Ireland. The Programme for Government states that it will attempt to build on that work, given the divisions we have had to face over the years in our communities, and it applauds that sector for interfacing across the sectarian divide.

The Minister has probably received letters from these groups and will know that they are making many people redundant, either because they do not have transitional funding to tide them over or because of sustainability. This is a crisis, an emergency, and the Minister is as aware as anyone else of what is facing the groups on the ground.

In order to see a way through this, I would ask what plans we should now be making to draw down funding such as lottery money or other outside funds. The Programme for Government speaks loudly about developing a social economy. I am glad to see the words "social economy", but that idea should be built into the Budget, and I do not see how that can be done if funding and resources are unavailable.

The women's sector of the lottery funds has been spending many millions of pounds on work that has many indicators of success, but the National Lottery Charities Board has said that it is now struggling, either because the lottery is going down or because not enough people are buying lottery tickets. On average, £20 million a year was given out to that sector in Northern Ireland and funding has now decreased. It is no longer able to facilitate the large number of women's and community groups in particular. They have written to us and pleaded for someone to look at this seriously. Perhaps we should look at drawing down National Lottery funding into Northern Ireland — we were told that we might be able to do that after devolution — and then take responsibility for how much comes here. I know that decisions about what happens to the money here are made in London because I once sat on the National Lottery Charities Board when questions were asked about what would happen and how much more flexible it would be upon devolution. The Minister has not been assigned that yet, but, given that we do not seem to be able to mainstream funds, the good work is going to the wall. We are not able to sustain it, so we may have to consider how we use outside funds.

How flexible will this Budget be in terms of policy changes? We are currently undergoing a student review, and we may not have the answers to that in time to incorporate them into this Budget. No doubt they will be held off until next year's. I hope not. However, other issues will arise.

Members may be aware that a High Court judge ruled the other day in the case of a 12-year-old boy who had previously absconded from residential care and had been given a place at Lisnevin juvenile justice centre — where he should not have been for a minor disorder charge. He was there because no secure beds could be found for him. The lack of secure beds resulted in this child ending up in a juvenile centre. There is now a secure bed, but unfortunately, in spite of the High Court judge's ruling that he be given 24-hour supervision, they are unable to find him. He disappeared 45 minutes after entering the residential-care home. That shows the crisis we are in. The Programme for Government and the Budget say that some additional beds will be made available. It is important for us to note that number is only 12 — 12 when we need 115. We have many young boys and girls absconding all over the country.

I am glad that we have got 10 extra psychiatric beds because the mental health problems of our young people are excessive. They have not been provided with the necessary services, particularly in the light of the troubles. We are facing a crisis unless we incorporate some policy changes into the Budget. I would put down a marker that we stop waiving budgets, that particular issue relates to the Department of Health, Social Services and Public Safety.

I am pleased to see that some Ministers have said what they were not successful in bidding for. The Minister of Further and Higher Education, Training and Employment said he was unsuccessful in obtaining any money for foundation degrees. However, I see in the Programme for Government that that is one matter that we will be taking care of. Therefore, if we are talking about cohesiveness, let us have that between the Programme for Government and the Budget. There is no point saying that we hope to do things and then find from the Budget that we cannot.

Finally, can we have a little bit more clarification in the final plan of what was in the Chancellor's initiative in the past, what was non-devolved, and what is now in the Executive programme funds. We can understand the figures. What we cannot understand is that when we voted last year on the Estimates, a figure was available to us yet in this draft there is no longer a figure for the year 2000-01. I want to see those figures because I want to see what is available for this country, the total that was available last year under the Chancellor's initiatives, and what is available out of the Executive programme funds for next year. I want to see how much new money we have and whether we will continue in a crisis management situation.

**Mr Savage:** I welcome the Minister of Finance and Personnel's well-presented Budget for 2001-02, especially its laudable aims of transparency and greater flexibility in departmental accounting. However, I have reservations about the real impact of the Budget on farm incomes. In determining the expenditure limit for the Department of Agriculture and Rural Development, the new formula of resource accounting and budgeting has replaced the old cash accounting system. The rationale for this is set out for all Departments in the explanatory memorandum attached to the Executive's public expenditure plan for Budget for 2001-02. The danger of this system, which is consumption-driven rather than cash-driven, is that Departments with the culture of saving as opposed to spending will be the losers, while Departments with a big-spender mentality will gain — in short, waste will be rewarded.

The Department of Agriculture, as in the United Kingdom, sees itself as a regulator rather than as a support mechanism for farmers, which is what happens in France, for instance. This is borne out by the more selective targeting of animal disease compensation — what the Minister calls “enabling planned provision to be aligned more accurately with anticipated requirements”. This targeting is reminiscent of the Chancellor of the Exchequer's targeting of additional money for pensioners, which has caused such a furore nationally with its implications of means testing. This may be prudent financial management, but it looks miserly in the context of the real crisis in farm incomes and hardship in the farming sector.

The Minister must avoid the temptation, which seems to afflict all Finance Ministers, of becoming the Scrooge

of Government. The year-on-year percentage drop in the budget for rural development is disappointing, especially as this is an important supporting mechanism in enhancing farm incomes. I question the calculations because the expenditure remains almost unchanged at £8.3 million, and this implies that inflation is only 0.4%. Even with the United Kingdom's enviably low rate of inflation, and the Irish rate of almost 7%, our figures cannot be as low as that.

Therefore the agriculture sector needs our protection, and so does the fishing industry. It seems that everything under the remit of the Minister of Agriculture is under serious threat. For example, the average net profit of a trawler has fallen from over £29,000 to just under £3,000. This needs immediate action, as it represents a reduction in profitability of over 90%. With so many of the areas under the Minister of Agriculture's control in a state of crisis, I often wonder if the Minister becomes depressed. I am sure that the active solutions the Ulster Unionist Party can offer her must be of great comfort to her, and I hope that the Budget will go a long way to alleviate the present problems in the agriculture industry.

**Mr Dallat:** Mr Deputy Speaker, I noted your opening remarks and will confine myself to one issue — one that has been mentioned by Ms McWilliams. I ask for the allocation of greater resources to address the needs of adult education, lifelong learning and community-based projects operating in this field.

4.00 pm

A close examination of the allocation of resources to the Department of Higher and Further Education, Training and Employment reveals that the percentage increase does not allow the Minister to address these issues as I am sure he would wish to. A written answer from the Minister of Education this week made it clear that the Department will be unable to meet its targets for improving literacy and numeracy in secondary schools. The problem does not begin in secondary schools but starts almost from the moment a child is born. For more than 250,000 people between the ages of 16 and 64 the problem will continue for the rest of their lives unless more money is made available to address this injustice. This is happening in a society which, it is claimed, has the best education system in the world. We need to pause, stand back and remind ourselves that it is not just our city centres that need to be lit up as we emerge from the dark days of the past. The lives of our people must also be rekindled. The Programme for Government, which was discussed yesterday, promises to do that, but there must be adequate resources to address the needs of those who have been marginalised in the past, including those who have lost out on education and training.

Last week I saw a chink of light when I visited a cross-community project on the Ligoniel Road in north Belfast. Here the local community, including parents,

teachers and children, work as a team to ensure that no child leaves school without being able to read and write. The project depends on public funding which will run out in a few weeks, unless resources can be found to keep it going. What will that mean for the children? Little Jimmy has moved house three times since September. He has serious learning difficulties, but his workbooks suggest that, slowly but surely, he is building a vocabulary of words that will form the foundation for his future. He is helped by a classroom assistant from the community, who has benefited from the same community education project. Sitting beside him, I remember little Rebecca, another child who now has an air of confidence about her as she receives personal help from another classroom assistant. I intended to spend no more than half an hour there, but after two hours I was still excited by what I was learning.

In the heart of this socially deprived area there is hope for the future. Each child is important and is aided by dedicated teachers and community activists. The neat classroom and tidy playground tell me that this community is holding its head up for the first time. I wish that as many Members as possible could visit that project and see the power of community education and community groups. For those who are interested, the school in question is St Vincent de Paul on the Ligoniel Road. I have no doubt that there are many other equally deserving projects. There are many fine community-based projects across Northern Ireland, but more must be done if social inclusion is to have its proper meaning. If the Assembly is to make a significant impact on people who have been disadvantaged during decades of neglect, we must continue to target social need and find the resources to continue the work of regeneration.

Yesterday I spoke of the regeneration of towns and villages, but today I refer specifically to the regeneration of people who have existed in the twilight world of neglect, presided over by an uncaring Government and the political instability of the last thirty years. As I said goodbye to the school principal and the organisers of that community project in north Belfast, I promised that I would use my influence to ensure that little Jimmy and Rebecca, and all the other children, would continue to have all the support that they need. We must do everything possible to ensure that no more children join the 251,000 who have gone through the education system with either undetected or ignored learning difficulties. The Assembly has a responsibility to ensure that continuing education and lifelong learning is a reality and that all those involved in delivering that service have the resources to continue their work to redress the educational defects of the past.

I am concerned that the budget for the Department of Further and Higher Education, Training and Employment will not be adequate to address the concerns I have spoken about. I petition our officials, the Executive and the Minister to revisit this issue, for it is of fundamental

importance to the success of the Good Friday Agreement and of the Assembly.

**Mr Wells:** The events of the last two days have shown the Assembly at its best and at its worst. Yesterday's debate earned us no brownie points whatsoever. The spectacle of a large number of Members standing up and rattling through prepared notes for five minutes in a desperate attempt to fit in as many subjects as possible can certainly not be construed as a debate. Today we have at least seen some healthy scrutiny of the Budget and some exchanges between Members as they tried to tease out very important points. Mr Close has starred in his normal role: exciting, enlightening, and blighting us all — and making some important points. I probably did not agree with a word he said, but I felt that his points were well put.

In future, if we are to combine a debate on the Programme for Government with the crucial issue of the Budget, we must avoid squeezing everything into two days. No matter what our views of the Executive and its plans, this is without doubt the most important matter we shall deal with as an Assembly. It is important that we call the Minister of Finance and Personnel to account, probing, questioning and making life difficult for him. He has a chauffeur-driven car and a very healthy salary, and he should earn them. Therefore the more probing and questioning we can direct at him, the better.

Turning to the Budget itself, I should like to welcome the 27% increase in the budget allocated to the Department of the Environment, though I suspect it will not be enough. There is absolutely no doubt that the work of the Environment and Heritage Service and the Planning Service, two major constituents of that Department, has suffered enormously as a result of the last 30 years' underinvestment. I tabled a question to the Minister, Mr Foster, on the subject of the designation of areas of special scientific interest (ASSIs) — the highest accolade which can be awarded to an area of natural habitat in the Province.

The legislation which brought in the ASSI designation was the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. I was in the old Assembly when we ploughed through that legislation line by line, and it took many months to go through. Fifteen years ago we expected that, once the Order was in force, all the ASSIs in Northern Ireland would be designated within five or 10 years. I was horrified to learn that only 175 areas have been designated, with at least another 80 or 90 in the pipeline. It could be another 20 years before all these areas are designated. That is simply unacceptable. Indeed, under direct rule the Department gave an assurance that the complete designation process would be complete by 2000. We have only about six weeks of that year left, and it is obvious that it is simply not going to happen.

I welcome any injection of funding which will increase the amount of work done by the designation team. It is a sad reality that, without designation, an area of important



wildlife habitat can be destroyed. The owner or occupier can destroy it or denude it of its scientific value, and nothing can be done unless a planning application is required. If a farmer decided to chop down some ancient woodland in the Minister's Londonderry constituency in the absence of a tree preservation order or a requirement for planning application, he could do so.

We saw a very good example recently — not in my constituency but close to it in Killyleagh — when a property developer decided to fell five acres of very important woodland, since he felt that it would be awkward having it there when he put in his planning application to build houses on the land. One morning he moved in with a bulldozer at the crack of dawn and destroyed it. There was nothing anyone could do, for the area had not been designated. These areas cannot just be designated ASSIs in their own right; they can also be designated special areas of conservation (SAC) and special protection areas (SPA) under European legislation.

The way the Environment and Heritage Service has been carrying out this work, it has not been possible to designate SACs and SPAs until the area has been designated ASSI — holding up the whole implementation of the European directives in Northern Ireland.

In this Province, we are fortunate to have some incredibly important areas for wildlife — such as Strangford Lough, Lough Foyle, the Antrim plateau, and most of County Fermanagh. The equivalent areas of habitat in other parts of the United Kingdom have long since been destroyed. In Northern Ireland we are fortunate to still possess many important areas and it is vital that they are designated and protected. That is not happening because of the lack of funding.

I am also deeply concerned about the lack of progress that has been made in the designation of areas of outstanding natural beauty. Why has Strangford Lough not been redesignated under the terms of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985? Why have there been so many delays in protecting some of our very high quality areas of natural beauty? Again it has been lack of funding. Only £300,000 per annum has been set aside for the management of areas of high quality landscapes such as the Mourne, the Antrim plateau and the Sperrins. In any other part of the United Kingdom the budgeting for these areas would have been much higher. Of course, most of them would be national parks and have a very large amount of money set aside for their management. Northern Ireland is like Cinderella in that we have some of the best landscapes in the United Kingdom, with the smallest amount of money to protect them.

My favourite area is north Londonderry. The representatives for East Londonderry — the Limavady and Dungiven area — have an incredibly attractive area around Benevenagh. It is one of the great unsung treasures of this

Province, and many people do not know that it exists. Areas like that require much more protection than they are receiving.

I am concerned that in the Budget and the Programme for Government the crucial words “global warming” do not feature. Anyone who has been watching the media over the last few weeks will see that there is now almost conclusive proof that, as a result of the emission of greenhouse gases into the atmosphere, we in this Province and people throughout the world are facing radical changes to our climate. The Executive should have given some thought to the implications of that for Northern Ireland. I accept that most of our coastline is not so low-lying that we will suffer inundation or coastal erosion to the same extent as east Anglia, Yorkshire or Lincolnshire. Any responsible Executive must be looking at the implications of such a major change on our agriculture, lowland flooding and drainage systems, all of which should be considered. This issue has not been addressed and there is no excuse. All these points were arising whilst the Executive was forming its Programme for Government and devising the Budget.

I welcome the 23.5% increase in the budget for the Planning Service. Many Members will be aware of the enormous pressure that the Planning Service is under at the moment. They are being deluged by a huge increase in the number and complexity of planning applications and I fear that the Planning Service is going to break under the pressure. Gone are the days when they simply had to deal with an application for a couple of dozen houses. We now have applications for major developments in the countryside, running to 200 to 300 dwellings. If the Planning Service decides to turn those down, often with public and local authority support, they then have to fight public inquiries at great expense, both in terms of money and manpower. At the moment Northern Ireland has had a huge increase in inquiries. The budget for the Planning Service has been insufficient to meet those demands.

The Executive have missed an opportunity. The Planning Service requires a radical increase in funding and a radical upgrading of its status. We expect them to implement and oversee the regional development strategy and develop area plans for a large proportion of the country, yet we still have it within a Department, simply as a planning service. Is that sufficient to meet the demands being placed upon it and should we consider upgrading the status within the Department, perhaps making it a Department in its own right?

4.15 pm

If we do not increase the status of the Planning Service, it will simply buckle under the pressure from the big developers. Those Members representing coastal areas will know of a huge increase in the number of applications for apartments and the amounts of money that are being paid for sites. I do not believe that the Planning Service

has the status or the resources to fight the battle that is going to stretch from Donaghadee to Kilkeel and Rostrevor, and all along the north coast. There is a major battle ahead for the Planning Service, and we must give it the power and the resources that it needs.

I want to make one point about area plans. A great swath of Northern Ireland is covered by area plans that are out of date. So far the Planning Service has not had the resources to start the ball rolling to update them. Given the present difficult circumstances, and considering the 23% increase in funding, I suggest that it should engage consultants to do most of the donkey work involved in preparing the plans. There simply is not sufficient qualified planning manpower in Northern Ireland to undertake this work.

Because of the pressures for development we must very quickly reach the stage where every part of the Province is covered by an up-to-date area plan.

My other interest is regional development. I congratulate the Minister Mr Gregory Campbell, on securing such a healthy increase in his budget. It shows that there is no need to be sitting round the Cabinet table with Mrs Brown and Mr McGuinness to put in a strong bid for increased funds and to achieve what is needed for one's Department. I congratulate both Mr Morrow and Mr Campbell on being so successful. I am particularly pleased that Mr Campbell has achieved a £100 million package for the railways. For once, the tide has turned in favour of public transport in this Province.

We now have a three-year programme attempting, once again, to make up for the gross under-expenditure on the Province's infrastructure. We can now turn the tide in favour of the railways. I asked the Minister at a recent meeting what would happen after the end of the three years. There is no guarantee that the work will continue when that funding is over. Obviously, I am hoping that, having spent £102 million on the upgrading of the tracks and rolling stock, we will find ourselves in a position where we cannot turn back.

But what has happened to the Prescott money? The Deputy Prime Minister, John Prescott, announced a very large package of about £2 billion, which I understood was to lead to an upgrading of, and a massive investment in, public transport throughout the United Kingdom. I distinctly remember the words "the United Kingdom" being used. However, at a recent meeting with the Minister for Regional Development and his officials it was far from clear whether any of it was going to come to Northern Ireland. Under the Barnett formula at least one fortieth, or 2.5%, of the amount would normally be allocated to Northern Ireland. That would allow massive investment in public transport in the Province. However, no one can tell me what has happened to that money. Is it coming to us? Is it coming to us as additional money? Perhaps it is not coming at all.

The Minister of Finance and Personnel, Mr Durkan, must find out exactly what is happening. If it has not yet been earmarked for Northern Ireland he should ensure that it comes our way. If it comes as additional money it will do a tremendous amount to upgrade the tracks, the bus service and public transport in general.

Another crucial issue facing the Assembly — and one which will dog us for many years to come, if we survive that long — is the infrastructural deficit in respect of both the Water Service and the Roads Service.

I have to thank the Chairperson of the Regional Development Committee for the following figures. He always has these figures at the tips of his fingers. That Water Service requires £3 billion in the next 30 years, and the Roads Service requires £2 billion over the next 10 years. We do not have tax-varying powers — a euphemism for tax-raising powers. Without the ability to raise revenue except through the regional rate — and our rate base is too small to raise this large amount of money — there is absolutely no way that the Assembly, under the present budget restrictions, can ever raise that type of money. We have to accept that it cannot happen.

Therefore I have to agree with Mr Byrne that we must explore every other possibility of raising this money. Such a massive amount is needed that we must bring in the private sector, not to take over our infrastructure but to assist us in its financing.

There are currently many difficulties. What private operator will want to come in and run our railways? They would have no return for their capital, and if there were a return it would be so small that they would be far safer investing their money in the stock exchange, gilts or a deposit account.

The Executive and the Programme for Government must find ways of getting this money to upgrade services — roads, water, and railways — without inflicting the cost on the taxpayers. If we can crack that one, we are worth every penny. It is going to be difficult, but that is something that we are going to have to concentrate on over the next few months.

I have not been parochial yet, but I have to be just once. I am beginning to think that this is not the Northern Ireland Assembly but the west Tyrone Assembly. I am getting tired of the gallant six from West Tyrone standing up time after time and saying "What about poor downtrodden Strabane and Omagh? We never seem to get anything." You would think that once you crossed the boundary into west Tyrone you would find people walking around barefoot and hungry-looking, with thatched cottages, and pulling their groceries home in a donkey cart.

**Mr Leslie:** Does the Member agree that as West Tyrone was made the eighteenth constituency in the last boundary redraw, there must be a lot of people living there and it cannot be such a bad place after all?

**Mr Wells:** Any time I visit West Tyrone it seems a perfectly average part of Northern Ireland which has underspending in some areas but perhaps no more so than Londonderry, North Antrim, South Down or anywhere else. But week after week we hear them, and I noticed in last night's television coverage of the Assembly that yet again there was the trio from West Tyrone saying the same things. What is the definition of an Assembly Member for West Tyrone? He is someone who when he sees light at the end of the tunnel goes out and orders more tunnel. That is exactly the impression I am getting. Their cup is always half empty — that is a totally irrelevant aside.

But if they are allowed to be parochial, as they always are, maybe I can mention one issue that must be tackled. It is relevant to my constituency and elsewhere. Many small towns in this Province are being strangled because of traffic congestion, and all that is required is a relatively modest amount of expenditure to take traffic away from them in order to let the towns return to their former glory. A classic example in my constituency — and, I maintain, one of the worst examples in Northern Ireland, much worse than anything West Tyrone can produce — is Ballynahinch.

Anyone who wants to see real congestion in this Province should go to Ballynahinch at four o'clock on a Friday afternoon in the summer and see the gridlock caused by thousands of cars en route to Newcastle, Kilkeel or other parts of south Down.

**Mr Shannon:** Does the Member agree that if you were to go through Comber at four o'clock on any day from Monday to Sunday you would see that there is a problem there too?

**Mr S Wilson:** Does the Member agree that if you go down the Newtownards Road at any time on any day of the week you would see the same?

**Mr O'Neill:** I have to come in and support my Colleague from South Down. Does he not agree that not only is Ballynahinch a congested town in the evening but it is causing the strangulation of the tourist trade which has been designated as the only possible economic growth area in our constituency? The consequences are very serious. On the one hand the Government are pumping money into centres such as Newcastle to promote the tourist industry, and on the other hand they are cutting it off by not supplying the access.

**Mr Wells:** This will ensure that there are two statements in next week's 'Down Recorder' to the effect that the problem in Ballynahinch had been raised in the Northern Ireland Assembly.

I agree entirely with Mr O'Neill. We are totally united on this issue. Not only is Ballynahinch being strangled but Ballynahinch is different from other parts of Northern Ireland in that you have no option but to go through the town if you want to travel from the Greater Belfast area to the tourist area of south Down.

Unless one has a detailed map showing the rural routes, an alternative road is almost impossible. Not only is Ballynahinch badly congested, but the tourist industry of the Province is adversely affected. Tourists, quite rightly, are put off by having to sit in a queue of traffic — possibly for half an hour going through Ballynahinch and half an hour coming back.

That problem could be relieved by an expenditure of between £5 million and £7 million spread over several financial years. Dr Birnie tried to defend the expenditure on the cross-border bodies, the "North/Southery" as it is called. A fraction of what is being spent on the North/South institutions could solve Ballynahinch's by-pass problem immediately, build a new harbour in Kilkeel and retain Downe Hospital. Money is being wasted on the shenanigans of running up and down to Dublin.

As Mr Paisley Jnr stated, the £16,000 spent on one set of Ministers travelling to a North/South body would employ a classroom assistant or a trainee nurse in south Down. That is a lot of money.

It is important that the Finance and Personnel Minister allocates sufficient money to the Department for Regional Development. Some of that should be ring-fenced to clear those bottlenecks. That is an environmental issue. It is not healthy for the residents of places such as Comber and Ballynahinch to be sitting in towns that have a lot of car exhaust fumes caused by large numbers of cars waiting to pass through the town. The quality of life for people in those areas is extremely poor because of congestion in the towns.

I ventured into the area of parochialism even though I was concerned that I might be criticised. It is one of the most pressing regional development issues in my constituency.

Finally — *[Interruption]*.

**Mr Deputy Speaker:** Is this really final? The Member has spoken for 21 minutes.

**Mr Wells:** Yes, I have, but I need my second article for the 'Mourne Observer'.

There are enormous funding difficulties in the Water Service, and I am concerned that the new filtration plant for the Silent Valley will not be finished until 2004. That means that the sheep grazing ban in the inner Mournes will last for at least another three seasons, which will cause enormous difficulties to the farming community in south Down. The Minister should ensure that the funding for that project be speeded up to enable its quick conclusion.

**Mr Deputy Speaker:** I am sure that Mr O'Neill is resisting the temptation to get into sheep. *[Laughter]*

I call Mr Gerry McHugh to bring order to this Place.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I will be speaking on agriculture, but I will keep as far away from sheep as possible.

As Mr Wells said, why do people try to focus on everything in the Budget? It is almost a natural progression from the ideas that are to be found in council — if you leave anything out you are seen as not supporting it. People then feel that they have to justify their support for almost every issue. I am also glad that Mr Wells thinks that there might be future Budgets for the Assembly to discuss.

Overall, it is a good Budget. When Members sit on different Committees they have different interests, and they try to focus on what most deserves extra funding. In particular, the Assembly is unsure where the funding that went to the Executive will be designated. With regard to the block grant, our gross domestic product is much lower than that of the South or parts of Europe. Therefore there is the difficulty of having a block grant which is too low.

4.30 pm

Given that we are a population growing out of conflict, the least we could have expected was the British Government to bear their own responsibility by enhancing the Budget for some years to make up for the underfunding over the past 80 years. All Departments cross-cut with agriculture and they all have a part to play in developing rural areas. There has been a question mark over the Executive obtaining funding, and over Departments boxing off moneys for their own projects.

The Department of Agriculture and Rural Development made bids of about £10 million for visioning and £9 million for administration that was not paid for in other years. Do they still expect to receive that money, or will it come from other budgets that we are keen to support or push for in other years, such as supporting farming developments that would give money directly to farmers? That is one of my difficulties with this Budget. There is nothing in it for farming development and the possibility of receiving money in future years will be just as difficult to achieve.

The allocation to agriculture is low because the British Government policy is anti-farmer. The Ministry of Agriculture, Fisheries and Food has stated that, in the past, European moneys to farmers have damaged the rural landscape — but I think they are referring to the London area. We need a higher budget in Northern Ireland to keep our environment intact and to allow people to remain in the countryside for the best reasons. We should work at this on an all-Ireland basis and not just as the afterthought that the North has always been in terms of British Government policy — and will continue to be as long as we are in that situation. Their failure to draw down European funding because they would have to provide match funding is directly related to that policy. Millions of pounds could have been used in our budget to deal with the things we have been asking for.

The Department of Agriculture and Rural Development's administration budget has to be questioned. A sizeable amount of money is spent each year on disease compensation, but can one farmer receive as much as £1 million from that budget? We will have to investigate why large sums of money can go to individuals and we have to ensure that the best use is made of the budget. Rather than being in a position where a budget of £6 million to £8 million is having to be used each year to keep something there which should be changed or eradicated, the money should be used more efficiently for something else.

Planning has been mentioned quite widely. Mr Wells mentioned ASSIs, ESAs and AONBs and the fact that they have not been always designated, especially in Fermanagh which would gain from such designation. People were against designation because planning regulations have been used to stop them building in the countryside. It has not had a detrimental effect, but it has turned people against designating these areas for the wider benefit of everyone. No money has been directed towards carrying out surveys to help people gain an understanding of the issues.

I welcome some of the elements of the Budget that will create a more efficient food industry. We are a food producing country, and we should be going in that direction. If we compare the Government's commitment to the needs of agriculture in the Budget compared with what has been given in the South this week, we will see that there is very little or no commitment towards farming and agriculture. We have to question the future commitment to this industry, which is still very important to many parts of the Six Counties.

I also welcome that aspect of the Budget which seems to be willing to spend money on placing IT facilities on farms. That is very welcome, in that it would encourage people to develop new skills and perhaps set up a new business or innovate an existing one that may, in turn, alleviate the pressure of low incomes among the farming population.

Although reputed to have a high cost, the North/South implementation bodies have a lot to offer, but the difficulty is that there is underresourcing in this area. There are tremendous benefits to be had, however, and anyone who does not look at the island of Ireland in an all-island context is looking in the wrong direction. In any sort of industry where, for example, there was a factory, you would control it as one unit; you would not have separate parts working to the detriment of each other. That is definitely the direction in which we need to be going.

The DUP has a narrow-mindedness in relation to that as well as a narrow and inward focus, which has always been costly. How much has this cost us, not just during the last 30 years but in the last 80 years, in tourism and agritourism? We have estimated that approximately

20,000 jobs could be created in tourism over the next few years, although that figure is just benchmarked against the number of tourism jobs that have been created in the Twenty-Six Counties and is not a real figure at all. Considering the cost of the situation at Drumcree each year, I do not see that there is any kind of future in tourism. The present budget for tourism is, indeed, probably being wasted.

I agree with most of what was said about rates. There is a difficulty in that money is needed from the regional rate, but people in various businesses are being taxed three times over. They have to pay the regional rate; they are taxed on their business, and they are taxed on their home. That is unfair, for not everybody is able to afford it.

The Housing Executive budget is one that affects my county in particular. We have a very high percentage of housing deprivation, although it is being dealt with. The drop in the budget will have a massive effect on housing deprivation, and one has to question how much longer the Housing Executive will be able to deal with these issues. It will have a long-term effect on the rural areas. People there do not have access to housing under the old regulations and will have to buy new houses, which they are, perhaps, unable to afford.

Some people have mentioned to me the fact that NIE charges for the likes of meter readings and ground rent; they should not be doing this. That is not an efficient way of running a Government business or one that is part-public. No other business would be allowed to charge money to provide a service and then charge again. NIE should look at that, for they may be taking money under false pretences. The Water Service operates in a similar way.

Fermanagh has a longer network of roads than any other county in Ireland, and it has one of the greatest expanses of small undermaintained roads. We have a small maintenance budget of £150,000 to £200,000, yet very little funding is to be allocated to larger projects for the foreseeable future. The amount of tax we pay is illustrated by individuals such as Sean Quinn, who has paid more money in tax on his lorries over the years than is channelled into even a quarter of our Budget in any year. The Department for Regional Development must examine this issue.

There has been a push for the provision of rail transport, and it is good that this has been budgeted for. However, this will not alleviate transport difficulties in rural areas, such as Fermanagh, where there are no railways. The aim of public transport is to carry large numbers to their centres of work, but not many people live in rural areas, and, in any case, a very small percentage of the population actually works in Belfast city centre. Rural areas are affected by the high cost of fuel which results in an increase in the cost of anything which is transported in or out of the area. Those who live in rural areas have no choice but to

use a car. This issue must be taken into account, even if we have to stand up constantly and highlight it.

On the issue of expenditure on cross-border bodies, there is no reason for the Minister for Regional Development not telling his counterpart in the Twenty-Six Counties that people there use roads in parts of the North as much as, or more than, we use their roads. There is no reason for not co-financing some of the main corridors into areas in the North, and particularly Fermanagh. Their Government seem to have a lot of money to spend and, in looking to the future of all-Ireland unification, they should consider using their budget to fund the island's infrastructure on an all-Ireland basis.

Collaboration on local road provision is taking place between councils like Fermanagh and Monaghan. I see no reason for not developing this on a larger scale or for not at least requesting the co-financing of budgets for major road developments. There is an excellent road in the Twenty-Six Counties, which runs the length of Aghalane, yet the route which runs on to Enniskillen has been described by local councillors as a goat track. We do not have budgetary provision to remedy this, or, at any rate, the budget has not been given to us by the Department. We have applied for funding to upgrade that road within the next 15 years. That is the situation with roads in Fermanagh.

Underinvestment and economic underperformance in the past have been due largely to total dependence on the British Government's subvention for the security industry here. This supported the notion that it was not necessary to have an effective economy, operating on its own merits. That has contributed to the difficulties which we now face. Recent eye-openers, which have affected local ports, particularly Harland and Wolff, will perhaps illustrate how businesses must stand on their own feet.

**Mr Weir:** The Member has referred to the importance to the economy of the security industry. Is he calling for an improvement in the economy by remilitarisation now?

**Mr McHugh:** Absolutely. We definitely need demilitarisation.

**Mr Weir:** I think the Member misheard me. I said remilitarisation to help the economy.

**Mr McHugh:** In the past, people were able to survive on the security subvention budget and there was no need for businesses to operate efficiently. There are those who hark back to the old situation where remilitarisation was necessary as a way of keeping people in jobs, although that is a poor outlook to have.

4.45 pm

I also want to mention hospitals, particularly in the context of the regions. The Regional Development and Health Departments have to take into account all that has been said about the underspending of this budget. It is probably the most important part of government, and

you can not put it on the long finger. If you need money for this winter — if you need to provide services to people who are ill — you cannot put it off until next year or for five years; something has to be done about it now. There is not enough money available again this year, although that probably comes down to the fact that all moneys are coming from the block grant. I know that hospital provision is under review, so we must demand immediate access to services this winter.

Services in local hospitals have been cut back again, and we demand access to equal services; access is the key priority. When Belfast City Hospital stopped providing maternity services, people in Belfast complained about having to travel two miles to get to the nearest centre which provided those services, but there are women in Fermanagh who travel 60 miles to access the nearest maternity services. If a person who lives in the most remote part of my area were to suffer a heart attack he would have to travel 60 miles to get to a hospital — well outside the golden hour — and this would increase the threat to his life. It is a question of underfunding and the loss of skilled staff. We lost many staff last winter due to budget cuts, and we will have to try to replace them this year at great cost.

Fermanagh is suffering while this review is going on, and we will have to deal with the situation immediately. In view of the tight budget within which we have had to operate this year, where will the money come from to provide some of the services we have asked for in our local areas. Under policy appraisal and fair treatment (PAFT) or targeting social need (TSN) we expect no less parity in the budget as any other area in this Assembly. Go raibh maith agat.

**Mr Neeson:** Mr Deputy Speaker, I can assure you that I will not take as long to make my points as the last two Members. We must bear in mind that this is a take-note debate. However, I am concerned that the process of scrutinising the Budget and the Programme for Government leaves a great deal to be desired.

I do not think that we have done the people of Northern Ireland any great service this year, because of the process in which we have been engaged. I believe, however, that we must recognise the problems that the Executive and the Assembly have faced this year. It is clear that we have inherited major problems created and developed by our predecessors over the last 20 or 30 years. There has been a gross underfunding of the Health Service and education, and in recent weeks we have seen the difficulties experienced by the Water Service and the flooding that my constituents and those in other parts of Northern Ireland have experienced on a regular basis.

Then there is the whole question of the gross underfunding of the railways. My party and myself have been dealing with this issue for two or three years. We recognised the serious problems being created with regard to the rail network in Northern Ireland: trains were breaking down;

there had been a number of serious near misses; and great lengths of railway track were being neglected. In my area the sea wall has fallen in between Carrickfergus and Whitehead. These things were allowed to happen and have now created problems for the Assembly and the Executive. We must approach this issue in as positive a manner as possible.

Reference has been made to the moneys set aside by the Deputy Prime Minister, John Prescott, to deal with the problems of railways in GB. I understand that at present there is no substantial amount of money coming to Northern Ireland from that particular kitty. I hope that I will be proved wrong in this case. However, if this is accurate the Assembly has a responsibility to approach the Government to ensure that the necessary funding is made available to provide a modern rail network in Northern Ireland. This is what is happening in the other parts of the United Kingdom.

**Mr Wells:** If that is the case — and the Member may well be right — it is incumbent on the Minister of Finance and Personnel to tell us what he has done, or is doing, to redress that matter. Under the Barnett formula, are we not entitled to at least 2.5% of that funding package? His Department should be asking why we do not get our slice of that cake.

**Mr Neeson:** I was coming to the question of the Barnett Formula. Like many Members, I am seriously concerned as to whether Northern Ireland gets its fair share. It is not only incumbent upon the Minister to ensure that Northern Ireland gets its fair share; it is incumbent upon the Assembly as a whole.

There is another issue which lacks clarity in the Budget. I and others have been campaigning to ensure that the natural gas pipeline is extended to the north-west — the Minister's own constituency. With regard to energy, there are major opportunities for us to develop an island energy infrastructure. This question of natural gas is important, as is the issue of the North/South gas pipeline. There is a need for some clarification.

I am strongly in favour of targeting social need. However, I am unhappy that new TSN still adheres to the Robson index, although perhaps not as rigidly as the previous TSN did. My own area of Carrickfergus — which has the fifth-highest level of unemployment in Northern Ireland — is regarded, under the Robson index, as having zero deprivation. In developing policy, it is important to recognise the inadequacies of using such a formula.

One of the major principles that the Alliance Party adheres to is the principle of sharing over separation.

I would like to think that trying to bring about integration will be at the very core of all the policies of the Assembly — not talking about two Committees, or a number of Committees, but bringing about an integrated single

community in Northern Ireland. That must form the basis of any policy expounded by the Government.

**Mr Byrne:** How do we overcome ghettoisation? Does the Member agree that that is our greatest difficulty with integration, particularly in urban areas where communities are polarised?

**Mr Neeson:** There is one way of getting away from it. To all intents and purposes, Mr Byrne's party sides with one section of the community, and people on the other side of the House side largely with the other. We want to create an integrated society, and the sooner we get away from tribal politics in Northern Ireland, the sooner we can create that.

European funding is another important part of the overall Budget for Northern Ireland, and there is a need to finalise the programmes for peace and reconciliation and the structural funds, so that we can benefit fully from European funding in the transitional period from having Objective 1 status.

Earlier in the debate you warned against repetition, Mr Deputy Speaker, so I will simply say this: regional rate, regional rate, regional rate. Or perhaps even Executive rate, because the Executive has taken the decision to increase the regional rate by 8%. It is cheap — and it is rich — of Sinn Féin Members to complain about the major increase in the regional rate. The Sinn Féin Members are part of the Executive. Where is the collective responsibility? Surely that must be taken on board. The Assembly needs to look at that seriously. On the point about introducing this rate through the back door, why do Members not sit down with us and talk about tax-varying powers for the Northern Ireland Assembly, on the same lines as the tax-raising powers for the Scottish Parliament. People have to realise that if we are going to have a Government in Northern Ireland, we must be up front. Rather than bringing moneys in through the back door, let us be up front with those people.

**Mr Leslie:** Is the Member aware that the Scottish Parliament has made no use of its tax-raising powers? As far as I know, it has no plans to do so. It has discovered that there might not be quite the same enthusiasm for it in action as there was before the referendum. When does the Member expect the Scottish Parliament to make use of these powers?

**Mr Neeson:** I recognise that the Scottish Parliament has not so far used those powers, but the option is there. We do not have that option. I hasten to add that perhaps Scotland benefits more from the Barnett formula than does Northern Ireland. There is a cushion there which we do not have.

At the beginning I said that I was very concerned about the process this year. It is to be hoped that next year we will be able to exercise the real powers of scrutiny that the Assembly has. I have been out of the country for

the last few days, but I hear that Mr John Taylor is suggesting that we collect our P45s at the end of January. We all know just how committed Mr Taylor is to the Assembly. I fervently suggest that next year when we are dealing with the Budget and with the Programme for Government we have a process that will be effective and efficient and will provide real scrutiny of those proposals.

5.00 pm

**Mr Beggs:** In the Budget I welcome the increased expenditure on the railways and on the Water Service infrastructure. However, I would like to register my opposition to the Northern Ireland Housing Executive increases, which are above the rate of inflation. At least 20% of tenants will be caught in a poverty trap because of those increases. I would also express my support for a free transport service for all pensioners.

In the debate many Members have expressed similar views, but few have offered practical suggestions on how we can implement those proposals. One party has expressed opposition to the regional rate and indicated a wish to introduce tax-raising powers with some form of income tax in Northern Ireland. Get real. We have to determine the Budget by December. We do not have the authority to introduce tax-raising powers.

**Mr Neeson:** I am saying that we should have that authority.

**Mr Beggs:** If we did have the authority it could not be done by December. If Members are going to be realistic and oppose the 8% regional rate increase, what are they offering to cut from the Budget? What are their proposals for achieving that saving? This is the only way to balance the books.

Members either go with the increase or offer proposals to cut the Budget. Please listen and learn. *[Interruption]*

**Mr Deputy Speaker:** I must ask the Member to make his comments through the Chair.

**Mr Beggs:** I do not favour high taxes but acknowledge the fact that there is a need for improvement in our water and sewerage system to ensure the purity of our water supply and to protect the environment and avoid the pollution that is affecting our rivers and coastlines.

Perhaps the Minister will enlighten me on how our rates compare with local authority and water charges in the rest of the UK. That is the real comparison to make.

The Alliance Party has the privilege of being able to act in the Assembly without any responsibility. What cuts will they propose if they are going to oppose —

**Mr Close:** I thank the Member for giving way on this very important point. I am interested to note that the Member is prepared to privatise everything right, left and centre in order to escape his responsibilities. If the Member had been here this morning he would have heard me say quite clearly that if the Assembly and the

statutory Committees had been given a proper scrutiny role, millions of pounds could have been saved and spent on delivering services rather than being wasted.

Like me, the Member serves on the Public Accounts Committee where in the past few months there has been a clear demonstration of the inaccuracies, the wastage and the inefficiency that we have in Northern Ireland. We want to correct that, and we can do that through proper scrutiny.

**Mr Beggs:** I fear that the Member has not been listening to my comments. Nowhere in my contribution did I indicate any desire to privatise the Water Service. I do not know why he is jumping to that conclusion; perhaps it is something he is thinking about.

I too am a member of the Public Accounts Committee. I acknowledge that several members of that Committee, many of them in the Chamber, do valuable work, and I hope that I do likewise.

However, are we really going to make a budget, based upon a hypothetical saving which might occur, given the fact that we do not even know what areas we are going to investigate over the next year? Have no doubt about it: there will be savings. However, should we commit expenditure now, when those savings have not occurred? I favour prudence in public expenditure. I favour pressing for those savings and — when they arrive — putting them to the best use. At that point, we should redistribute the savings to the most needy areas of our various Departments. It is imprudent to spend money you do not have.

I said that I would raise an area where I thought there was potential for saving in this Budget. I wonder how many Members, in their Committees, have carefully scrutinised the central administration costs of each Government Department proposed by the current Executive? The Department of Agriculture is spending £98.1 million on departmental running costs (a 6.4% increase); the Department of Culture, Arts and Leisure is spending £12.8 million (a 10.4% increase); the Department of Education is spending £18.7 million (an 11.9% increase); the Department of Enterprise, Trade and Investment is spending £38.1 million (a 4.8% increase); the Department of the Environment is spending £35.8 million (a 13% increase); the Department of Finance and Personnel is spending £97.3 million (an increase of 5.1%); the Department of Health, Social Services and Public Safety is spending £32.7 million (an increase of 5.2%).

It makes me wonder what central administration does in the Department of Health, given the number of boards, trusts and taskforces we have. What are they all doing? What are they doing at the centre?

The Department of Higher and Further Education, Training and Employment is spending £31.4 million on departmental running costs (a 16% increase). That is a very excessive increase in departmental running costs. The Department for Regional Development has departmental expenditure limits increasing by 10.2%. It will be

spending £137 million on departmental running costs, an increase of 3.5%. The Department for Social Development is having an increase of 15.3% in central administration and miscellaneous services costs. It will be spending £156 million — an increase of 9.1% in departmental running costs. I would like each of those Ministers to come to this Assembly.

**Mr S Wilson:** Does the Member agree that the most profligate Department is that run by his leader? Is he going to criticise him, or does he feel that he has already criticised the leader enough and does not want to be scolded once more?

**Mr Beggs:** If the Member had listened he would know that I have covered all the Government Departments. I was unable to find an accurate percentage increase in the Department that he is referring to, because I saw nothing in the Budget referring to this year's account.

**Mr S Wilson:** If the Member turns to page 26 — I would like to assist him in this — he will see that the percentage change is given as 20.6%. The figure is on exactly the same line, by the way, as that of all of the other Departments, the budgets of which he has quite rightly read out to this House.

**Mr Beggs:** I thank the Member for that information. I include that Department in my criticism.

Money spent in central departmental expenditure will not be spent in improving the services we deliver to the citizens of Northern Ireland. There is a need for Back-Bench pressure. We can all sit back merrily and do nothing about it. How many Members have raised these issues in their Committees? Everyone is on a Committee. I see that several have. I have too. We should all raise them in the Committees. How many have got their Committee to pass concerns on to the Finance and Personnel Committee? I have done that. I have also spoken to a number of members of the Finance and Personnel Committee and I hope that there will be careful scrutiny of all these central running costs. We can all sit here and do nothing about it, or as Back-Benchers, we can apply pressure to our various groups and parties and collectively do something to change this.

**Mr Weir:** Will the Member agree that some people are probably not in the best position to apply pressure to their groups? *[Laughter]*

**Mr Beggs:** The Member seems keen to flaunt that fact. We can sit back, do nothing and accept it, or, within our groups or collectively within the Assembly, we can apply pressure to the Executive and the Minister of Finance and Personnel to achieve savings, so that we have money to spend on free transport for the elderly. Let us achieve some savings so that we can spend money where we want to spend it. Interestingly, while sitting through this debate I received a written answer to an oral point I made on 24 October. The reply is from



the First Minister and the Deputy First Minister. It is rather interesting, and I will read a little from it:

“We share your concerns about the need to avoid excessive administration. We were elected to this Assembly to produce more accountable and more efficient Government, not to create unnecessary bureaucracy.”

The Budget figures we have been discussing do not tally with the comments in this letter. We need to ensure that savings are made in central Departments. We must not create fiefdoms for our Ministers with lots of civil servants to answer all their wishes. It is important that Ministers go back to their Departments and scrutinise them carefully to achieve savings. We have new technology; e-commerce is being flaunted and we have e-government.

When a private sector company introduces new technology, it is to save money and improve its business performance. By introducing new technology, we have made savings in this Budget. How will that benefit our electorate? We are all answerable for this, and the Executive and every Minister are accountable.

I will now comment on something raised by another Member — criticism of some of the changes in the peace funds. Anyone interested in the expenditure of Peace I cannot fail to be confused and bewildered by the number of funding bodies and agencies that are distributing money. Administration is duplicated, and as we come to Peace II it is important that this is examined so that we eliminate wasteful administration in intermediate funding bodies and get clarity on which organisations to approach for money.

**Ms McWilliams:** Does the Member agree with me that many of these bodies are made up of volunteers who do not receive any remuneration? Surely they have been one of the success stories in Northern Ireland, constituting a partnership that did not hitherto exist.

**Mr Beggs:** Perhaps what I said was not clear. I am not criticising the voluntary funding bodies. I am criticising the number of intermediate bodies with full-time staff who determine where the funding goes. Why are there so many such funding bodies, with expensive administration costs? These costs mean that less funding goes to the voluntary sector and the community groups to which the Member refers.

Regarding the earlier contest for the biggest traffic jam, I will not be inviting the Minister to examine the bottlenecks in east Antrim. He is, however, welcome to come and visit the A2, but not in the middle of the day. Let him visit the main Carrickfergus to Belfast road during peak morning congestion, or perhaps come to the Mallusk junction of the M2, which ends up like a car park. I invite the Minister to come and view that morning congestion.

5.15 pm

Constructing more roads cannot reduce congestion. An increase of vehicles in Northern Ireland has been

predicted, and there has already been considerable growth. Continued construction of new roads will create our equivalent of the M25 car park. While public transport and public infrastructure will play an important role in the reduction of congestion, it would be difficult for anyone to promise to remove it. The public transport system, including railways, will be important for minimising congestion. I would not like Members simply to walk away from the Budget and do nothing. I would like Members to focus and to apply pressure both on Ministers and on the departmental Committees they serve. Let us make savings and have money redirected to the areas where we want to spend it.

**The Chairperson of the Committee for Regional Development (Mr A Maginness):** Clearly the good wine was left to the last. No, no. I do not mean myself — I mean Mr Roy Beggs.

**Mr Deputy Speaker:** I think he did too.

**Mr A Maginness:** Naturally he would.

I have listened to many speeches today. Some were exhaustive; others were simply exhausting. It has been a good, interesting debate. For most people in the Chamber, today has marked a transition from adversarial politics to the politics of administration and responsibility. Even the DUP, in its semi-detached form, has adopted that mode. The Alliance Party, and perhaps even the Women's Coalition, have not shown the same transition. They are effectively in opposition and can continue to be adversarial in politics. Indulging in the populist stunts of the Alliance Party — attacking the regional rate and saying that Alliance would reduce it without saying where it would make the necessary cuts in the Budget — is utterly irresponsible and deceitful to the electorate. *[Interruption]*.

I am speaking to the electorate from the Assembly. The voters need to know that the Member for Lagan Valley (Mr Close) is misleading them by pretending that he can reduce the regional rate while maintaining this Budget, or indeed that he can increase this Budget and thus the level of public expenditure in Northern Ireland. That cannot be done. That is the reality.

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

**Mr A Maginness:** No, the Member has had his say.

May I ask what his party's solution is to the reduction in the regional rate and the consequent reduction in the rates for its big houses. What is its solution? Its solution is an increase in income tax. Let the Alliance Party go to the electorate and say that it will increase income tax, as that is the reality of its position. The electorate should take that party to task for its deception and dishonesty.

This Budget is a milestone in our politics — *[Interruption]*

**Mr Close:** Millstone.

**Mr A Maginness:** There we have the childish antics of the Alliance Party — a millstone.

This is something to be proud of. This is a milestone in our politics; we have produced our first home-grown Budget in 30 years. We should be proud of that achievement. Each party should be proud of that achievement, even the “semi-detached” DUP, for it has unofficially, perhaps indirectly, contributed to this. I pay tribute to its Ministers for the work they have done, though I would love to see them in the Executive. Mr Wells says that they have done very well outside. How well could they have done had they been in the Executive — with their colleagues in the Ulster Unionist Party, the SDLP and Sinn Féin — fighting for their Departments? I stress that if they were in, they could do better.

My constituency, North Belfast, has the worst housing problem in Northern Ireland. We have 880 applicants on the urgent housing list and 1600 on the main list. The Housing Executive produced a strategy to deal with that problem, which it also saw as the worst in Northern Ireland, but the budget allocated — and I have checked this in detail with the Housing Executive — does not provide the additional marginal money necessary to implement the strategy. One must invest in land, for one cannot build houses without it. The Housing Executive needs that money to kick-start the vesting of land and initiate the strategy.

The money is not there, and I blame the Minister for Social Development, Mr Maurice Morrow, for not going to the Northern Ireland Executive and carefully pointing out the necessity of having that money to kick-start the Housing Executive's strategy for dealing with the worst housing problem in Northern Ireland. Not going into the Executive to fight his corner for the additional money was a dereliction of duty. We are talking about £15 million over three years — £4·1 million this year. If the Housing Executive does not get that £4·1 million this year, the whole programme will be set back for another year. Next year we shall need more money, for the price of land will go up, putting the entire programme back. We are increasing rather than diminishing the problem in North Belfast.

I want to see the Minister for Social Development going to the Executive Committee to plead his case and get the extra money for the Housing Executive. If he does not do that, then I send a message in this Chamber today on behalf of the homeless people and those suffering poor housing conditions in North Belfast. Let Mr Durkan look at the Budget again and try to provide money to kick-start this vital strategy to ameliorate the terrible conditions in North Belfast — an area that has suffered more than any other part of Belfast from civil strife and distress. I ask the Minister to apply his mind and those of his officials to sorting out the situation caused by the dereliction of duty on the part of the Minister for Social Development, Mr Maurice Morrow.

The 10% increase in the overall regional development budget is a great achievement and represents a recognition by the Executive of the necessity of improving our infrastructure, which has been starved of investment over the past 30 years. We must improve our infrastructure if we are to develop a competitive economy. I welcome the 10·2% funding increase allocated to the Department.

I give credit to the Minister for Regional Development for his work with regard to that and also to the Regional Development Committee that I chair. It also lobbied hard to get that increase in funding. It is a measure of the importance that the Executive places on regional development that it has agreed to a 10% uplift.

The increase in funding for Northern Ireland Railways of £19·6 million next year is long overdue. We could not have avoided allocating that amount of money. Not to do so would have created an almost disastrous situation of paralysis for Northern Ireland Railways and the almost total closure of our railways. A number of Members have said that railways do not affect their constituencies, and I understand that. However, railways are an important aspect of the creation of a public transportation policy which will dynamically change our attitude towards transportation in the twenty-first century. We need to create a modern system in which public transport is in the lead, and the investment in railways is very important from that point of view.

Mr Wells referred to the £3 billion we require for the Water Service. I want to reiterate, as Chairman of the Regional Development Committee, that that money is necessary to bring our ageing water system up to European standards. We cannot neglect that. The real question, which has been posed by many Members, is this: where do we get that finance? We must be innovative in raising finance to carry out that type of development. It is unavoidable, and we must invest that money. If we do not, it will be disastrous for public health and, equally, for industrial and economic development.

I emphasise the point that we need £2 billion for the Roads Service to bring the road network up to a proper standard. That point has been well made, and I am not going to repeat it. The amount of money allocated to the Roads Service, an additional £3·8 million for roads structural maintenance, is inadequate. I have to say this openly and publicly. It represents a 9·5% increase when we needed 100%. I do not say this lightly. The reality is that if we do not invest money in roads structural maintenance our roads will simply decline further and further. That will affect not so much our urban areas, motorways and major roads but our minor roads, particularly in the rural areas. We must take account of that. We cannot deprive our rural population of proper access to road transportation. Many of those living in the countryside are entirely dependent on the motor car as a means of transportation.

There has been an allocation in this Budget to current concessionary fares. We know that the Minister and, indeed, the previous Minister, Mr P Robinson, proposed a new scheme to allow free travel for older people. This might interest you, Mr Deputy Speaker.

5.30 pm

All Members, irrespective of age, will back such a scheme. However, given the absence of an allocation in the Budget, it will be impossible to implement it, unless the district councils — the alternative that has been proposed — are prepared to carry the burden. The money needed for the new scheme could be about £7 million, but it would provide a much needed service for older people.

I congratulate the Minister of Finance and Personnel on the innovative idea of creating the Executive Programme Funds. As Chairman of the Regional Development Committee, I am particularly pleased to note that there is an indicative figure of £146 million in the Executive Programme Fund for infrastructure. I hope that those indicative figures will materialise over the next three years. The Minister should make clear how those funds will be accessed and what criteria will be used to satisfy the fundholder — the Northern Ireland Executive — that the applicant Department is entitled to receive those funds. It is an interesting and valuable new way of distributing funding across the gamut of departmental responsibilities.

I congratulate the Minister on the Budget. It will be recognised as definitive and will bring a greater maturity to our politics.

**Mr S Wilson:** Unlike my Colleague Mr Wells, I do not have to worry about making statements for local papers or comments for local constituents. I was not even going to speak in the debate, but I was provoked into doing so by some other speakers. We need to clear up some of the issues that were raised.

It is a pity that some of those who got so incensed about my party's position are not still here. I congratulate Mr Close on staying through this marathon session, although he was one of the people who provoked me. Mr Cobain also provoked me, but he never stays any longer than his own speech, because he does not like it when the spotlight falls on what he says. That is a bit ironic, because it is only towards the end that this lengthy debate has sparked into life. I have never seen the Member for East Antrim (Mr Beggs) — who seems to have got a little tired — so animated. We can always rely on Cllr Maginness — I mean Mr Maginness: I thought I was somewhere else — to get animated when his argument is weak. He always uses bluster to cover the weakness of his argument.

I want to make the position clear from the start: the DUP is opposed to the Budget. We are opposed to it for a number of reasons, and I will go through them. The

criticisms that have been made to date have fallen into two categories. They focus either on the way in which the money is to be raised to finance this programme, or on the ways in which the money is to be spent.

First, I will deal with the arguments which have been put forward about the way the money is to be raised. My Colleague Mr Dodds made a very clear point in his opening remarks for the party, and I want to reinforce it now at the very end of our submission. We do not believe that the proper way to raise money for this programme is to keep the 8% increase in the regional rate.

Incidentally, that increase was introduced under the direct rule Administration and we were told at the time that it was specifically ring-fenced for two years as the capital investment needed for the infrastructure for the Water Service. In spite of the fact that the two years have now passed, we are simply having it added on once again. I see that it has been described in many ways: the Durkan tax, the SDLP stealth tax, the sneaky tax. The whole point about it is that it has no transparency. I do not believe that that is the proper way to raise the money required for this programme.

Many suggestions have been made by Sinn Féin. We got the usual thing — the people who hate the Brits hold out their hands and tell us that the Brits should pay up. That is what we got from Gerry McHugh. I think he said it in Irish, I am not too sure. He said that the British Government must bear their responsibilities for what has happened over the last 30 years.

My recollection is that over the last 30 years billions of pounds have been spent in Northern Ireland that could have been spent on improving the infrastructure. Billions of pounds have been spent undoing the work of the bombers, compensating families who have had people killed and trying to increase investment in an economy that investors were scared of, or scared out of. All that was not because of the activities of the British Government but because of the activities of the very people who, begging bowl in hand, are now demanding that the British Government should live up to their responsibilities and give us the money for this programme.

I am not too sure where the Alliance Party wants the money to come from. I know where it does not want it to come from. It does not want it to come from the rates or from rent rises or from the tax powers which may come to the Assembly, because it has consistently refused to admit that the tax powers are actually tax raising powers — it calls them tax variation powers.

Mr Close said I was a slow learner, but I do know that you cannot have a spending programme financed by lowering taxes. That is one thing I do know — slow learner or not. What is worse, apparently this Programme for Government is not even sufficient for the Alliance Party.

Yesterday, in five minutes, I counted six new things that Mr McCarthy wanted, and because he did not get the rest of them in he mentioned a few more things today. Eileen Bell wanted more money for five different things which she said either were not covered in the Budget or were not covered sufficiently.

**Dr McDonnell:** Santa Claus is coming.

**Mr S Wilson:** It does sound a bit like Santa Claus.

However, despite this, taxes are not to be raised. They are to be varied, the regional rate increase is to be stopped and somehow by magic it is all going to be financed.

Mr Close suggested that administration costs be reduced, but they will not be reduced in the Province overnight — and certainly not by the end of December. The First Minister, who also thinks that a magic wand can be waved to get things done, is talking about public administration being looked at in a year.

All attempts, to date, at changing the administration of Northern Ireland by the pro-agreement parties have not saved money — they have cost money. There have been extra Departments, North/South bodies, about 15 review bodies — I think that is what the First Minister told the House — and the Civic Forum, so the forays into administration have not led to any savings.

It is very courageous of Mr Close to suggest that looking at administration costs might save money. That is paramount to a redundancy programme for half the Alliance Party. The Alliance Party peoples the bodies that he is seeking to save money from. I hear that the Alliance Party has an alternative to ‘Who Wants to be a Millionaire?’ it is a game called ‘Who Wants a Quango Chair?’ I imagine that some of Mr Close’s party members might not be too pleased at his suggestion.

When Members vote on the Programme for Government they should look at the issues where there is no added value, or at those that will lead to discrimination in favour of some of the politically correct issues included in the Belfast Agreement. Look at those things and vote against them. That is the immediate way of dealing with the issue. Members can do that before the end of the financial year so that the Programme for Government can go ahead with those changes. It will be interesting to see if the Alliance Party will be prepared to go along with those immediate remedies.

It is a pity that the Chairman of the Social Development Committee is not in the Chamber. Mr Cobain told us how deeply he felt about the poor people living in Housing Executive houses who were going to be pushed to the poverty line and to starvation by a rent increase. He blamed the Minister for Social Development for something that has not even happened yet. He blamed him for intending to put these people on the breadline as a result of the impending rent increase.

Mr Cobain must have gone to the same mathematics class as Mr Close. He said that the Minister for Social Development intends to raise rents by 20%. He has not been able to explain where he heard that, but he said that publicly.

Mr Cobain is not here, but he did have some cheerleaders when he made his impassioned speech on behalf of the impoverished tenants in Housing Executive houses. Mr Davis, a Deputy Whip, was cheering him on. Since Mr Cobain is not here to reply, maybe one of his Colleagues will answer on his behalf.

5.45 pm

We would have no problem obtaining the money to avoid the 2% above-inflation increase in Housing Executive rents by cutting the amount spent on North/South bodies by 50%. I invite Colleagues in the Ulster Unionist Party who have a deep social conscience to tell me — as Mr Close said, in a simple “yes” or “no” answer — if they are prepared to vote for an amendment which cuts the North/South bodies budget by 50% in order to save livelihoods and put bread on the tables of Northern Ireland Housing Executive tenants?

**Mr Leslie:** Will the Member advise the House — his Colleague Mr Dodds failed to do so — how he would avoid having this money spent in West Tyrone? It could indeed be saved.

**Mr S Wilson:** Again, for the slow learners. When you are making amendments to a budget, you simply amend it. You do not spend money on one thing — you spend it on something else. It is as simple as that. When an amendment of that nature is put to the Assembly, will those who so vociferously spoke up on behalf of Housing Executive tenants be prepared to vote for it?

**Mr Davis:** I am surprised by Mr Wilson’s comments. I was always led to believe that in Belfast city hall Mr Cobain and he were on the same wavelength.

**Mr S Wilson:** Nobody is on the same wavelength as Mr Cobain — including many of his Colleagues. I have not got an answer to my question yet, but I am still prepared to give way if anyone wishes to give me an answer.

**Mr Davis:** I always wondered why Mr Wilson got the name Red Sam. That is why I am pointing out that he is on the same wavelength as Mr Cobain.

**Mr S Wilson:** I suppose Red Sam is better than red-faced Cobain — if he had been here and had had to reply to that. There are people such as Mr McElduff who would say that to cut North/South bodies would be to reduce a service provided by a very important element. Mr McElduff, in his usual Republican rhetoric, went overboard and talked about the all-island economy, this new Canaan — a land flowing with milk and honey. Mind you, he is not too far removed from the leader of the Ulster Unionist Party who eulogised about North/South bodies and how important they were in developing an

all-island economy when he was questioned by Mr Dodds, Mr Poots and myself on the Programme for Government. He also talked about sailing down the river during his holidays and how the tourist body would help to promote that.

Significant savings could be made if we cut out all the political trappings that were included in the Good Friday Agreement simply to please IRA/Sinn Féin. If they were removed it would make no difference to the ordinary people of Northern Ireland.

With regard to other areas of the budget, mention was made — as I pointed out to the Member for East Antrim and I am not going to point it out again — about administration costs in some of the Departments. Ironically, the First Minister's Department is the one that has had the highest departmental expenses.

**Mr Beggs:** Does the Member also acknowledge that Departments, which Members from his party have responsibility for, have also had high administration costs and that a reduction in those high central funding increases is needed?

**Mr S Wilson:** I know the Member had difficulty with reading the document, because he could not find the figures for the Office of the First Minister. I had to point them out to him, although it was on the same line as all the others being read. He will notice, however, that the lowest increase is in a Department run by a DUP Minister. The increase for the Department for Regional Development is 3.5%, and that is the lowest increase of all the Departments.

**Mr Beggs:** Is the Member talking about simple administration costs or the departmental running costs? If the Member examines the centre of the section on administration costs, he will find that he is incorrect.

**Mr S Wilson:** The odd thing — and the record, which the Member can check tomorrow, will show this — is that the Member went through the catalogue of figures that he referred to. He went through the figures for administration and quoted the departmental running costs on every occasion. That is the figure on which he based his complaint about administrative costs. I have made it quite clear, and the Budget makes it quite clear, that the lowest increase in departmental running cost was for the Department for Regional Development.

I want to speak for a minute about education. I notice that the Minister of Education is not here today, in spite of the fact that yesterday a Sinn Féin spokesman, who was trying to play down the row about the flying of the flag over this Building today, stressed the importance of today's Budget and said that the Sinn Féin Ministers would be playing a full role. It is a great pity that the Sinn Féin Minister of Education is not present to hear some of the views being expressed. If the flying of the

flag above this Building keeps Martin McGuinness out of it, I would advocate that we fly it every day.

If we look at the figures for the Department of Education, we find that the departmental running costs have gone up by 11.9%. However, the Minister expects schools to exist on an increase of only 7.2%. He cannot live within certain figures, yet he expects schools to live within a far smaller increase. On top of that, he is squandering money on yet another body to oversee Irish-medium education. He wants to discriminate in favour of Irish-medium education and integrated education. I hope that we will see a less biased use of the Budget next time. In the past, the Minister of Education has also dealt with the money that he has been given stewardship of in a most cavalier manner, as can be seen in the way that he divided up the capital spending last year.

I just want to come to the last point, and I see that Mr Alban Maginness has gone. No, he has not. I thought his pseudo rage was spent earlier on. Comments were made about the performance of the Minister for Social Development and the effect that his poor performance and non-attendance at the Executive was having on the waiting lists in north Belfast.

I am the first to admit that there is great housing need in north Belfast. It is important that funding be made available to ensure that the housing programme for North Belfast is put through. Mr Maginness is known for the sharpness of his mind and the brilliance of his logic — and his French, of course — but they were not demonstrated today. He criticised the Minister for Social Development for not getting enough money for housing in North Belfast because he did not go to the Executive. He had hardly got the words out before he was praising the Minister for Regional Development, who also did not go to the Executive, for getting so much money for the railways.

Either you get the money because you go to the Executive, or you do not get the money because you do not go to the Executive, but you cannot have it both ways. At the end of the day the Budget and the way the money is divided out fall at the door of his Colleague. I am sure that he has spoken to Mr Durkan about housing need in north Belfast. It appears that his pleas have been ineffective, because the money has not been allocated. However, when it comes —

**Mr Byrne:** Surely Mr Wilson will acknowledge that Mr Maginness made a passionate plea to the Minister of Finance to hear the call from north Belfast, and surely that was good politics. He was not afraid to ask one of his party Colleagues.

**Mr S Wilson:** I wonder if the passionate plea has just been made now — whether this thought has just occurred to Mr Maginness, or whether he made his plea before the budget allocation was made. That is usually

the best way of doing it — get the crumbs before the cake has been sliced up.

**Mr A Maginness:** Is the Member saying that he has knowledge of the Minister going to the Executive and asking, specifically, for extra money in order to implement the north Belfast housing strategy? Is he saying that the Minister did that?

**Mr S Wilson:** I am saying that the Minister for Social Development made an impassioned plea, probably more impassioned than the Member for North Belfast would ever be capable of — *[Interruption]*

Three of the last four minutes have been taken up by the Member for North Belfast trying to justify himself. It has not been my responsibility that it has gone on for that length of time.

**Mr Deputy Speaker:** I was addressing him as well.

**Mr S Wilson:** Thank you. I am going to finish now.

The Minister for Social Development made his point to the person who makes the final decision on the Budget. Many people would say that the drift in the amount of money available for the housing budget has actually stopped as a result of the representations made by the Minister for Social Development. In previous years there was a large fall in the housing budget, which has now stopped, and the Minister needs to be thanked for that.

At the end of the day Mr Maginness, and others who feel strongly about this, will have the opportunity to vote for money for housing when amendments come before the House. As he has quite rightly told us, there is a cake that needs to be sliced up, and we will be suggesting where the slices could be made smaller with the minimum of pain. I look forward to his support in times to come.

6.00 pm

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr O'Neill):** We have been entertained by a wide-ranging debate that has travelled the length and breadth of Northern Ireland and has gone through mountains, lowlands and all kinds of animals.

I rise with trepidation after your remarks to me earlier, Mr Deputy Speaker. However, it is interesting to note the areas that have been covered with the main argument being over how to raise money to fund the programme. I was outside a few minutes ago and picked up a letter in my pigeonhole from Mr Gibson, the DUP Member for West Tyrone. Mr Gibson has invited Members to a special meeting in the Long Gallery to discuss how to reward councillors adequately, how to acknowledge many years' service for which they were paid. Perhaps the DUP, in its enthusiasm for saving money, could tell us how this will be funded and what policy of the rest of the House, unpopular to the DUP, it wants to remove. Whether it is a cross-border body or whatever, it is just a

little hypocritical. However, Members will be relieved, having listened to all of the —

**Mr P Robinson:** I am grateful to the Member for giving way. Is the Member aware that the national association represents all political parties in this Chamber and that a united view has been put forward? The Member must answer himself the question that he poses to this side. The difference is that this side has an answer; we will put forward proposals on savings. I wonder what proposals the Member will bring forward.

**Mr O'Neill:** Today I listened very carefully when Mr Robinson told us about his new colleague Rover, which is of as much political importance as the contribution he has just made.

I even heard a jocular suggestion from behind me that perhaps Rover is the new Minister-in-waiting. He could be a Minister for Regional Development who knows that sheep do not graze on the Mourne in winter. However, I have only two areas to comment on.

I have been asked to deliver the first comment on behalf of the Committee I chair — Culture, Arts and Leisure — and I want to raise a few points with the Minister for the record. The Committee wants to express its disappointment that many of the bids that the Committee made have not been granted. Historically, the Department's existing activities have been underfunded and for this reason more money should be made available. Members might be interested to know that there has been no Budget increase in any of the major activities of the Department of Culture, Arts and Leisure for almost 10 years. Consequently, there has been a reduction in available funding. There is a serious need to readjust that. The Department's total bid was modest when compared to its assessment of need, and yet little more than 25% of it was agreed.

The Committee is particularly concerned that the £2 million bid to buy out commercial fishing nets around the Northern Ireland coastline was not successful. In the Committee's inquiry into inland fisheries, commercial netting has been identified as a major contributor to the decline in the salmon population of Northern Ireland's rivers. If there is one thing we can do to help stabilise salmon stocks, this is it.

The Committee's inquiry into inland fisheries has underlined the importance of an attractive recreational tourist industry to the Northern Ireland economy.

The Committee believes that the Department must pursue other resources to get the buying of commercial fishing nets started as soon as possible.

The Committee was also concerned that the bid for arts funding has only been met in part. Inevitably, this will be detrimental to the Department's plans to open up the arts to a greater proportion of the people in Northern Ireland and, by doing so, to improve the quality of life

for all. I can announce that the Committee has decided to make accessibility to the arts the subject of its next inquiry. I can almost guarantee that this will draw attention to the lack of funding available.

It is also noted that the Department's spending plans do not include any funding for safety improvements to existing motorcycle road-racing facilities. We are all aware of the major concerns that surround that sport. It has been the subject of much debate — by the Committee and in the Department and the various groups involved in the sport — and it is an area that requires urgent attention. It is vital that funding be made available for safety in this sport. Even small amounts of money would go a tremendously long way in trying to improve the situation.

The Department ought to pursue this underfunding situation rigorously by registering its disappointment at the shortfall in the meeting of the bids and by looking for additional funding in future years. The Committee pledges its support for the Department in that activity.

The second area that I will comment on relates to my membership of the Social Development Committee, and my interest in housing in particular. I express, as other Members have done, deep concern that the funding bid for north Belfast was not met. When bidding for funds, one expects not to get every bid that one puts in. That is understandable. However, it is a great pity that this bid failed, because, as almost everyone is aware, there is a great need for housing in the north Belfast area. People should also be aware that the strategic plan prepared by the Housing Executive is very imaginative, thorough, competent and realistic. It was a great disappointment that the money was not found to begin to implement it properly this year. My Colleague Alban Maginness has dealt extensively with the matter.

I believe — and I am not saying this to score a political point — that had the Minister for Social Development been in there fighting his corner, his arguments, backed up by such an imaginative plan, would have made a significant impact in favour of securing that additional funding. I do not think that any of his supporters here this evening would disagree with the fact that he could have made an impact. I believe that he would have liked to do so. I had hoped that a start could have been made. It is not necessarily the Minister that I criticise; it is the foolish policy of the DUP in not involving itself in the central and full Executive activity. That is a great pity.

I will not comment further. All other aspects have been adequately covered in this wide-ranging debate.

**The Minister of Finance and Personnel (Mr Durkan):**

I am grateful for the opportunity to contribute to this debate. I was grateful too for the opportunity of listening to it, even though I felt at times that I was in detention. It has been a useful debate. I am sure that all Members of the Assembly will join with me in thanking the

Finance and Personnel Committee for its work that has led to today's debate. I look forward to the further results of its work that will flow from the debate.

At times this has been a constructive debate, and it has certainly been wide-ranging. The draft Budget is obviously an important document that requires careful study by the Assembly and by the respective departmental Committees. It has been guided by the Programme for Government, which was debated yesterday — albeit not in the most satisfactory circumstances, given time constraints. In time, through the allocation of resources, this Budget will clearly support the objectives of that Programme for Government.

I have listened carefully to the contributions made to the debate. Together with colleagues in the Executive, I will reflect on the concerns expressed by Members and on some of the suggestions made both here and at Committee level. I know that the Finance and Personnel Committee has further work to do to prepare conclusions, which I will find very helpful in understanding fully, and in reconciling, some of the diverse views on the draft Budget which have been expressed in the Assembly and its Committees. Those conclusions will need to be available in time for consideration of any revisions to the Budget for the next financial year. We need to complete those revisions early in December, so that a revised Budget can be introduced on 11 December, prior to the final vote, which, subject to the usual consideration of timetables by the Business Committee, is scheduled for 18 December. Obviously, the timetable is tight, and the cycle has been very demanding for all concerned. However, even with those difficulties, the fact that we are engaging in debates on a Programme for Government and a Budget manifests clearly the real politics that have been made possible by the Agreement and the new arrangements.

The revised Budget will include some clarification and some adjustment of the figure work. At a more significant level, the Executive will wish to consider whether changes could be made to improve the balance between spending areas. The views of the Assembly on this point will obviously be important. In principle, with a fixed departmental expenditure limit, any increase has to be offset by a corresponding decrease. We will, as ever, continue to look in the Departments' planning figures for any savings which could be redeployed. It is clearly a very important principle that money not required for the purpose for which it was originally allocated should be reabsorbed for reallocation by the Executive and the Assembly.

There were several contributions during yesterday's debate, and again today, on the difficulties arising from the Barnett formula. As I have made clear on many occasions, the Executive is determined to seek the best possible outcome for our spending processes, and we do not find the Barnett mechanism satisfactory or appropriate. While seeking additional resources from the Treasury however, it is important to bear in mind that we are

likely to be regarded as well provided for, and it may be argued that we do reasonably well in terms of parity service. There is much to discuss. This is not a matter of simple tactics, or of walking into the Treasury and getting things changed overnight by Barnett-storming. Clearly, there are delicate and sensitive issues involved — not just for ourselves, but for others elsewhere as well.

We need to look very carefully at the regional rate which, as everyone is aware, forms an important part of the financing of our spending power. I have already indicated that we propose a substantial review of rating policy.

6.15 pm

The fact that that review is pending does not mean, if we choose to forgo revenue in the meantime from the source that the rates offer, that it is not going to be very difficult to expect the Treasury to make up the resulting deficiency in our spending power. Any deficiency that we choose, by either abolishing or not increasing the regional rate, will have to be lived with or made good by ourselves. It is not a deficiency that the Treasury will pick up.

The reality is that there are limitations on our allocation, and that is unsatisfactory for all the reasons that Members have identified. I am glad that Members appreciate the significance of the Barnett formula and that they are becoming aware of its adverse effects, which will be compounded further over time. There would not have been that appreciation, nor would there have been that degree of political or public awareness, were it not for the fact that we now have the various institutions in place. That itself is a score for transparency in relation to our Budget-setting exercises.

The Executive is determined that the resources available are used in the best possible way and that action is taken to improve efficiency and effectiveness, and the targeting of actions on a priority basis. That is constantly emphasised in the Programme for Government and the Budget. We need to work together to maximise our advantage in relation to the Treasury. That is central and important.

I hope that Members appreciate that, within the available resources, more money can only be spent in one area if there are offsetting reductions elsewhere. The Executive will therefore need to be convinced that the benefits of any proposed changes will clearly outweigh the sacrifices that will have to be made in other service areas.

A number of points and questions have been raised during the debate, and I will cover as many of those as I can now.

Mr Molloy, as Chairperson of the Finance and Personnel Committee, made a point that was taken up by others, including Mr Close, Mr Neeson and Mr Beggs. That question was in relation to the difficulty arising from the timetable and the process that we are dealing with this year. It has been constrained, and it does cause difficulties

for all concerned. That includes the Executive as well as the Assembly and its Committees. The intention is that the cycle will be different next year and that the agreed Programme for Government should be the starting point to inform the process.

Members should appreciate that when we adopt the Programme for Government in the new year it will lay down a prospectus, including budgetary precepts, for future years. Those precepts will already be there. They will be information that the Assembly and the various Committees will already have.

When we present the revised Budget in December we will also present indicative figures for the Departments for years two and three. Mr Dodds raised the point that the draft Budget statement presented indicative figures for the Executive programme funds for years two and three, but not for the Departments. At the time of the Budget statement, given that people were criticising the fact that the draft annual Budget for next year was published before the Programme for Government, I made the point that it would have been ridiculous for us then to have issued full indicative allocations for all three years. We want to continue the work on those indicative allocations for years two and three.

Members and Committees should remember that they will have that work available to them as well. That is information that the Committees can use and work on from now on — they do not need to wait for a starting gun from me, the Executive or anyone else.

The Committees can carry on the important scrutiny work that many Members have emphasised, and they are free to pursue that on the basis of that information to see how good the plans are for that expenditure. When we bring forward the consolidated Programme for Government in January it will include detailed public service agreements for the Departments.

Those public service agreements must spell out the actions and targets. That will assist the Committees in monitoring and tracking the performance of Departments — or those who are using departmental money — and the effectiveness of spending. That is all information that will contribute to the Committees' being able to get into their stride in their important role.

The fact that we are changing the nature of the information and management systems means that Committees can do much more, all year round, in advancing probing and developmental work in these areas. There is no question of Committees being denied opportunities. The arrangements that will be brought forward will equip and enable them to perform their role and their public duties in a way that satisfies them and is much more effective.

As I have already mentioned, I agree that next year we should introduce the Budget at an earlier stage. We



will be able to do that, as we will be working in a more established context because we will have the Programme for Government and the indicative allocations for the next two years already established.

Dr Birnie raised a number of points, particularly in relation to the budget of the Department of Higher and Further Education, Training and Employment. He touched on the issue of adult basic education, a subject that John Dallat also mentioned. I recognise, and the Executive recognises, that serious problems exist. The Department will be able to compete for Executive programme funds to supplement the amount that has been allocated. The provision made for the Department will allow for pilot projects to take place, and the Minister, Seán Farren, has made it clear that he will be using money from the Department's budget to do that.

Dr Birnie, Mr McGrady, Mr Dodds and several others highlighted the limitations of the Barnett formula and asked what was being done about it. As I said in my opening remarks, Barnett is a flawed mechanism that does not directly address need. That said, it has the attraction of being reasonably simple to apply. Once we get the allocation, we have discretion in how we use it, rather than having to trace and clear everything through the Treasury. The Barnett formula, however, is a very serious problem for us in that it does not address need or allow us to get the increases in service spending that are going elsewhere as part of the headline announcements made during the summer. It raises issues of basic equity that we want to address properly and competently.

When we set out to do this at Executive level, not everyone counselled us that we should do so. Some counselled against raising the issue with the Treasury at all. It is interesting to note that more people are now of the view that we need to take up this issue robustly, with a planned approach. We must take a planned approach because the Treasury is not an easy touch on anything, and it is certainly not going to be an easy touch on this point. It will respond in ways that challenge aspects of our situation.

Representations were made in the context of the 2000 spending review. The scope of the Barnett formula was increased as a result of representations from the First Minister, the Deputy First Minister and myself to the Chief Secretary to the Treasury. That increase in the scope of the formula gave us more than £40 million more on our baselines over the next three years. That is welcome but not enough. I remind Members that when a lot of people raised concerns, they were about the £23 million that the Treasury had wrongly allocated to us, and then took back.

People are not so appreciative of the fact that we managed to increase the amount of money allocated to us under the formula — we secured a “Barnett” share of money, which had originally been allocated to London transport. There has also been some improvement in the

way that abatement has been handled: this was achieved during the summer. We will be seeking to ensure that a more equitable means of funds allocation is adopted before the next spending review.

The allocations announced by the Chancellor of the Exchequer are to last for the duration of spending review period. Therefore we need to mount the best possible case, with strong arguments, so that by the next spending review we have a strong basis, better than the Barnett formula, for winning our share of resources.

Mr Dodds suggested that there were discrepancies in figures for North/South bodies which were presented to the Finance and Personnel Committee. The figures refer to two different periods: the £8.2 million figure quoted referred to the 2000 calendar year, while the £8.9 million was quoted in relation to the 2000-01 financial year. That figure also included an allowance for the tourism company. The overall figure of £18 million which was referred to covers the financing of all bodies and their activities in the 2001-02 financial year.

Reference was made to the expenditure by bodies of £11 million on political initiatives. This money was not spent on political structures but on ongoing services, such as inland waterways and trade and business development. The funding allocation for the tourism company will pay for a major publicity drive to market the region as a tourist destination, something that is clearly needed, and from which there will be direct economic benefits.

Mr Dodds, and others, raised the issue of the regional rate. Income from the regional rate can fund any service, which gives the Executive maximum flexibility. I underline the point that it is the Executive Committee that agreed these budgetary provisions in their entirety, in case some Members do not fully understand that. These increases are needed to deliver the services set out in the Budget and without them we would have to adjust the Budget accordingly. Therefore, if a lower regional rate is to be fixed, where should expenditure be cut?

Mr Beggs sought a comparison between rates bills in Northern Ireland and those in England. An average rates bill here is significantly lower than an equivalent council tax bill in England, where households also pay a water charge something that must be considered. These are the arguments that the Treasury will raise when we begin negotiating the Barnett formula. When we state our particular need and argue that resources are not sufficient, others will wonder why we do not supplement our resources through the means available to us. They will also point out that households in Northern Ireland pay a significantly lower rates bill, compared to that paid by their English counterparts.

6.30 pm

Some Members quoted sections on rolling forward from my budget statement. My Budget statement was

transparent. It was clear and open. It is on the record, and it can be seen we will be rolling forward the 8% increase that was allocated in the comprehensive spending review. That has been said here in public, so this is not a stealth tax, it is not a back-door affair. It is in print and Members have been able to quote it here. We need to make a distinction between rolling forward the expenditure plans we inherited which we clearly are not. This would have been the third year of the comprehensive spending review, and spending patterns are different from those that were intended so there is a distinction to be made between not rolling forward the expenditure plans and rolling forward some of the funding, and that is what was done.

Some Members, Sammy Wilson in particular, raised the point that in the comprehensive spending review, increases of 8% in the regional rate were earmarked for two years. In fact, increases of 8% were earmarked for three years. Mr Wilson pointed out that when that was revealed, the Minister who had responsibility for finance and personnel at that time stated, in reference to the regional rate increase, that extra money needed to be invested in water. Members have been talking about various people's having made impassioned pleas and bids. People have been making it clear to me that they wanted the indicative allocation for continued increased spending on water to be protected. They wanted the increased allocation in the comprehensive spending review to be protected and continued. Members should note that this budget sees it both protected and continued. People cannot have it both ways, which unfortunately they wish to.

The regional rate revenue is £318 million. That figure has been built into the budget plans for 2001-02. To generate that revenue, we estimate, a regional rate increase of 8% in the domestic regional rate is needed, with an increase of 6.6% in the non-domestic regional rate, and on that basis we have presented these figures. In February 2000 we were able to make the decision not to have to follow through on the full level of increase that we had indicated in the draft Budget statement for the non-domestic regional rate, because the figures available showed some buoyancy, indicating that we could reliably set a lower rate and still achieve that estimated amount. I would like to remind Members of that.

Some Members are saying that this is, in effect, a tax. Mr Dodds has said that it is not justified to say that we need this to cover spending. If these rates can raise more revenue than that estimated, time might allow us to do a revision similar to that which we did earlier this year. This rate increase is not being pursued blindly as some sort of must-have tax, because I have said it is needed to cover spending. It is not a must-do levy. It is related to the amount of money that Ministers and Departments have agreed, at Executive level, that they need if we are to produce a budget consistent with the priorities laid down in the Programme for Government.

In the terms of resources the best ready reckoner is that for each percentage point reduction in the regional rate uplift, our revenue would decrease by £2 million. This would be a direct reduction in resources available to the Executive for the provision of public services. I make the point in answer to the question asked. The average domestic rate bill in Northern Ireland next year will be almost half of what will be levied in England. There is also the water charge to consider.

The percentage increase in the regional rate proposed for Northern Ireland is similar to that proposed for council tax in England. Seamus Close, Sean Neeson and others raised once again the question of tax-varying powers. As Mr Leslie pointed out, the Scottish Parliament has those powers but is not using them. One should also remember that 3p in the pound — if that is the extent of the tax-varying power we seek — would raise significantly less than the regional rate does.

Some Members seemed to be suggesting that we abolish the regional rate, saying that it was fundamentally wrong and iniquitous and should not exist in any form. I took the logic of some Members to be that they were not so much against an 8% increase, but against the principle, and wanted a different form of taxation. Even if we were to apply the Scottish model, which is the only alternative that seems to have been suggested so far, it would not raise the money that the regional rate currently does. Something would have to give.

Seamus Close and Sean Neeson also seemed to be saying that we did not really need the regional rate in any case, since there were so many savings there for the taking if we only listened to the Northern Ireland Audit Office. We certainly want to achieve savings wherever possible, and the Department of Finance and Personnel is glad of any friends it can find in the Assembly when it comes to achieving savings and ensuring proper efficiency and soundness in spending. It seems strange for people to argue on the one hand that we do not need the resources the regional rate will give us, while also arguing that we need more than the Barnett formula provides and that we need some elaborate tax-raising powers. It simply does not add up.

Mr Close rather unfairly accused the Executive and myself of hypocrisy. I ask him to go and think through his own party's position, for it cannot be the case that we simultaneously need and do not need the money, that we can raise it by different means, and that those means do not provide us with the requisite sum. I hope that there will be further thought on this matter.

I want to take up the positive suggestions such as making certain, through the various Committees, of much more efficiency in spending, and I look forward to that work succeeding. I remind Members that, when we bring forward matters like public service agreements in the context of the Programme for Government, it is

precisely to insist that Committees and others perform that task better.

I would also like to deal with the point about the housing budget and the question of Housing Executive rent increases. There seems to be a similarity between the arguments about the rates, not least from Mr Close, and those from Mr Cobain on housing and rent increases. There was an allegation that the Executive had no interest in targeting social need. Mr Close said that when Ministers get a sniff of power they forget about people in need and lose their social conscience. I have not lost my social conscience and am in no particular need of lessons from anyone.

We are trying to discharge our responsibility to manage a Budget well and effectively, targeting it across many competing needs to meet a large number of serious pressures, in circumstances where we simply do not have enough resources to cover all those areas and do all that we would wish. People should recognise that, rather than take cheap shots about people losing their social conscience when they get a sniff of power. If we in this House can demonstrate that we have caught the whiff of responsibility, and show a degree of maturity and realism, we will be doing our work well.

The figures for the Housing Executive rent increase were based on national figures that put rent increases at GDP plus 2%. The Department for Social Development used the same guidelines. That is the assumption in those figures. If we do not hold to that, there will be a reduction of £7.8 million in the Housing Executive's budget. Incidentally, that reduction figure is based on a revision of the previous figure of £5.4 million.

Mr Cobain alleged that we have continued to cut the housing budget. In contrast to what was planned for next year under the comprehensive spending review, the Housing Executive budget will go up slightly, by 1.5%. The budget for housing associations, which are doing the new building, will go up by 6.4%. Mr Wilson recognised that what he called the fall in the housing budget has stopped. People will not be able to say that if we do not follow through with the rent increase. The Minister and the Department will make the final decision, and I understand that the Minister is awaiting the views of the Social Development Committee before doing that.

We should remember that there have been high levels of investment in public housing over the past 20 years — rightly so. We have inherited an infrastructure, even with all its problems, that is much better than that in England and Wales, and shows lower levels of unfitness. Also, under the house sales programme, the number of houses that the Housing Executive maintains continues to fall — it is down by over 15% in the past five years. People need to bear such points in mind as we deal with some of these questions. Predictably, I will make the point that 75% of Housing Executive tenants receive

help with their rent through housing benefit. That goes some way to minimising the impact of the increase, although I recognise the effect of any rent increase on households on marginal income, particularly those that do not qualify for the relevant benefits.

Mr Poots raised the question of funding for buses. An additional £1.7 million has been allocated to bus purchases in the Budget. The Department for Regional Development already gives Translink a grant equivalent to 50% of the cost of replacement vehicles. He also raised some questions about the budget of the Department of Agriculture and Rural Development. Expenditure on running costs for that Department in turn provides direct benefits to agriculture, such as the veterinary and scientific services. It is wrong for people to treat running costs as though they were just funding for idle bureaucracy — they support necessary services. If we were not proposing those increases, we would soon hear about how important some of those services are to farmers.

Funding for victims is a matter of considerable concern to the Executive. We will address it shortly, when we clarify the position on the Peace II negotiations with the European Commission.

6.45 pm

With regard to the division of responsibilities that Ms McWilliams mentioned, the NIO took the decision to set up the Victims Liaison Unit, and people know the basis on which that was set up. We sensibly decided that that did not preclude us, equally having a responsibility in relation to the scope of interest and responsibility that we have as a devolved institution, from showing proper consideration for victims in the work and service programmes undertaken by our Departments. That is our responsibility.

There is no pretence that the Victims Unit that is now being established in the Office of the First Minister and the Deputy First Minister will replace or displace any of the work that is being done by the Victims Liaison Unit in the NIO. It is to ensure that we show consideration for victims within our devolved responsibilities. If we had taken the other course, saying that there was already a Victims Liaison Unit in the NIO, people would really have had a case against us, that we were showing absolutely no consideration or regard to victims.

When the First Minister and the Deputy First Minister brought forward the departmental designations that listed victims as one of the responsibilities for their Department, they explained that point well. They were not going to use the excuse that there was already such a unit in the NIO.

Mr Poots and others raised the issue of e-government. Obviously, we attach a high priority to the effective use of technology in Government. The establishment of the Executive programme funds to cover service modernisation, with £3 million, £10 million and £20 million across the

years, reflects that. As with the other funds, precise details of how it will operate are the subject of discussion and development.

Patricia Lewsley mentioned the budget of the Office of the First Minister and the Deputy First Minister, with particular regard to equality. The sum of £1 million has been allocated to enable the Equality Commission to carry out its new statutory obligations under the Equality (Disability, etc) (Northern Ireland) Order 2000. That funding will enable the commission to provide services to people in the community with disabilities, employers and service providers, and to work towards the elimination of discrimination.

Ms Lewsley also questioned the adequacy of the Department of Education's budget. I believe that the proposed allocation strikes a fair balance between the needs of education and the very pressing needs of other services. Planned expenditure on the Department's services will rise by 7.1%, bringing it to a total of £1.332 billion.

The planned provision will enable existing levels of service to be maintained across the schools sector, youth service and community relations. School budgets will benefit directly from the extra £20 million in the Budget statement, continuing what was originally a one-off allocation of £14.7 million. The plan also provides for £3.5 million for the curriculum review, and £9.5 million to make good deficiencies in the school estate.

Even with all the difficulties we have under the Barnett formula, even if we are not able to match the rates of increase in spending in education and health that have taken place across the water, the Department of Education is getting more than its Barnett formula share, as is the Department of Health, Social Services and Public Safety. Even with the difficulties that we have, several Departments are giving increases over and above what their strict share would be under the Barnett formula.

Peter Weir emphasised the need to get better performance from additional money in education and health. Again, I remind people about the importance of public service agreements, and refer them to paragraph 1.3 of the actual Budget statement, which made it clear that any allocations are conditional on clearly identified actions and targets. I hope that people are not going to ask me to say that, and then forget about it when they get to work on the departmental Committees. I hope that all Members will bear that in mind.

Jim Shannon raised the question of railways. Obviously, the Budget proposes an additional £19.6 million for investment in railways to implement the consolidation option. That is a significant increase on the £22 million baseline that was previously planned for Northern Ireland's railways.

I hope that the people who are welcoming these things in the Budget will vote accordingly. It seems strange

that Members say that there are all sorts of things that they welcome, but because of some relatively smaller aspects of the Budget they want to vote against the whole thing.

Monica McWilliams raised several points on foundation degrees. Pilot schemes to test the suitability of introducing foundation degrees in areas of high skill demand will commence next year. The costs are minimal in the first year and will be met from the Department of Higher and Further Education, Training and Employment baseline budget.

Many people have said that Departments have missed out various parts in their bids and asked what we are doing in order to make this good and restore it. Twice in the course of my reply so far I have mentioned points that were not covered in the Budget statement for the Department of Higher and Further Education, Training and Employment, but that the Minister has subsequently said that he will now cover within his baseline. As I said on the day of the Budget statement, all Departments, on the basis of the allocations offered, can re-prioritise some of their expenditure.

A case has been made, for instance, that the chronic housing problem in North Belfast is an absolute priority. I imagine that the Department and the Housing Executive, as the agency responsible for housing, will want to make sure that they do something about such a serious and pressing housing problem, rather than leaving it untouched just because it was not covered in the Budget. The departmental Committees have a particular contribution to make to ensure that they reflect the interests and insights that can help to inform any further re-prioritisation that Departments seek to apply to their budgets.

Monica McWilliams also asked what happened to Welfare to Work. Welfare to Work has, until now, been managed as a separate budget outside the Northern Ireland departmental expenditure limit. As I said in the Budget statement, on the basis of changes that have come through with and since the Chancellor's summer announcement on the spending review, Welfare to Work moneys allocated to us will now come within the departmental expenditure limit and therefore will be at our discretion.

In the December statement, that money will be apparent in departmental budget lines. It is not apparent in the current budget lines, but it certainly will be when we bring forward the revised figures in December. The amount of money that we are getting for this initiative is going down because of falls in unemployment, et cetera.

Monica McWilliams also asked who has control over the Executive programme funds. The Executive Committee will shortly be considering options for the management of those funds. The expenditure will ultimately be accounted for, in the first instance, by any Departments that are given allocations from the funds. The funds themselves will be clearly monitored and managed by and on behalf

of the Executive Committee, and there will be full reporting and transparency.

Both Monica McWilliams and Roy Beggs asked why departmental running costs are going up so much. Clearly, we have now 11 Departments, and nobody ever denied that there would be some rise in central departmental costs. Departments are also carrying out an expanded work programme due to devolution in order to meet the needs of the Assembly and its Committees, and obviously to deal with some of the various other duties that the agreement imposes on Departments. All of that requires resources.

Also, many people are arguing for, and stressing the importance of, much better work going on between Departments, stronger interdepartmental work, more joined-up approaches, far more subcommittees and other communication between Departments. That all adds to departmental running costs. People cannot ask for all these improvements in how Government is run and then at the same time complain when some of the costs start to show in budget terms.

Several Departments have been under pressure with regard to departmental running costs. The Department of Finance and Personnel has had problems with departmental running costs due to the reallocation of responsibilities that came with the reorganisation of Departments. Several responsibilities came to the Department of Finance and Personnel, but the resources that previously covered those responsibilities stayed at other Departments.

When Sammy Wilson says that the Department for Regional Development received only a relatively low increase on departmental running costs, he must remember that the Department for Regional Development kept some of the money that formerly covered the functions that went to the Department of Finance and Personnel.

We need to take account of the circumstances and needs of the Departments. Different Departments run programmes that have different cost profiles and different levels of policy and management input. It is unfair to compare one Department with another, particularly where new Departments' initial budgetary allocations did not properly reflect the cost base attached to their functions. That should be borne in mind by people asking those questions.

It is similar to the experience of the Assembly last year. Many Members were criticised for the significant increase sought by the Assembly Commission, and members of the Assembly Commission — including people from parties that are now criticising departmental running costs — were saying that the increases were needed because the previous assumptions were not soundly based.

Monica McWilliams asked about the Chancellor's initiative and where it could be found. The Chancellor's initiative money, where applicable, is clearly shown on the departmental tables. I will use the Department for

Regional Development as an example. When I delivered the budget I talked about the increase for the Department for Regional Development as being 10.2%. People will see that figure in bold in the middle of the table. I could have gone for the figure of 15.2% at the bottom of the table to make the expenditure level sound greater. However, below the total departmental expenditure limit line, we have shown those moneys that would have been deemed to have been previously announced. Those include the Chancellor's initiative, Peace I and Peace II moneys. That was precisely to ensure that there was no double counting. So the Chancellor's initiative money is shown for each Department for this year — and last year where that is relevant — so that should be traceable.

There is no Chancellor's initiative money in the Executive programme funds, and I thought that that was clear from the previous statements. If it was not, then I apologise.

Jim Wells welcomed the budget increase for the Planning Service. I welcome the fact that he welcomed that. Clearly, my Department tried to assist the very serious pressures that the Department of the Environment has been experiencing in the Planning Service and in the Environment and Heritage Service both in this budget and through some previous measures. Again, I hope that people who welcome these things will vote for the budget accordingly.

Mr Wells and Mr McHugh raised particular points in relation to the difficulties of getting designations for AONBs and ASSIs. We hope that the Planning Service's sounder spending position will provide for some improvement in that area.

Mr Wells said that he believed the Planning Service should be made a Department in its own right. Here we have a party saying, on one hand, that we have too many Departments, that we should go back to the six, and, on the other hand, advocating the setting up of another Department.

*7.00 pm*

Mr Wells and Sean Neeson also raised the question of the Prescott money. As I have indicated, the allocation to Northern Ireland announced by the Chancellor in July included an amount determined by the Barnett formula in respect of transport. That ensured Northern Ireland received its share of the funding package subsequently announced by the Deputy Prime Minister. That was about £37 million. If the First Minister, the Deputy First Minister and myself had not made representations to the Chief Secretary, we would not have received that money because London Transport money was discounted. However, we did not get an allocation of any Barnett formula comparison money in respect of the metropolitan railways. Our bid to the Chief Secretary to the Treasury was not successful on that front, but we were successful

on the London Transport argument. That type of work has made it possible for us to provide the funding for railways that people have welcomed in the Budget.

If we are to propose higher increases in transport spending, we must remember that these will be greater than the strict Barnett formula share of what the Department of the Environment, Transport and the Regions would allow. That puts our increased spending on transport in the same bracket as that on health and education. Even with all of our difficulties, we have managed to give it more than our Barnett formula share of the increase. I hope that people will recognise that given all the constraints that everyone has talked about, it has not been an easy task for the Executive. People need to be careful about thinking that things can be easily changed.

Mr McHugh and Mr Wells mentioned the roads budget. The Department for Regional Development announced details of its major roadworks preparation pool in July. That will improve the strategic road network, and we want those schemes started, or completed, in the next five years. That pool includes a variety of road schemes together with those announced by the Chancellor of the Exchequer in May 1998. In the Department for Regional Development table in the Budget, people should be aware that the moneys for the Chancellor's Initiative are all going into roads. When people look at the total spend on roads they should take that money into account as well.

Mr McHugh raised some questions about agriculture. A range of measures is being supported to fight animal disease, notably TB and brucellosis testing and scrapie eradication. The total provision for compensation payments in the plan, not counting £2 million on scrapie, would amount to £9.9 million. That provision is clearly intended to provide compensation to farmers for cattle that have tested positive for TB and brucellosis, as well as for the additional costs incurred by private veterinary practitioners carrying out those tests.

If there were evidence that the Budget was being abused, which seems to be the implication, I would be very concerned about that and would be most interested in making sure that such evidence was brought to the attention of the relevant people. I hope that any such evidence would be forthcoming.

The spending plans contain the figure of £3.9 million as the match funding contribution from the Exchequer. Modulation will apply across the United Kingdom at the same rates starting at 2.5% in 2001, rising to 4.5% in 2005-06, with 100% match funding from the Treasury. If this money were not made available, the Department's budget for rural development regulation measures would be significantly lower. That is another area in which the Executive has made some successful representations following the spending review announcements in July.

Among other things, Mr Neeson raised the question of the gas pipelines. I recognise the Assembly's interest in that issue; it dates back to when we were in shadow mode. The Minister, Sir Reg Empey, is working on that matter, and Members will also be aware of the work of the regulator. There is private sector interest, and decisions will have to be made on a number of proposals. The section of the Budget that deals with the Executive programme fund for infrastructure and capital renewal makes specific reference to energy, and the fund can be used for that purpose. Obviously, however, the Minister of Enterprise, Trade and Investment needs to assess the proposals coming from the private sector before any other decisions are made.

Mr Neeson and other Members, including Ms McWilliams, raised the question of Peace II funding, and the transitional Objective 1 funds. The negotiations on the new community support framework (CSF) have now concluded. Negotiations on the two programmes began early in October, and it is hoped that the negotiations with the Commission will conclude by the end of this year. I have already written to those who are to be appointed to the three monitoring committees — the community support framework monitoring committee, the transitional Objective 1 monitoring committee and the Peace II monitoring committee. Those structures are new and differ from the previous monitoring committee structures, as a result of the consideration given to the matter by the interim CSF monitoring committee and the working group that it established. Obviously, we want those monitoring committees to make a contribution to the further development of our plans and proposals.

The question of gap funding was raised. We made an allocation for that in the context of the Agenda for Government initiative. I said then and in the Budget statement that we would keep that area under review. People have raised particular difficulties with us, some of which are not necessarily as straightforward as they might seem, so we are trying to find the best way to deal with particular situations. Obviously, we are trying to move urgently to bring forward the new programmes, because the most important thing is to get them running. We want to make sure that people will still be in a position to take up the new programme money and make the most of it, building on previous important and positive experiences.

Mr Neeson also raised a question about the new TSN measures. We are consulting on the equality implications of the Budget and have been in touch with the Equality Commission. We are also going through a wider consultation exercise that will include some public conferences. Mr Neeson referred to the Robson indicators. A review of the indicators of social deprivation and social need is under way. There has been public consultation and the relevant academics have been appointed. We are trying to come up with something that is much better than the

Robson indicators; they served a purpose but are of only limited use now and do not reflect multiple deprivation in the way that they might. The Robson indicators miss out pockets of multiple deprivation, because they are based on wards. We will use new information systems, based on postcodes, for example.

I hope I have covered most of the main points raised. Many Members put forward particular suggestions and concerns, and we have a record of those. I have certainly taken extensive notes during this debate, and we in the Executive will reflect on what has been said today and whatever comes through from the departmental Committees, in particular from the Committee for Finance and Personnel, with a view to bringing forward a revised budget in December.

We want to ensure that we have good planning so that those who need to know what their allocations are, such as the trust and the schools, will know in time. If we do not do this in December, key services will be in a situation of uncertainty and in the position of having to start giving protective notice. I cannot emphasise enough the importance of reaching the budget decisions in December.

Confirmation of the Budget in December will help to confirm for Departments the allocations they will be working with and on which they should base their final work on the public service agreements. Those will detail the sort of actions and targets that everybody here is saying they want to see so that the Committees can perform their scrutinising role better and the public know what they are getting for this money.

**Mr Deputy Speaker:** Minister, we have heard about precedents being set. The precedent you set today is a tour de force. I congratulate you.

The Deputy Chairman of the Committee for Finance and Personnel has taken on the responsibility for winding up. I am sure he will be well aware that it is not early. I call Mr James Leslie.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Leslie):** I do not propose to wind up for as long as the Minister.

I hope everybody will agree that this has been a useful debate. I thank all those who contributed to it. I also endorse the comment made earlier in the day by Mr Wells that it has been a proper debate. It is one of the few we have had in this Assembly that has taken place in a proper debating manner with the time for interventions, which was freely given and taken by Members. That is to be welcomed.

I will set out the steps that will be taken by the Committee to ensure that the views of the Assembly Members on the draft Budget, and particularly the views of the Committees, are brought to the attention of the Minister. Each departmental Committee was invited to provide the Department of Finance and Personnel

Committee with its views on the Budget bids and on the proposed allocations for its Department. The Department of Finance and Personnel Committee asked for an indication of particular priorities to be attached to each of the budget headings and bids as well as any related factors that each Committee wished to be taken into account.

I am pleased to say that, despite the short timescale, most of the Committees have already provided a response, and we are grateful to them. Following this debate the Finance and Personnel Committee will prepare a report summarising the responses from the Committees, together with issues that arose during this debate. The report will incorporate the Committee's submissions. While it will be addressed primarily to the Minister of Finance and Personnel, the report will be published for circulation to Members in the normal way.

My understanding is that the Minister will take full account of the written comments from the Statutory Committees, together with the issues raised during this debate, when he and his Colleagues in the Executive make their final adjustments and refinements to the budget. Needless to say, in the course of debate a number of Members battled either on behalf of Departments which their parties represent or on behalf of Committees on which they sit. None laboured longer on this matter than the Democratic Unionist Party, as well it might. It was not there to labour long on these matters in the Executive so it had to make up for it on the Floor of the Chamber.

When we have a debate like today's, with all the parties represented — Sinn Féin here throughout today and members of the DUP referring by name to Members of Sinn Féin and the remarks they made in their debate — I have to ask what on earth is the difference between that and attending meetings of the Executive Committee? The only thing I would say in favour of their Ministers' non-attendance is that a Committee of 10 is probably rather easier to work with than a Committee of 12.

We have had quite a lot of discussion today about the rights and wrongs of the regional rate. If one decodes all the bluster, the core of the DUP position is that it wants to be seen to oppose the regional rate but it would quite like the proceeds to be hypothecated to those departments which it represents. And, of course, it wants someone else, mainly the Minister for Finance and Personnel, to take responsibility for raising the money which it would then spend if it could get its hands on it.

7.15 pm

On the subject of rates, the only way you have less tax is if you have less government. I am very much in favour of less government and thereby less tax. Sadly, we have had a regime in Westminster over the past three years that has increased the amount of government and the amount of tax. I hope our administration can, over time, address this situation because we do have to justify a better output for the money we spend. I am grateful to those

Members who drew attention to the need to scrutinise the way in which money is spent and particularly that being spent on administration. I think the Assembly, in future years, should be working hard to try and reduce expenditure in those areas.

I have never heard of a tax rise that stimulated an economy, but certainly tax cuts can do that. One only has to look south of the border to see the value of cutting taxes if you want to stimulate the economy. Therefore it would be a worthy objective to seek to reduce the burden of regional rates in the future.

I do feel that the Executive is sensible to take an incremental approach to any changes it may make. As we are a new and inexperienced Assembly and Administration, it would have been unwise to make radical changes in the first years. The approach that has been adopted by this Executive is entirely sensible.

We had some touching entreaties from certain Members of Nationalist and Republican disposition for more money that can only come from one quarter — the English taxpayer. It should be borne in mind that we spend £10 billion a year on administration in Northern Ireland. While no official figure is available, it is estimated, and

not disputed, that the tax base in Northern Ireland is probably in the order of £5 billion. The question would therefore arise: if we have to pay our own bills, who would provide the other £5 billion given, as I have just said, that we are unlikely to stimulate the economy by doubling the rate of tax?

Finally, these matters will be revisited in Plenary session when we deal with the final budget just before the December recess. While I am unable to assure the Assembly that the Finance and Personnel Committee will agree a report, I can assure the House that it will produce a report. That report will be given to the Minister of Finance and Personnel before that debate, and it will be published and available for use by Members in the debate.

*Question put and agreed to.*

*Resolved:*

That the Assembly takes note of the draft Budget proposal announced on 17 October 2000 by the Minister of Finance and Personnel.

*Adjourned at 7.19 pm.*



## NORTHERN IRELAND ASSEMBLY

Monday 20 November 2000

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

*Members observed two minutes' silence.*

### ASSEMBLY: UNPARLIAMENTARY LANGUAGE

**Mr Speaker:** On Monday 13 November I cautioned a Member — Mr Wells — because of a remark he had made. He referred to

“two Departments with terrorists in Government.” [*Official Report, Vol. 7, No 3, p129*].

Having studied the Member's comment and my response to it, I am satisfied that it is not one that I can allow to remain. I therefore call on Mr Wells to withdraw it.

**Mr P Robinson:** On a point of order, Mr Speaker. What is it that you are ruling to be unparliamentary? Is it the use of the word “terrorists” per se, or is it the use of the word “terrorists” to describe specific individuals?

**Mr Speaker:** As I said at the time, it was quite clear that accusations were being made about two particular Members. When I drew the Assembly's attention to my view about that accusation against the two Members, there was no dissent. The Member simply went on to make reference to one of the Members. It is the question of the legitimacy of the remarks that were made with reference to two Members that concerns me, and it is those remarks that I ask the Member to withdraw. Will the Member please respond?

**Mr P Robinson:** On a point of order, Mr Speaker. That is what concerned me about the original ruling. I urge you to look at the remarks before asking the Member to withdraw them. Are you questioning their accuracy? It would be strange for a Speaker to adopt the position of judging the truthfulness of any remark that is made in the Assembly. That would be a full-time occupation indeed. If the word “terrorist” cannot be used, the Assembly should be told that it is unparliamentary in itself and not just because it refers to a particular individual.

**Mr Speaker:** In other places accusations against Members that have legal connotations but are made on no legal basis are judged not to be parliamentary. I call on Mr Wells to withdraw the comment.

**Mr Wells:** The ordinary, decent people of the Province make no distinction whatsoever between Sinn Féin and the IRA. They are one and the same, two sides of the one —

**Mr Speaker:** Order. This is not an opportunity to make a statement. I have explained the situation and have asked the Member to withdraw the comment.

**Mr Wells:** Mr Speaker, I refer you to the Hansard record. When you pulled me up on that matter I made it clear that I was referring to the Minister of Education, who is on record as having at least two convictions for terrorism —

**Mr Speaker:** Order. The Member and his Colleagues know well that when they are asked to withdraw remarks, they are not being given an opportunity to make a speech. I have drawn attention to the comment

“We still have two Departments with terrorists in Government.”

At the time I drew attention to its clear implication. I have said that it is not acceptable and I call on the Member to withdraw it — [*Interruption*].

Order. The Member knows what the consequences will be if he is not prepared to withdraw.

**Mr Wells:** As Hansard, at page 129, records, I said

“it is a matter of record that the Minister of Education is a convicted terrorist. I am not saying anything that has not been on the front page of every newspaper in the country.”

It is a matter of record, a matter of fact. I have clarified it and I have no intention of withdrawing my statement that the Minister of Education is a terrorist.

**Mr Speaker:** Order. The Member knows perfectly well what the question is. The Minister of Education is without doubt a powerful individual, but he does not have control of a second Department — [*Interruption*].

Order. As the Member will not withdraw his statement, he must withdraw from the Chamber and the precincts of the Assembly for the rest of this day.

*The Member withdrew from the Chamber.*

**Mr P Robinson:** On a point of order, Mr Speaker. Are you saying that you will make a ruling on the accuracy of any accusations made against Members in the House? You have ruled that it would be all right if the Member had referred only to the Minister of Education as a terrorist, because everybody knows that he is a terrorist and has been convicted of being a terrorist. Are you also ruling that because there is no conviction against the other Minister, it was incorrect to make such remarks? Is that the basis of your judgement?

**Mr Speaker:** It would be improper for me to permit Members to make wild statements without legal accuracy, to accuse other Members of criminal activities when there is no —

**Mr Dodds:** Like corruption?

**Mr Speaker:** Corruption, of course —

**Mr Dodds:** We have said “corruption of democracy” before.

**Mr Speaker:** The phrase “corruption of democracy” is a different matter — *[Interruption]*.

Order. Corruption of the procedures of this Chamber is not acceptable. If Members are not prepared to accept the rulings, they will be removed or they can put down a motion and I will quite happily sit through another debate, as I sat through the last one.

We will now proceed with the proper and appropriate business of the Assembly.

**Mr Dodds:** On a point of order, Mr Speaker. In the debate on Monday 13 November you drew Mr Wells’s attention to his comments in relation to two Departments. Mr Wells went on to say

“Mr Speaker, it is a matter of record that the Minister of Education is a convicted terrorist.”

**Mr Speaker:** Order.

**Mr Dodds:** You are not prepared to deal with the issue in a fair and impartial way.

**Mr Speaker:** Order. The Member will resume his seat. He knows perfectly well that he is about to question a ruling of the Chair.

**Mr Dodds:** Yes.

**Mr Speaker:** The Member knows that it is out of order to question a ruling of the Chair. If he wishes to put down a proper motion, which would be in order, he is at liberty to do so.

We will now proceed with the proper business.

## ASSEMBLY: CONFLICTING MINISTERIAL REPLIES

**Mr O'Neill:** On a point of order, Mr Speaker. On 2 October 2000 I raised with you my concerns about how I, as a public representative, could proceed with regard to conflicting information I was receiving from two Ministers. Subsequently, the issue was made clear by the Department of Agriculture and Rural Development as a result of questions from Mr Ian Paisley Jnr and myself. The Department advised that there was no consultation. Under Standing Order 1(2), you are supposed to rule on the matter. Why is it taking so long to get a ruling?

**Mr Speaker:** The answer is twofold. First, it took some time to receive responses from the relevant Departments. Secondly, it would not be proper to give a ruling when the relevant Ministers are not present. To date, it has not been possible to have both Ministers present, but I trust that it will soon be possible to address the matter, because a response has been forthcoming in the terms which I advised at the time would be likely to apply.

## FOOD STANDARDS: ENNISKILLEN MEETING (COST)

**Mr Paisley Jnr:** On a point of order, Mr Speaker. I drew the attention of the Speaker’s Office to the fact that I would be making a point of order on this matter.

**Mr Speaker:** I trust that it is a point of order.

**Mr Paisley Jnr:** It is a point of order.

On 6 November the Minister of Health gave an undertaking to the House that she would write to a Member about the officials who accompanied her to Enniskillen on behalf of her Department and give the costs of that meeting. That was 14 days ago. When can we expect answers from the Minister of Health on these crucial matters?

**Mr Speaker:** Order. The Member knows that this is not a point of order. It may be a point of concern to him, but there is no Standing Order that relates to the matter.

## ASSEMBLY: LANGUAGES

**Mr Poots:** On a point of order, Mr Speaker. Several weeks ago I raised the question of statements being made in the House in Irish which were not fully translated into English. You were to give a ruling on the matter. We received a rather inadequate excuse from the Minister involved, but we did not receive a ruling from you.

**Mr Speaker:** The Minister responded and explained what had happened. At the time I made it clear that I regarded the Minister's response as adequate. She apologised to the House because there had been an error. All statements and responses — *[Interruption]*.

Order. It is out of order for mobile telephones to ring in the Chamber.

The position is clear. When responses are made in a language other than English, a full and accurate translation must be given. On a number of occasions I have checked the matter. For Members who wish to have a simultaneous translation, a report showing the costs and other details has been available for over 18 months. It is simply a matter of a proposal to be taken forward by the Business Committee.

My ruling is clear: any statements made in a language other than English must be translated fully and accurately. On that occasion the statement was not translated fully and accurately, but the Minister fully and promptly apologised.

**Mr Paisley Jnr:** On a point of order, Mr Speaker.

**Mr Speaker:** I am not taking any further points of order at this stage. We are simply delaying business, and many of these points are not points of order. If there are any further points of order I will take them later.

## PUBLIC EXPENDITURE (2000-01): OCTOBER MONITORING

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

10.45 am

**The Minister of Finance and Personnel (Mr Durkan):** At its meeting on Thursday 16 November the Executive Committee agreed some reallocations of spending for the financial year 2000-01. I stress at the outset that this concerns the monitoring of expenditure in the current year and not the Budget for 2001-02, which we discussed last week. There is a very important distinction between these processes.

As the year progresses, changes in the estimated requirements for public services become the dominant factor in the planning of spending. Allocations can change for a variety of reasons, and the scope for strategic decision-making is not as great as at planning stage. That underlines the importance of taking planning decisions well in advance, so that resources can be used in the best possible way.

The monitoring round addresses, first, the estimating changes and other sources of spending power which can be reallocated — the room to manoeuvre. Secondly, it addresses revised estimates of requirements from Departments and proposals for additional discretionary expenditure. The key issue is to ensure that resources continue to be used in the best possible way in the light of new information on requirements, which can lead to substantial changes — both up and down — as the year progresses.

In this round, significant savings have emerged for reallocation. The total amount available for reallocation is £75.3 million. That comprises several key elements, the largest of which is £40 million identified as savings by Departments. The largest single item is £20 million of additional house sale receipts from the Northern Ireland Housing Executive. There are other significant elements, including some slippage on capital projects and other additional income over and above the levels projected at the time of the previous monitoring round in June/July. These include £9.6 million of additional ship-building receipts. The total available is significantly larger than has been the case in previous years, and we should not expect to have such large amounts to reallocate in every monitoring round.

The Executive had held £7.7 million unallocated since the June/July monitoring round to cover the second tranche of the Agenda for Government. The agenda gave a foretaste of the ways in which new practices of working together could be achieved under devolution. Our proposals on the October monitoring round show how this can be continued in the context of the

Programme for Government, which takes that work to a much higher level and on to a more extensive scale.

Also available for allocation is £5.8 million that we have received through the Barnett formula as a consequence of the Chancellor of the Exchequer's most recent allocation for education in England in this financial year.

Members have copies of the table showing the additional allocations that the Executive have agreed. In many cases these are to cover changes in the estimated requirements for particular services, and this should be borne in mind when considering all the proposals, especially the distribution of resources between services. This exercise has to be guided mainly by pragmatism and practicability, because we cannot do all that we might wish at this stage of the year. There are just over four months to go until the end of the financial year.

Recognising the limitations on additional spending at this stage of the year, the Executive have decided to plan on the basis that some of the spending power available in this monitoring round should be carried forward into 2001-02. This is possible under the end-year flexibility arrangements, subject to formal approval by the Treasury. It will permit a more effective use of resources and more careful consideration of their allocation.

In this way we propose to allocate £5 million to the Health Service's capital programme to secure additional spending in 2001-02. It was not possible to provide for this area as much as we would have liked to when we were allocating budgetary funds in mid-October. At that time we were also concerned that we had not channelled sufficient resources for the first year of the Executive programme funds. Given the large amount of money now available, we propose to add £9 million to the funds, through carry-over into 2001-02, leaving a total of £25 million.

As we promised, further details on the design and management of these funds will be revealed as soon as possible. It is the Executive's intention that decisions on the first round of allocations should be made early in the new year. This will ensure that well-planned and well-targeted spending can be achieved to enable us to make the best possible use of this important new resource. Moving this money to the Executive programme funds will help to ensure that it is targeted in the best possible way, and in accordance with the priorities of the Programme for Government.

The remaining £61 million is being allocated to meet a range of additional requirements which have arisen across all the Departments. These allocations include £10.6 million to further the initiatives launched in June in the Agenda for Government. With substantial resources available, the Executive have decided to add some £2.9 million to the £7.7 million that has been set aside for this purpose. The additional allocations agreed by the Executive include £6.7 million for the Department of

Agriculture and Rural Development, mainly to cover revised estimates of the costs arising from animal health issues, which have continued to increase beyond what was estimated in June.

There is £1.2 million for the Department of Culture, Arts and Leisure, including £700,000 for public libraries. The Executive remain determined to ensure that appropriate resources are available to the Department of Enterprise, Trade and Investment for key policy objectives. There is an additional allocation to ensure that the information age initiative receives maximum resources for the remainder of this financial year. In addition, there will still be scope for the Executive to agree, later in the year, to devote additional resources to any new costs that may emerge from the Department of Enterprise, Trade and Investment.

The Department of Education will receive an extra £10 million, including the £5.6 million Barnett formula allocation made consequent upon the Chancellor's schools' money from the pre-Budget report. This will help to address the physical condition of schools, and the Minister of Education will indicate how the funding is to be distributed in due course. There is an allocation of £8.4 million for the Department of Higher and Further Education, Training and Employment, including £4 million to cover a revised estimate of the cost of student support and £3 million for redundancy payments in connection with Harland & Wolff.

A total allocation of £17 million is to be made in this financial year to the Health Service, including £4 million for capital expenditure and allowances to meet a range of other cost pressures which affect the Health Service at this time. In covering additional costs, such as the effect of high oil prices on hospitals, the Health Service will be better placed to cope with the demands that it will face over the winter period. The Executive believe that this is an important boost for the Health Service which will be used effectively to achieve a better response to the needs of the region in the coming months.

There is a £5 million allocation to the Department for Regional Development, mainly designed to cover a range of additional running costs for the Roads Service and the Water Service, which have emerged as the year has progressed.

There is also £10.5 million for the Department for Social Development. This includes provision for disability adaptations and some housing costs, including those resulting from the disturbances in the Shankill area.

The final allocations are of small amounts for my Department — to facilitate work on the EU structural funds — and for the Office of the First Minister and the Deputy First Minister. The sum of £200,000 has been allocated for some important work to meet the needs of victims.

All these reallocations will be subject to approval by the Assembly, as Supplementary Estimates, in due course. There will be a further monitoring round in December and that will provide an opportunity for some further easements and reallocation. I propose to merge the revisions agreed at that date with those available now and to draft one revised Appropriation Bill in the new year. Time will be short for the approval of that Bill, but I hope that by then we will have agreed a revision of Standing Orders to facilitate the timely passage of financial legislation. In the meantime there is some time for the Finance and Personnel Committee and the other statutory Committees to scrutinise the reallocations which I have announced today before they become Supplementary Estimates and proposals for the Appropriation Bill to which I have already referred.

This is an important range of reallocations. I must stress again that they are driven mainly by the pragmatic redistribution of resources in response to changing patterns of spending across public services. It is unusual for the amounts to be as large as they are on this occasion. I hope Members will agree that there is benefit to be gained from planning to carry over some of the resources into 2001-02. If we use this measure to boost the Executive programme funds in particular, that will in turn boost the effectiveness of our efforts to introduce and develop our priorities. There is potential here for continued benefit from devolution and for applying resources to our needs. Again this is a manifestation of the constructive and positive impact of members of the Executive working together.

I commend these proposals to the Assembly in the belief that they represent a good use of the resources which have now become available to us.

**The Chairperson of the Committee for Finance and Personnel (Mr Molloy):** Go raibh maith agat. I welcome the Minister's statement. It is certainly good that further resources are available to the Committees and to the Assembly for reallocation in this way.

Does the Minister have a programme for working with the Committee on the revised draft Appropriation Bill? Given the short time available, this would allow us to scrutinise and discuss the new legislation as quickly as possible. Will the new allocation of money, and the new-found money, allow for the possibility of reducing the 8% rate rise envisaged in last week's statement?

**Mr Durkan:** Mr Molloy has raised several points. I recognise the importance of the Finance and Personnel Committee's role. It is particularly important that it has plenty of time and sensible procedures to enable it to discharge its role. I appreciate the fact that the various constraints which affect our Department and the Executive at large also affect the work of that Committee. We have already spoken with the Committee with a

view to trying to improve procedures and agree proposals, and we intend to continue working on that joint basis.

I am glad that the Chairperson of the Committee welcomes the resources that we have available. Obviously the Committee and he will want to take time to consider more fully how well those resources are being allocated. When we have money available for allocation, we want to make sure it is put to best use. That is why we are carrying some money over into next year.

11.00 am

As for the rates question, I indicated previously that if figures became available on time, there is sufficient buoyancy in the rates to allow us to plan a lower regional rate increase while still retaining the projected level of expenditure that is needed and budgeted for. The Executive still propose to spend an amount of money next year that will require an increase in the regional rate.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Leslie):** I thank the Minister for his statement on the outcome of the monitoring round. However, I am concerned that the Minister may be lapsing into a practice that is prevalent across the water — that of double-counting money. I note that £7.7 million of the £75 million was available in the June monitoring round. It seems to me that the new net amount is rather in the order of £67.6 million. Can the Minister clarify this?

Does he propose to keep the Agenda for Government separate from the Executive programme funds? It looks to me as if one may slide into the other seamlessly.

In paragraph 13, which concerns the Department of Enterprise, Trade and Investment, no sums of money are mentioned. Acts of genius are, of course, expected from the Ulster Unionist Ministers, but I am amazed that the Department's amount of new age technology is so great that seven lines were devoted to it but costs were not mentioned. Can the Minister enlighten us?

**Mr Durkan:** As my statement made clear, the Executive held over some £7.7 million in the June/July monitoring round for a second tranche for the Agenda for Government. We clearly identified the fact that this sum of money would be available for the October monitoring round to give us room to manoeuvre, and the Executive have decided to use the money. As the figures show, the expenditure on the Agenda for Government will exceed £7.7 million.

The Agenda for Government has been exceeded, broadened and elevated by the Programme for Government. Further work will follow to give details of the Programme for Government through to the public service agreements. We will continue to work on elaborating the precise design and management of the Executive programme funds to ensure that they best serve the priorities in the Programme for Government. We do not intend to

continue with Agenda for Government items because we now have the Programme for Government itself.

I indicated in my statement, and I apologise if this is not reflected properly in the tables, that some money will be available to the Department of Enterprise, Trade and Investment for its information age initiative. The Executive will try to provide further moneys later in the year, should that be necessary for key projects. I also acknowledge the contribution from the Department of Enterprise, Trade and Investment on manoeuvrability.

**Mr Byrne:** I welcome the Minister's statement. The public will be pleased to hear that £75 million is to be reallocated after the October monitoring round.

Can the Minister tell us when the Durkan funds will be available, in particular the fund for social inclusion and community regeneration, and when they will start to have an effect on the ground? Many groups in the community development sectors are waiting to hear when the programme funds can be used.

**Mr Durkan:** I do not think that funds should be named after an individual, any more than I think that taxes should be named after an individual. These are the Executive programme funds, and the Executive are trying to add to their value in the first year. Many people have asked if there is enough money for the first year, given the significant increases that we want in years two and three.

Mr Byrne referred to the fund for social inclusion and community regeneration, which, no less than other funds, will be subject to further Executive consideration. That will ensure the best working system to enable the fund to serve its proper purposes — not just for the Government and all the Departments, who have a real contribution to make to the success of that fund, but for a range of community and social interests as well.

**Mr Poots:** The £1.5 million spent on the Shankill Road and the further £200,000 from the Department of Health to rehouse people in that area show the poison of paramilitaries in our society. They need to stand down. Good use could have been made of that money and social housing provided for people who need it. The victims originally asked for £500,000, and the £200,000 coming now is too little, too late.

The £1 million for historic buildings should be given a broad welcome because that will bring in extra money from the National Lottery, through the lottery heritage fund. There is also £700,000 of additional funding for libraries. Will that help to get the long-awaited library for Lisburn under way? There was also an opportunity to do more for the Roads Service. Given what we have heard in the last week about our roads, we are missing an opportunity to do more for them.

**Mr Durkan:** I welcome Mr Poots's welcome of some of the items, particularly the historic buildings grant. The Environment Committee has been pursuing that matter.

In particular, the Minister of the Environment, Sam Foster, has made the point that more lottery money could be made available. For that reason we are trying to improve provision there.

There is also significant provision for libraries for the remainder of the year. The Minister of Culture, Arts and Leisure, Michael McGimpsey, will indicate precisely how that money will be spent, and there has to be balance in that.

I appreciate that many different programmes feel that they could have got more and should have done better out of this round. I also recognise that because moneys were made available to Departments that incurred costs arising from the Shankill Road situation, the opportunity to meet some of the allocations that other Departments were seeking has been constrained. I hope that all Members encourage an improvement in the situation on the Shankill, not only for the good of the community there but so that the rest of us do not have to suffer some of the consequential costs — and lost opportunity is one of them — that those problems have caused.

**Mr Maskey:** Go raibh maith agat. Like other Members, I welcome the Minister's statement. I would like to make one point and ask one question. There are allocations for non-industrial pay, industrial pay and salaries among other things. There is even £3 million towards redundancy payments in the shipyard. We also have allocations for gap funding for many of the European Union-supported projects with which there have been controversy and difficulties that affect a number of working-class areas right across the North. Can the Minister assure Members that some priority will be given to increased moneys for European Union gap funding, given the high level of unemployment that will otherwise be created in many constituencies?

**Mr Durkan:** In the reallocations, £3.6 million is being allocated for gap funding. First, £0.5 million is being allocated through the Department of Health, Social Services and Public Safety especially for childcare related projects. Secondly, £1.1 million is being allocated through the Department of Higher and Further Education, Training and Employment to carry over projects from the old single programme which would have been eligible for transitional Objective 1 funding. Finally, £2 million is being allocated through the Department for Social Development for the peace programme.

The Executive recognise the importance of bringing the new programmes on line as soon as possible, and we are negotiating with the European Commission to achieve that. We are responding to serious pressures that are coming forward with gap funding, and we will keep the matter under review. Members will recognise that in the Executive programme fund for social inclusion and community regeneration we are demonstrating the Executive's interest and funding that interest by supporting

positive intervention at a community level in rural and urban settings.

**Sir John Gorman:** I heartily congratulate the Minister and the Executive for removing the appalling problem created by the inability of many of the public bodies in Northern Ireland, especially the Housing Executive, to carry over moneys from one year to the next. I have appeared twice before the Public Accounts Committee because in my eagerness to spend money that became available through house sales, I had slightly manipulated the rule, and I went away chastised. However, it did no harm to the great improvement in housing in this Province.

The Province has many splendid houses, of all sizes and shapes, but with a ticking bomb about them — because those houses, which have now been sold by the Housing Executive, were built on borrowed money. The Housing Executive has lost the rent for those houses, but still has to pay interest on the loan.

**Mr Speaker:** Order. In a previous life the Member may have been able to arrange a financial overrun, but he must not arrange a time overrun in this one. Perhaps he could put his question.

**Sir John Gorman:** Can the Minister help the appalling housing circumstances in Northern Ireland, especially in north Belfast and Fermanagh, the homelessness and the absence of starter homes by allocating more funds for 2001-02 to the Northern Ireland Housing Executive or to housing generally?

**Mr Durkan:** First, the Member has touched on issues that relate to next year's budget. Contrary to what has been planned for next year under the comprehensive spending review, there will be an increase in the Housing Executive's budget and the housing budget overall — 1.5% in the Housing Executive's budget and 6% for housing associations.

I recognise the importance which many Members, and the relevant Committee, attach to the housing budget. We have tried to respond to questions raised, both about proposed Budget allocations and monitoring rounds. This is not the first monitoring round in which we have responded to particular pressures facing the Housing Executive and the housing programme.

*11.15 am*

I will deal with end-of-year flexibility and carry-over. The provision to carry resources over into the next year is intended to encourage better budgeting and to avoid gratuitous spending simply to beat financial calendar deadlines. Although the practice of carrying over resources will still require formal Treasury approval, the way in which we are planning to carry over resources is sound and should win that approval. With regard to discharging the historic loan burden carried by the Housing Executive, the Departments of Finance and Personnel, and the Dept

for Social Development, will continue to see if that particular problem can be better factored into our plans.

**Ms Lewsley:** I welcome the increase in the allocation of resources, particularly those to the children's fund. It illustrates the Minister's commitment to the most vulnerable in our community. Today is Children's Rights Day. Will the Minister make a statement on when these funds will become available?

**Mr Durkan:** Allocating resources to the children's fund demonstrates the Executive's interest in improving how Departments and their services relate and respond to the needs of children, and help to support many of the positive initiatives and projects trying to deal with those needs. The Member's recognition of the relevance of today is important.

We are not proposing to increase the children's fund for next year because the Department of Health, Social Services and Public Safety has been allocated £1 million for children's services. The Department of Education has been allocated an extra £10 million, with most of it going to schools. Some of the EU gap funding, not least that which will be going through the Department of Health, Social Services and Public Safety, will find its way to supporting projects that deal with children in need and youth at risk. Those of us who heard the recent findings of the NSPCC will agree that this is an area on which we need to spend more money and to which we need to give further consideration.

**Mr Dodds:** In view of the points already raised, can the Minister confirm that the resources announced today represent not new money but the reallocation of money already in the system? Many people will welcome the announcement about the adaptation of homes for the disabled and the covering of the costs of the problems on the Shankill Road. My Colleague has already said that it is a pity that this money has to be spent in this way, but it will relieve pressures elsewhere in the housing budget. I would like the Minister to clarify the £22,000 allocation to the Office for the Regulation of Electricity and Gas (OFREG). Will that money be used to help OFREG reduce electricity and energy prices in Northern Ireland?

A substantial portion of the allocation, £20 million, arises from additional house sales receipts. In view of the great pressures on the housing budget, and the concerns of many Members, can the Minister assure the House that he will examine ways in which that money can be retained in his Department and in the housing budget for expenditure on housing?

**Mr Durkan:** I agree with the Member that it is regrettable that we must devote money to those purposes because of the situation on the Shankill Road. If we do not do so, however, there will be serious pressures on other programmes — not just the Housing Executive's but those of many other bodies as well.

We cannot allow housing receipts just to lie where they fall. Not all programmes can generate receipts in the way that house sales can under the housing programme. We should also remember that some of the money from such receipts comes from the sale of properties bought under the scheme for the special purchase of evacuated dwellings (SPED). In other monitoring rounds, money went to that programme to deal with particular problems. When money has been given to the Housing Executive — whether recently, in the context of SPED pressures, or in the past when housing was rightly a priority — it has been at the expense of other programmes, many of which, Members now tell me, were historically underfunded. If money becomes available to us for public expenditure, we must examine all public expenditure needs, not only those that fall within the confines of a particular Department or relate to the programme from which those receipts arose in the first place.

We have given additional money to support the work of OFREG in reviewing charging by Northern Ireland Electricity (NIE).

**Mr Close:** I welcome the broad thrust of the reallocation of moneys. I should like to deal, however, with the Minister's comments about the Housing Executive. As I understand it, the June allocation included £20 million from house sales, making a grand total of around £40 million. The sale of houses reduces the overall costs associated with housing, leaving money that could be used to reduce Housing Executive rents, or at least to ensure that they do not increase by more than the rate of inflation.

End-of-year flexibility for 1999-2000 has produced £4 million from the regional rate for reallocation. Can the Minister not give the people of Northern Ireland an early Christmas present by assuring them that the regional rate will not increase by 8%?

**Mr Durkan:** I suspected that the Member's comments would deal with that area. I welcome his broad enthusiasm for the proposed allocations and hope that he will agree that they represent the best possible use of available resources, including the money from house sales.

The extra £4 million comes from last year's rates. Buoyancy meant that there was more money than we first estimated. If the figures available to us when we come to make final decisions on the rates indicate that an increase of less than 8% will allow us to raise the money that we need for our expenditure plans, we shall consider the matter positively. Last year we were able to set the non-domestic rate at a lower level than I had proposed in my Budget statement simply because the figures showed that we could do so and still raise the amounts that we needed. The projected increase in the regional rate is similar to that projected for the council tax across the water.

Many Members have emphasised that we need to make our case on the Barnett formula and how we are treated in public expenditure terms. We need to remember that comparisons work both ways. We are projecting a rate of increase similar to that of the council tax in England yet our regional rates are running at about half the level of the average council tax in England. I hope that people can get some of those figures into perspective.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an ráiteas seo agus tá mé sásta a fheiceáil go bhfuil airgead breise ar fáil againn anois. Tá súil agam, de thoradh an airgid bhreise seo, nach gcuirfear ar ceal obair phráinneach ar bhóithre na hOmaí.

I welcome the statement and the additional funds. Will the additional £5 million allocated to the Department for Regional Development ensure the reinstatement of the major road schemes that Minister Gregory Campbell has postponed in the last week or described as potentially at risk from his latest spending cuts? I refer particularly to the Omagh bypass, which is crucial to the economic regeneration of Omagh. I would like to see that back on schedule.

**Mr Durkan:** The table accompanying my statement details precisely which Department for Regional Development spending lines are to receive that £5 million. It does not cover any of the points the Member has raised. We must remember that we are talking about spending allocations that are taking place late in the financial year. Major long-term capital projects do not lend themselves to qualification in this sort of reallocation exercise as well as some other items do. Unfortunately, I cannot give the Member the answer that he would like to hear.

**Dr Hendron:** I welcome the fact that a significant amount of money is going to health services. I am pleased that children's services, hospital pressures, mental health, Shankill displaced families and programmes for training nurses are to benefit. Is the £1 million for children's services ring-fenced, or merely earmarked? That may be outside the Minister's remit, but I want to mention it anyway.

The Minister of Health, Social Services and Public Safety is shortly to bring forward a paper on the future of primary care services. We must bear in mind that at present there are massive pressures on primary care. I refer to grossly overworked community nurses, midwives, community psychiatric nurses and occupational therapists. Can the Minister, in association with the Health Minister, look at those areas to see if some financial help can be given now?

**Mr Durkan:** We have been able to make allocations to different service needs in the Department of Health, Social Services and Public Safety. We recognise that there are unfunded pressures on children's services. The new funding should enable boards to make progress in those areas with initiatives to support families and the



foster-carers of disabled children, out-of-hours social services and other support services for children and families at risk. This further allocation to children's services comes on top of £2.13 million allocated by the Executive in the July monitoring exercise.

11.30 am

As far as those funds and the funds allocated for other purposes are concerned, the Minister of Health, Social Services and Public Safety will make further announcements about their precise allocation and management. The Minister of Health, like all other Ministers, will ensure that these are put to best use and fulfil the purposes of her Department and the Programme for Government.

**Mr Paisley Jnr:** Can the Minister of Finance comment on the fact that the Departments under the control of the Ulster Unionist Party Ministers appear to have received considerably less than the Departments under the control of the Democratic Unionist Party, the SDLP and IRA/Sinn Féin? Are the Ministers from the Ulster Unionist Party failing to fight their case inside the Executive? Will he go further and join with me in calling on those Ministers to withdraw from the Executive? They might get a better deal outside than that they are getting inside it.

I also want to draw attention to paragraph 10 and ask the Minister to comment on the Executive programme funds. The Minister of Agriculture, who was with our Committee, indicated that she hoped to address the £10 million deficit in the vision group as misallocation or non-allocation. Can the Minister give the House — and, indeed, the Minister of Agriculture — a guarantee not only that she can expect to have the Executive programme funds for the vision group strategy but that the House can also expect to have the Executive programme funds so that we can start to address the critical issue of debt in the farming community?

**Mr Durkan:** I welcome some of the points made by Mr Paisley, in particular the enthusiasm that his latter remarks show for the Executive programme funds. They relate well to the priorities and interests of the Assembly at large.

With regard to his earlier points, I want to make it clear that the Executive, in taking decisions on allocations, are taking decisions in a responsible and clear-headed manner. It is taking decisions neither on the basis of party-political headcounts nor on the basis of the party affiliations of the Minister of any Department. The Executive are taking good and fair decisions. No Department is being favoured because of the party-political associations of its Minister. I hope that Mr Paisley will recognise that this is the logic of his remarks.

I can assure the House that all Ministers have clear ambitions and plans for the use of public money. That was obvious during the budgeting round and when we were making the in-year allocations. Many Ministers,

and the Departments too, have made significant contributions, in terms of ability to manoeuvre, to the debate on the money available. That is part of the work of the Executive in the round. Not all of us, as Ministers, can be part of the Government on a “now you see us, now you don't” basis. We cannot all play ‘Ministers in their Eyes’ — “Tonight, Matthew, I am going to be the Minister for Regional Development.”

We have to work with the total range of public responsibilities that fall to the Executive, no matter in what Department some of these services lie. The Executive have responsibilities, and in agreeing these allocations, they have reflected and discharged those responsibilities well.

**Mr Shannon:** I welcome the disclosure by the Minister that all Departments, regardless of whether or not their Ministers take part in the Executive, receive equal treatment. That is encouraging. And it is welcome news that we in the DUP are being treated in the same way as everyone else.

My question is to do with disabled adaptations. I understand that the figure of some £1.5 million is to be set aside for them. Can the Minister indicate if that will clear up the long waiting list for disabled adaptations? Can he also state if that money will be available from 1 April for those who have been waiting between six and nine months for them? There is also a waiting list of between 12 and 18 months simply to secure an interview. Can the Minister explain what funding is available and the impact that that will have on waiting lists?

**Mr Durkan:** Mr Shannon asks when the money will be available — he hopes it will be so by 1 April. This is an allocation for this financial year. It is not one of the allocations for next year's Budget. The Member may also recall that there was a £2 million bid for disabled people from housing associations and that this was met in the first round under the Agenda for Government. However, demand has clearly continued to grow. This allocation will enable 400 conversions to be made.

## NORTH/SOUTH MINISTERIAL COUNCIL

### Trade and Business Development

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I wish to report on the third meeting of the North/South Ministerial Council, in its Trade and Business Development sectoral format, held on Friday 27 October 2000.

Following nomination by the First Minister and the Deputy First Minister, Dr Seán Farren and I attended the meeting. The Irish Government were represented by Ms Mary Harney TD, Minister for Enterprise, Trade and Employment. This report has been approved by Dr Farren and is also made on his behalf.

The Council received a verbal report from the vice-chairman of the Trade and Business Development Body, Dr Harold Ennis, on the progress made to date in establishing the body. This dealt with the relocation of the body's offices to new permanent headquarters in Newry, arrangements for appointing permanent staff and its future activities.

Mr Liam Nellis, the body's interim chief executive, provided the Council with an update of the work that the body has undertaken so far. He also confirmed the final arrangements for a series of roadshows that will take place during November at four locations.

In accordance with the agreement that established the Trade and Business Development Body, the body was asked to bring forward proposals in four areas for consideration by the North/South Ministerial Council. These relate to: first, the development of a North/South equity investment fund programme; second, the development of graduate and other placement programmes on a North/South basis; third, the carrying out of a range of testing services for industry with a view to the development of North/South testing services on a fully commercial basis by private interests; and fourth, the implementation of standards development and certificate programmes on a North/South basis. The Council had a valuable discussion on the board's proposals on these matters.

The Council considered the recommendation of a selection panel for the appointment of a chief executive to the Trade and Business Development Body. The name of the candidate put forward by the selection panel was accepted by the Council, and a further announcement will be made in due course following acceptance of the appointment.

The Council considered an Irish Government paper on enhancing the competitiveness of the two economies on the island, North and South. The Council agreed that the Trade and Business Development Body should take

this study forward in conjunction with the Department of Enterprise, Trade and Investment and the Department of Enterprise, Trade and Employment with a view to preparing a competitiveness report for the next North/South Ministerial Council plenary session in March 2001.

The Council agreed that its next meeting in sectoral format would take place in the South in January or February 2001. The Council also agreed the text of a communiqué, which was issued after the meeting. A copy of this has been placed in the Assembly Library.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr P Doherty):** Will the Minister elaborate on the effectiveness of the trade body's roadshow? Will it sustain that type of involvement with all cities throughout Ireland, or is this just a one-off launch event, after which it will move on to another phase of its work? Does it intend to continue that type of outward projection of its work in smaller cities throughout Ireland?

**Sir Reg Empey:** Four roadshow meetings have been arranged. One took place in Dublin, one in Belfast, another in Limerick, and the fourth will take place in Londonderry towards the end of the month.

The purpose is, first, to inform people in the business community of the existence of the body. Secondly, it is to try to encourage cross-border trade and the development of supply chains through awareness of what others might be doing close at hand. The rationale is very simple: if the supply chain can be shortened, there is gain to be made from reduced stockholding and the ability to resupply more rapidly.

This is not a new idea. Local authorities have done it by having "meet the buyer" events. They have tried to introduce people trading locally to one another so that they can supply one another rather than import from abroad. It is not a one-off event. This particular event has been focused on a specific issue, namely the development of supply chains and an awareness of the body, but further activities will be undertaken. For instance, in June 2000 the body held a seminar in Enniskillen, County Fermanagh, which focused on e-business, and people from America who had succeeded in trading on the Internet were invited to it. Local people were also invited, the objective being to encourage them to take up a similar type of activity.

I see that as ongoing work to implement the operating plan which the trade body presented to the North/South Ministerial Council and which was approved some months ago. I do not expect this to be a one-off event but, rather, part of the process.

**The Deputy Chairperson of the Committee for Enterprise, Trade and Investment (Mr Neeson):** I thank the Minister for his statement. Will he elaborate further on the Irish Government paper on enhancing competitiveness on the island? Does it acknowledge that there is

competition between the Industrial Development Agency (IDA) and the Industrial Development Board (IDB) to attract inward investment into Ireland?

**Sir Reg Empey:** Competitiveness goes beyond the IDA and the IDB. There is a range of issues. The Irish Government put forward a paper for consideration, and no conclusions have been reached on it. As I said in my statement, the body is currently examining it. The two Departments will take it forward and seek information from other Departments.

The paper looks at all sorts of things including transport issues, e-business capabilities, and broadband capabilities. This is not simply about competition between the IDA and the IDB, which, of course, is a matter for the respective Administrations. The matter will be pursued further, probably around March.

**Dr McDonnell:** I would like the Minister to elaborate. From a reading of this statement, it appears that we would welcome some reduction or change in the destructive competitiveness between North and South that does not enhance the competitiveness of either.

Will it be possible for the North/South trade body to develop joint marketing initiatives in the USA or elsewhere and will the North/South trade body make any effort to encourage development outside the eastern seaboard and particularly in areas north-west of the Bann and south-west of the Shannon?

11.45 am

**Sir Reg Empey:** There appears to be confusion about the purpose of the Irish Government's paper on competitiveness. It is not concerned with inward investment because that is not a function of the trade body. It is concerned with benchmarking the two economies against economies worldwide, seeing how the economies compare with their major competitors and pinpointing their strengths and weaknesses.

The worry about the focus on the eastern seaboard is common to both economies. A few years ago, for example, there was great concern about the level of concentration on the Belfast/Dublin corridor. Many people in Northern Ireland and in the Republic of Ireland felt — and continue to feel — a sense of isolation. Members will be aware of the pressure that exists west of the Bann for activity to develop its infrastructure. People want to feel that they are on as level a playing field as possible. A similar situation exists in the Republic of Ireland with trade, business and tourism. The people of County Donegal feel a sense of isolation, and this is reflected in the comments of their elected representatives.

The paper, therefore, is not concerned with joint marketing but with benchmarking the economies of Northern Ireland and the Republic of Ireland against one another and against competition. That is the area that is

being looked at, so areas such as e-commerce and broadband technology must be examined.

The Programme for Government states that broadband issues in Northern Ireland must be dealt with. That is one means of creating a level playing field for areas west of the Bann and for other more remote areas. I am conscious that in recent years the concentration has been on the east. As the work of the North/South trade body and the Programme for Government continues, I hope that greater efforts will be made to ensure that there are viable and successful economies west of the Bann.

**Mr S Wilson:** As an avid reader of the Belfast Agreement, I notice that the Trade and Business Development Body is not one of the 12 implementation bodies listed in the agreement. Will the Minister confirm that his enthusiasm for all-Ireland bodies is now so great that the 12 bodies that were presented to the electorate during the referendum campaign are insufficient and must now be added to? Does the Minister plan to add on any more implementation bodies, and will he indicate to the House the cost of the Trade and Business Development Body? Have those 12 bodies reached such a state that the Irish Government are now presenting papers about enhancing competitiveness in the Northern Ireland economy? Is that the route that implementation bodies will take in the future?

**Sir Reg Empey:** The hon Member obviously misunderstands. The Trade and Business Development Body is one of six implementation bodies set up under the Belfast Agreement. There are 12 areas of co-operation: six are being dealt with through implementation, and six through co-operation, where there is no formal structure.

This body has been in operation from the outset. Its remit has not been altered, added to, or detracted from. In the report made to the House following the meeting of the North/South Ministerial Council in September, reference was made to the paper presented by the Irish Government. The matter was then referred to this body for further consideration. Anyone can issue a report and put it forward for consideration and it has no bearing on who will make the final decisions on the Northern Ireland economy. That will continue to be the remit of this Assembly, acting through the Executive and the Departments, and there will be no change to that.

So far as this body is concerned, areas of co-operation in a range of activities have been ongoing for many years between the economies on both sides of the border. There are more than 150 areas of co-operation, projects, joint discussions and joint working parties. These all operated prior to devolution without input or control from anyone in Northern Ireland. They are now under the Assembly's control, and Members have the right to question what is going on. No decisions with regard to finance or other matters can be taken without the approval of the House.

**Dr O'Hagan:** Go raibh maith agat, a Cheann Comhairle. Will the Minister go into further detail on the four areas for consideration that InterTradeIreland has undertaken? How far advanced is the work?

**Sir Reg Empey:** Four areas of co-operation were set out in the agreement of 18 December 1998: a North/South equity investment fund programme; the development of graduate and other placement programmes; the carrying out of a range of testing services; and the implementation of standards development and certificate programmes on a North/South basis.

Reports were presented on those areas of co-operation. With regard to carrying out a range of testing services for industry, the report came to the conclusion that no value could be added by the body pursuing that, and the recommendation was not to pursue the matter further. That was accepted by the North/South Ministerial Council.

The implementation of standards development and certificate programmes on a North/South basis was also felt to be an area where the body reported that it could not add value. It was accepted, therefore, that that would not be pursued.

With regard to the development of a North/South equity investment fund, the IDB commissioned a study into small and medium-sized (SME) enterprise finance, which is currently under way. The body has been asked to further refine its proposals in association with the IDB because we do not want duplication or crossover. The Trade and Business Development Body will study the proposals brought forward through that research to ensure there is no overlap.

My Colleague Dr Farren is closely involved in the development of graduate and other placement programmes. He believes that considerable progress can be made, and he is taking that forward at departmental level because some placements have already been completed. That has been happening for years in the private sector, and Dr Farren believes that further progress can be made through graduate placements. It is similar to the explorers programme that the Department runs every year in which people work abroad, where they have the opportunity for exchanges and for developing networks. The intention is to do something similar between Northern Ireland and the Republic. It is a solid proposal, and Dr Farren is pursuing it enthusiastically.

**Mr Leslie:** I read the proposal for a North/South equity investment fund programme with some curiosity and a degree of concern. Whose equity is it? What will it be invested in? Is it a Government-backed programme? If so, will the Minister be mindful of the exceedingly mixed record of such programmes? In the past, normal private sector investment disciplines have been disregarded in pursuit of political objectives.

**Sir Reg Empey:** The body was originally asked to investigate the four issues that I mentioned in my statement, one of which was North/South equity investment. That was over two years ago and the products available through equity investment have changed significantly since then. More products have come onto the market, and more people are involved, but there is still a lack of enthusiasm and a consequent lack of projects.

We are at an early stage. A report has been produced on what is available, as has a study of SME finance, commissioned simultaneously by the IDB. We will look at the two reports to see what is required. We may need a public-private partnership, if funds can be generated, but we must take into account the implications of providing state aid.

As yet, no firm proposals have been developed. We want to see that there is a gap in the market that is not filled by the private sector or by existing funds. We must also take account of the fact that the European Union has put a short-term embargo on a range of equity capital funds, including, for example, the Viridian growth fund. The Department of Trade and Industry has also found that several of its funds have been affected. The matter still has some way to go, and I have no particular proposal to put to the House at this stage.

**Mr Byrne:** I welcome the Minister's statement and congratulate him on his efforts to promote North/South trade. I am glad to hear that the North/South Ministerial Council considered the paper on enhancing the competitiveness of both economies, North and South. Does the Minister agree that this is an important issue, given that Northern Ireland is too dependent on the public sector for economic regeneration? Will the Minister assure the House that his Department will treat the promotion of private sector enterprise as a priority? There is much potential for the development of SMEs and indigenous local enterprise.

**Sir Reg Empey:** I agree with the Member's sentiments entirely on general economic policy. However, the main vehicle for generating more private sector business start-ups will be the general economic policies pursued by this Administration and by the Government in London. Through the Trade and Business Development Body, we can promote a range of initiatives — including the supply chain initiative — aimed at generating new business. To people who express concerns about such developments I say "Do you not want to do more trade on this island or with other European Union partners?" More trade is in everybody's interest, and at present there is remarkably little.

12.00

Although our exports to the Irish Republic have been growing, the level of trade between the two economies is still remarkably small considering they share a land

border. It would certainly be a lower proportion than between other economies in the European Union, such as France and Germany. We can generate more private sector investment if we can increase the total volume of trade. It is just as effective as inward investment.

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

If close neighbours can trade with one another, it is right to encourage that. In doing so, we will strengthen our economy. I acknowledge that we are still over-dependent on the public sector. That needs to be corrected if we are to have the basis to sustain the services we wish to provide for our community well into the remainder of this century.

**Mr Paisley Jnr:** Roadshows were mentioned in the statement. I know it might disappoint some of his groupies over here, but does the Minister agree that this all-Ireland ministerial roadshow is a disaster for Northern Ireland? Is it not about time that he, as Minister, told Dublin to get on its bike on the road out of Northern Ireland, instead of coming into Northern Ireland more and more?

The Minister mentioned the development of graduate and other placement programmes on a North/South basis. What reassurances can he give the House that these appointments will be open to members of the Protestant community and equally shared across the community in Northern Ireland?

In the penultimate paragraph of the statement, where creeping Nationalist-speak appears to have taken over, the Minister talks about "the South". I assume he means the Republic of Ireland. Will he assure us that he will refer to Northern Ireland and the Republic of Ireland by their designated titles in all future communiqués from his Department, and not allow this Nationalist-speak to creep in?

**Sir Reg Empey:** First, to say that the roadshows were a disaster is rubbish. The turnout for all of them has been exceptionally good. If the Member had gone to the roadshow at the Hilton Park Hotel in Templepatrick or the meeting the following morning in Belfast City Hall, he would have seen 150 business people, all interested in whether there was any possibility of doing business with one another. It was the same in Dublin and Limerick, and I have little doubt that the roadshow in Londonderry is already oversubscribed.

I think it is good to increase business. If it is mutually beneficial, I cannot understand what the difficulty is. Companies, including some in Mr Paisley's own constituency that depend on orders from the Republic, come to me to find out how they can increase trade. That is right and proper. I do not understand what people are worrying about, because that is exactly what it is about.

Prior to devolution a huge volume of cross-border activity was being undertaken by previous direct rule

Administrations. Over 150 bodies or projects were ongoing, and not one of them was subject to approval by anyone here. Most people in Northern Ireland knew nothing about it. Every six months a list of the areas of co-operation was put into the Library of the House of Commons. No one was able to stand up and ask the Minister any questions about it.

I am conscious of the point the Member makes about language, but, with the greatest respect to him, I will use my own language because I know what I am talking about and I know what I mean. If companies wish to offer graduate placements to individual employees, all those people will have that opportunity, just as everyone has the opportunity to apply for the explorers programme.

Whether a person of a particular religion is going to make himself available is a matter for him, not me, but everybody should have the opportunity to take it up. My Colleague Dr Farren is responsible for this area. I am sure of his commitment to fairness; I have no doubt that he is committed to ensuring that everybody has an equal opportunity to participate. If the Member wishes to put forward any names, I will ensure that they are passed on to the appropriate authorities.

**Mr Poots:** In case the Minister would mislead the House, can I ask him to indicate which part of the Belfast Agreement envisaged the setting up of the Trade and Business Development Body? From the annex to the agreement, it is quite evident that it was not envisaged. This body was set up as a result of the Ulster Unionist Party being prepared to give further concessions to Nationalism. The Minister also failed to answer my Colleague's question about the cost of setting up the body, so perhaps I can ask him again. How much did it cost to set up the new offices in Newry, and what is the estimated cost of running the Trade and Business Development Body?

I also want to ask the Minister about the implementation of standards, development and certificate programmes on a North/South basis. Has this not already been done under the European Union? What is the relationship between this and what we currently have, the BS5750?

**Sir Reg Empey:** I think the Member did not hear one of my previous answers regarding item four. I indicated that the body had investigated this and felt that no added value could be achieved by pursuing it any further. The North/South Ministerial Council agreed with that, and the matter is therefore no longer part of the agenda of this organisation.

My Colleague Mr Durkan expressly set out the cost of the North/South Trade and Business Development Body in his Budget statement. I cannot answer the question about the cost of the headquarters in Newry with precise figures, but I am happy to write to the Member accordingly. I do not know why he persists in trying to say that

this body was not envisaged in the agreement. It is one of the six implementation bodies. If it was not set up by the agreement, why does it have a budget, and why have I have been reporting to the House regularly since it started?

## NORTH/SOUTH MINISTERIAL COUNCIL

### Tourism

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I wish to report on the first meeting of the North/South Ministerial Council in its tourism sectoral format held on Friday 27 October. Following nomination by the First Minister and the Deputy First Minister, Dr Seán Farren and I attended this meeting. Dr James McDaid TD, Minister for Tourism, Sport and Recreation, represented the Irish Government. This report has been approved by Dr Farren and is also made on his behalf.

As envisaged in the statement of 18 December 1998 by the then First Minister (Designate) and the Deputy First Minister (Designate), the Council agreed that a publicly owned limited company should be established by the Northern Ireland Tourist Board and Bord Fáilte Éireann to carry out functions aimed at increasing tourism on the island of Ireland. The Council agreed the draft memorandum and articles of association of the new company and also agreed that arrangements should be put in train to register the company as soon as possible.

The Council agreed that the board of the new company should have 12 members, including representation from the Northern Ireland Tourist Board, Bord Fáilte Éireann and the tourist industries in Northern Ireland and the Republic. The membership of the board will be formally approved at an early meeting of the North/South Ministerial Council. The Council agreed the arrangements for jointly funding the new company; a South/North funding ratio of 2:1 for the programme costs of the company was approved. At its inaugural plenary meeting on 13 December the Council agreed that the headquarters of the company would be in Dublin, with a regional office in Coleraine.

At the meeting on 27 October 2000 it was agreed that the Coleraine office should have responsibility for printing, publishing and distribution. The Council approved a schedule for the early establishment of the company. A project team of senior officials, drawn from the Northern Ireland Tourist Board and Bord Fáilte Éireann, is being established to take forward the initial set of arrangements for the company. A progress report will be submitted to the next meeting of the North/South Ministerial Council in its tourism sectoral format. The Council has approved arrangements for the recruiting of the chief executive officer of the company. The Council is satisfied that an important step has been taken towards establishing the new company. The Council believes that enhanced co-operation in the tourism sector will bring significant and tangible benefits to both Northern Ireland and the South and that the company, working closely with the

Northern Ireland Tourist Board and Bord Fáilte Éireann, will have a crucial role to play in that regard.

The Council will hold its next meeting in sectoral format in the South during either January or February 2001. The Council has agreed the text of a communiqué, which was issued following the meeting. A copy of the communiqué has been placed in the Assembly Library.

**Mr P Doherty:** A LeasCheann Comhairle, tourism is regarded as one of the biggest growth industries in the world. It represents some 7% to 8% of the GDP in the South, yet only 2% in the North. I welcome this report. In reference to the draft memorandum and articles of association of the new company that have been agreed, arrangements must be put in place to register the company as soon as possible. Furthermore, the Council is to approve a schedule for the early establishment of the company. Can the Minister explain in more detail the draft memorandum and articles of association, and can he also inform us as to when the company will be established? The Coleraine sub-office remit has been outlined, but there has been no mention of the Dublin head office's remit.

**Sir Reg Empey:** This is a company, and all companies have a memorandum and articles of association. It differs in its structure to an organisation such as the Trade and Business Development Body, which has been set up between the two Administrations. This will be a company set up by both tourist boards. Its structure is different. It is a trading entity with a profit and loss account. The memorandum and articles of association set out the objectives of the company and other procedural matters to comply with company law. One of the two offices is to be in Coleraine, and the precise functions of that office have been established. Those functions will be reviewed after three years when we see how well the company is doing.

A project team has been appointed by both tourist boards to carry out the operational establishment of the company. It is difficult to be precise, but it will happen in the next couple of months, as the project team is established and as it sets about its business. The company, as a legal entity, must comply with company law. The tourist boards are establishing teams from each side to work out the operational details.

With regard to the functions of each office, that is an operational detail. It is perfectly obvious that if you remove those functions specifically allocated to the Coleraine office from headquarters, it leaves a clear idea of what will happen at headquarters. It remains to be seen, however. We decided to have a review in three years' time to see whether any changes are needed, because it will be an operational decision to identify where particular functions are allocated.

12.15 pm

I look forward to the establishment of the company within the next few months. The project team will bring

forward an operational plan and will report at our next meeting, which will most likely be in February.

**Mr Neeson:** I thank the Minister for his statement. What criteria and methodology are being used to appoint the 12 members of the board? Will there be remuneration? What will happen to the existing staff of the Northern Ireland Tourist Board?

**Sir Reg Empey:** The board will consist of 12 persons. The present position is that membership will be determined after consultation with, and with the involvement of, the industry, here and in the Republic. However, some elements are already emerging. We have undertaken a consultation exercise with representatives of the travel trades here. My counterpart, Dr McDaid, is doing the same in the Republic. The chairperson of the company will be nominated from Northern Ireland, and the Republic will nominate the deputy chairperson. It is intended that the chairperson, deputy chairperson and chief executive of the NITB will be members of the new board, as will their equivalents in Bord Fáilte Éireann. The balance of the membership will comprise persons who are either nominated by tourist industry interests or deemed to be effective in representing travel and tourism interests. We hope to be able to nominate board members within the next few weeks. Those nominations will come into the public domain when final consultations are concluded.

So far as the staff of the NITB is concerned, the tourist board will continue to operate. The situation is not unlike that which existed during the operation of the overseas tourism and marketing initiative (OTMI). Some people from the NITB will join the staff of the new company, but the NITB will continue its main functions in Northern Ireland, such as regional marketing, together with all the regulatory and statutory functions that it has under law. That will not be affected in any way by its involvement. The NITB and its equivalent in the Republic are establishing the new company. NITB will be a co-owner of the company, and the tourist board in Northern Ireland will continue to play a proactive role. The primary function of the new company will be to market our product worldwide.

**Mr McClarty:** I welcome the Minister's statement, particularly with regard to the establishment of the regional tourism office in Coleraine, in my own constituency of East Londonderry. Can the Minister say when this office is likely to open? Has a location been decided upon? If so, where? What staffing level is envisaged?

**Sir Reg Empey:** I cannot tell the Member the precise location of the office, but I know that one of the early tasks of the project team will be to identify a suitable location. The Coleraine office will be responsible for the printing, publishing and distribution requirements of the company, as agreed by the two tourist boards.

That will be quite an undertaking, as the Coleraine office will deal with all the literature, promotional material,

printing requirements and distribution on a worldwide basis. It is expected that between 10 and 15 people will be employed in that office. We expect to have specific proposals at the end of January or February with regard to a site and the establishment of the office. We will review the progress of that office and its functions after three years to see if further work is required.

At this stage it is hard to assess the exact number of people to be employed in the office, which is why I said between 10 and 15. That figure could vary and it could be higher. It depends on what is deemed to be an appropriate form of marketing and whether that requires more literature to be distributed. Internet activity will have to be addressed as more and more people are looking at tourism through the Internet.

**Mr McGrady:** I welcome the Minister's statement on the formation of the new company. It is a significant development which I hope will bring tangible benefits to the community in the new peace era in which we hope tourism will evolve.

I noted the answers the Minister gave to earlier questions regarding membership, and it is obvious that it is going to be a narrow board. First, I am sure that the Minister will agree that it is important that the board reflects the interests of those who provide the existing tourist facilities that we want to develop. Secondly, what relationship will the new company have, either directly or indirectly through the NITB, with the local government partnership and its involvement in tourism?

In view of the need to market our wonderful natural resources — the north coast, the lakes of Fermanagh, the Mourne and St Patrick's country — does the Minister envisage the administration of tourism becoming more geared to the areas delivering tourism? Should we perhaps have a sub-office in an area like south Down?

**Sir Reg Empey:** We could deploy most of our resources to establish offices behind every whin bush that people want.

The Member represents a beautiful part of our country, one that is frequently visited by tourists. The board must reflect the concerns of the providers, but that must not be an incestuous arrangement. We want people to come forward with fresh ideas. The board must not be a closed shop for people without any other interests.

I take the Member's point about local government partnerships and the regional tourism organisations, which are active. I recently attended a meeting of the Kingdoms of Down group, and I have also been to the CORE group that operates in north Antrim. Those organisations have lobbied and put forward names, and they are very much involved. They will continue to be involved as the Northern Ireland Tourist Board will continue partly to fund them.

I see an ongoing marketing and promotional role for regional tourism organisations, irrespective of, but in addition to, the marketing done by the new company. I do not see any conflict between these organisations. The closer one gets to the main markets, the more scope there is for local marketing.

Our main markets for tourism include the Republic of Ireland, Scotland and parts of Great Britain. More than two thirds of our visitors come from those areas. It is obvious that those people have an awareness of Northern Ireland, so this should be focused on.

I draw Members' attention to the statement of 18 December 1998, where the remit of the company was set out. It said that the Northern Ireland Tourist Board would continue to have access to the services of, for example, the British Tourist Authority and that there would be clear guidance to the company that its promotional efforts should take account of the need to develop tourism in Northern Ireland against the background of the problems faced by the industry there over the past 30 years.

The company's remit — and this is not yet fully understood — will specifically have to take into account our difficulties over the past 30 years. I thought it would be worth drawing that to Members' attention, because this is a remit that was not included in the OTMI operations that preceded it. The Northern Ireland Tourist Board is in at the design stage of this company. That was not the case with OTMI. Northern Ireland will have 50% membership of the board, and it will also have chairmanship of the board. When all these matters are taken into account, we are much better placed from a marketing and promotional point of view than we were previously.

The regional tourism organisations and the very significant contribution made by most local authorities will continue to play a part. However, we have to face the fact that no matter what money and effort we put into this, none of it will work as it should unless we have stability in the Province. This is necessary to bring tourism here. We are suffering from 30 years of disruption and conflict, and we still have ongoing, unresolved problems. Stability is the best way to get the maximum number of tourists here. Our tourism industry is operating at only one third of its capacity, and that is a great pity.

**Mr Deputy Speaker:** Before calling the next Member, I remind Members and the Minister that there is a long list of people who wish to ask questions. It would be useful if both questions and answers could be kept brief.

**Mr S Wilson:** I notice that the body is to be funded on a ratio of 2:1 between the Irish Republic and Northern Ireland. Can the Minister inform us of Northern Ireland's total contribution to the company? In the first year of the Assembly, the cost of the tourism implementation body was included under the cost of the North/South institutions. Can the Minister explain why this has been taken out of



that section of this year's Budget? Is this an attempt to hide the true cost of "North/Southery" from this Assembly?

Finally, I noticed that the membership of the company has yet to be decided. Can the Minister assure us that to avoid the political cronyism which has so far been rife in these North/South bodies, where the party faithful in his own party have been rewarded with positions, the Peach requirements will be applied to all the posts in the tourist company?

**Sir Reg Empey:** There are conspiracies everywhere, are there not?

The reason that no funds are included in the Estimates is that the company has not spent anything, because it does not yet exist. It has taken time to establish. If the Member wishes that we had moved more quickly to get North/South bodies established, that is a matter for him. The company has not yet been established, therefore it has not engaged any staff, nor has it any premises or establishment expenses. The reason it has not moved at the rate some people would have liked is that there were many serious matters to be agreed between the two Departments and between myself and Dr McDaid, and that all took time. We have taken our time, and I believe that the structure that is now emerging is the right one.

12.30 pm

According to the Estimates that were published by Mr Durkan, the budget is in the region of £5.4 million, which is allocated primarily for marketing.

The Member is incorrect in saying that the programme is being funded on a ratio of 2:1. The programme costs are being funded on a 2:1 basis, but staffing will initially be funded on the basis of the origin of the person who takes the post. If it is a Northern Ireland Tourist Board official, the funding will be provided by the Tourist Board, while Bord Fáilte Éireann will bear the cost if one of its officials takes up the post. Given the difference in the size of each organisation, the Republic's share would be much larger than it would be if the 2:1 basis were applied. However, this will be reviewed in the light of experience and when we see who comes forward.

The board will be made up of people with a clear interest. According to the statement, the membership will be drawn up in consultation with, and with the involvement of, the industry. The appointments are not being made in accordance with the recommendations of Sir Leonard Peach's report, but they are being dealt with through the industry. All four key elements of the industry, plus others, have been notified, and we have already received a number of nominations.

**Mr McHugh:** A LeasCheann Comhairle, it is expected that 20,000 jobs will be created through increased tourism in the Six Counties as part of the development of tourism bodies, North and South. Does the Minister agree that it is a myth to compare our situation with that of the South,

given the unresolved conflict at Drumcree each year? Does he also agree that politics must be working here before we can begin to meet our tourism objectives?

**Sir Reg Empey:** The difficulties at Drumcree create problems but 30 years of terrorism have also caused problems. It is a combination of such factors that has conspired to keep 20,000 people out of work.

The situation has improved. Visitor numbers and the amount they spend have increased, but the percentage increase is not high enough. If we compare the increase in tourism here with that in the Republic and Scotland — our two nearest neighbours — we will see that we are running at approximately one third of the ideal rate. Tourism constitutes 1.9% of the gross domestic product, but it should account for 6% or more.

We have the potential to develop tourism even further if we concentrate on natural-resource-based tourism and other niche markets. Against the background of huge pressure on communities, particularly in rural areas where there have been agricultural difficulties, such as animal and other health scares, largely through no fault of the Northern Ireland farmer, rural development provides real potential for people to supplement their income. Some people have been doing this with success, but huge potential remains, and I hope that we get the opportunity to exploit it fully.

**Dr Birnie:** In principle, I welcome this statement and the movement towards the company, but I would like assurance from the Minister on two fronts. First, I hope that this new company will not preclude independent marketing, where appropriate, by the Northern Ireland Tourist Board. There is a commercial reason for this: the two tourist products are different to some degree. Historically, for example, Northern Ireland has received large numbers of tourists from Scotland, while the Republic of Ireland did not. There is, therefore, a case for differences in marketing.

Secondly, will the international marketing of the new company concentrate on areas which yield the greatest marginal returns? It could well be argued that those areas will not be in Great Britain, but in continental European Union countries.

**Sir Reg Empey:** With regard to the first point, I can give the Member the assurance he seeks. The Northern Ireland Tourist Board is not precluded from regional marketing where it deems it to be appropriate, because such a high percentage of our tourism comes from those areas. We will ensure that there is complementarity between the marketing done by the company and that done by the Tourist Board. This will be done by ensuring that the Tourist Board uses the company as the delivery mechanism for whatever regional tourism, advertising and promotional activity it wants to do. It has the right to do that, and it will do that.

With regard to international marketing, as the Member pointed out, we are looking as far afield as we can. There is significant difficulty at the moment with the euro zone because of the price differential, which now sits at a huge 30%. Therefore, while marketing will be an operational matter for the company and the two tourist boards, we are under enormous pressure in the euro zone because of the currency. In the short term, the effort may have to be made more in the dollar zone area or wherever, but it will not be excluded from the marketing portfolio of the new company.

**Mr Dallat:** I congratulate the Minister on his report and the emphasis that he has placed on tourism since his appointment. In particular, I welcome the news of the office in Coleraine. I wish to seek assurance that this office will have the resources to tackle international marketing in a way which will give particular emphasis to specialist aspects of tourism. I am thinking in particular of angling, because of the River Bann in the area I come from. Will the Minister also assure us that he will discuss realistic improvements in the transport infrastructure with the airlines and ferry operators? If tourists do not have easy access to Northern Ireland, the efforts put into marketing could be in vain.

**Sir Reg Empey:** The Member has been very resourceful in managing to get in a question which is somewhat at variance with the topic of debate. With regard to the office, I can assure the Member that there is a determination by all concerned to see that the Coleraine office is properly resourced. It will be reviewed after three years. It has the tasks of producing all the printed and written materials to do with promotional activity and ensuring their distribution, and that is a huge undertaking.

I take the point that the Member makes about his area and the need for improvements in transport, but I expect that you would prefer that to be left for another day.

**Mr Shannon:** The Minister has already responded to the Member for East Belfast, Mr Sammy Wilson, on the make-up of the board, and he has referred to the tourist industry interests in the North and in the South. Can he indicate where they will come from? Will they be posted to the land mass, or will they be half-and-half? I put a specific question related to tourism to him this week, and he gave a specific response. Capital funds for the Strangford area in the last three years have amounted to —

**Mr Speaker:** Could your question be more precise?

**Mr Shannon:** We do not want Northern Ireland to become the poor relation in the new company. Can the Minister assure us that this will not be the case? Will he also assure us that there will be some system to monitor the promotion of tourism to ensure that Northern Ireland gets an equal share and that the east of the Province — Strangford and so on — gets a bit of special promotion? The sun does not just rise and shine in Fermanagh and south Tyrone; it rises and shines in Strangford also.

The Minister said that the Coleraine office will have responsibility for printing, publishing and distribution. This highlights one of our concerns. Can he assure us that the Coleraine office will be used to promote tourism actively in Northern Ireland? It looks as if Dublin will control everything.

**Sir Reg Empey:** Over the years the tourism industry in Northern Ireland has been fragmented, with various groups representing various parts of the industry. This is a matter of concern and will have to be dealt with in the long term. These groups were invited to indicate the people whom they thought would be helpful on the company's board, and we have received responses from them.

The Member is worried about Strangford, but if I recall the figures correctly the "poor relation" in all this is East Belfast, which has less resources than any other constituency. I think the Member will find that many areas are doing worse than Strangford.

Unlike the previous OTMI arrangements, we are very well placed in this new arrangement. We have 50% of the board; we provide the chairperson; and part of the company's remit is to take account of the need to develop tourism in Northern Ireland against the background of the problems faced by the industry over the past 30 years. Its operational and corporate plans have to come before the North/South Ministerial Council for approval. We will approve the appointment of a chief executive. By approving the corporate and operational plans, we approve the promotional activity. That will give us a wonderful opportunity that we never had before to assess whether we are getting a fair share. I have already outlined the funding arrangements. All in all, I think we have a satisfactory structure.

The Coleraine office will do all the printing, publishing and distribution, and its function is to operate on a world-wide basis. This is unprecedented and should give Northern Ireland and Coleraine a unique opportunity to make a positive contribution.

**Mr Taylor:** Representing, as I do, the most beautiful part of Northern Ireland — Strangford Lough and the surrounding countryside — in principle I welcome what the Minister has announced today. First, can he assure us that the company will be registered in the Companies Office in Belfast as well as in Dublin? Secondly, can he assure us that the board and staff will be non-political and that they will refer to the two jurisdictions by their correct names? Thirdly, since the Southern Irish tourist industry is five times larger than the industry in Northern Ireland, why should the ratio of financing not be 5:1 instead of 2:1? Finally, can the Minister assure the House that this new arrangement will in no way impinge on the activities of the Northern Ireland Tourist Board within the United Kingdom, namely on its co-operation with the English Tourist Board, the Welsh Tourist Board and the Scottish Tourist Board and especially on the

close working relationship that it has with the British Tourist Authority to promote Northern Ireland internationally?

12.45 pm

**Sir Reg Empey:** I will not rise to the challenge of the Member's first comment, lest there be more daggers in my back than there are at present. With regard to the British Tourist Authority, the statement made on 18 December indicated that

"the Northern Ireland Tourist Board will continue to have access to the services of the British Tourist Authority".

That is part of the agreement.

Since I became Minister, a formal agreement has been signed with the British Tourist Authority. Such a treaty had never existed before and it sets out specific arrangements. Bord Fáilte Éireann is negotiating with the British Tourist Authority to handle destinations in far-flung parts of the world where it would not be economical for either of us to be represented. That is very positive. Both tourist boards have staff in the British Tourist Authority-run visitor centre in London, which is, and will continue to be, our main shop window in the capital.

I will have to come back to the Member in writing about the technicalities of registration, because I am not sure whether it has been registered in both jurisdictions. With regard to the Republic's tourism industry being five times larger, I do not have those statistics at my disposal. I think it is three times larger, but perhaps we will reflect on that. The 2:1 ratio relates to marketing. The total operational costs of that ratio might be different because the relevant tourist board will pay for the staff who will be appointed. Bord Fáilte Éireann is a much larger organisation than the Northern Ireland Tourist Board. I expect, therefore, in the short term at least, a much larger proportion than 2:1 to come from the Irish Republic.

When this is examined in a few months' time the Member will find that the actual ratio is more favourable. However, we want to spend a great deal on marketing, because that is what we need to do. We have some wonderful products, but I do not necessarily agree that they are all in his constituency.

**Dr McDonnell:** Does the Minister agree that we have made major advances this morning in that Sammy Wilson and Jim Shannon want to join the North/South tourist body? Will he agree to try to facilitate their enthusiasm? This is a major advance and something that we were waiting for. I brought that up in case Sammy Wilson's question had been misunderstood. I think it is clearly understood now.

I welcome the ministerial statement and I strongly welcome the formation of the new body. However, for this body to achieve its full potential — and by that I mean trebling our current turnover of tourists — we

need a much more dynamic and effective Northern Ireland Tourist Board. Reports I receive from North American visitors suggest that our tourism products are somewhat unsophisticated, lacking in development and, in some cases, shoddy.

The Minister will be aware of what happened last Easter. Does he have any plans to revamp the Northern Ireland Tourist Board so that it can play its full part in ensuring that we get a substantial share of the benefits referred to?

**Sir Reg Empey:** The Northern Ireland Tourist Board has received criticism over the years; any public body has to take its medicine from time to time. However, we should have some sympathy for the board. In the dark days of the troubles it had a very difficult job trying to market Northern Ireland. Every time it tried to encourage people to come here, something got in its way, whether it was terrorism or whatever. It has battled through, year after year, and the fact that we are operating with increasing figures, both in numbers and revenue, is a credit to those involved.

I appreciate the effort made by the chairman and members of that board. A number of new members have been appointed in the past few months. Along with existing members, they are attempting to promote our Province in a vigorous and dynamic way. This area is being looked at in the review of the structures of the Department and its agencies. I ask the Member to wait until we are able to bring forward more definite proposals, although I have already indicated in this question-and-answer session that the Northern Ireland Tourist Board will continue because it is essential. So far as the Department and businesses are concerned, I want to ensure that their places in the overall scheme of things are taken into account during that review.

**Mr Clyde:** The Minister has answered the first part of my question about the number of people to be employed in Coleraine. How many are to be employed in total?

**Sir Reg Empey:** There is no precise figure at present. A more substantial number will be employed in marketing operations throughout the world, and that number will be recommended to us by the project team established by the two tourist boards. That is still at an early stage. We could give approximate numbers for the Coleraine office because it will have a narrow range of easily identified functions. I will give the Member a more precise answer after the next report from the project team. I cannot take it further today.

**Ms Lewsley:** I welcome the Minister's statement. Who is responsible for the transition of the current Northern Ireland Tourist Board's international offices into the proposed new company? Will the Minister outline some of the lessons learnt from previous joint marketing initiatives that should be applied to future initiatives to enhance their benefit to Northern Ireland?

**Sir Reg Empey:** Responsibility for the transition of offices will be a matter for the company's board when it is established. It is envisaged that where the Northern Ireland Tourist Board and Bord Fáilte Éireann have offices in international destinations it may be advantageous to bring them together. For instance, it makes sense to co-ordinate in New York, where Bord Fáilte Éireann has a significant office and the Northern Ireland Tourist Board does not. Similarly, the Northern Ireland Tourist Board has an office in Toronto, but Bord Fáilte Éireann does not have a similar operation, so it might be appropriate to link together there. That is an operational decision, and while the decision and the timing will be a matter for the two tourist boards as it involves their premises, these policies will be decided in conjunction with the company.

Regarding the second part of the Member's question, I stress that this marketing initiative is different. At the core of the agreement of 18 December 1998 was the proviso that account must be taken of the circumstances in Northern Ireland, given our recent turmoil. That is systemic in the marketing operation and promotional activities planned by the company. That must be one of its fundamental functions, and we will look at it very closely to ensure that its materials and the nature of its promotion are consistent with the remit given to it by the statement of 18 December 1998.

**Mr Fee:** I thank the Minister for his statement, and I will be brief.

Will the Minister undertake an examination of the role of the regional tourism organisations (RTOs) to see if it would be appropriate for the new tourism company to take over their role in some border regions? I refer specifically to the scandalous activity of the regional tourism organisation that the Minister mentioned earlier. The RTO in Newry and Mourne took £30,000 from ratepayers in the area and subsequently, without consulting the council providers or guest providers, changed the name from South East Ulster to Kingdoms of Down, thereby disenfranchising everybody from County Armagh. Also, not one single project or bed space south of Kilkeel is currently referred to in its literature.

Where co-operation between north Down and south Armagh is not possible, would it not be more appropriate to examine regional tourism within areas such as Louth/Monaghan, Armagh/Down and Donegal/Derry?

**Mr Deputy Speaker:** Members' questions should be relevant to the statement.

**Sir Reg Empey:** The function of the tourist company will not be to take over the regional tourism organisations. These bodies are exactly as their name suggests, and they will remain independent. The Member refers specifically to a dispute between Newry and Mourne District Council and the Kingdoms of Down regional tourist office. It is inappropriate for me to involve myself in this,

save to say that a number of local authorities co-operate in tourism within Northern Ireland and between Northern Ireland and the Republic. I support this activity. An example is the North West Passage tourism promotional activity package, while Strabane and Limavady also have various links with Donegal. I encourage this activity, but the question of the regional tourist organisations is one for another day.

**Mr Deputy Speaker:** The time for questions is up.

**Mr Paisley Jnr:** On a point of order, Mr Deputy Speaker. My name was listed for a question to the Minister.

**Mr Deputy Speaker:** That is not a point of order, but if you wish to speak either to the Clerk or to myself afterwards we will attempt to sort it out.

**Mr Paisley Jnr:** I do not think you can sort it out then. My name was listed, and I ought to have been called. In fact, you called two SDLP Members, one after the other.

**Mr Deputy Speaker:** Your name is not on this list. I will enquire afterwards as to why.

## ADOPTION (INTERCOUNTRY ASPECTS) BILL

### First Stage

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A LeasCheann Comhairle. Molaim go dtugtar a Chéad Léamh don Bhille (Gnéithe IdirThíortha) Uchtaithe.

I beg leave to lay before the Assembly a Bill to make provision for giving effect to the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption concluded at The Hague on 29 May 1993; to make further provision in relation to adoptions with an international element; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

## WEIGHTS AND MEASURES (AMENDMENT) BILL

### Further Consideration Stage

**Mr Deputy Speaker:** No amendments have been tabled, and, as no Members have indicated a wish to speak, I propose, by leave of the Assembly, to group the five clauses of the Bill.

*Leave granted.*

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Schedule agreed to.*

*Long title agreed to.*

**Mr Deputy Speaker:** The Bill now stands referred to the Speaker.

*The sitting was suspended at 12.59 pm.*

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

*2.30 pm*

## Oral Answers to Questions

### FIRST MINISTER AND DEPUTY FIRST MINISTER

**Mr Speaker:** Question 7, in the name of Mr Eddie McGrady, has been transferred to the Department of Finance and Personnel and will receive a written response from that Department.

### Programme for Government (Society Divisions)

1. **Mr Ford** asked the Office of the First Minister and the Deputy First Minister why there is no strategy to address divisions in Northern Ireland society within the draft Programme for Government. (AQO 325/00)

**The First Minister (Mr Trimble):** Tackling divisions in society is a key priority. A range of policies aimed at promoting community relations with annual expenditure of over £9 million is already in place in the Office of the First Minister and the Deputy First Minister, the Department of Education and the Department of Culture, Arts and Leisure. The draft Programme for Government seeks to build on that and contains a range of actions, including the development by 2003 of a cross-departmental strategy for the promotion of community relations leading to measurable improvements. The programme emphasises the need to examine the impact of key services such as housing and education and to respond positively when people wish to live and learn together.

In addition, the Diversity 21 initiative provides a very clear strategy and programme of action for tackling divisions which have their origins in our different cultural backgrounds and experiences. These represent some of the most deep-rooted divisions in our society.

**Mr Ford:** I thank the First Minister for the response, but he seems to have confirmed that while there are aspirations and much rhetoric on the need for promoting community relations and a shared society, there is very little in the way of strategy. The only specific he could quote to me was the year 2003. Does the First Minister really think that the problems of division in society are so much less important than socio-economic issues, many of which get a rather earlier date for progress?

**The First Minister:** I should have thought that the Member might have welcomed the fact that we do not propose, as recently advised by a journalist writing in a newspaper, to wind up the community relations programme. Instead, we are carefully examining it to bring forward new proposals. The Member might also like to reflect on the fact that this institution, through its functioning

and the role that the various parties play in it, can make what is probably the most significant contribution to healing divisions in the community.

**Mr McClarty:** Does the First Minister agree that by its commitment to social and economic development the draft Programme for Government itself represents a strategy to heal divisions?

**The First Minister:** I agree. There is quite a range of initiatives in the draft Programme for Government on the issue. As I said in my earlier answer, however, over and above everything else, this institution is the way in which we can heal divisions in society. As we said over two years ago, we intend it to be a pluralist parliament for a pluralist people.

**Mr B Hutchinson:** On the subject of community relations, does the First Minister have plans to do away with the two institutions that presently train teachers, putting them into one establishment?

**The First Minister:** I am sorry to say that I did not catch the middle part of that question.

**Mr Speaker:** I am not sure whether teacher training institutions are within the ambit of the Office of the First Minister and the Deputy First Minister. Perhaps if the Member would like to repeat the question, I can clarify that in my own mind.

**Mr B Hutchinson:** I am asking the First Minister if he is going to address divisions. One of our biggest divisions is that Protestant teachers are taught in a Protestant training school and Catholics in a Catholic one. Does the First Minister recognise that there is no difference in training methods, irrespective of religion, and that everybody should be trained in one place?

**The First Minister:** I apologise to the Member; it was the phrase “teacher training” that I could not make out initially. I am well aware that there are many people who believe that the divided educational structure we have — the Member has taken a particular aspect of it — generally perpetuates division, even if it does not create it. That is not a view that I wholly share. I do recognise, however, that it is held by a number of people and also realise that education may play a role. At the same time we have to recognise that parents have a right to educate their children in their identity and culture. There is a difficult balance to be drawn on this. I am not in a position to make specific comments about the teacher-training colleges, but, no doubt, what the Member has said will be heard in other places.

### Programme for Government (Shared Society)

2. **Mr Neeson** asked the Office of the First Minister and the Deputy First Minister what steps will be taken to ensure that all policies put forward by the Executive in the Programme for Government will be appraised for their

impact on the creation of a shared society in Northern Ireland. (AQO 324/00)

**The First Minister:** Section 75 of the Northern Ireland Act 1998 requires Northern Ireland Departments, in carrying out their functions, to have due regard to the desirability of promoting good relations between people of different religious belief, political opinion or racial group. The equality schemes required under schedule 9 of the Act show how Departments will assess their compliance with this duty and consult on relevant matters.

Furthermore, the draft Programme for Government seeks to address diversity and religious and political division, create greater mutual understanding and respect for diversity, and support dialogue and understanding among the communities. We hope that those consulted on the programme will comment on how effectively that programme deals with these issues, both specifically in the Growing as a Community section and in other parts of the document.

**Mr Neeson:** I thank the First Minister for his response. However, will he accept that this Assembly has the opportunity to create a pluralist and integrated society by including a policy appraisal; putting the principle of sharing over the problem of separation in this community?

**The First Minister:** As I said in answer to the previous question, it is my hope that this institution, through its existence and functioning, will help to resolve matters of this nature and promote co-operation. That is what we are doing, and we hope the example will be followed elsewhere in society.

**Ms Lewsley:** What steps will be taken to ensure that all policies put forward by the Executive in the new Programme for Government are appraised for their impact on the equality of opportunity in Northern Ireland?

**The First Minister:** I assure the Member that this matter is in our minds. Indeed, in paragraph 4(2)(b) of schedule 9 to the Northern Ireland Act 1998 there is a clear requirement for any equality scheme that is drawn up in each Department to state the Department’s arrangements for assessing and consulting on the likely impact of policies adopted, or proposed to be adopted, on the promotion of equality of opportunity.

In the Office of the First Minister and the Deputy First Minister there is an equality unit, and part of its job is to oversee the operation of these schemes across the Administration as a whole. We hope that we will have a proper focus in promoting equality of opportunity.

**Mr Roche:** This debate is being conducted with a high level of pretty empty rhetoric. There is reference to great cultural divides in Northern Ireland. The simple fact of the matter is that in Northern Ireland there is very little cultural division. The inhabitants of this island speak a common language. Their institutions, both North and

South, are shaped on the model of democracy within the United Kingdom.

**Mr Speaker:** I remind the Member that this is not a debate; it is Question Time.

**Mr Roche:** In trying to promote harmonious relationships in Northern Ireland in respect of our disagreements, would it not be better to simply insist — not that we should somehow smother our disagreements — that we conduct those disagreements within the rule of law? That is all we require. We can disagree as much as we like then. We still have a vibrant and intellectually exciting society, which we should conduct within the rule of law. All of this other stuff is empty rhetoric that happens to cost a vast amount of money.

**The First Minister:** I am glad that the Member has put it in those terms, because that is precisely what the Belfast Agreement endeavours to do: deal with the differences in society, settle the constitutional disputes, and provide a basis on which we can build and go forward together in peace.

### Unemployment (Communities Differential)

3. **Mr C Murphy** asked the Office of the First Minister and the Deputy First Minister to outline the measures intended to be taken to eliminate progressively the differential in unemployment rates between the two communities. (AQO 311/00)

**The Deputy First Minister (Mr Mallon):** The Programme for Government explicitly recognises the importance of tackling community differentials in unemployment. That is consistent with the Good Friday Agreement, which commits us to the goal of

“progressively eliminating the differential in unemployment rates between the two communities.”

Among the relevant measures in the Programme for Government are: through New Deal, lifelong learning and welfare reform programme, giving people the skills and incentives to get jobs and escape from the cycle of deprivation; the New TSN action plans, which will be reviewed annually; the establishment of a task force on employability and long-term unemployment; training programmes for adults with low numeracy and literacy skills; regeneration strategies for the most disadvantaged communities in the two major cities; and a neighbourhood regeneration task force to reduce disadvantage in the most deprived urban areas. Actions needed to tackle unemployment differentials are found throughout the Programme for Government, including under the headings of infrastructure, planning, and ensuring access to education for all.

**Mr C Murphy:** I notice that the First Minister and the Deputy First Minister changed their pattern of answering questions so as to allow the Deputy First Minister to answer this one.

I welcome the Deputy First Minister’s commitment to tackling the unemployment differential. If that is the case, why, in recent months, have officials and junior Ministers from the Office of the First Minister and the Deputy First Minister been engaged in an exercise to attempt to influence a report from the Northern Ireland Statistics and Research Agency (NISRA) which would deny that the differential is a measure of discrimination, absolving past, current and future Administrations from any responsibility in this regard?

Can he confirm that when the junior Minister Mr Nesbitt declares that he is winning the war on equality he is not in fact eradicating inequality and discrimination but rewriting history and securing a Unionist analysis on differentials as Government policy? Does this not strengthen the case that we made some time ago for a Department of Equality with a specific scrutiny committee?

**Mr Speaker:** Order. I encourage Members to be reasonably concise

**The Deputy First Minister:** The policy of the Executive has not changed. I have already listed the important measures we are taking under the Programme for Government that will help to reduce the differential in Catholic and Protestant unemployment. Long-term unemployment is higher among Catholics than Protestants. Areas where there is a concentration of unemployment tend to be predominantly Catholic. Tackling long-term unemployment and unemployment black spots will help to reduce unemployment among Catholics and Protestants and should help to reduce the difference in the unemployment rates between Catholics and Protestants. It is not for me to comment on press releases issued by people in a party political capacity.

With regard to the second part of the Member’s question, I understand that NISRA produced a briefing note, but it was on statistical and technical matters in relation to community differentials in unemployment. This is currently being evaluated. There are no current plans to publish this briefing note — and it is just that. There may be hundreds of briefing notes going to Ministers at any one time. This note was drafted for internal discussion, and it was concerned with statistical and technical issues. The Programme for Government states that we are committed to tackling the unemployment differential, and that remains our policy.

2.45 pm

**Mr S Wilson:** Does the Deputy First Minister agree that the last question reeks of hypocrisy, considering that Sinn Féin/IRA’s policy over the past 30 years has been one of economic warfare — that is their term, not mine — which has included the kidnapping and killing of businessmen, the bombing of business premises and the extortion of money from businesses? Does he agree that if the levels of deprivation which have been suggested in the Assembly today do exist, then the finger of blame

should be pointed at those who have wrecked the economy for the past 30 years? Does he also agree that it is a bit odd that wreckers are now included in Northern Ireland's Government?

**Mr Speaker:** Order. The Member is straying from the question.

**The Deputy First Minister:** I thank the Member for his question. It is difficult to see which part of it refers to the role of the First Minister and the Deputy First Minister. I will take the opportunity to restate that we are serious about dealing with the issue under consideration — the unemployment differential. That is a serious matter for the Assembly and the political process. It was not for me, in response to the previous question, to refer to statements issued by others on party political notepaper for party political reasons.

I will not respond in a similar manner to the Member's question. It is not for me to make any judgement but this: there is a differential. That differential must be addressed, and the ways to address it are identified in the Programme for Government. We will not be made to deviate from that by any utterances either inside or outside the Chamber.

**Mr Dallat:** I welcome the Deputy First Minister's comments. I want to press him further. How will New TSN action plans be updated and evaluated? Can he assure us that policy in respect of community differentials will remain unchanged?

**The Deputy First Minister:** I will take the second part of the question first. I assure the Member that those policies will remain unchanged. With regard to the substantive part of the question, every Department has, and is now implementing, a New TSN action plan. These will be published shortly. The Executive Committee will watch closely progress on the New TSN plans across all Departments, and Ministers will provide regular progress reports. Each Department will thoroughly review its action plan every year, update it to take account of progress, and build in new targets to follow those that have been met.

We will publish a New TSN report every year to let people see what has been achieved during the year. There will be an evaluation of New TSN, with a report in 2002. That evaluation will involve external experts, and the outcome will be used to assist further thinking on New TSN.

I repeat that there is no change in policy in respect of community differentials. The draft Programme for Government makes that clear. In line with the Belfast Agreement, we are committed to the progressive elimination of community differentials. I have already outlined some measures in the draft Programme for Government which are being taken to tackle community differentials in unemployment. Finally, no one should be tempted into

going off at a tangent. That is what those who want to distract us from this objective would like us to do.

## Fuel Prices

4. **Mr Beggs** asked the Office of the First Minister and the Deputy First Minister if, further to the resolution passed by the Assembly on 18 September 2000 (Official Report, Vol 6, No 2, p 64), representations have been made to the Chancellor of the Exchequer regarding the impact of fuel prices on the local economy.

(AQO 340/00)

**The Deputy First Minister:** As explained during the Assembly's debate on this matter on Monday 18 September, we have made representations to the Government about this issue. We will continue to work on this matter.

Since the debate a number of representations have been made to the Treasury about the impact of fuel prices on our local economy. Following a meeting with the Petrol Retailers' Association in October, Sir Reg Empey wrote to Mr Stephen Timms, Financial Secretary to the Treasury, and brought to his attention statistics which demonstrate the huge fall in legitimate fuel deliveries in Northern Ireland over the past five years.

He reiterated his deep concern, which the First Minister and I share, about the plight of the local petrol-retailing industry and pressed again for serious consideration to be given to a reduction in the duty rate applying to Northern Ireland. The First Minister and I have also written to the Chancellor to voice our concern about the effects of the high level of fuel tax and the difficulties that that is causing in Northern Ireland. We have requested a meeting with him to discuss that.

**Mr Beggs:** I welcome the Chancellor's announcement. However, does the Deputy First Minister agree that the local haulage industry continues to be disadvantaged compared with its competitors in the Irish Republic. I am thinking of the cost of derv and excise duty. Will the Deputy First Minister continue to press the Secretary of State for increased resources for Her Majesty's Customs and Excise and the RUC to help them to stop the illegal importation of fuel and the associated paramilitary racketeering? We must ensure that there is fair competition for the honest businessmen who are trying to transact legitimate business.

**The Deputy First Minister:** We are aware of the difficulties faced by the haulage industry and the people of the North of Ireland generally. The 50% cut in vehicle excise duties for lorries and the additional support for the haulage industry are welcome and should go some way towards helping to reduce the severe difficulties that the haulage industry faces. The proposal to raise the threshold for the reduced rate of vehicle excise duty for cars is also welcome but is unlikely to compensate for the significant increase in fuel costs over



the past couple of years. For owners of cars over 1,500 cc, there is no benefit.

Ministers continue to make representations to the Treasury on the problem of supply and sale in Northern Ireland and to press for greater action by Customs and Excise, who have responsibility for tackling that issue.

**Mr Berry:** Do the First and Deputy First Ministers recognise that the differential in fuel prices is lining the pockets of Republican organisations in my area of south Armagh? The differential is damaging legitimate fuel stations in border areas, and the smuggling of fuel into Northern Ireland is forcing many such stations to close. Have the First Minister and Deputy First Minister raised the serious problem of smuggling in border areas? What do they intend to do about it?

**The Deputy First Minister:** I repeat what I said in my answer to the original question. The First Minister and I are fully aware of the major decline in legitimate fuel deliveries to Northern Ireland. There has been a decline of 31% in the past two years. To a significant degree, that reflects the amount of petrol that is being smuggled.

The Treasury Minister has assured us that he takes the problem seriously. He has recently increased the resources available to tackle it, and we will continue to press him for results. Ministers will continue to make representations to the Treasury on the problems of supply and sale in Northern Ireland and to press for greater action by Customs and Excise, who have the responsibility for that problem.

The Member referred to his area of south Armagh. On the basis of my knowledge of the issue, I remind him that the cases that have been brought to date show clearly that the problem extends far beyond the border area.

### **Policing and Criminal Justice (Northern Ireland Assembly)**

5. **Mr Dalton** asked the Office of the First Minister and the Deputy First Minister to make a statement on the devolution of policing and criminal justice responsibilities to the Northern Ireland Assembly. (AQO 341/00)

**The First Minister:** The policing and justice section of the Belfast Agreement states that

“the British Government remains ready in principle, with the broad support of the political parties, and after consultation, as appropriate, with the Irish Government, in the context of ongoing implementation of the relevant recommendations” —

the recommendations of the Independent Commission on Policing for Northern Ireland and of the review of criminal justice —

“to devolve responsibility for policing and justice issues.”

The criminal justice review body, whose report attracted broad support, noted that there was widespread support for devolving criminal justice functions to the Assembly and

recommended that the same range of such functions should be devolved as is devolved to the Scottish Parliament.

The review of policing arrangements recommends that responsibility for policing be devolved as soon as possible, except for matters of national security. The Government, through the Secretary of State, indicated in a reply to a parliamentary question on 26 October that devolution will follow as soon as is practicable once they have paved the way

“by completing the implementation of the policing reforms and giving practical effect to the decisions made on the Criminal Justice Review”.

**Mr Dalton:** Does the First Minister believe that the devolution of policing and criminal justice powers to Stormont will make a difference to the attitude that the people in Northern Ireland have to the police and the justice system? Does the First Minister believe that that devolution will help tackle paramilitarism in Northern Ireland, and does he agree that it will only be dealt with when Members of the House take responsibility for policing and criminal justice and offer the right kind of political will to deal with the scourge of paramilitarism, rather than have Ministers on the mainland telling us that the normal rules of civilised society do not apply in Northern Ireland?

**The First Minister:** I agree with the Member’s comments — particularly his closing comments. The normal rules of civilised society do apply here, and it is our objective to see that that happens. The previous question demonstrates that there is a clear need to take responsibility for ourselves and the society in which we live. Only when we do that can we be sure that things will be done effectively.

**Mr A Maginness:** I have listened carefully to the First Minister. Do he and the Deputy First Minister agree that the core element in the transfer of policing and criminal justice powers to Northern Ireland is dependent on agreement between the two political traditions that share this House? Do they also agree that that transfer can only take place in the context of the successful implementation of the criminal justice review and the Patten report?

**The First Minister:** I have already stated in a previous answer that the agreement so provides and that the criminal justice review so provides. In that context I was interested to see that there was a broad level of support for the report of the criminal justice review and pleased to see that it extended throughout the community. That is a matter of considerable encouragement to us, and it should enable us, when appropriate, to proceed in that matter.

### **Programme for Government (2000-01 Budget)**

6. **Mr Close** asked the Office of the First Minister and the Deputy First Minister if it was considered appropriate

to launch the draft Programme for Government after the announcement of the 2000-01 Budget. (AQO 323/00)

**The First Minister:** The Programme for Government and the 2000-01 Budget are inextricably linked and have been developed together. They have been considered together by the Executive, and the Budget was agreed in the light of the Executive's views on the Programme for Government.

As we explained in our statement of 24 October, the Programme for Government required some final drafting before we could present it to the Assembly, but we expect that to be a problem for this year only.

**Mr Close:** I thank the First Minister and the Deputy First Minister for that reply and for the acknowledgement that the cart was put before the horse in this particular year, and I welcome the assurance that that will not happen in future years. Will the First Minister also assure the House that as the Programme for Government is developed — particularly in relation to the numerous public service agreements — adequate time will be given to the House, via its respective Committees, to scrutinise and advise on those issues?

**The First Minister:** As we have endeavoured to say to the Member, it may appear that the cart was put before the horse, but it was not. We want to see full consultation, but there are items in the timetable that cannot move because of budgetary needs. I must say to the Committees — and this is in relation to the Programme for Government and to legislation — that there is a job to be done, and we call upon them to discharge that job. We cannot always move at the pace of the slowest member in the convoy.

### Decommissioning

8. **Mr McFarland** asked the Office of the First Minister and the Deputy First Minister to detail the progress made by the Republican movement towards fulfilling the pledges it made on 6 May 2000 in respect of decommissioning.

(AQO 343/00)

9. **Mr Dodds** asked the Office of the First Minister and the Deputy First Minister to detail what reports have been received from the Independent International Commission on Decommissioning on the issue of the decommissioning of illegal terrorist weaponry since the restoration of devolution on 30 May 2000.

(AQO 303/00)

12. **Rev Robert Coulter** asked the Office of the First Minister and the Deputy First Minister if they are aware of any indication of a re-engagement by the Provisional IRA with the Independent International Commission on Decommissioning.

(AQO 344/00)

**The Deputy First Minister:** Mr Speaker, with your permission I will take questions 8, 9 and 12 together.

In May of this year the IRA gave a number of undertakings to facilitate the re-establishment of devolved arrangements. The IRA leadership stated first, its intention to initiate a process that would completely and verifiably put IRA arms beyond use.

3.00 pm

Secondly, it stated its intention to resume contact with the Independent International Commission on Decommissioning (IICD) and to enter into further discussions with the commission. Thirdly, as a confidence-building measure, the IRA agreed to allow some arms dumps to be inspected, on a regular basis, by third parties who were then to report directly to the IICD. There have been two arms inspections. The first took place in June, and the second in late October. In its report of 26 October 2000, the IICD concluded that it

“cannot report progress on actual decommissioning during the period following the IRA's renewal of contact in June, and the UVF and UFF's earlier acceptance of methods of decommissioning and supporting issues.”

However, the IICD welcomed this report and looked forward to other such reports.

**Mr McFarland:** Did the IRA not make certain promises to the Northern Ireland people to put their weapons beyond use, completely and verifiably? The people of Northern Ireland will not have faith in the process until they get an answer to the question which the Deputy First Minister himself put — are they going to do it, and when?

**Mr Speaker:** The time for questions to the First Minister and the Deputy First Minister is up. Unfortunately, the Deputy First Minister will be unable to respond to that question, save in writing, as he and the First Minister will be forced to do for the remaining questions.

(Madam Deputy Speaker [Ms Morrice] in the Chair)

## REGIONAL DEVELOPMENT

### Roads Improvement: TSN Policy

1. **Mr C Murphy** asked the Minister for Regional Development if he will outline how the targeting social need policy will be applied in relation to road improvement works.

(AQO 313/00)

**The Minister for Regional Development (Mr Campbell):** All potential major road schemes are being assessed for possible inclusion in the Department's 10-year forward planning schedule. The assessments are based on five criteria — integration, safety, economy, environment and accessibility — in accordance with the Department's Northern Ireland transport policy statement 'Moving Forward' which was published in November 1998. The process takes into consideration the objectives of the

Department's new targeting social need policy, primarily under the accessibility criteria.

**Mr C Murphy:** I thank the Minister for his answer, but I am concerned that if TSN is to mean anything, the imbalance of the past will have to be addressed. Road improvement schemes in many areas of the Six Counties have been neglected, particularly in my constituency of South Armagh. On some sections of the main route into the area two buses or lorries cannot pass each other without stopping. Surely that is an unacceptable state of affairs in the twenty-first century. Will the Minister assure us that TSN will be applied to address the imbalance of previous decades when road improvement schemes were completely neglected?

**Mr Campbell:** The preface to the Department's New TSN action plan states

"It is generally accepted that distance from centres of economic activity contributes to increased social need. Roads Service may be able to contribute to reducing peripherality through major capital schemes. However, the impact on overall social need is influenced by a combination of factors and, therefore, the specific contribution of road schemes cannot easily be determined. The Department has consulted widely including a number of district councils on the development of an appraisals framework to prioritise programmes for capital works. New TSN principles will be incorporated in the assessment criteria. The potential for all schemes to contribute further to improving conditions in areas defined as disadvantaged is also being examined."

**Mr McFarland:** Does the Minister accept that his announcement last week on major road improvements, including the Toome bypass, which is in an area of social need, has again exposed his party's "all perks and no work" attitude to ministerial office? Will he assure the Assembly, and the people of Northern Ireland, that the next major announcement by him, or his successor, will mean what it says, and will have more to do with targeting social need than party political need?

**Mr Campbell:** Despite some of his comments, I thank the Member for his contribution. I remind him that we do not enjoy any of the perks of office, as our Ministers and office-holders do not avail of official salaries. Perhaps the Member has been misinformed.

A briefing for the Regional Development Committee, of which the hon Member is the Deputy Chairperson, included the need for additional provision for road maintenance, and I highlighted once again my concern to seek some level of certainty in the capital programme funding over a three-year period. The funding that we have is such that some capital schemes may have to be deferred. All these schemes were announced subject to resources being available to allow them to commence.

Each Member, including the hon Member who posed the question, received a letter from my predecessor, dated 20 July, which indicated, not once but on five separate occasions, that that was the case. Last week at the Regional Development Committee I endeavoured to ensure that the

necessary funding is in place so that capital works schemes can proceed as quickly as possible.

**Mr Poots:** It is interesting that the Deputy Chairperson of the Committee does not read the letters that he receives.

Can the Minister confirm that in the current year's proposals there is enough provision to start these road-works? Can he also confirm that unless the budget is cut drastically by the Executive, there will be sufficient finance to complete these roads in years two and three?

**Mr Campbell:** I can confirm that the amount that has been allocated in year one is sufficient to allow me to proceed as planned, but if funding in years two and three were to be reduced, road schemes may be unable to proceed at the pace envisaged. My predecessor and I made bids for funding that would have allowed those schemes to proceed and be implemented, but it may be the case that that is not the position.

Because of the media speculation surrounding last week's announcement at the Regional Development Committee, I am in the process of placing a number of documents in the Assembly Library for Members' information, including the roads major works construction programme, the roads major works preparation pool, the presentation given by the divisional roads manager to the Regional Development Committee in Omagh on 15 November, and the press release that accompanied that presentation. I have done that in order to be helpful and to ensure that Members are aware that we need the funding in years two and three to ensure that these road schemes proceed. That is my intention, my goal and my objective.

## Drainage (West Tyrone)

2. **Mr P Doherty** asked the Minister for Regional Development if he will detail the amount spent upgrading the drainage system in West Tyrone by year for each of the last five years, and what is the amount set aside for the current financial year. (AQO 326/00)

**Mr Campbell:** Expenditure on drainage by my Department's Roads and Water Services in the Omagh and Strabane district council areas was as follows: in 1996-97, £932,000; in 1997-98, £977,000; in 1998-99, £1,187,000; and in 1999-2000, £1,281,000. Figures for 1995-96, the first year of the period specified, are not readily available, but I can indicate that planned expenditure in the current financial year is up — again — at £1,313,000.

**Mr P Doherty:** Can the Minister give a clear undertaking that his Department will alleviate the effects of the flooding that can sometimes occur three or four times a year in Newtownstewart? Will he also give an undertaking to liaise and work with the Rivers Agency to bring about a situation where the A5 is not subject to flooding six or seven times a year?

**Mr Campbell:** I am aware of a number of flooding incidents not only in West Tyrone but across Northern Ireland, and I take every incident very seriously. My Department has been looking into the flooding that occurred on 28 October in the West Tyrone area and is currently endeavouring to ensure that measures are taken to make that flooding less likely in the future.

Our efforts can be seen in the amounts I have outlined. We are spending more, year on year, on trying to improve the drainage system to minimise the effects of any extreme flooding, which Northern Ireland has unfortunately been subjected to over recent months.

**Mr McMenemy:** Due to the recent lack of adequate drainage systems in my constituency of West Tyrone we have experienced severe flooding, particularly in the Ballycolman area of Strabane because of the failure of electric motors in pumping stations. The main factor contributing to the failure of these motors was that they were clogged with leaves, which tripped the circuits. Fortunately, the local Water Service — and I compliment them on their work — got the pumps back into action and thus prevented dozens of homes being flooded.

**Madam Deputy Speaker:** Will the Member put the question?

**Mr McMenemy:** Yes. Will the Minister assure me that his Department will check stations throughout the North of Ireland to make sure they will operate when needed? I represent a rural area, and my office constantly receives calls from residents complaining of sheughs being blocked throughout the constituency. Will funding be made available to upgrade these sheughs and small drains in rural constituencies?

**Mr Campbell:** I do not wish to make light of it, but it will be interesting to see how Hansard deals with the spelling of “sheugh”. I will undertake to ensure that the areas mentioned by Mr McMenemy are investigated. I am aware of the locations he mentioned, and I have instructed my officials to go back to ensure that the problem is being alleviated. I will write to him if there is any unresolved or outstanding issue in direct relation to the incident he has just referred to.

### Transport Infrastructure: Weather Damage

3. **Mr Hussey** asked the Minister for Regional Development if he will detail the damage caused to the transport infrastructure as a result of the recent inclement weather; and if he will make a statement. (AQO 339/00)

**Mr Campbell:** The railway network suffered some structural damage during the recent inclement weather. There was a landslip near Seahill on the Belfast to Bangor line which temporarily closed one side of the railway line. There was also flooding near Magheramore on the

Belfast to Larne line which washed away some of the track bed ballast and closed the line temporarily. Repairs at both locations have now been completed and both lines restored to full operational status.

The roads network also suffered some structural damage. Severe surface damage has occurred on the B536 (Spout Road, Strabane) and the U0233 (Old Castle Road, Newtownstewart). There was an embankment slip on the A1 (Belfast to Newry road) near Dromore. Repairs are ongoing at the two former locations, and one of the southbound lanes of the A1 has been closed pending investigations regarding the slippage. The weather has also caused surface damage, such as increasing the number of potholes, surface deterioration and blocked culverts. On many other roads across the country the Roads Service has identified more than 30 sites which require remedial drainage work to reduce flooding.

**Mr Hussey:** I welcome Mr McMenemy’s use of Ulster-Scots. The Minister is well aware of the inter-agency approach to the problem of flooding, particularly on roads. I am minded of the flood alleviation methodologies which are coming through from Westminster.

3.15 pm

I am sure that the Minister, like myself, hopes that funds will be consequential to that via the Barnett formula. Has he, together with the Rivers Agency, any plans to use these funds to alleviate the damage to the infrastructure, particularly on roads in the west? It is interesting that the two roads mentioned in the Minister’s answer are in west Tyrone.

**Mr Campbell:** I mentioned those roads, not because they are the only ones affected, but because the Member is from west Tyrone, and I had an inkling that he was referring to them. The Roads Service spends approximately £40 million a year on structural maintenance. That may seem like a considerable amount of money, but the recent Northern Ireland Audit Office report confirmed that we need to spend £80 million a year simply to maintain the existing network to a reasonable standard, not to increase or upgrade it. I take the hon Member’s comments on board, and I will deliberate on how we can access additional funding in order to bridge that shortfall.

### Road and Pavement Works (Visually Disabled People)

4. **Mr McCarthy** asked the Minister for Regional Development what steps he is taking to bring construction works on roads and pavements to the attention of people with visual disability. (AQO 319/00)

**Mr Campbell:** It is a legal requirement that anyone carrying out roadworks, including work to footways, must have regard to the special needs of visually handicapped and disabled people. The requirement for signing at

roadworks is covered by chapter 8 of the Department of Transport's traffic signs manual, which is published by the Stationery Office. Chapter 8 says that protection for visually handicapped people requires roadwork sites to be guarded on all sides accessible to pedestrians. This is not necessarily restricted to the footway side of the works, and provision may need to be made for people crossing the road. There must also be a pedestrian barrier which may be readily detected by a visually disabled person using a stick.

**Mr McCarthy:** I thank the Minister for his answer, but does he not think that it might be useful if his Department were to inform the Royal National Institute for the Blind, or perhaps the local health trust, of roadworks that are about to commence, so that people with a visual impairment will not suddenly be confronted by unusual obstacles in their path? These groups could then pass this information on to the visually impaired.

**Mr Campbell:** I will undertake to investigate what the present position is to see if it would be practical to do as much as possible to inform, in particular, visually handicapped people of impending roadworks that may affect the location in which they reside.

**Mr Beggs:** In constructing new pavements at junction improvement programmes, will the Minister ensure that accident black spots such as Millbrook and Antiville are developed with the visually disabled in mind? Can the Minister guarantee that these improvements at Antiville and Millbrook will be allowed to proceed independently, in the interest of safety, as was assured by his predecessor?

**Mr Campbell:** Obviously I had no notice from the Member of the situation at Millbrook and Antiville. I will investigate the problems, if there are any, at those locations, and I will write to him accordingly.

**Mr Dallat:** Further to the issue of construction work, can the Minister tell us if there is a policy of ensuring that roadworks inconvenience motorists for the shortest possible time —

**Madam Deputy Speaker:** The question relates specifically to people with visual disability.

**Mr Dallat:** I will write to Rover.

### Former GNR Line

5. **Mr McNamee** asked the Minister for Regional Development if he will detail the estimated cost of reinstating the Portadown/Dungannon/Omagh/Strabane/Derry railway line for use by light and/or heavy railway stock. (AQO 317/00)

**Mr Campbell:** Translink has advised me that there are no details currently available on the condition of the Portadown/Dungannon/Omagh/Strabane/Londonderry railway line, which was closed in 1957. It is not possible, therefore, to give an accurate estimate of the costs for

reinstating the line for use by light or heavy railway stock. A detailed study would be required to obtain such information, as well as to establish landownership issues. However, it is likely that the costs would be considerably in excess of £1 million per mile.

**Mr McNamee:** I thank the Minister for his answer. We recently heard concern expressed about the condition of roads in rural areas, particularly between major towns west of the Bann and in the southern division, and the funding problems, to the extent that the Department must consider the abandonment of some lesser-used roads.

**Madam Deputy Speaker:** Will the Member put a question to the Minister.

**Mr McNamee:** The vast majority of people in those areas do not have reasonable access to public transport. Does the Minister foresee the reinstatement of the Portadown/Derry line as part of a long-term strategic transportation plan?

**Mr Campbell:** The consolidation option contained in the railways task force report provided for the upgrading of the most heavily used lines, for the other existing lines to be kept open and for new rolling stock for the entire network. The draft budget contains resources of £19.6 million to enable the first year of the programme to implement this option. The report also pointed out that any enhancements to the network — for example, the reopening of the Portadown/Londonderry line — could appropriately be considered in the context of the regional transportation strategy. The draft strategy is due to be published next summer.

**Mr Carrick:** Does the Minister agree that such a proposal would require the upgrading of Portadown railway station, which is still the hub of the North? It would be imperative for this station to be upgraded if this proposal were to go ahead.

**Mr Campbell:** This debate is useful and informative. Four months ago we could not have had a debate about additional lines. At that time we faced the running down or closure of the Northern Ireland railway network. We are now contemplating consolidation and, in the context of the transportation strategy, the expansion and development of the railway line. I take the hon Member's point, and I will draw Translink's attention to the matter he raised.

**Mr Kennedy:** The Armagh/Portadown line is also important. It has not been in operation since the late 1950s. Will the Minister consider costing the reopening of that line?

**Madam Deputy Speaker:** That is tenuously linked to the original question. Does the Minister wish to respond?

**Mr Campbell:** Tenuous as the link may be, I am very much in favour of the development of railways. In the light of comments made by Members today, I hope to receive their support in campaigning and voting for funding

for the railways, so that some development can take place. I will bear in mind the hon Member's comments.

### Roads: Utilities Works (Co-ordination)

6. **Mr M Murphy** asked the Minister for Regional Development what assessment he has made in relation to the recent Roads Service statistics showing an increase in the number of road openings by the utilities, and if he will detail the steps he is taking to reduce these figures through improved co-ordination. (AQO 302/00)

**Mr Campbell:** Utilities have a statutory right to open roads and footways for the purpose of installing and maintaining their equipment. The number of such openings has increased to some 46,000 per annum, and while my Department's Roads Service cannot prevent utilities from carrying out this work, it does endeavour as far as possible to co-ordinate their activities. A computer-based Northern Ireland street works register and notification system is now in place, enabling the Roads Service to monitor ongoing and proposed street works by utilities and to negotiate where there is a conflict in their proposals. Also, the Roads Service has recently agreed with utilities the content of a code of practice for the co-ordination of street works and works for road purposes and related matters.

**Mr M Murphy:** Does the Minister agree that the long-term aim of best value is to achieve the delivery of high-quality service and to ensure that the most effective way is being used? Local needs should be reflected in providing the best value for money to servers, users and taxpayers. I am glad to hear that work is being done to bring this together. Would it not be appropriate for Departments to establish a purchasing consortium to deliver the service required, thereby reducing the number of road openings?

**Mr Campbell:** I hope that the computer-based register and notification system and the code of practice will be effective. If there is a concern in the House as a whole that this may possibly not be effective, I undertake in a 12-month period to ascertain the effectiveness of these two measures and, if necessary, to look at ways in which they may be improved.

**The Chairperson of the Committee for Regional Development (Mr A Maginness):** I welcome the Minister's statement in answer to Mick Murphy's question. I welcome in particular the computerisation and the code of practice. I bring to the Minister's attention the quality of reinstatement. That is quite variable throughout Northern Ireland, particularly in the urban area of Belfast, where it is very poor. There seems to be no control exercised by the Roads Service, or the Department generally, over the quality of reinstatement.

**Mr Campbell:** I understand Alban Maginness's question, in view of the number, the volume and the scale of works undertaken by utilities in recent years —

particularly in Belfast — and the difficulties that reinstatement has created. If the hon Member for North Belfast, (Mr Maginness) can furnish my Department with a list of areas that are particularly affected by deviation in the quality of reinstatement, I will undertake to have those examined.

**Mr Hussey:** Like others, I welcome the co-ordination of road openings by the utilities. In our part of the world it seems that to get a hole in the road you first resurface it, and then you dig it up. My question follows on from Alban Maginness's. Would it not be advisable for utilities to have to pay a deposit until such time as reinstatement is carried out to the satisfaction of the Department?

**Mr Campbell:** If there is a problem in finished replacement works I understand that a simple, straightforward consideration, such as the Member suggests, may be advisable. I will need to ascertain the present position and see how it can be improved. I undertake to respond to the Member in writing about that.

3.30 pm

### Roads and Planning Services: Co-operation

7. **Mr Neeson** asked the Minister for Regional Development what steps he will take to improve co-operation between the Roads Service and the Planning Service. (AQO 329/00)

**Mr Campbell:** I am satisfied that, generally, there is good co-operation between the Department of the Environment's Planning Service and my Department's Roads Service. However, there has been a significant increase in the number and complexity of planning applications, and a joint Roads Service/Planning Service working group has been set up to identify ways of improving procedures. This group is expected to report to the joint Roads Service/Planning Service board meeting next month, and I will then be considering the group's conclusions. Subsequently, I will inform the House of the findings.

**Mr Neeson:** Is it not the policy of Roads Service to await the decision of the Planning Service before it considers the impact of individual planning applications? As the Minister is aware, he recently responded to me about a major planning application in Carrickfergus, which is delaying the creation of a substantial number of new jobs in the area.

**Mr Campbell:** Part of the problem, as I have said, is the number and complexity of planning applications. For example, there has been a 17% increase in planning applications between 1996 and 1999. There has been an even larger increase in the number of major applications; they are up by 25%. That is one reason for the establishment of the working group. I am awaiting the report on the outcome of the investigations into the problems that

have arisen, and I undertake to write to the hon Member once I have received that report.

**Mr McMenamin:** On a point of order, Madam Deputy Speaker. In Hansard the word is spelt "sheugh".

**Madam Deputy Speaker:** That was not a point of order. The time is up.

## THE ENVIRONMENT

**Madam Deputy Speaker:** Question 2, standing in the name of Mr Alan McFarland, has been transferred to the Department for Regional Development and will receive a written response from that Department.

### Planning Enforcement Staff

1. **Ms Hanna** asked the Minister of the Environment if he will detail the number of staff (or full-time equivalents) who have been employed within the Planning Service in the field of planning enforcement in each of the last three years, and if he will indicate how many will be involved in this field in each of the following three years. (AQO 316/00)

**The Minister of the Environment (Mr Foster):** The staff resource, expressed as full-time equivalents, involved in planning enforcement in each of the last three years was 16, 20 and 25 respectively. In the current year there are 20 staff in divisional planning offices who are specifically allocated for enforcement and who are working on some 2,500 live enforcement cases. The involvement of other staff in enforcement work varies according to need. On the draft Budget, the resources involved in this work in the following three years should be broadly similar to that of the current year but will obviously be related to the extent of infringements of planning control.

**Ms Hanna:** Does the Planning Service intend to consider including the issue of demolition as part of the planning application in new legislation? Does the Minister agree that until that is so we need the real threat of enforcement to protect the built heritage and to encourage sustainable development?

**Mr Foster:** I am aware that enforcement is a matter of concern. The issue was raised by the Environment Committee when I met with it to discuss the draft Budget and the draft Programme for Government. The Department of the Environment is taking steps to strengthen its enforcement powers in the proposed Planning (Amendment) Bill. This will address the issue of penalties imposed by the courts and the need for the courts to have regard to the financial gain from any offence. The maximum fine for non-compliance with an enforcement notice would increase, on summary conviction, from £5,000 to £20,000. It is also intended to introduce injunction powers to allow

the Department to prevent any operation from continuing where an offence has been, or may be, committed.

### Planning Rules: Prosecutions

3. **Mr Leslie** asked the Minister of the Environment if he will detail the number of prosecutions brought in each of the last five years against persons or companies who have proceeded with development work prior to the granting of planning permission. (AQO 334/00)

**Mr Foster:** It is not an offence to carry out development without first seeking planning permission. However, to do so breaches planning control, and those responsible for unauthorised development leave themselves open to possible enforcement action by the Department. Planning legislation recognises that on occasions development can take place in advance of planning permission being granted. It therefore allows for the granting of retrospective permission for buildings or works carried out without permission.

The Department does not seek to prosecute those responsible for carrying out development capable of being approved. There have been no such prosecutions in the past five years. However, there are approximately 2,500 live enforcement cases for breaches of planning controls at various stages in the enforcement process.

In the past three years there have been 30 prosecutions where fines have been imposed by the courts for breaches of conditions applied to planning approvals. As I have just said, I will be seeking to strengthen the Department's enforcement powers through a forthcoming Planning (Amendment) Bill.

**Mr Leslie:** In cases where development has proceeded and planning permission has been refused, does the Minister consider that the level of fines which can be imposed constitutes a sufficient deterrent to prevent wildcat development activity?

**Mr Foster:** The Department takes enforcement action when necessary. We consider that in some cases the courts do not have the powers they should have in order to impose sanctions on people who have carried out unauthorised development. Therefore, as I have said, we intend to address the issue of penalties imposed by the courts through future legislation. The maximum fine for non-compliance with an enforcement notice would increase, on summary conviction, from £5,000 to £20,000 in order to stop unauthorised development.

**Mr Shannon:** Can the Minister indicate the number of prosecutions that his Department has brought against those who have been responsible either for knocking down listed buildings or redeveloping them? What action does he intend to take to change the legislation so that people who do that can be made more accountable?

**Mr Foster:** We are taking steps under the proposed legislation to ensure that such development does not take

place. We want as much power as possible to ensure that people comply with planning regulations. We are concerned about what is taking place and are taking what the Member has said into consideration. However, enforcement can be a lengthy and complicated process. Fines through the courts are often quite difficult to achieve and not commensurate with the effort required. The Department's preferred option generally is to seek to remedy any breach of planning control.

**Mr Dallat:** Does the Minister agree that even when planning is ultimately permissible a real opportunity is lost for third parties to make constructive points on how a planning project can best serve the needs of the community?

**Mr Foster:** I take the Member's point. The question of third-party appeals is currently a big issue. We are giving it serious consideration, and it is quite possible that it will eventually be brought into force. However, I cannot say exactly when.

### Planning: Compensation

4. **Mr McLaughlin** asked the Minister of the Environment if he will outline why compensation issues permitted under the 1965 Act and the 1972 Order have been allowed to continue up to the present when the Department of the Environment has clearly indicated that this compensation is contradictory to a modern planning system which operates in the common interest. (AQO 304/00)

**Mr Foster:** I cannot answer definitively on matters which substantially pre-date devolution and for which the direct rule administration was responsible.

The Planning (Compensation, etc.) Bill was introduced at the first available opportunity following devolution and is presently before the Assembly. It contains provisions to deal effectively with the matters to which the question refers and provides a further example of devolution working better than direct rule. The Bill repeals various compensation provisions in the Land Development Values (Compensation) Act (Northern Ireland) 1965 and in the Planning (Northern Ireland) Order 1972.

It also corrects a minor drafting error in the Planning (Northern Ireland) Order 1991. In essence, the Bill will close a loophole and remove a compensation system which is being abused by those making planning applications for the purpose of attracting compensation rather than developing land. This will create a significant saving to the public purse.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer, and I commend him for the speed with which he has dealt with the matter. I understand the particular difficulty he had, given the history involved. Does the Minister agree that this is possibly the easiest of the issues stemming from the mid-sixties Matthew report? That report gave

rise to the iniquity of the underdevelopment west of the Bann, including the area which the Minister himself represents, the decision to destroy the rail link to the north-west and the decision to establish Craigavon. Would it not be appropriate for the Minister to repeal comprehensively the legislation and planning guidelines that have stemmed from the Matthew report?

**Mr Foster:** The Member has been referring to a broad issue, and I cannot make an immediate response. I will therefore ensure that he receives a written reply on the matter.

### Greenhouse Gases

6. **Mr McGrady** asked the Minister of the Environment if, in view of the forthcoming summit in The Hague on climate change and global warming, he will outline what steps he will take to achieve a reduction of greenhouse gases in the atmosphere; and if he will make a statement. (AQO 308/00)

**Mr Foster:** The United Kingdom climate change programme was published last week. I was pleased to lay it before the Assembly last Friday. Copies are available in the Business Office. The programme sets out the measures being taken by the UK Government and the devolved Administrations to achieve the 12.5% cut in greenhouse gas emissions which the UK is obliged to deliver under the Kyoto Protocol.

The programme includes a wide range of fiscal, regulatory and presentational policies which are expected to enable the UK to meet its Kyoto target. It contains a chapter on Northern Ireland, which outlines in greater detail the steps being taken to ensure that Northern Ireland makes as significant a contribution as possible to cutting greenhouse gas emissions. These relate to the efficient production and use of energy, switching to renewable sources of energy, planning, transport, waste disposal and agriculture and forestry.

**Mr McGrady:** I have the advantage of the Minister's press statement of last Friday in response to a written question taken two days after my question was addressed. I know that the Minister has just recently come into this Office, in which he must address this huge problem. However, will he address the issue on the basis of concrete proposals rather than aspirations?

For instance, while 8% is the target for consumption of renewable energy electricity, what is the current provision of renewable energy electricity? He says that the planning processes are now imbued with energy-saving objectives, but there is no evidence of that. He refers to the use of willow biomass as a renewable energy source, but there has been no visible sign of any substantial contribution of this nature. Will the rapid transport system that he hopes to introduce be environmentally friendly in practice?



**Mr Foster:** The Member's question is long and addresses an issue in which he is very interested. We are trying to reduce the effects of the problem. He may claim that there is a lot of rhetoric on this issue, but the process takes time.

We need to take action to adapt to the effects of climate change. This will involve detailed research aimed at identifying the key strategic priorities in areas such as water resources, flood protection, building design and infrastructure, habitats and land use planning. These will have implications for insurance, tourism, health and agriculture, which will also need to be examined.

3.45 pm

I am therefore commissioning a major scoping study in conjunction with the Scotland and Northern Ireland Forum for environmental research. It should report by June 2001. This scoping study will provide the basis for development of a Northern Ireland strategy to deal with the impact of climate change.

**Mr S Wilson:** Given the mass of contradictory evidence in relation to global warming and greenhouse gases, what is the Minister's view on whether or not the present climate changes are due to the natural cycle of events? We have had many ice ages, for example, and tornadoes and flooding in various parts of the world over the past 300 to 400 years. Do the Minister and his Department believe that the present changes in climate are caused by CO<sup>2</sup> emissions?

**Madam Deputy Speaker:** That question pre-dates devolution somewhat.

**Mr Foster:** My opinion may be similar to Sammy Wilson's, although I cannot tell what is in his mind. Certainly, there is a power greater than any of us here which may be bringing about many of these changes. Nevertheless, it does not stop us from investigating it to ensure that such things do not worsen. What we are trying to ensure is that we go as far as we can within our power.

### Wildlife (Dunmurry Area)

7. **Ms Lewsley** asked the Minister of the Environment what steps he is taking to ensure the protection of wildlife in the Dunmurry area. (AQO 332/00)

**Mr Foster:** The protection of wildlife throughout Northern Ireland is one of the key objectives of my Department. Through its Environment and Heritage Service (EHS) my Department seeks to identify important sites for wildlife and pursues a range of measures to conserve it. In the vicinity of Dunmurry in particular the EHS has recently commissioned detailed ecological surveys of seven sites identified in a previous survey as important to wildlife.

The EHS also supports the running of the Lagan Valley Regional Park through grant aid and close liaison. The management strategy and action plan for the parks set out to protect the wildlife of the Lagan Valley area.

My Department also owns an important site for conservation at Colin Glen. The forest park there is managed under contract by the Colin Glen Trust. One of the main objectives of the contract is to enhance the wildlife value of the park and to make it available for recreational and educational use. The trust itself is committed to protecting wildlife in the glen.

**Ms Lewsley:** What restrictions has the Minister put in place to preserve the wildlife and trees on the site of the old Conway Hotel in Dunmurry, which is currently being developed?

**Mr Foster:** Outline approval for housing development on the Conway Hotel site was granted on 5 August 2000. One of the conditions of that approval was that a detailed survey of bat and red squirrel activity on the site be submitted to the Department. Until this survey is received, it will not be possible to say what impact the proposed development might have on the wildlife or what actions may be required to mitigate this. The survey report will have to accompany the full detailed application when it is submitted by the developer. I must emphasise, however, that only outline approval was given. The Department will consider carefully the results of the survey. In all such cases the Planning Service seeks to balance the extensive demand for new houses with the need to protect the environment.

### Development Density

8. **Mr O'Neill** asked the Minister of the Environment if he will introduce criteria to regulate the density level of development, particularly in seaside towns such as Newcastle. (AQO 306/00)

**Mr Foster:** My Department considers all planning applications on their merits, in accordance with prevailing planning policies, including the statutory development plan for the area, and having regard to other material planning considerations. Development density is a material planning consideration. This is already a factor in land use planning which is taken into account when planning applications are being considered, including those for seaside towns. My Department has recently introduced a new design layout guide entitled 'Creating Places', which allows building densities for particular sites to be specified in development plans or development briefs. Where this does not happen, the Department will, nonetheless, have regard to the location of the development in relation to its context, the character of the surrounding area and accessibility and equality matters. In doing so, the Department will take account of 'Creating Places' as a material planning consideration.

**Mr O'Neill:** I welcome what the Minister has said and I hope that the initiative will deal with the problems we are facing. Is the Minister aware that the development of planning policy in recent years has to some extent reacted to pressures on urban development space, which have been so severe that developers are encouraged to maximise the number of units per development? Does he not agree that, while it may be the correct thing to do in larger urban areas, it is not at all suitable in smaller towns with well-established building patterns, particularly if they are in areas of high scenic merit which require a separate set of policy criteria?

**Mr Foster:** I am aware of the concerns not only about density but also about the character of some housing developments, particularly in seaside towns. This is happening all along the coastline, and I know that there are particular concerns about the eastern coastline of Northern Ireland. Concern about housing density is often closely associated with increased emphasis on apartments and second homes. We know there are difficulties, but we can only take applications as they come to us. The applications are thoroughly investigated and assessed, and approval or refusal is given according to the merits of each case.

In its response to the panel report that followed the public examination of the draft regional strategic framework, the Department for Regional Development has stated that it will prepare a regional planning policy statement on housing and settlements. This will be an appropriate vehicle for addressing certain policy issues relating to the nature of housing developments. Development plans are a means by which planning policies for particular locations can be considered. The Ards and Down area plan, which includes Newcastle, is being prepared, and concerns about the density of development can be addressed in that context.

**Mr S Wilson:** Does the Minister not agree that since sustainable development is an important issue in all current Government policies, the infrastructure exists in towns and the Government have themselves set a high proportion of new build on brownfield developments, it is essential to increase the density of developments in urban areas if we are to meet the target for sustainable development and the brownfield site target for new build?

**Mr Foster:** Undoubtedly, there are currently great demands on housing development all over the Province. This suggests that much is being invested in the Province, and people are beginning to wonder if it can be handled. I take the question the Member has asked, but I also make the point that each case is dealt with on its own merits and assessed accordingly.

**Mrs E Bell:** I too thank the Minister for his comments on area plans and extensions to them. Does he not agree that this density exists in seaside towns? I know that some of those investments can be good, but does he not agree

that the character of an area and our heritage should be taken into consideration when townscape plans are being drawn up?

**Mr Foster:** As I have said, all cases are taken on their merits. As to the character of an area, I can assure the Member that the Planning Service does not make decisions on applications lightly.

## Planning Policy

9. **Mr C Murphy** asked the Minister of the Environment if he will detail his plans to review planning policy, particularly where the developer is responsible for related infrastructural improvement works. (AQO 312/00)

**Mr Foster:** Planning Policy Statement 1 sets out our current policy on the infrastructure works required to facilitate development proposals under the heading 'General Principles'. My Department will normally require developers to bear the cost of work required to facilitate their development proposals.

While it is my Department's policy to review planning policy statements on an ongoing basis, there are no firm plans to review this recent statement. This policy needs to be applied in a way which maintains public confidence that planning applications are dealt with strictly on their merits.

**Mr C Murphy:** I note that the Minister said "will normally require". The experience of most people — and I accept that there is a need for developers in certain instances to develop the infrastructure themselves — is that there has mostly been a blanket application of this policy.

Does the Minister agree that in areas where the roads infrastructure is already very poor — areas such as those which myself and the Minister represent — this is an additional burden on developers? The roads in those areas are generally highly underdeveloped. Development is very much desired, so it is a double burden on a developer to have to develop the infrastructure as well. Developers are being doubly penalised by having to do a job that the Government should have done years ago. This reduces development in areas where it is most needed. Will the Minister review the planning policy in that regard?

**Mr Foster:** I cannot answer for the Government before devolution. However, paragraph 61 of the Planning Policy Statement indicates the circumstances in which a developer may be required to contribute to facilitating his development proposals:

"where a proposed development requires the provision or improvement of infrastructural works over and above those programmed in development plans";

"where earlier than planned implementation of a programmed scheme is required";

“where a proposed development is dependent on the carrying out of works outside the site”.

Development plans also highlight specific needs for infrastructure provision to facilitate development within plan areas. The matter of infrastructure provision in relation to proposals contained in an area plan is a legitimate matter for discussion at an area plan public inquiry.

There is an ongoing programme to provide full area plan coverage of Northern Ireland by 2005.

### Waste Management Strategy (Agricultural Waste)

10. **Mr Ford** asked the Minister of the Environment if he will detail the consultation he has had with the Minister of Agriculture and Rural Development on the implementation of the waste management strategy in respect of agricultural waste. (AQO 328/00)

**Mr Foster:** Agricultural waste is not controlled waste for the purposes of the Waste and Contaminated Land (Northern Ireland) Order 1997, which sets the statutory framework for the Northern Ireland waste management strategy and it does not, therefore, yet come under the controlled waste regime established by that strategy. However, the EC Waste Framework Directive requires the extension of the control regime to agricultural waste.

As indicated in the waste management strategy, my Department and the Department of Agriculture and Rural Development intend to collaborate in the preparation of an agricultural waste strategy. We plan to have this strategy completed and incorporated into the overall waste management strategy at the first review point in 2002.

As a first step, officials in the Department of the Environment and the Department of Agriculture and Rural Development will shortly carry out a study into the nature of agricultural waste in Northern Ireland.

**Mr Ford:** I am glad to hear that discussions have at least started. However, can the Minister give us an assurance that he will do all he can, in conjunction with the Department of Agriculture and Rural Development and its Minister, to ensure that the more intensive agricultural sectors in Northern Ireland, which are already under severe stress, do not suffer further when the new EU Directive is introduced? Will his plans be in place to deal with that?

**Mr Foster:** I can assure the Member that this Department does not take anything lightly. This Department and the Department of Agriculture and Rural Development will collaborate to develop an agricultural waste strategy once the scope and definition of the control of agricultural waste has been clarified. As a first step, both Departments will co-ordinate their information campaigns and good practices on the safe and sustainable management of waste materials.

### Planning Rules

11. **Mr Kane** asked the Minister of the Environment to give an assurance that he will apply the planning rules evenly and impartially to all applicants. (AQO 314/000)

**Mr Foster:** Planning Policy Statement 1 sets out the general principles that the Department observes when carrying out its planning functions. The Department is committed to discharging its responsibilities in an honest, impartial and open manner. It is the Department's policy that all planning applications are considered on their merits, in accordance with prevailing planning policies. Those include the statutory development plan for the area and having regard for any other material considerations.

4.00 pm

It is also the Department's policy that planning applications are dealt with in a fully documented and corporate decision-making process.

**Mr Kane:** Can the Minister assure the House that he will take the initiative and give more flexibility to rural planning control, especially where the agriculture sector is concerned?

**Mr Foster:** I am not sure that this question is in line with the initial question. However, rural planning is very dear to my heart, and I give an assurance that we will consider rural communities and do what we can to assist them.

### Leylandii Trees

13. **Mr J Wilson** asked the Minister of the Environment if he will introduce legislation to place height restrictions on the growing of Leylandii trees on private property. (AQO 335/00)

**Mr Foster:** I have no plans to introduce such legislation at this time. I am aware of plans in England and Wales to introduce legislation to control the height of Leylandii and other high hedges. Considerable time and resources were devoted there to researching this subject, and a working party was established in 1998. There is not sufficient evidence to merit resources being diverted from other important matters to carry out similar research in Northern Ireland, or to progress work to a stage where legislation could be introduced. All available resources are fully committed to an existing programme of work.

I am aware, however, that this is an issue of concern for some individuals, and I will keep the Department's priorities under review, including whether higher priority should be given to this issue.

*(Mr Speaker in the Chair)*

**Mr J Wilson:** I thank the Minister for his reply. Given that councillors and public health departments are inundated with distressed residents in private properties who suffer

considerable inconvenience on this matter, can the Minister assure us that he will make every effort to bring forward effective legislation?

**Mr Foster:** I assure Mr Wilson that we will see what we can do. The issue is currently being discussed in England and Wales. We will take our cue from what happens there and consider how it affects us in Northern Ireland.

## HEALTH AND PERSONAL SOCIAL SERVICES BILL

### Committee Stage (Period Extension)

**The Chairperson of the Committee for Health, Social Services and Public Safety (Dr Hendron):** I beg to move

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 23 February 2001 in relation to the Committee Stage of the Health & Personal Social Services Bill [NIA3/00].

The Health, Social Services and Public Safety Committee welcomes in principle the Health and Personal Social Services Bill, which covers a wide range of issues including: the establishment of a regulatory body for social care workers; the recovery from insurance companies of health service costs of treating road traffic casualties; repeal of the law relating to GP fundholding; changes to the administration and financial arrangements for health and social services trusts; measures to reduce fraudulent evasion of health service charges; and the power to regulate pharmacists. I have mentioned only some of the 19 disparate matters covered by this important Bill.

I hope that Members will appreciate that to allow the Health, Social Services and Public Safety Committee sufficient time to give due consideration to the many complex issues raised, an extension of the Committee Stage is necessary. Although we are seeking an extension until 23 February 2001 to cover all eventualities, I hope that we may be in a position to report to the Assembly earlier. I therefore ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 23 February 2001 in relation to the Committee Stage of the Health and Personal Social Services Bill [NIA 3/00].

## **DEFECTIVE PREMISES (LANDLORD'S LIABILITY) BILL**

### **Committee Stage (Period Extension)**

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

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 27 April 2001 in relation to the Committee Stage of the Defective Premises (Landlord's Liability) Bill [NIA 5/00].

A Cheann Comhairle, the Committee Stage of the Defective Premises (Landlord's Liability) Bill began on 24 October 2000. The Committee was at that time also dealing with the Ground Rents Bill. The Committee has now concluded its consideration on that Bill, and the Minister of Finance and Personnel has given priority to the Government Resources and Accounts Bill, requesting that the Committee deal with it next. I have therefore sought an extension to Friday 27 April 2001 to ensure that the Department of Finance and Personnel is able to complete the Committee Stage of the Government Resources and Accounts Bill before embarking on consideration of this one.

I hope that in moving the Government Resources and Accounts Bill, which I will attempt later, we will have time to deal with it sooner than expected. We have one bite at this, and we must ask for an extension within the 30-day period. We need to move this motion today to give ourselves an assurance for the future and ample time to complete the task. I ask Members to support the motion.

**Mr Speaker:** I want to make one remark on a point of order in response to what the Member has said about proposing motions for extension within the 30-day period. Standing Orders are quite clear that the request must be made within 30 days. As I am creative of mind, I could work out circumstances where more than one such motion might be possible within the 30-day period. The issue concerns the 30 days rather than only one motion. The Procedures Committee might examine the matter again. I wished to clarify that for the Member — indeed, for the House.

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 27 April 2001 in relation to the Committee Stage of the Defective Premises (Landlord's Liability) Bill [NIA 5/00].

## **GOVERNMENT RESOURCES AND ACCOUNTS BILL**

### **Committee Stage (Period Extension)**

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

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 2 March 2001 in relation to the Committee Stage of the Government Resources and Accounts Bill [NIA 6/00].

A Cheann Comhairle, the Government Resources and Accounts Bill will have an enduring impact on the way in which Government resources are planned and controlled. It will affect this Assembly and all Government Departments and agencies, as well as the public sector.

The incoming financial year — 2001-02 — is the target date for introducing the Resource and Accounting Bill budget. We need to address this Bill, because it is complex, dealing with issues such as public accountability, which require careful scrutiny by the Committee and the Assembly. The Committee Stage of this Bill began on 8 November 2000. Since then the Finance and Personnel Committee has taken evidence on the Bill. A number of concerns have arisen as to how it will operate if the Assembly approves the Bill as it now stands. It is therefore important that sufficient time be given for the proper consideration of the Bill.

It is the Committee's view that this scrutiny will take several weeks to complete. Although I sought an extension until 2 March 2001, my Committee gave a commitment last Thursday to the Minister of Finance and Personnel to complete its scrutiny by 26 January 2001. That will allow the Assembly and the Department sufficient time to complete the remaining stages of the Bill.

Since the Committee has given a commitment to the Minister to move this forward, we will support the amendment put forward by him. Obviously, this new timescale will mean extra Committee meetings and the devotion of extra time to the Bill. Given the number of meetings necessary with so many Bills coming through the Committee, that is a difficulty. However, if we are to meet the timescale laid down, Members will have to form a quorum at Committee meetings. I ask all parties and Committee members to facilitate matters by ensuring that the Committee has a quorum with which to operate.

**Mr Speaker:** One amendment, standing in the name of the Minister of Finance and Personnel, Mr Durkan, is being accepted.

**The Minister of Finance and Personnel (Mr Durkan):** I beg to move the following amendment: In line 2, after "Friday", delete "2 March" and insert "26 January".

I am very grateful to the Finance and Personnel Committee for agreeing that the Committee Stage of this Bill should be completed by 26 January 2001. I recognise the full range of demands on the Committee at present on both policy and legislative issues. However, it is essential that this Bill be enacted before the beginning of the next financial year. The Treasury has already moved the planning system onto the basis of resource budgeting from 2001-02 onwards. It would simply not be manageable to run the planning and monitoring of public spending on resource accounting and the estimates and accounts on cash accounting.

Completion of the Committee Stage on 26 January will mean that the remaining stages will all need to proceed without any delay on the fastest timetable available if the Bill is to be enacted before the beginning of the new financial year. I have written to the Finance and Personnel Committee and the Public Accounts Committee today in response to their concerns about the accountability aspects of the Bill, and especially the need for the Comptroller and Auditor General to be able to fulfil his role fully and properly on behalf of the Assembly in general and the Public Accounts Committee in particular.

I will propose that this be addressed fully in forthcoming legislation, allowing us to take account of the outcome of the Sharman review, which addresses related issues in Whitehall. We do not necessarily need to follow any approach that might emerge there, but we should take it into account and learn what we can from experience elsewhere. I hope that these firm reassurances to the Committees and to the Assembly as a whole will remove any doubts about the effects of proceeding with this Bill quickly. Thus my amendment, which reflects the position agreed by the Finance and Personnel Committee last Thursday, should be accepted. I welcome the fact that if this be the case, it should in turn assist with the earlier completion of the Committee Stage of the Defective Premises (Landlord's Liability) Bill.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Leslie):** I rise to support the motion and confirm that the matter was indeed discussed with the Committee after its Chairman had laid the original motion before the House. In view of the timing and the need to achieve Royal Assent by the end of the financial year, the Committee will endeavour to meet the earlier target.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

In addressing this amendment, I should like to take the opportunity to make one or two remarks on the subject of the extension of Committee Stages, which is becoming a regular feature of business in the House.

4.15 pm

When the amendments to Standing Orders were put through, towards the end of the last session, both Mr Fee

and I remarked that while we welcomed the addition of an extra Consideration Stage, we were not convinced that the overall structure of the procedures was appropriate. It is becoming manifest that that is the case. Whereas the earlier provision for Consideration Stages in the first draft of Standing Orders proved to be excessively long, we have now moved the pendulum too far in the other direction and the standard period is too short. Consequently, this is not an ill reflection on those Committees seeking extensions, as that is inevitable because of the shortness of the period.

There are two other matters that need to be taken into account by Members, the Procedures Committee and perhaps the Business Committee. First, those Members involved in Committees considering Bills are becoming aware of the considerable extra volume of work that this entails. I wonder if we should give consideration, in the timing of our recesses, to delaying the restart of the plenary sittings, if that is reasonable given the programme of business, but not the start of Committee work. Perhaps we could have two or three weeks at the beginning of term when Committees could work uninterrupted before the plenaries recommenced. I hope the relevant Committees will take that into account when planning future business.

Secondly, there is the issue of the hours worked by Members. Some remarks were addressed to the Chamber last week on the subject of family-friendly hours. I did not agree with those remarks, although there was no opportunity to respond to them at the time — they were ill-considered. It is not realistic for a legislative assembly to expect to work what appears to be rather less than a 40-hour week. The pressure of business and the need to get some of the business through in prescribed time frames are such that Members must accept that the hours, from time to time, will be very unfriendly indeed. Some of those hours will perforce be quite long.

We need to be aware that House of Commons Committees typically sit for five hours at a stretch — perhaps twice a week — hammering on until they get to the end of a Bill. Members will need to bear this in mind. However, it should also be said that that is a much larger House and the frequency with which Members have to participate in Committees processing legislation is far less. Therefore, that should be regarded as the exception rather than the rule. Nevertheless, Members must be prepared, from time to time, to put their shoulders to the wheel in bursts of considerable activity.

In conclusion, I hope that those responsible for the procedures of the House will take these remarks into account. I support the amendment.

**Mr Close:** As members of the Finance and Personnel Committee are aware, I registered my objection to such an amendment at the last meeting of the Committee. I do so again today — first, to be consistent and secondly,

to take the opportunity of expressing to the House how strange I find it that a few weeks ago, when we first discussed this Bill, the Committee took the view that it was necessary to have an extension to 2 May. That happened just a couple of weeks ago, and now it appears that the Committee is prepared to take the proverbial U-turn. To paraphrase a certain "iron lady", "You can turn if you like. This gentleman from Lagan Valley is not for turning."

It has to be stressed that this legislation coming before the Finance and Personnel Committee has been described as a fundamental change in Government accountability. I go further and say that the Treasury — a body not given to any exaggerated claims, as all Members will be aware — has described it as the biggest reform of public finance management since the Gladstone era.

I take it rather ill that the Treasury, the Department or the Minister should attempt in any way to rush this piece of fundamental legislation through the House. If we do so, we will be doing the people we represent and ourselves a great disservice. We will further erode and reduce the role of the Statutory Committees of the House. It is not the first time that I have risen to complain about the way in which we have, over these past two years, been constantly urged, exhorted, coerced into rolling over in order that predetermined time limits are met. The time has now come to draw a line under that. If we have a scrutiny role to perform, we have a statutory responsibility to those who sent us here to perform that role.

I do not have any objection in principle to changing to resource accounting. In fact, I welcome it. However, I have great difficulties with various terms and sections of the Bill that, on the face of it, would appear to restrict the powers, for example, of the Comptroller and Auditor General, and to curtail and restrict accountability, scrutiny and transparency. After all, we have heard from almost every Minister who has stood in the House that transparency must be a watchword. Where is that transparency if we are not allowed the time to do the job for which we were elected?

This problem confronts not only the Finance and Personnel Committee, but I will restrict my remarks to the Committee on which I serve. We were told recently during the debate on the Budget that we would have adequate time to look at the draft Budget and to bring forward amendments and recommendations. Likewise with the draft Programme for Government, and now equally, within the same curtailed time frame, we have another major piece of legislation about which we are told "Never mind; it will be all right on the night." That is not good enough.

I want to have the opportunity to bring about the necessary amendments to this Bill, not to slavishly follow Westminster. I do not want to wait for Sharman. I want

to use the abilities of the members of the Committee and to represent the views of our electorate to bring about the necessary changes. If the Scottish Parliament decided that it was not accepting the Bill on the face of it, and made the necessary changes, why can we not do the same? Why are we not given the time? Half right is not good enough. We should strive for as perfect a Bill as we can get to ensure that the accountability is there in black and white.

**Mr Weir:** I support the remarks made by Mr Leslie. I also have a good deal of sympathy with Mr Close's comments. This is an important Bill in its impact on the Department of Finance and Personnel. It is vital that major pieces of financial legislation such as this be given proper scrutiny by the Finance and Personnel Committee. We need to have the time and the resources to fulfil this role. The Committee's main function should be the scrutiny of key financial areas such as the legislation in the Bill. Its most crucial job is scrutinising the Budget. Again, there are question marks over the time available for that.

The fact that we have to ask for an extension on this Bill raises a much more fundamental question. Indeed, some of the issues raised by James Leslie bear close scrutiny. There is not enough time to scrutinise Bills. It is an acute concern with the Finance and Personnel Committee, but also concerns other Committees. We are left with two alternatives. Either we rubber-stamp Bills without giving them proper scrutiny — which is not our role — or we ask for more time for Bills. If the latter option is chosen, we are in danger of building up a massive backlog.

This issue must be tackled properly, and there are two areas which need to be examined. First, the level of resources available to the Committees must be looked at. There have been many complaints about the cost of the Assembly and the amount of money being spent on recruitment. However, there is one area which has not been adequately addressed, and that is the provision of resources and proper support for Committees. The civil servants servicing those Committees are doing an excellent job and are working extremely hard, but if we are going to cut back on the number of extensions, those Committees must be given the resources to be able to — *[Interruption]*.

**Mr Fee:** The Member is absolutely right. As one of two Assembly Commissioners present in the Chamber, I can advise the House that we have just completed the first round of recruitment for Clerks' positions, although the appointments have not yet been made. Considerable steps are being taken to meet Members' concerns.

**Mr Weir:** I appreciate that point, and I realise that there has been a complication in hiring the appropriate staff. Indeed, that was one of the principal reasons for the Hallowe'en recess. It was driven by the needs of the Civil Service, rather than the needs of Members. As Mr Leslie pointed out, we must consider the possibility of having no restrictions on the number of hours Committees

sit and ensure that they have the resources to do the job properly. If they are going to tackle their level of work and deal with issues in a correct way, Committees must meet more regularly and for longer hours.

There is also a specific problem with the Finance and Personnel Committee — and this Bill is symptomatic of it. The Committee on Procedures must look at that problem. As I said, the first priority of the Finance and Personnel Committee is to scrutinise the Budget, and the second priority is to deal with financial legislation, of which this is a perfect example. The problem that must be examined is the fact that the Office of Law Reform, which is responsible for wide areas of civil law, is included in the Department of Finance and Personnel. As a result, the Department of Finance and Personnel is the sponsoring Department for a wide range of issues — for example, the Ground Rents Bill, on which the Committee spent a long time. Although this was worthy legislation, it was probably no more relevant to the Department of Finance and Personnel than to any other Department. There are other pieces of legislation due which would fit in more comfortably with other Departments. If the Finance and Personnel Committee is to do its job properly, the Committee on Procedures must consider sharing the legislation that comes from the Office of Law Reform with other Departments.

While I support the extension in the case of the Bill, a clear warning signal must be given today. We cannot defer Bills into the distant future because of the system's structure. We must ensure that Bills such as this are given proper scrutiny. Otherwise we will not be doing our jobs as Assembly Members properly.

**Mr Gibson:** I echo entirely the sentiments raised by Mr Close, Mr Weir and, originally, Mr Leslie. Most Committee members feel that there is inadequate time to scrutinise properly everything that they are supposed to. That raises a question about the role of Committees. Are they sufficiently resourced and able to carry out their tasks? The Committees believe that there is not enough time, but if more time is sought, that will clash with other business. The Committee on Procedures should examine, in the first instance, whether Committees are adequately staffed, and secondly, how to find enough time for them to meet. Otherwise we could relapse into another form of direct rule, whereby Committees are merely an exercise in rubber-stamping — a term that has already been used this afternoon.

4.30 pm

It behoves the House, if it is to look at the issue seriously, to enhance the role of Committees, and that means ensuring that they have adequate time in which to carry out their work. Otherwise the term “scrutiny” will mean a casual glance, and “transparency” will mean opaqueness. The Committees are currently finding it difficult to take more than a scant glance at legislation

and issues for discussion that come their way. For instance, the Ground Rents Bill is still somewhere in the bowels of the system, and there is not yet an end result. Yet it is only a minor piece of legislation.

The Government Resources and Accounts Bill, which is now before the Finance Committee, is described by some as a reforming Bill that deserves proper scrutiny within a reasonable time and with proper resources.

There has been a call today for the Procedures Committee not only to enhance the resources of Committees but also to examine how the Committee system operates. If we do not do that, we may not get the Committees operating properly through a lack of resources, time and a proper allocation of those resources around the system, which everyone genuinely wants to work.

**Mr Durkan:** First, I acknowledge the seriousness of the point that Members have made. I appreciate the particular difficulties faced by the members of the Finance and Personnel Committee because of the timetabling of business and the legislative workload. That Committee is already dealing with a number of items of legislation, and many Members, when they joined, did not foresee the volume of legislation that would be passing through. They joined in the belief that the emphasis would be on finance and personnel rather than on other aspects of the Department's responsibilities. As the Minister of Finance and Personnel, I carry those responsibilities and, under the agreement and the legislation, part of the Committee's role is to advise and assist me on those matters.

I accept that other Departments and Committees may have an interest in certain areas of legislation. Although members of other Committees may assert this in the House, they do not necessarily pursue their interest by taking the opportunity afforded to them to contribute to the work on those pieces of legislation.

I want to raise again a point of concern about comments made in the House on legislation coming from the Office of Law Reform. I sympathise with some of the concerns and frustrations that Members have, which have been reinforced by scheduling difficulties. However, I do not want to create a situation where the work of the Office of Law Reform is orphaned by the Department and the Committees. We must remember that the objective is law reform and, therefore, the development of legislative proposals. I accept Members' points on this matter, but, as an Assembly, we need to review and reform legislation properly. We should therefore think carefully before we send out signals about not being sure about how to deal with certain details of law reform. We need to consider the optimum means of discharging our business in those areas.

The Government Resources and Accounts Bill is an important piece of legislation. It will help to change significantly how we present public expenditure plans and how they manifest themselves in the accounts and in the Budget. However, the Bill reflects the legislation



brought forward by the Treasury. That is why there was no extensive consultation exercise. We were not making significant changes beyond those which might be expected in the context of the end of direct rule.

Some members of the Finance and Personnel Committee, the Public Accounts Committee and the Audit Committee raised points about what they believe to be inadequate content and coverage of the Bill. The Bill is about accounts rather than accountability and audit. If the Bill were extended to take in those issues — and some people say it should be — it would be a more serious and extensive piece of legislation. That would require more serious and elaborate public consultation because it would make significant changes to the treatment for audit and accountability purposes of moneys that are handled by different bodies. Those bodies may be private sector, voluntary/community sector or non-departmental bodies in what all of us would have understood and assumed to be the public sector.

Those are valid issues, but if they were to be addressed in the Bill, it would change in character and more time would be required. It was possibly for those reasons that members of the Committee said that they would need until May to consider it because they had more work to do. It was legitimate for the Finance and Personnel Committee to say that, and it will be equally legitimate for it to say that about the further legislation that must be worked through — the Audit Reorganisation Bill. That will address issues such as auditing and the rights of access of the Comptroller and Auditor General. That Bill will deal with some of the functions of the Comptroller and Auditor General and the Northern Ireland Audit Office.

That is the relevant and appropriate legislation in which to deal with and address those issues, and the Department of Finance and Personnel is serving notice of that to all the interested Committees. As well as talking to the Finance and Personnel Committee, I attended a joint meeting of the Public Accounts Committee and the Audit Committee and told them why we believed that some of the areas being pursued by Members are inappropriate to the Bill. That does not mean that they are not appropriate; it means that there will be subsequent legislation appropriate to them.

The Department of Finance and Personnel is serving notice now — as it has done before — to the relevant Committees. They can pursue the matters and develop their proposals and interests in those areas now. They do not need to await further proposals, particularly from the Department of Finance and Personnel, and the Finance and Personnel Committee is already working on those areas.

It is clear from the discussions today and from what has taken place in Committees that the Committees are already pursuing those areas. That is happening at a pre-legislative stage, and that is as it should be. On that basis

it is hoped that Members are prepared to accept the amendment because it is important that the legislation is passed before the end of the financial year. The Assembly will be in an impossible position if the legislation is not passed before then. If it is passed, the Department of Finance and Personnel will be able to pursue the important questions that the Finance and Personnel Committee, the Public Accounts Committee and the Audit Committee are raising.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. I agree with and share the concerns of Members who have spoken about the timescale. I particularly take on board Mr Close's points, which he also made in the Committee. There is a grave need for the correct scrutiny to take place in all the Committees if the Assembly is to get proper legislation. If this were the final legislation on the issue, the Committee would be holding firm to the latter date of 2 March.

We are confident from the Minister's statement that there will be further legislation ensuring access to the Comptroller and Auditor General so that he can provide proper guidance. That will bring us on another stage.

This important piece of legislation will help Committees carry out their scrutiny function. It will make the Departments and structures more accountable to the Committees and to the Assembly. It is important that we move things forward quickly so that we can get the legislation soon. It will give us some teeth, and it will ensure that we can make people accountable. The Committee asked the Minister of Finance and Personnel for a number of assurances. The Committee received those assurances, and I am certain that they will be lived up to.

We can make the changes that Mr Close talked about in relation to the face of the Bill. We can do it, even with the shorter timescale. However, it is not only time that the Committee needs to make the necessary changes to the face of the Bill; it takes proposals, amendments, and motions coming to the Assembly. I am confident that, with the proper proposals and amendments coming forward at Committee Stage, some aspects of the Bill that are relevant and that people want to see can be changed.

However, it comes down to the issue of concentrating people's minds in Committees regarding this and other Bills. The Committee's role is to scrutinise legislation and to put the time into ensuring that the Committee Stage of each Bill is completed. Everyone will have to put more time into the Committee Stage and into Committee business. We need a quorum in order to do that. Members will have to concentrate their minds on that and, to some extent, their other roles in the Assembly, or outside, will have to be set aside.

I also ask the Business Committee to look again at the whole issue of the distribution of Bills. It is not that the Finance and Personnel Committee wants to send work to other Committees; it is because some Bills coming from

the Office of Law Reform are more relevant to other Committees. The present Bill would probably be more relevant to the Health Committee than to the Finance Committee.

We have to be realistic in determining which is the proper Committee to scrutinise a Bill. The Business Committee should do that, and it should ensure that Bills are distributed to appropriate Committees. I ask Members to support the amendment, which is in keeping with the Committee's decision to bring forward the legislation to 26 January 2001. In that way the Committee will ensure that it meets the timescale and completes the proper scrutiny of the Bill at the same time. Go raibh maith agat.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 26 January 2001 in relation to the Committee Stage of the Government Resources and Accounts Bill [NIA 6/00].

## PRIVATE NOTICE QUESTION

### Fermanagh Creameries

**Mr McHugh** asked the Minister of Enterprise, Trade and Investment what can be done to avoid the impending closure of Fermanagh Creameries at Lisnaskea, County Fermanagh.

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** The recent announcement about the closure of Fermanagh Creameries is very much regretted. However, this is a commercial decision taken by the parent company as part of its planned operational reorganisation.

**Mr McHugh:** I thank the Minister for taking time out of his busy schedule to come to the House to answer my question.

4.45 pm

This is an urgent local matter and it is important that we try to improve the situation. Does the Minister know whether any other companies have made bids to take over the plant as a going concern? If closure is inevitable, can the Minister look at the provision of advice and help for those facing redundancies, including those who may wish to start up a small business under programmes run by the IDB and LEDU?

**Sir Reg Empey:** I am not aware of any companies seeking to take over the operation, but I cannot say that negotiations are not going on. The company gave us no advance notice of the decision; it was announced to the press at the same time that it was announced to us.

I am aware of the difficult circumstances in County Fermanagh in the past couple of months. A series of announcements has caused considerable distress there. I will be visiting the county for a number of engagements in the next 10 days, and I shall take the matter up with the local council — officials and councillors — because it has been working closely with the IDB in recent weeks.

I know that the Member, as a supplier to the company, has a personal interest in this regrettable matter. The company took over the plant earlier this year as part of a substantial rationalisation of its dairy business throughout the country. At that stage, people hoped that that would provide a firmer foundation on which the company could establish itself. Members will also be aware that last week the closure was announced of a factory in Dorset that is also part of the group; it is in that context that the decision has been taken. The IDB is trying to come to an agreement with the company about what can be done. Financial assistance was offered to the company in 1992, and only part of that was drawn down.

The Member also asked about the provision of advice and help. A group is already working with the IDB and other agencies in County Fermanagh in the wake of the

Desmond & Sons Ltd announcement. The work of that group will be extended to deal with this case.

It is all a matter of deep regret, and I hope to learn more on my visit to the county.

**Mrs Carson:** I deplore the fact that Fermanagh has lost another industry. The firm has carried out further rationalisation and has made 78 people redundant in the Lisnaskea area. The company's announcement only compounds the problem in Fermanagh; a total of 700 jobs has been lost in the past two years. Not only have workers lost their jobs, but the already beleaguered farmers in the area must now pay an extra £200 a month in transportation costs because of the closure of the plant. How will they be helped?

Will the Minister ensure that the workforce gets help to find alternative employment and endeavour to draw vital investment to the area to facilitate the creation of sustainable employment for the future?

**Sir Reg Empey:** I am conscious of the situation affecting the suppliers. As the hon Lady said, they could face increased transportation costs.

I will obviously consult with my hon Friend the Minister of Agriculture and Rural Development, and the company is meeting with suppliers and employees later today to explain its decision. It has not been possible for us to establish the rationale behind the decision because contact between ourselves and the company has not elicited any response or explanation since the announcement last Thursday. I hope that after the meeting this evening more information will be available. We are acutely aware of the series of announcements in the county which have affected the agriculture sector and have put pressure on the rural community.

With regard to finding alternative employment, I indicated that the group working with the council, the IDB and LEDU will obviously wish to take on the job of trying to assist those employees who will be in difficulties. With regard to the wider situation in the county, the number of people claiming unemployment benefit as of last month shows a continual and significant drop in the Fermanagh and South Tyrone constituency. Unemployment in that area has dropped by 11% in the past 12 months and now stands at 2,294 persons. Clearly that masks the fact that there are pockets of very high unemployment and the loss of 78 jobs in a small rural community is a huge blow by any stretch of the imagination. Not only are the employees directly affected, but, as the hon Member pointed out, the suppliers are affected. The repercussions of this closure go far beyond the 78 people who work in the plant. We will have to take further advice and I will certainly need to talk to my hon Friend the Minister of Agriculture and Rural Development.

**Mr Gallagher:** All of us share the Minister's great sense of shock over how suddenly a workforce can be

made redundant, quite simply overnight. In this case a workforce that has always had good relations with the management and has excellent workers has just been cast aside in the private interests of some company from well outside the area. I welcome the Minister's expression of support and his interest in working with the local council and others interested in attracting investment to the area.

We have had an encouraging job announcement from Rye Valley Foods in recent weeks, but a great deal more needs to be done. The quicker we get more investment into the area the better. The town in question is Lisnaskea, in south Fermanagh, where wards with the highest levels of deprivation are found, including Rosslea and Newtownbutler. While any jobs would be welcome in Fermanagh at the moment, we must keep the restoration of employment to Lisnaskea as a priority, given the local circumstances.

**Sir Reg Empey:** This was a sudden announcement and a shock to all of us. There will be further announcements of this nature because the way in which things happen today means that many companies are not necessarily widely supported by the IDB. This company has had no financial offer because it has made no request for help since 1992, and we therefore have no ongoing arrangement with it.

That does not necessarily mean that things were turned down; it is simply that requests have not been made. That company, like others, made its announcement out of the blue and without consultation. I had a similar experience when the textile sector hit a bad patch at the start of the year.

Indeed, there was one case of an IDB official meeting a company in the morning, and no mention was made of an announcement of significant redundancies that afternoon. Companies do this sort of thing for their own commercial reasons and I wanted to put that on the record. There is sometimes a misunderstanding, an assumption that Government know about it in advance.

There is regular contact with potential client companies on an ongoing basis, but companies frequently do not show their commercial hand. Often even local management does not know if it is a foreign or cross-channel company. We are looking at the broader picture here, and Members will appreciate that as far as this particular group is concerned we are looking at the liquid bulk milk market throughout the UK. That is important.

I fully appreciate that there are good relationships there. In response to the main point of Mr Gallagher's question about County Fermanagh, I can say that the Department of Enterprise, Trade and Investment's agencies, particularly the IDB, are working closely with the council to understand its preferred priorities for local economic development. Following the IDB roadshow in Omagh in September, the IDB's chief executive and senior officials

have met with council representatives and other individuals concerned with local economic development to understand how this work can be taken forward.

The council will respond to the IDB within the next few weeks to discuss the make-up of a representative group of all interested parties. I hope that that will go some way to ensuring that the interests of the county are taken into account in any future inward investment.

**Mr Hussey:** I too sympathise with the representatives and those people affected in Fermanagh and South Tyrone. In West Tyrone there is also high dependency on this type of agrifood industry. It is not long since we lost one of our outlets with the closure of Killen Creamery. Is the Minister aware of any other threats to the agrifood sector that the House should be aware of? Given the movement toward rural diversification, this sector features highly in the revitalisation of the community.

**Sir Reg Empey:** I am not aware of any further threat to any particular company, but today I requested an urgent review of the sector to see if that should be the case. As I said earlier, we had no notification whatsoever. Companies are not under any obligation to inform us of redundancies, particularly if they do not have Government programmes in place. Nevertheless, there have been one or two rationalisations in the bulk liquid milk sector in the past few months. In view of what has happened over the past few days, I thought it prudent to trawl through the remaining companies to find out if such a thing might be the case.

I have to stress that there had been talk — and Mr McHugh mentioned this in his supplementary — about whether there are other companies in the field. We must remember that this is commercially sensitive information, and some companies, if they are trying to do business with another company or offload or whatever, would be reluctant to expose any of their plans to Government or anybody else. They will be reluctant to upset their suppliers, or interrupt their supply, by allowing that information to become public. As people know in Northern Ireland, things never lose anything in the telling. It could well be that they could damage themselves commercially.

With that health warning, I can assure the Member that I am positively pursuing this. The relevant client executive in the IDB will be pursuing this particular sector forthwith.

*Motion made*

That the Assembly do now adjourn. — [*Mr Deputy Speaker*]

5.00 pm

## WASTE MANAGEMENT (EASTERN AREA)

**Mr Deputy Speaker:** Several Members, in addition to the Minister, who will take 10 minutes, wish to take part in this debate. We have to complete our business by six o'clock, so speeches will be limited to five minutes, with the exception of that of Mr Ford, who is raising the subject.

**Mr Ford:** My concerns are with the implementation of the waste management strategy across the entire eastern region and not just in my council area of Antrim. I do not propose to discuss the strategy document today. The document is valuable in that it sets out strategy, but it leaves much of the detailed work to the three consortia of councils that now exist in Northern Ireland.

The largest consortium consists of 11 eastern councils bounded by Larne, Ballymena, Antrim, Lisburn and Down, which contain over half the population of Northern Ireland and a large share of the region's waste management problems. Many of these councils are already under severe stress and the specific causes are the limited facilities that exist for waste disposal in the eastern region.

In the summer of 2000 the Eastern Region Waste Management Group prepared a paper on the essential interim capacity, and it showed that there is scarcely one year's capacity left in the region, even allowing for one large site at Dargan Road in Belfast, over which there had been some doubts. The situation must cause problems to council officers and councillors trying to put together a long-term strategy for their districts. There is some spare capacity, for example, in Down district at Drumanakelly. I find it difficult to see that any capacity in Down would be of much use to Antrim, Ballymena or any other council at the northern end of the region.

Several councils, including Antrim, Newtownabbey, Carrickfergus, Larne, North Down and Ards, depend on one site — UK Waste, now known as Biffa Waste Services Ltd — at Green Road in Ballyclare. The paper prepared by the Eastern Region Waste Management Group shows how this works: Antrim Council, short-term contract in Ballyclare; Ards Council, short-term contract in Ballyclare; Ballymena Council, its own site at Ballymacvea, with one year's capacity in a somewhat prehistoric site, I say cautiously; Belfast City Council, its own site at Dargan Road; Carrickfergus Council, dependent on UK Waste at Ballyclare on a short-term contract; Castlereagh Council, a site at Ballygowan with one year's capacity; Down, thanks to Drumanakelly, has 28 years' capacity; Larne, dependent on UK Waste at Ballyclare; Lisburn, two years' capacity at a site at Drumlough; Newtownabbey, dependent

on Green Road in Ballyclare and a short-term contract, although this will last for a matter of years rather than months; North Down Council also has a short-term site in Ballyclare. This shows the difficulties that exist when so many councils are dependent on one site.

How can it be the best environmental option? Surely councils are obliged to find the best practicable environmental option available. It cannot be best value for waste to be taken long distances or to have a local monopoly, because that is effectively what UK Waste now has across the eastern region. Even if there were spare capacity at Dargan Road or in the Down district, these groups have no legal status. Councils have to make their own decisions on what is best because that is their legal obligation. I quote from a paper sent to the Department of the Environment in October from the eastern region:

“Technically individual councils may be capable of moving waste; however, sharing of capacity within the group has not been discussed at a political level and this issue does not form part of the current remit of the eastern region group.”

In other words, it may be a fine thing to say on paper in the Department that there is major spare capacity in the eastern region, but we have to consider the political options. We have to consider moving waste, and the costs involved. Early this year I asked the director of finance in Antrim Council for the cost of using a site in Ballyclare rather than the site of our own that we had hoped to have. I was told it was approximately £120,000 per year. Antrim is a medium-sized council — approximately the same size as Down, Omagh or Coleraine. It meant a charge of 2p on the rates for the extra cost of disposing at a site that we do not wish to use. That is not the council's fault.

There is a long-running saga about the options that Antrim Council has attempted to secure. Before I was elected to the council in May 1993 the search for the next waste site — which would be required by 1998 — was already under way. A site was quickly identified at Ladyhill, near Antrim town, a planning application was submitted in 1995, and a public inquiry was held in 1997. I understand the inspector's report was finalised in 1998, but we are stuck because of the waste management strategy. There has still been no determination on that application, and Antrim Council continues to pay the extra costs of waste disposal because there has been no decision from the Department of the Environment planners. Again, that decision was planned well in advance by the council. That is the situation that Antrim Council has been in.

As my council Colleague who is in the Chamber could doubtless confirm, Antrim has been proactive on waste issues for many years. It was the first council to have borough-wide kerbside collection of recyclables, and the first with a fully engineered landfill site. That site has just been closed because a second proper site is being sought. We are not in the position of some

councils which are still dependent on old sites that they have not been running to the highest standards. Our officers lead the eastern group, and have made a major contribution to the Department's advisory group on the strategy. Antrim Council is not jumping at the last minute; it has done all it could to plan in advance and yet has been let down. The result is that the ratepayers are suffering the expense of 2p on the rates simply for the additional costs of moving waste from Antrim to Ballyclare.

If that is a problem, I cannot imagine what it is costing Strabane Council. I understand that that council is also transporting waste to Ballyclare because the situation in the western region is so bad. Where is the sense in that?

The three groups have been working on detailed strategies for their own areas. Plans were supposed to be prepared for next June, but it is quite clear that in the eastern region that will not happen. Apart from anything else, there is a requirement under best practice to have proper public consultation on such matters. It would be easy to take a decision and announce it next month, but it would not be the best decision, and it would not have followed proper consultation. We therefore do not expect that the plans in the eastern region will be finalised until next November — a full year from now.

That leads to two problems. I have already highlighted the fact that the spare capacity of a little over a year may well run out by the time the plan is prepared, and that is going to create major problems. There is a further problem, for which we must thank the Minister, who created it. He announced funding of £3.5 million to offset waste disposal costs next year, in particular to implement the waste management plans that follow through from the strategy. It is not entirely clear to me what that money can be spent on.

Unfortunately, if the plans are not finalised until late in the next calendar year, that only leaves two or three months of the next financial year in which any of that money could be spent. I thank the Minister for having found the money, but it would be rather sad if we were unable to spend it because the plans are not advanced. It is vital that action be taken soon to avoid major problems in Antrim and other council areas.

Were I slightly more naive, I would perhaps suggest that the Department might consider granting planning permission for some of the necessary sites. That might prejudice any concept of a strategy. As one of the MLAs representing the Mallusk area, I say to the Minister — as he would expect me to — that I would be concerned if permission were given to expand Cottonmount at a time when the strategy is not in place, particularly given the controversy surrounding that application and the problems that it will create for my constituents.

On the other hand, I am sure that I could establish a case for Ladyhill as being the best practicable environmental

option for Antrim. The Minister might well disagree and I would not wish to push that point.

In a letter to Antrim Borough Council last month the Minister acknowledged that there were options open to the council in the interim, but that they would cost money. I trust the Minister has already had the letter that was sent back to him on 14 November by the mayor. I quote it for the benefit of other Members:

“The council remains extremely concerned at the position in which it now finds itself, despite its best efforts to secure a cost-effective disposal route. ... I am aware that the Environment and Heritage Service has recently carried out an analysis of Essential Interim Capacity. Arising from this, it is my understanding that they have concluded that there is an urgent need in the Eastern Region. I would therefore seek clarification as to the conclusions drawn that options are available, and how the costs of any such options, if any, can be mitigated through DOE support before interim capacity comes fully on stream.”

I would like to return to the Minister’s £3·5 million —

**Mr Deputy Speaker:** The Member is running out of time.

**Mr Ford:** I am sorry, but I did not hear you put any time limit on me.

**Mr Deputy Speaker:** I think I did in my introductory remarks. We need to move on because more Members wish to speak. How much time do you need to finish?

**Mr Ford:** I have three quick questions to ask the Minister. First, will the Minister allow councils to spend the allocation to meet the short-term needs, while the regional plans are put in place and current applications are decided? Secondly, what was the outcome of the essential interim capacity study and what conclusions has he reached in relation to that? Thirdly, what options are available to councils such as Antrim in the next 12 months and in the year or two after that?

**Mr Dalton:** As one of the representatives of South Antrim, one of the major concerns in the constituency has been the site at Mallusk. This discussion is about the entire waste management strategy in the eastern region. In my view, the Department needs to make a decision at an early stage in relation to the Mallusk site. Having made that decision, it will then be possible to use it to formulate an overall strategy to deal with the eastern region.

One of the developing problems is that the absence of decisions on individual sites is undermining the Department’s ability to make a strategic decision in relation to the entire eastern region. How can a strategy be developed when individual planning applications are not being dealt with? If the Mallusk site is to go ahead, that will have a major impact on the development of an overall strategy in the region. If it is refused, that again will impact on the overall strategy. I would press the Minister to make a decision on the Mallusk site as soon as possible, and in so doing enable a better strategy to be developed.

With regard to an overall strategy on waste management, as a society we need to develop a better system to deal with our waste. In the long term, it is not acceptable to use landfill as a method of dealing with waste. It is ineffective and causes enormous environmental hazards in the area. There are few sites which are available for use as landfill in a proper way.

One has to acknowledge that companies such as UK Waste are leaders in their field; they have developed extensive technology to deal with landfill and they do the best job possible for landfill sites. Nevertheless, difficulties arise because landfill is inherently difficult to manage and is an environmentally destructive method of waste management.

I say to the Department and to society that we need to develop a better overall strategy in dealing with waste management. That means looking at recycling options and energy from waste. Belgium has an extensive waste-to-energy facility and has made provision for such facilities. That country manages to convert an enormous amount of its domestic and industrial waste into useful energy. That is something that we could be doing.

5.15 pm

There is no reason why, on the island of Ireland, it is not possible to construct waste-to-energy sites which could convert waste on an all-island basis and make positive use of that, producing a form of energy that could be fed back into the energy system. It is foolish that we simply continue to look at our strategy as being how to dig the biggest holes, fill them up with waste, and try to manage them as best we can. That is not an option that has any long-term sustainability. It is vital that we have a sustainable strategy for waste management which involves — and I acknowledge that this is in the Department’s strategy — inverting that triangle so that in future landfill will be the last resort for waste, and it will be a minority of waste that will be dealt with by landfill.

My Colleague Mr Ford has made some valid points in regard to the landfill site at Ladyhill in Antrim. I am aware of residents’ concerns, but that area is probably less residential than the Mallusk site. Consequently, the landfill does not have the same impact on residents as the Mallusk site, which is essentially situated within a developing residential and industrial complex. There are probably some valid arguments that could be made in relation to Ladyhill, but I am sure that I will get telephone calls to the contrary very shortly. That probably covers what I wanted to say initially.

**Mr Deputy Speaker:** You do not have to use the five minutes.

**Mr Dalton:** No. However, one will rarely get a barrister who cannot fill five minutes.

I come back to the question of overall strategy in the eastern region. Development of waste management control in the eastern region is something that has to be looked

at from a global perspective. Individual sites cannot simply be looked at, and decisions made on them on them, and then the overall strategy development in the eastern region dealt with.

It is important that a strategy be phased into the eastern region and subsequently replicated across all of Northern Ireland. That means developing a strategy for waste management which involves adjusting how waste is dealt with. In particular, new methods of waste control must be developed, moving away from landfill and increasing the use of recycling.

Increasing home composting is an example. A large quantity of domestic waste goes into landfill. The presence of foodstuffs in domestic waste causes a major biological hazard in the form of gas and leachate development. This can be dealt with more effectively by home composting schemes, where foodstuffs can be broken down in the back garden and can then be used more beneficially. Landfill sites can be restricted to domestic waste, which does not have the same impact.

**Mr Deputy Speaker:** Mr Doherty, you do not need to take your full five minutes.

**Mr A Doherty:** To my embarrassment, I may take less than five minutes.

I was intrigued by the title chosen for this debate. I presumed rightly that when Mr Ford used the term “eastern region” he was not referring to the Far East, the Middle East or the Near East, nor even the east coast of our offshore island, Great Britain, but to our eastern region — the region east of the Bann, with all the blessings which accrue to that favoured location. Quite clearly, from what Mr Ford says, all is not manna from heaven in our eastern Eden. I begin like this not to display my knowledge of geography, nor my ability to decipher an adjournment motion, but to make a very serious point — one already touched on by Mr Shipley Dalton.

Each region of Northern Ireland, as well as each other region of any sort or size throughout the world, may have its particular special problems with regard to waste management. However, the issue of waste management is not a local problem. It is not a national problem. It is an international problem. It is a global problem. Much can be done locally, by way of education, to change attitudes and practices. Some things can be done locally to develop new and better systems of minimising, reusing and recycling waste and of creating markets for recycled materials. Local improvements can be made in methods of, and practices in, waste disposal, but most of the problems — both technical and economic — are too big to be dealt with on a purely local or parochial basis. We are too small to go it alone. As I have said many times before, we must think big — nationally and internationally — if we are to achieve our aims in waste management.

It is important to consult and co-operate with our neighbours, here and abroad. It is particularly important to consult and co-operate with the local authorities, the Government, and other interested parties in the Republic, in the development of practical and achievable waste management strategies. These strategies will serve the needs and interests of all, and will assure a better quality of life for all on this island.

I take account of the issues raised by Mr Ford, and I appreciate the particular conditions prevailing in the south Antrim area. I know that Mr Ford appreciates my points, and I hope they register with every Member.

**Mr Shannon:** This debate is an opportunity to discuss issues that may be of low priority but are important for us as elected representatives. The need to promote waste management is the issue of the future, especially in our area where it has to be considered and a strategy developed. The Government have introduced the concept of producer responsibility, thereby ensuring that producers take a life-cycle view of their products and encourage the three Rs — reuse, recovery and recycling. The need to find alternatives to landfill arises for a number of reasons and because of a number of pressures. We are all aware of the importance of the environment — hence the trend to increase taxes to achieve environmental goals, and a landfill Directive which sets stage targets for diversion, bans certain waste and requires pretreatment of others.

We also have national and international commitments, with regulations coming from the UK, Europe and further afield. We are encountering growing public expectations from the green lobby and others who are not entirely green-minded, but who see the importance of these issues. We have the Waste and Contaminated Land (Northern Ireland) Order 1997, which requires councils to develop a waste management plan, and that is why the eastern region has come together.

The waste management strategy for Northern Ireland sets out substantially to divert waste management away from landfill solutions. It presumes that individually Northern Ireland councils are too small to plan strategically. That is correct. Individually the councils cannot provide all the environmentally acceptable solutions economically, but collectively they can. Therefore, the solution is to bring the councils together to achieve cross-council co-operation. It is necessary to amass a sufficient volume of waste to make environmental treatment economical.

The Eastern Region Waste Management Group has 25% of Northern Ireland’s landmass, 54% of the population and 55% of the waste produced. Again, this clearly illustrates the issues. And while 550,000 tonnes of waste were produced in 1999-2000, that figure is predicted to rise to 950,000 tonnes by 2019-20. That is the term we are looking at, and that helps us appreciate all that we have to do and our responsibility.

The Government have set targets for recovery and recycling. By 2005 they want 25% of household waste — 145,000 tonnes — recovered, 15% through recycling. By 2010 they want 40% of household waste recovered, 25% by recycling and composting, and that amounts to 267,000 tonnes.

Those targets are difficult, and they represent a challenge for all those in the eastern region. They may be unattainable, but they are the goals set down by the Government, and they will not be achieved without significant investment. That investment will involve collection methods, separation at central points, the development of markets and the purchase of processing plant and equipment. I will not go over all the issues about waste itself, but as each year goes by the number of households will increase, with an anticipated 100,000 new households in the eastern region between now and 2020.

The first technology anticipated to achieve the targets and attain the strategy is recycling, and almost every council is directly involved. Some are further ahead than others, but nonetheless they realise its importance.

Incineration is perhaps the most important method of anaerobic digestion. That works by getting rid of the waste and generating electricity. Gasification is another method of making energy for nearby households. It looks increasingly as though incineration will be the chosen method. It is certain that disposal costs will increase, although it is too early at this stage to quantify the increases. This depends on the chosen technologies and the success of the recycling and recovery markets. It is vital that unit costs be equalised in the eastern region and that an assurance be given that no authority — I ask the Minister to take this on board — will be penalised due to geographic or infrastructural constraints.

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

**Mr Shannon:** One-stop point-of-deposit and transfer stations need to be uniform across the region. I seek that reassurance from the Minister.

**Mr Boyd:** I wish to speak about the effects of waste management in my constituency of South Antrim. The Department of the Environment's Waste Management Strategy in 1999 stated:

"The vision for this strategy is of Northern Ireland as a European centre of excellence in resource and waste management."

These are noble words. However, that is all that they are at present. The reality is very different. The Minister responsible for the issue at the time, George Howarth, stated that the Government were committed to playing a leading role.

I must challenge the Department of the Environment on several issues, in particular the current position regarding landfill sites in the South Antrim constituency. One of the first major debates in the House in 1998 was

about the horrendous problems facing residents in Mallusk Road, Newtownabbey regarding the UK Waste Management Ltd landfill site. Over two years later the residents of that area are still living with the uncertainty regarding the phase two application for this site, despite the total opposition of every Assembly Member in the constituency to it.

In 1995 it was revealed that UK Waste Management Ltd had leased the Cottonmount quarry and intended to take waste from Belfast to Mallusk until 2000. It was also revealed that it had applied for planning permission for the remainder of the quarry complex, which would extend dumping by 20 years. UK Waste Management Ltd stated that, within six months of starting operations, the residents would not be aware that the company was there. Dumping began at the end of February 1996, and the impact was felt immediately. The fears of the residents who had opposed the planning application were realised — the smell, the birds and the litter, both wind-blown and that falling off lorries. Roads and footpaths became hazardous because of the dirt, and the volume and speed of traffic. Meetings were held between the residents and UK Waste Management Ltd, but the problems were not resolved.

The situation deteriorated. Public meetings were held and attended by over 300 residents each time. Their plight was heard in detail and numerous public health issues were raised. Many residents are unable to enjoy time in their garden because of the strong smell which makes some of them ill. Problems for asthma sufferers are increasing due to the poor air quality, but they are unable to open any windows. Sunday appears to be the day when the smell is worst. Large numbers of birds generate a huge amount of droppings in the area and on nearby farmland. The rockets used to deter the birds are very loud and frighten pets. There is increased litter on the Bernice Road and surrounding areas, and there is an unacceptable volume of traffic, resulting in increased congestion, speeding and dirt.

There have been several instances of mice and rat infestations in the residential area, and there are many flies. As a result, people cannot open their windows. Food has to be covered while being eaten. For example, 60 bluebottles were found in one kitchen in one week. Such cases are not isolated and are clearly unacceptable. The problem was exacerbated by a High Court judgement issuing an order compelling the Department of the Environment to provide planning permission for the second phase of the landfill development operated by UK Waste Management Ltd. This ruling could enable waste from Belfast and surrounding areas to be taken to Cottonmount for the next 25 years.

In 1997 the residents wrote to the Planning Service to object to phase two as so many problems were still unresolved in relation to phase one. The Planning Service's opinion failed to take account of EC legislation requiring



areas of separation between landfills and residential and recreational areas. The Planning Service's opinion also gave a competitive advantage to UK Waste Management Ltd by placing 50% of all waste management in Northern Ireland in one company.

In February 1998 Newtownabbey Borough Council commissioned an independent survey of odour problems in the area of Baird's Brae landfill site at Mallusk Road, Newtownabbey. The report stated that the site is situated in an area of mixed development with light industrial, commercial and extensive residential developments all located within 200 metres of the site boundary.

A summary of the report states that offensive odour levels were encountered at Baird's Brae on all four site visits, mainly as a result of operational practice. That was principally the combination of a large active area and landfill gas venting into the atmosphere. Waste management practice in Northern Ireland lags behind that of some other parts of Europe. The Government are obliged to ensure that waste management develops closely in line with that in the rest of the United Kingdom and in accordance with European Directives.

5.30 pm

One of those objectives is to reduce the volume of municipal waste considerably. Phase two at Mallusk would therefore directly contravene EU Directives. It is clear that alternatives to landfill in Northern Ireland must be implemented, including the reuse of waste and increased recycling. There must be no further development of landfill sites at Mallusk or Ballyclare, and I also oppose the Ladyhill site in Antrim. The constituents of South Antrim should not have to put up —

**Mr Deputy Speaker:** The Member is coming to the end of his five minutes.

**Mr Boyd:** The constituents of South Antrim should not have to put up with having the waste of other constituencies on their doorstep.

**Mr McClelland:** I shall be exceptionally brief, for I believe it is important that we leave as much time as possible for the Minister to respond to the important questions asked.

There is a crisis in the waste management strategy in the east of the Province. "Crisis" is a word often overused in politics, but in this case it is very appropriate. I understand from experts that in total around seven to eight years' worth of landfill sites is available for the people of Northern Ireland. However, that does not take account of the highly localised nature of the problem. Antrim has less than one year remaining, and the cost to the borough's ratepayers of taking waste from the Antrim area to other landfill sites is tremendous — I believe that Mr Ford gave us the figure of 2p in the pound per annum.

I do not believe for one moment that all the blame lies with the present Minister. Part of this problem stems from direct rule and over 20 years of Ministers' refusing to make decisions on a proper waste management strategy, putting the issue onto the back burner. Several Members earlier referred to two possibilities. Mr Ford spoke at some length about incinerating waste. The reality is that, if the present Minister made such a decision, by the time the location of a plant had been chosen, given the probable need for a public inquiry, we would still be faced with a very serious waste management problem.

Mr Shipley Dalton referred to recycling. While we all laud the possibility, the difficulty in changing the mindset of Northern Ireland people to encourage recycling means that we would make few inroads into the problem. I would like to ask the Minister a few specific questions. I do not believe that his essential interim capacity report took into full account third-party waste and the engineering material used at landfill sites, which probably accounts for 20% of the total waste. Is the Minister aware of the problem? What decisions have arisen from that study, and what options will he make available to the ratepayers of the Antrim area? Will the Department of the Environment mitigate the cost to Antrim Borough Council of using any of the alternative options?

**Mr Deputy Speaker:** I call Dr William McCrea. Perhaps, since he was not present earlier, I should say that the limit is five minutes. If he could make it shorter, we would be most grateful.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** There is certainly a big problem with waste management, both throughout the Province and, in particular, in the area mentioned by Mr McClelland. Not only one problem — that of Antrim — has been identified in the area; there are also problems at Green Road in Ballyclare, and at Cottonmount. The Minister is certainly aware of all those issues.

Local residents have asked a number of questions concerning Ladyhill, which is an area of outstanding natural beauty. Many of those questions which were posed to the Minister by the Environment Committee require a response from the Department, which is considering them at present. Issues such as roads and siting impinge on the local community, and must be responded to in a positive way.

On phase two in Cottonmount, the Department could take one of two roads: it could hold a public inquiry or refuse the planning request. The best route for the Department is to refuse this and those who feel aggrieved can lodge an appeal. Is the Minister mindful of the concerns of the Mallusk community, and is he prepared to refuse this application? If an appeal is lodged, the full implications can be discussed.

There are many problems with the Green Road area of Ballyclare. The responsibilities of both the Department

and Newtownabbey Borough Council have been clearly identified, as I have already told the Minister and his officials. The Minister's officials tell me one aspect of the problem, while the council gives me a different picture. There appears to be a great divergence of views on the solution to the matter. I have requested that both sides meet, rather than my meeting the bodies separately and diplomatically, only to find that the two views are not complementary — sometimes the members of one body are not even complimentary about the other. Rather than running around like a dog chasing its tail, the best way to process this application in the interests of the local community is to hold a proper meeting. The concerns could be clearly ironed out and an independent view taken of all actions to date.

We have to deal with waste management in a sensible and sensitive way. Incineration and recycling must be considered and the community must be educated on these matters. Members of the Environment Committee are concerned that the Department, as well as local government, should be actively engaged in this, rather than waiting for the other to take the lead. The Department must get together with the councils to see how we can process this in the best interests of the public.

This issue is worthy of an Adjournment debate, but we will hear a good deal more on the subject. Finances will have to be provided to enable councils to do an excellent job in waste management for the future. This situation, with all its problems, has evolved over the years. It can be taken forward in a sensitive way with the necessary finance made available. I support the introduction of the issue, and I trust that the Minister will have something helpful to say to the House.

**Mr Beggs:** Figures recently published in a written answer show that there are some very low levels of recycling in some district council areas in Northern Ireland, and it is obvious that improvements must be made. Recycling has not had enough focus and priority to date. Waste management and minimisation must commence right, however, and there must be a focus on reducing, through improved packaging and minimisation, the amount of waste that is produced in the first place.

What happens to all the paper that is gathered up in the paper banks? On some occasions even this might go to a landfill waste site. Obviously, there is a need to act collectively in regional areas and to devise ways of dealing with waste efficiently. I support the concept of ensuring that bigger quantities of recycled goods are gathered together and are moved and recycled more efficiently. There is a great deal of waste recycling in England, but with that come large transportation costs, which affect the industry's economy. It should be the responsibility of Departments to consider how a system of paper recycling might operate.

There is now a large bottle manufacturing plant in Fermanagh. I hope that all bottles that are gathered in the bottle banks are not dumped in a landfill site — I know that that has happened on occasions.

The IDB should tie the whole thing together, in that companies which attract grants should receive them only if they provide a service to the community and pay heed to the environmental benefits of recycling products in a particular region.

Landfill should be the last option. In an ideal world, there would be no landfill, but we do not live in an ideal world. We want our waste to be collected regularly, so there have to be landfill sites in which to dispose of it. The landfill tax levy provides a financial incentive to minimise this — and it is being increased progressively — but we are out of line with some of our European counterparts. There may be a case for increasing this tax in order to benefit the environment.

No one likes to talk about raising taxes, but it may be necessary to do so. Of course, that is a reserved matter. The money could subsequently be spent on recycling, thereby bringing benefit to the community and to the environment.

South Antrim Members have highlighted the difficulties caused by the existing waste landfill sites. Where do they want the waste processed? I hope that they have not got their eyes on some neighbouring constituencies. I would like to hear where they want their waste to be recycled. All they do is knock all three landfill sites. I am not advocating them, but if one complains about them, one has to suggest an alternative.

**Mr Ford:** I hope the Member was listening to me.

**Mr Beggs:** I will listen later on. I hope that people have not set their sights on my constituency. There was a proposal to develop one of the largest landfill sites in Europe in my constituency, and I would like to highlight some of the reasons why it was not successful. First, Larne Lough is a protected environment. There are shellfish in the lough, and according to EU Directives, the water purity must be protected. Secondly, there are roseate tern there.

**Mr Deputy Speaker:** Can the Member please bring his remarks to a close.

**Mr Beggs:** The roseate tern is an endangered species, and it must be protected. The watercourse must also be protected, and there are additional serious environmental concerns which must be addressed at other locations that some of the South Antrim Members may have set their sights on. I hope they are not suggesting that this location should be used as the landfill site for the entire eastern region.

5.45 pm

**Mr Hilditch:** I welcome the opportunity to speak on this important subject. The issues surrounding waste management have an enormous impact on everything that today's society values. This Assembly, the Minister and the Department need to address these issues sooner rather than later.

It will require radical and innovative thinking. It will mean breaking the mould, because to continue with the easy option of dumping waste into the ground will have serious consequences for future generations.

In 1988 the figure for household waste was 704,400 tonnes. Ten years later that figure had risen to 867,500 tonnes, an increase of 163,100 tonnes. That represents an average growth rate of 1.91% per annum for the Province. Therefore, it is safe to assume that domestic waste will continue to increase and that the cost of landfill will rise accordingly. Landfill sites will continue to disappear, and because of environmental issues new sites will be virtually unobtainable.

Like Mr Beggs, I want to flag up the issue with Mr Ford and advise him not to look towards Larne Lough and the Magheramorne site. I know he mentioned various sites in South Antrim, but there is also opposition to Magheramorne.

**Mr Ford:** I said that I opposed the Mallusk site because of the major problems around Cottonmount. Unlike some of your Colleagues, I did not oppose the Ladyhill site. I have supported that site in the council, as has Mr McClelland.

**Rev Dr William McCrea:** Shame on you.

**Mr Hilditch:** As of April 2000, my local authority, Carrickfergus Borough Council, is paying a landfill tax of £11 per tonne, plus a disposable cost of £33 per tonne — a total disposal cost of £44, not to mention the costs involved in collection and transportation. That is an enormous burden on local authorities and, ultimately, the ratepayer.

The limited amount of landfill capacity currently available allows companies to hold local authorities to ransom. Again, to use the example of my own council, our waste disposal contract expires on 31 March 2001, and we have been unable to sign a new contract. One can only assume that local authorities are being played against one other for the companies' benefit.

This is a major problem. If the Assembly misses the opportunity to address the issues of waste management, the consequences for future generations could be catastrophic. We have to be imaginative about waste disposal. We must find ways to recycle at affordable prices and we have to find ways to protect our environment and natural resources. We need to turn our throwaway society round. Everyone has his or her part to play.

Central Government can help to provide the facilities to process material collected for recycling — such as glass, cans and plastic — because there are a limited number of outlets in Northern Ireland. The Assembly can play a key role in helping local authorities form waste management partnerships and develop joint waste management plans. Industry can create more resource-efficient products and services. The public can segregate waste for recycling at home, work and at school. Everyone must play his or her part in this crucial issue. In the words of Mr George Howarth MP,

"If we are to make real progress towards a better use of resources and reducing waste, we must rethink our current habits."

We talk about sustainable development. Without a radical overhaul of our waste management strategy and a genuine and sincere approach to recycling, our economy will suffer. How can we attract new industry if we cannot dispose of our additional waste? How can our industry become more competitive in a global market if the cost of waste disposal is spiralling? The Assembly, together with central Government, local authorities and the general public must tackle the issue of waste management urgently.

**The Minister of the Environment (Mr Foster):** I welcome the teasing out of this important issue. I have listened to the debate with interest and have noted the difficulties raised. Moreover, I believe that everyone in the Assembly will appreciate, as I do, the gravity of these matters.

I have inherited a problem which I want to solve quickly. However, the implications for the environment and the economy of introducing a new waste management strategy should not be underestimated, nor should the serious impact that a wrong development decision could have on the daily life of a community. Many communities, on the basis of experience, hold out the hope that landfill will no longer be necessary. In contrast, others are seeking more space because of their current dependency on this form of disposal.

Landfill dependency in Northern Ireland — currently at a level of 95% — frequently relies on the tolerance of the host community. That is mainly because of the reluctance of waste producers to commit to changing their practices or to pay for a higher-quality waste management solution, a quality of facility that any community would welcome rather than resist.

Two weeks ago we had an informed debate about zero waste. The concept had universal appeal because it presented a picture of Northern Ireland achieving a level of waste reduction, reuse and recycling that meant that none was left to dispose of. That hierarchy is recognisable — it is the same hierarchy of preferred options described in the waste management strategy.

The strategy was agreed by an independent advisory group and by the Environment Committee, and supported by almost all stakeholders. Why is there such a level of

agreement? It is because the measures for change not only meet EU Directive requirements but also make sense for the protection of our economy and our environment. These sensible measures are tough on landfill, and they need to be so if we are to ensure a sustainable future.

I emphasise that every one of us must rise to the very real challenge of changing practices and attitudes toward waste in Northern Ireland. However, the role of district councils is pivotal. District councils are responsible for preparing waste management plans and identifying their current needs. Their analysis is critical in both minimising costs and resisting short-term price pressures. Reacting to recent premium pricing of landfill space could risk pre-determination of their plans and affect future markets.

I will refer to a couple of points that were made earlier. Although I cannot answer all today's questions definitively, I will try to arrange answers to a few of them. In answer to Mr Ford, the waste management strategy sets down a clear timetable for the production of plans by district councils by June 2001. I understand that the other groups of councils are aiming to meet that timetable and to identify any interim needs and examine how the available support funds can best be used. The financial allocation in the draft Department of Environment budget is intended to be spent in a strategic way in support of the waste management plans prepared by the councils.

I say to Mr McClelland that the essential interim capacity study did take account of third-party waste from commerce and industry. In the area of concern, I understand that there are over 70 licensed sites for this type of waste. Nonetheless, there is a need for capacity for municipal waste, which I am considering urgently.

Appeals for two landfills operating in the Newtownabbey area were completed by the site operator in September this year. Those formal applications follow delays by both the appellant and the council in supplying the necessary information. The Green Road appeal is being heard tomorrow. Legal advice on the appropriateness of hearing an appeal on Cottonmount is imminent.

In the summer I directed my officials to expedite an analysis of the complex social, environmental and economic issues that surround the outstanding planning applications. In particular, I told them to involve district councils in the determination of their essential interim capacity needs — that is, the level of additional landfill

that they consider they will require before they complete their waste management plans. This vital information has been slow in coming, thus indicating both the complexity of the assessment and the sensitivity surrounding almost all the outstanding applications.

I fully recognise the urgency of the situation. That is why I instructed my officials to press district councils for definitive information on their needs. That is also why my Department continues to provide them with financial and professional support to prepare their waste management plans by June 2001. Those plans will map out the future infrastructure and, through public consultation, the choice of facilities and level of community participation will be agreed.

Community involvement is essential to achieve the aims of the strategy. I want to emphasise that as a further reason why I am giving the most serious consideration to the representations that I have received in respect of the outstanding planning applications.

We have to make choices which are correct for the long term, because the decisions made now will make a difference for three generations. Landfill sites operate for 25 years, and their aftercare may last for another 50 years. Therefore, it is a fitting precaution to take time now to ensure that we are making the right decision.

I must satisfy the requirements and constraints of a detailed planning process. I appreciate the pressures that some councils face, and I will continue to take into account the weight of public representations made to my officials and me. I continue to attach the greatest importance to the decisions I have to make. In acknowledging the weight I attach to these obligations, I have instructed my officials to bring these matters to an urgent conclusion. They were unable to do that until they received critical data from district councils earlier this month.

I assure Members that I have insisted, because I want to make the correct decision, that all necessary information be gathered and fully considered before decisions are taken which are of such importance to so many people. I must make them on a strategic basis, rather than piecemeal. The most important concern is that the right decision be made. That is my intention, my responsibility and my assurance to the House.

*Adjourned at 5.57 pm.*

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# NORTHERN IRELAND ASSEMBLY

## STUDENT FINANCE

Tuesday 21 November 2000

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

*Members observed two minutes' silence.*

### ROYAL ASSENT

**Mr Speaker:** I wish to inform the House that Royal Assent to the Child Support, Pensions and Social Security Act has been signified. The Act became law on 20 November 2000.

### ASSEMBLY BUSINESS

**Mr Speaker:** I am informed that Mr McGrady will not be attending today's sitting of the Assembly. Therefore his topic for today's Adjournment debate has been withdrawn.

### **The Chairperson of the Higher and Further Education, Training and Employment Committee (Dr Birnie):** I beg to move

That this Assembly approves the first report of the Committee for Higher and Further Education, Training and Employment on student finance and calls on the Minister of Higher and Further Education, Training and Employment to implement the Committee's recommendations at the earliest feasible opportunity.

This debate is timely. A number of Members have called for it in recent months. More than two months ago the Committee publicly signalled its intention to have this debate. We recognise at the outset that this is an interim report. Ideally, we would have liked longer to deliberate and consult, but our work was halted for the three-month period of suspension. We are well aware of the urgency attending this issue, as are the public and the student body. In the early autumn, departmental officials indicated to the Committee that they would like to hear our views before the Minister completed his review and before the onset of the current budget process.

Before I turn to the report's contents, it is my pleasure to pay tribute to a number of people who have made it possible. I would like to note the immense hard work of the Committee Clerk, the Committee staff, and our advisers, Prof Bob Osborne and his team from the Centre for Research on Higher Education and Dr Nuala Bryce-Gormley.

The report was unanimously agreed in Committee, and I think that is a tribute to the perseverance of Committee members. Perhaps it is an indication that our rather unusual multi-party arrangements in the Assembly can work. Most of the Committee work was carried out in public session. In that sense, it is also an example of transparent government.

I will now turn to the report's contents. We face four options and our report aspires to one of these options as the best possible balance between the possible and the ideal. I will review the merits and demerits of each of the four options in turn.

The first option would be to keep things as they are — what you might term the status quo. It is fairly easy to dismiss this option because that would not prevent certain groups being deterred from applying for, or entering, further or higher education. We have data on the declining numbers of mature students entering the sector in Northern Ireland, and there are indications of declining numbers of working-class students across the United Kingdom. In any case, there has obviously been change in the administration of student support in England, Wales and Scotland, so, given parity considerations, Northern Ireland simply cannot afford to stand still.

The second option would be to go back to the system that used to operate in the 1960s. In that system there would be no parental contribution to tuition fees, and generous

grants would be available. Appealing though this option might be to some people, it is neither reasonable nor fair. Let me give two reasons for that. The first is the pragmatic issue — the problem, as it were, of the “massification” of higher education. It is no longer 5% of the relevant age group who go to higher education; the figure is now approaching 50%. Given that, student support has to be more tightly targeted on those who really need it.

There is the important issue of principle. Some students gain, and gain substantially in financial terms, from their course of study. This was recently confirmed by the Harmon and Walker study, which suggested a graduate premium of between 16% and 46%. Such graduates should make a proportional contribution to the costs of their teaching.

The third option is to apply the English model — the changes introduced by Minister Blunkett in early 2000 — to Northern Ireland. That would involve a smallish number of bursaries for the disadvantaged. It would also include raising the threshold at which tuition fees became payable from £18,000 to roughly £20,000.

The application of the Blunkett package to Northern Ireland would be costly, though probably less so than the alternatives. It would at least provide for parity with one part of the United Kingdom. Application of the English model would be a move in the right direction albeit much more will be needed in the longer term to achieve the wider social access to further and higher education, which I believe we all want to see.

The fourth option is to apply a modified Scottish model, as inspired by the so-called Cubie Report and the subsequent Scottish Executive decisions. I recognise, however, that there are some differences between Cubie and the Scottish Executive and that there have been implementation problems in terms of the situation in Scotland.

Broadly speaking, this is the option that the Committee report comes down in favour of. It would involve an end to tuition fees, some means-tested grants and some deferred contributions — although those will be paid by graduates only when they pass a high threshold of income and salary. The Committee unanimously agreed this package because, in part, we felt that the perception of tuition fees and the reality of student debt was deterring entry into further and higher education on the part of certain disadvantaged groups, and we felt that we should recommend that some disadvantaged groups should become eligible for grant support.

We also believed that the principle of deferred contribution was a good one. It is not the same as a so-called graduate tax, because the contribution is a fixed amount, and once the graduate has paid it he has to pay nothing more for the rest of his working career.

European Union law implies that we could extend such provisions only to those Northern Ireland students who stay in Northern Ireland. This is why the Committee, in its report, has also recommended further expansion — and we certainly welcome the expansion which is already occurring — in the number of further education and higher education places so as to at least reduce the number of what you might term unwilling student exiles from these shores.

If we had had longer to deliberate, if suspension had not occurred, we would also have liked to look in more detail at the position of further education, and we note that in this area the database relating to the types of students in the sector is particularly underdeveloped. Our own ongoing Committee inquiry on the training system will have a particular focus on further education. We recognise the principle that further education should be treated with more equity relative to higher education, as the Dearing Report recommended three years ago.

This is a huge question that would have enormous financial implications. It would have implications for Departments other than the Department of Higher and Further Education, Training and Employment — for example, the Department of Education in terms of the funding of schools relative to the institutes of further and higher education.

Part-time students should also be treated better, and we also recommend that the Minister make available, if possible, the findings of the United Kingdom Inter-departmental working group on the relationship between students and the welfare system, if and when they are completed.

A key point in the motion refers to implementation, when it is feasible. We recognise that the Minister and the whole Executive have difficult choices, and our preferred package does contain various elements, but not all of them would have to be implemented at once. The first priority is probably additional grant support for students from low-income backgrounds. This might involve an extra £20 million per annum for the 16,000 full-time undergraduates who come from family backgrounds where income is less than £23,000 per annum. We are talking about bursaries of about £500 to £2,000.

Then there are the additional higher education places. If we were to go for an extra 4,000 places, over and above the 4,400 already agreed up to 2004, that would cost £30 million. Then, of course, there is the removal of parental and spouse contributions to tuition fees amounting to £12.5 million. That implies a gross cost of £60 million or more, though the net figure might be reduced through associated savings on spending on student loans and other related hardship and access funds.

10.45 am

There may well be a view that the report should have said more about the costings of our proposals. Equally,

the value of the Department's own review would have been increased if it had provided the public with costings of the likely financial implications of the various options facing the Northern Ireland student support system. After all, it was pretty clear as early as February what the four options were going to be. I have addressed those four options.

Vision can and should be applied to the financing of student support; both the target of regional competitiveness and that of social equity are tied up with this issue. They are also key concerns in the Programme for Government, which is being deliberated by this House. The International Fund for Ireland and the Special Support Programme for Peace and Reconciliation have shown how it is possible, with imagination, to attract external funds — notably from the United States, the Commonwealth and the European Union — to Northern Ireland. Perhaps the subject of student finance, particularly for students from low-income backgrounds, could similarly attract the vision of sponsors from overseas.

The Committee has sought to perform its statutory duty to share in policy development. In devising this report, we started from first principles and listened widely to interested groups, including the National Union of Students and Union of Students in Ireland. Mr Andrew Cubie, who chaired the comparable study in Scotland roughly a year ago, contributed directly to our deliberations through a videoconferencing session. We looked at practice across the United Kingdom, in the Republic of Ireland and internationally.

Supporting students adequately is costly. The Committee accepts that the entire burden should not be carried by public expenditure in Northern Ireland. At the same time, not supporting students would also have a cost. Higher education and further education are two of the main engines of economic growth. In the long run, if we do not have economic growth we will not have the funds for other areas of public expenditure, which, admittedly, are competing against the funding of student finance in the short term.

There is much good going in higher and further education. The Committee commends that in its report. I would not normally quote former Labour Party leader Neil Kinnock, but he once said that he represented the first generation in his family — I think he said in a thousand generations, though I am not sure how he could go that far back — to attend university. That phrase was subsequently and infamously plagiarised by a United States politician. Some Members of this House, including myself, could say the same as Mr Kinnock.

Social access to higher and further education has been widened, but we have not yet reached the point where all those who have the ability to benefit from higher and further education can afford to go into it. Many members of my parents' and grandparents' generations,

who I know would undoubtedly have had the ability to benefit from higher education, could not do so because their family background meant that they could not afford it. Above all, we do not want to return to that situation.

This report represents a target, a goal, an aspiration. All the members of the Committee agreed to it. It may not be immediately realisable, but that does not mean that we should not aspire to it in the long term.

**Mr Speaker:** There is one amendment, standing in the name of the Minister of Higher and Further Education, Training and Employment.

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** I beg to move the following amendment: Leave out all the words after "Assembly" and add

"notes the first report of the Committee for Higher and Further Education, Training and Employment on Student Finance and calls on the Minister of Higher and Further Education, Training and Employment to consider the Committee's recommendations as he moves towards a conclusion of the review of student support."

I welcome today's debate. It should make a useful contribution to the review of student financial support that I announced last February. I announced the review because I was mindful of the difficult financial circumstances experienced by many of our higher and further education students. I wished to carry out a comprehensive review of student support, encompassing higher education, further education and, indeed, part-time and full-time study. The review, which was carried out by my Department, ended on 30 June; the period of suspension of the Assembly ended on 29 May. Before reaching any decisions on changes to the existing system, I was obliged to hear the views of the Assembly Committee and, therefore, to await the publication of this report.

The report gives the Assembly details of the Committee's views. I will take full account of the Committee's recommendations, along with the many other representations made to me during consultation. However, it would be neither appropriate nor desirable that the Assembly should reach conclusions on the future of student support in Northern Ireland that are based solely on the recommendations of the Assembly Committee. The motion moved by the Chairperson of the Committee asks the Assembly to approve its recommendations and asks the Minister to implement them. The Chairperson emphasised that the report is an interim report, a work in progress to which much more needs to be added. Therefore it would be inappropriate for the Assembly to approve and seek the implementation of the recommendations at this stage.

My amendment requires me to consider the report in the formulation of my final proposals. I stress that I am very grateful to the Committee for its report. Much thought and hard work, in a short time, has gone into its production. I share many of the principles on which the report is based, including the provision of adequate support

for individual students and the promotion of lifelong learning, and I agree that we should increase participation and widen access, particularly for under-represented groups. Furthermore, I agree that local further and higher education should meet the strategic needs of Northern Ireland's economy. Since taking office I have repeatedly stressed the value of such principles in the Chamber and elsewhere.

I have to say, however, that in three key areas the report leaves some important questions unanswered or inadequately answered.

First, the Committee's report contains no detailed costings to inform our deliberations on its recommendations. The Chairperson provided some costings in his remarks, but the report itself contains none of those in detail. Therefore no meaningful assessment of whether the recommendations are affordable, or what priority should attach to them, is possible by Members this morning.

My officials have calculated that the complete abolition of tuition fees for both higher and further education students could cost up to £35 million in a full year. In present circumstances, with 50% of our students paying no tuition fees because they are from lower income families, this would amount immediately to a massive subsidy to the better-off in our society.

Similarly, the reintroduction of non-repayable grants would cost a further £30 million. Members should appreciate that the total current student support budget for both higher and further education amounts to around £130 million. We would therefore be seeking additional financial resources of around £65 million for these two requirements alone.

There is no estimate for the cost of setting up and maintaining the proposed Northern Ireland Student Endowment Charitable Trust, nor any indication of when, or by how much, that trust would bring back resources into higher education to support the Committee's recommendations. It would be unlikely that significant contributions would flow from the graduate levy for some considerable number of years, while the amounts from business and other sources — if, indeed, we could attract them to any significant degree — could only be extremely speculative at the moment.

There would be additional costs associated with the recommendation to establish a one-stop shop for the assessment and administration of student financial support — costs not even mentioned in the Committee's report. Total additional costs could therefore be in excess of 50% of current requirements for student support.

Given these considerations, it would not be possible for me, or for the Executive Committee, to proceed without a clear identification of the overall financial consequences and the implications for the budgets of all Departments. Demands escalate every week when we meet in this Assembly with respect to the range of services that

concern Members. I share many of those concerns, but there are cost implications quite clearly associated with moving to meet them all.

A second area of considerable concern — and I ask Members to take perhaps even more interest in this point — is an issue related to equity. Members will have heard and noted the Chairperson of the Committee making the recommendation to restrict the abolition of the tuition fees to Northern Irish students studying in Northern Ireland institutions. The Chairperson acknowledged that, while this restriction is a function of European Union legislation, it would create an important issue relating to equity and fairness.

Members are well aware of the large numbers of our students who are pursuing studies outside Northern Ireland. The Committee's recommendations would mean that approximately 33% of our students who traditionally study in Scotland, England and Wales would be disadvantaged compared to their peers who choose to study locally. I doubt whether Members would want me to implement recommendations amounting to a form of discrimination between students who stay and those who, for whatever reason, voluntarily or otherwise, choose to study outside Northern Ireland.

11.00 am

Those who argue that that precedent has already been set in Scotland should remember that only 7% of Scottish students opt to study outside Scotland. Even if we were to accept that, there are particular concerns related to equity here in our society that should make us pause and think long and hard before supporting such a recommendation.

In the second volume of its report, on page 141, in a paper from the Committee's own special advisers, a warning is sounded on this recommendation:

"Such a policy might well be seen as discriminatory and certainly not New-TSN compatible. It could well be challenged under the DHFETE Equality Scheme. The crucial issue is that only applying the scheme in Northern Ireland under current circumstances would be unfair. It should be noted that even if offered only to Northern Ireland students it would be also available to EU students studying in Northern Ireland."

Should this recommendation be adopted we would have the anomalous situation in which a Northern Irish Administration would have to support students from other European Union states, while being unable to offer similar support to many thousands of our own students. I expect that Members on all sides of the House and, indeed, in all parties would be extremely unhappy about supporting such a recommendation.

This is a second very important reason why, in my view, it would be inappropriate for the Assembly to approve the Committee's recommendations at this stage, let alone ask that I implement them. I acknowledge that to address the particular difficulty with respect to students moving outside Northern Ireland, the Committee advances



the argument that additional higher education and further education places be made available to enable more students to follow courses at home. Increasing places at our local institutions is already part of my Department's policy.

However, I must point out that it would not be possible to provide all of the approximately 1,500 to 1,700 places needed in our local universities and colleges in order to accommodate all of our students and do so in the immediate or foreseeable future. I imagine that many Members, if not all, would agree that it is highly unlikely that we would ever wish to curtail movement outside of Northern Ireland for all further and higher education. In those circumstances, if we did, there would be considerable opposition. If we allowed the present situation to continue, a form of discrimination would persist, with increasingly fewer students choosing to go outside Northern Ireland and the majority remaining.

Tuition fees would have to be abolished not only in Scotland but also in England and Wales if that situation were to be avoided. However, given the deep convictions and the very real concerns on the matter of tuition fees across all parties, including my own, I will pursue the issue at a meeting in London I am having tomorrow with Ministers from the Department for Education and Employment.

The third area of concern to me is with respect to further education and part-time study. In setting out the terms of reference for my review, I stressed that it covered the full spectrum of support for both full-time and part-time students at both higher education and further education levels. The Committee's report is virtually silent on the issue of further education students' needs. It argues that decisions on funding should ensure more provision for the further education sector but makes no detailed recommendations on that provision. Nor does it address in any effective way support for the many thousands of part-time students either in higher or further education.

I recognise and acknowledge the complexity of dealing with such issues and the pressure of time under which the Committee operated. However, I am somewhat disappointed not to have received more considered views on student support in the important areas of further education and part-time study.

The report is therefore incomplete. That is another reason why it would be wiser for the Assembly to ask that the report be noted and that I give it my full consideration, rather than for the Assembly to approve it and seek to have me implement its recommendations.

I felt it necessary to point out the inadequacies in the Committee's report. However, once again, I acknowledge that there is a wealth of useful information in the Committee's report, and since receiving it I have been taking full account of it in formulating my proposals for changes to the student support system.

While I cannot at this point outline the detail of what my proposals for change will be, I can give Members an indication of the broad objectives which I wish to achieve, and I believe that they reflect the opening remarks of the Chairperson of the Committee this morning.

I wish to emphasise targeting social need and the pursuit of greater equality as central to my strategy. I wish to promote lifelong learning through increasing participation in higher and further education. I wish, in particular — again I find myself almost echoing the words of the Chairperson — to target resources at those who are less well off, thereby widening access to those from among the under-represented groups in society. I wish to give a greater sense of financial security to all our higher and further education students.

Work is well advanced on the review. My officials are now fully engaged with the Department of Finance and Personnel, and I hope to announce my proposals in the very near future. However, in line with the requirements of equality legislation and my Department's equality scheme, I having made my announcement, those proposals will be subject to further consultation with a wide range of interests, including the Assembly Committee, before they can be finalised. That point cannot be reached until early in the new year. We will therefore return to this issue soon, but in returning to it we will be discussing and debating it in the full knowledge of all the proposals for an improved scheme for student financial support.

I trust that Members have paid attention to my efforts to give my views on the report — both positive and where I have some reservations. I trust that those reservations are appreciated as well. Given all these considerations, I ask Members to support the amendment, assuring them that the report will continue to receive my full consideration and that we can soon, as a result, move to an early announcement with respect to proposals for our future schemes for student financial support.

**Mr Speaker:** Given the number of Members who have indicated a wish to speak — a substantial number of them since the commencement of the debate — I will have to limit the time for each Member to six minutes. The mover of the motion and the mover of the amendment will have 10 minutes at the end to wind up. As Members will know, the Business Committee indicated that the debate would finish not later than one o'clock.

**The Deputy Chairperson of the Higher and Further Education, Training and Employment Committee (Mr Carrick):** Unlike Dr Birnie, I do not have the benefit of a university education, but I trust that that will not impair my opinion of the value and the virtue of such an education.

I expect that most Members will support me in the belief that access to higher education provides a very important platform for adult life, enhanced employment opportunities and the general well-being of society. We

are dealing with an investment in human capital. Most economic experts conclude that a highly educated workforce may well lead to faster economic growth than a well trained workforce.

A university education also provides an individual with considerable private returns through increased job prospects. All our students are vital stakeholders in society, and therefore I am disappointed by the amendment that the Minister has moved this morning. The Minister's amendment contradicts the carefully worded original motion, in which great care was taken to ensure that the Committee's recommendations would be implemented at the earliest feasible opportunity. If this amendment is accepted, many of the teeth will be taken out of the report, and the work of the Committee should not be devalued in this way.

Education offers the only opportunity to many in society to break out of the cycle of deprivation, which is being passed through generations. It seems ironic that, as our economy appears stronger and healthier, uncertainty is increasing among students and their families about the affordability of higher and further education.

The high cost and a fear of debt deters many people of all ages from entering higher education. Local research indicates that Northern Ireland students are more sensitive to financial issues than their counterparts in Great Britain are. This is perhaps because of their social class profile. Average student debt levels are increasing. The cost to students of attending university has increased by 103% since 1994. The Government estimate that, on graduating from a three-year course outside London, which began in 1999, a person who has taken out a full student loan will owe more than £10,000. While the cost of studying in Northern Ireland is on a par with that in other UK areas outside London, graduate earnings in Northern Ireland are considerably lower than the UK average.

There is ample evidence that student hardship is forcing increasing numbers of students to withdraw from their courses. Our advisers gathered information which indicated a high incidence of full-time undergraduates taking part-time work. Evidence from the National Union of Students and Union of Students of Ireland shows the increase in hours worked by students to meet basic costs. This is a critical factor in the increased rate of students dropping out of courses. Student hardship is now widely acknowledged to be a factor which damages the quality of academic life. All statistics show that, upon graduation, our young people face a wall of debt.

The Committee's report advocates a system of funding which would remove financial barriers to education. Education is a right which exists alongside other competing rights, including the right to life, the right to security in one's home, the right to healthcare and the right to a job. All sections of our community should have full access to all of these rights. Rights create responsibilities, and the

Committee's report provides the correct balance between what is affordable and our desire to maximise the access of all to high-quality, life-long learning.

11.15 am

In return, students are being asked to take prudent control of their finances and not to expect money over and above a realistic living allowance, thus ensuring they do not have to opt out of a course midstream or take on excessive hours of work to make ends meet. On graduation, those who enjoy above-average earnings are being asked to contribute at a level they can afford to help ease the burden of the further education of successive students.

**Mr J Kelly:** Go raibh maith agat, a Cheann Comhairle. I was disappointed by the Minister's contribution: he noted the report but did not welcome it. I was also disappointed at John Dallat's eleventh-hour comments on radio this morning, in which he rubbished his own report — the report of the Committee of which he is a member. Having discussed the various options open to us in depth in the Committee, to have a Committee member rubbish the report this morning was unhelpful — and I say so with a degree of anger, a Cheann Comhairle.

Throughout the debate, Sinn Féin has held the view that student fees should be abolished. As Mr Carrick said, we maintain, from a very principled point of view, that this burden of debt should not be placed upon our young people and their parents. Young students should be the beneficiaries of our education system, not the victims of debt.

Sinn Féin argued in Committee for the abolition of student fees. We reached the point where we planned to issue a minority report, but we then rejected that in favour of a consensus report from the Committee. We discussed the consensus report with the student body and, with its agreement, recognised the need to bring this debate to the Chamber as quickly as possible in order to relieve the current tensions in third-level education.

A Cheann Comhairle, the greatest single reason for young people not entering third-level education is the fear of debt, and the greatest single reason for their leaving it is the inability to service that debt. That is a burden that society and we, its representatives, should be acutely and sensitively aware of. It is a burden that denies young people the opportunities that many in this part of the House benefited from when Aneurin Bevan made education a right and not a privilege. On many occasions John Hume has extolled the virtue of free education, admitting that had it not been for free education, he himself would not have had a third-level education. Nor would many others of his generation and of my generation and those who have featured prominently in the political life of this part of Ireland in the last 40 years have had a third-level education had it not been for the abolition of student fees by a Labour Government in the late 1940s. Therefore we argue unashamedly for the abolition of student fees.

We realise that in bringing this report to the House we are, as the Chairman of the Committee has said, attempting to open up the debate.

The Minister referred to equality proofing. Our report went to the Equality Commission for proofing. Throughout our discussion in Committee and with the Minister and his officials we have attempted to outline the direction in which we are going.

In many ways it is a bit sad for the Minister to insinuate this morning that he did not know the way in which the Committee was moving on its report on education. In private meetings with the Chairperson and the Deputy Chairperson the Minister was made aware of this very clearly and very forcefully. All along the line he has resisted the report's is coming before the Assembly.

Education is a right and not a privilege. Other Members have referred to educationally disadvantaged areas which affect all people across the divide. Currently, a higher percentage of young Protestant people from unskilled, working-class backgrounds are not reaching third-level education — a higher percentage than from the equivalent Catholic community. This illustrates how it affects not only people on this side of the House but those on the other side of the House as well. The problem affects us all, and students in particular.

To be motivated by centralism and to make references to the Barnett formula and other matters is all very well and good, but if I may refer perhaps to the —

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

**Ms McWilliams:** First, we should note that this is the first all-party consensus report that has come to the Assembly. When Members vote today let them remember that the report was not easily arrived at.

How many recommendations come to the Assembly that all parties agreed to in the Committee, knowing that they were making a compromise in doing so, knowing that every party had to give up something to arrive at that consensus? It was hard work, and as a result of that hard work — twice we had to sit into the evening — we arrived at a consensus rather than bring forward a number of minority reports. We have gone as far as we can towards securing a package of financial assistance for our students that promotes access and inclusivity.

In the limited time that I have I am going to address the three main issues that the Minister tasked us with. First, the Minister argued that the current expenditure package is approximately £130 million. The figures I have in front of me suggest that it is more like £135 million, but we will not quibble over £5 million. I suggest that it is complex, that it is means-tested and that it is not reaching the students most in need.

The Minister has argued that we have not supplied exact figures. Over and over again the Committee asked the Department to provide modelling, student figures and

a breakdown of figures for the options that we might put forward. We received nothing, and we had to rely on our researchers and apply the Cubie Report on Scotland to Northern Ireland. So if there is any blame, it does not lie with the Committee.

You also argue that our one-stop —

**Mr Speaker:** May I encourage the Member to speak through the Chair.

**Ms McWilliams:** I will do that.

The Minister queries the expenditure involved in the one-stop shop of the endowment charitable fund that we hope to establish. We would argue that we are currently losing a great deal of money because of the complicated nature of the current system.

Constituents frequently point out to Members the difficulty of accessing that fund elsewhere, as well as the difficulty of having a system that lies outside Northern Ireland. I argue that it would be money well spent. On costs alone, we tried to get a package that included cost sharing. That was the compromise — the sharing of costs among Government, students and parents, and I believe we came up with the best possible financial package.

The most inequitable thing about higher and further education — and particularly higher education — is that there is low participation from low-income groups. Unfortunately, despite the changes in the Republic of Ireland, there has not been any greater increase in participation there.

Nonetheless, I argue that we addressed the issue of equity. We looked at disadvantaged groups and we argued not only that tuition fees should be abolished but that a graduate contribution should only be made once an individual was earning £25,000, depending upon his needs and means. What more equitable system could we have argued for? That was another compromise. Indeed, for my party it was a compromise that the most disadvantaged should receive non-repayable grants. We looked at low-income families, the unemployed and mature students, who have recently gone down rather than up in number as a consequence of the current inequitable system. We looked at the issues of childcare, travellers and single parents. We adopted the principle of social need. We argued that resources should be ring-fenced to promote social inclusion. The Minister argued that the report was incomplete. We would argue that it brings proposals to Members. Unfortunately, we do not have the Minister's proposals.

What Members see, we hope the students will get. We cannot possibly ask anyone to vote on what they do not see in front of them. We have tackled the issue of further education, but we would like to have done so more comprehensively. We promote and encourage lifelong learning. I suggest to Members that when they support the

motion, they will be supporting a range of recommendations that will help equity and social inclusion.

**Mr Speaker:** I am afraid the Member's time is up.

**Mr Beggs:** I wish to focus on a particular aspect of the report that was highlighted. I was not so fully aware of it until we carried out this detailed research to present to the Assembly. A few other Assembly Members have already referred to recommendation 17, which says that an additional 3,000 undergraduate places, rising to 4,000, should be created. That is on top of the 4,200 places already announced. Why is such additional expenditure needed in Northern Ireland and why should that be the Assembly's priority?

I draw Members' attention to table 10 in volume 2 of the research paper which accompanied the report. It shows that approximately 4,000 Northern Ireland students travel to Great Britain each year for further education. Those students should have the right to choose where they go to obtain a particular university degree or enrol in a course that they cannot get here. However, if they have to leave Northern Ireland because entrance levels are that much higher as a result of competition, that is clearly wrong. They are being forced to go. That is wrong, and it is an issue it we must address.

It has been estimated that two thirds of those leaving Northern Ireland leave reluctantly. Many of our best young people are forced to leave to obtain an education. That is Northern Ireland's loss.

It is estimated that 85% of students who leave never return. We lose a high percentage of the best of our young people.

11.30 am

Historically, Northern Ireland has had high levels of unemployment, and our most able young people sought a better education and better forms of employment. Opportunities were greater in other places and, to a certain extent, still are. Unemployment in Northern Ireland — last month's figure was only 5.2% — is now lower than that in many other regions of the United Kingdom. The district council claimant account shows that every council in Northern Ireland is now showing single-figure unemployment. So there are opportunities.

For our economy to progress we must ensure that people do not leave never to return. For the betterment of Northern Ireland we need to ensure that places are available in Northern Ireland so that, in turn, our companies will progress and provide stable employment in the long term.

The Unionist community is concerned that some of our universities are a cold place for Unionists, particularly Queen's University in recent months. First, the Officer Training Corps was not allowed to have a stall in the freshers' bazaar. That sends a clear message that pro-British people are not wanted at the university. The number of societies at Queen's has reduced by 29 over the last few

years, so it was not that there was a lack of space, rather that British culture was not wanted there. That needs to be addressed by the Minister and by that union in particular.

Secondly, there was an interesting letter from the deputy president of Queen's Student Union in 'The Irish News'. She raised the issue that the number of students coming from the Republic of Ireland is down from 3,000 to 2,500. I have no difficulty with students choosing to come here, but I am surprised that she highlights the number of students coming from another European country, when our students have to travel to another region of the United Kingdom to gain education. I wrote to her over a fortnight ago and have yet to receive a reply. If she were also highlighting the need for additional places for local students there would be some validity in her words. Clearly, she is interested in providing additional places only for students from the Republic of Ireland. This will exclude local students as they would then have to go elsewhere. The Minister will have to make Unionists comfortable in our universities so they do not choose to leave.

I accept that there are particular difficulties in introducing the recommendation immediately. On occasions the Minister suggested that we need an additional 17,000 to 19,000 places. However, we need only about 2,000 to 4,000 places immediately to fill some of the gaps where people are being forced to go elsewhere.

The motion must be taken forward by the Minister. I accept that we have been unable to get hard facts and costs — that is the Minister's responsibility. However, the motion does mention "the earliest feasible opportunity", and I suggest —

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

**Mr Dallat:** I pay tribute to the Chairman of the Committee, Esmond Birnie, the Committee members and the staff for their help in compiling this report. In response to Mr John Kelly, I stated very clearly on the radio this morning that the contribution of this report will prove valuable to the Minister. If I am to be criticised for highlighting the fact that there were concerns about targeting social need, social justice and human rights then I stand by my case.

I welcome the unanimity of the report. We had to work hard to achieve that. I want the report to assist us in our central aim, which is to enhance our commitment to human rights and social justice. In practical terms, we must be sure that the report will assist the Minister of Higher and Further Education, Training and Employment in his task of determining forms of financial support for higher and further education. We want to contribute to proposals that will give anyone, from any background, the chance to educate themselves, develop a career and live as independently as possible. Our central aim must be to widen access and to ensure that everyone has an equal opportunity to develop their full educational potential, regardless of — *[Interruption]*

**Mr Speaker:** Order. Members will please give the Member a hearing.

**Mr Dallat:** Public spending on further and higher education and training is not only a prudent investment for the future, but a fundamental right. The Minister had that point in mind when he commissioned his Department's review of student fees. This report is one response to that review. There are other responses. That is right and proper. The shortcomings of the current system are clear. The mix of loans, fees and parental contributions is as confusing as it is inadequate. The hardships are well documented and unacceptable. Those most affected are the children of lower-income families. They must continue to be prioritised. This is not an easy choice, but we must retain our commitment to human rights and social justice.

My party wants to see the abolition of tuition fees and the restoration of grants, if and when that is possible. I said so in a radio interview this morning. Evidence from the Republic of Ireland shows that the percentage of students from lower socio-economic groups will not rise significantly with the removal of fees. That cannot be ignored, as we develop a system of further and higher education — on a limited budget — which targets social need, giving a better chance to the many young people who were disgracefully underfunded in the past. Many of those are in further education, where I was educated. In the dark days of direct rule many people, particularly women, lost out on educational opportunities. Through community education or lifelong learning projects, these people are entitled to a new chance.

The needs of the 250,000 or more people who, through no fault of their own, have difficulties with literacy and numeracy have to be addressed. I have highlighted that point in this Assembly many times. At last, we are winning on that issue. We have a duty to insist on their right to overcome their difficulties and to end the spiral of educational disadvantage. We must prepare them for the world of work.

It is against this background that we ask the Minister to address the problems of university fees. We know that 50% of students do not pay fees and 20% make some contribution, while the remaining 30% pay full fees. In deciding whether to support the amendment, we are not being asked to reject the document. We must ask whether the Minister is being handcuffed by our insistence on the proposal.

We have to be sure that the groups about which I have spoken do not lose their basic human rights as a result of our recommendations. All contributions to the review must be equally proofed and must target social need. They must not disadvantage those who need most help. I am concerned about the 4,500 students who go to England, Scotland or Wales for their university education. Some choose to go, but most do not. There is no help available for them under EU regulations.

The document will fulfil a valuable purpose and will influence the outcome of the review. It is not a solution in itself and should not be delivered to the Minister with a set of handcuffs. That would threaten the future of the disadvantaged groups about whom I feel so passionately. That view does not diminish my concern for students in higher education and the hardships they endure. The work of the Committee must continue in order to alleviate hardship and establish social justice for all.

**Mr Hay:** I welcome this debate. As Monica McWilliams said, it was painstaking work for the Committee to achieve a unanimous report. I note that Mr Dallat said he welcomed the report, although he did not say he supported it, which is quite a difference. I shall go further and say that he and his Colleague on the Committee supported the wording of its Chairman's motion before the Assembly this morning.

If we are serious about destroying student debt and poverty, we should not cut corners in our attempts to do so. We all know that any new scheme we introduce in Northern Ireland will cost a great deal more money than we are spending at present. When the Committee came to discuss a number of pieces of work it intended to cover in the course of the year, we all identified and agreed on student poverty and debt as a priority for action.

We all recognise that student poverty and debt have long been acknowledged as a key weakness in promoting access to further and higher education in Northern Ireland. There is no doubt that many of our young people start university life owing money, go through university owing money and come out severely in debt. Many students must work long hours to service and get rid of that debt. The stark reality of student finances in Northern Ireland is that many spend long years after they leave university paying off debt.

It is also a fact — and other Members have mentioned it — that the fear and cost of debt often debar our young people from entering education in Northern Ireland. It was also unanimously agreed in the Committee that the abolition of upfront fees would be a start to resolving some of the issues relating to student debt and poverty.

Another issue which I thought very important is the building of closer links with industry and business so that they might pay for education. They should do so as of right, for if business and industry get a well-educated young workforce, they should be paying something into the education system. For far too long in Northern Ireland, business and industry have not had that strong link to education, and many industries ignore it.

Time does not allow us to have the long debate needed to resolve the issue of student finance. We need a student support system tailored to the needs of Northern Ireland and its young people so that we all might encourage life-long learning. For John Dallat and the Minister to come

to the Chamber this morning and raise issues concerning this report smells of hypocrisy.

We all have party political policies in Northern Ireland regarding student finance. We all decided to compromise on some of those policies to get a unanimous report, and this was basically achieved. However, Members of the Committee have now come to the Assembly and said that in many ways they are sympathetic to the report, but on the other hand they are not able to tell the House that they will be supporting it. Those are two different issues.

11.45 am

**Mrs Nelis:** Go raibh maith agat, a Cheann Comhairle. This motion does not ask that free education be made available tomorrow. It does not even state that this would be the desirable outcome of the review in addressing student needs. Whatever the issue of handcuffing Ministers, the fact is that lack of proper funding is crippling students.

The motion asks the Assembly to approve the first report by the Committee of Higher and Further Education on student finance. It also asks the Minister to implement the Committee's recommendations — 18 in all — at the earliest feasible opportunity. We recognise the constraints of the Barnett formula and the Minister's difficulties, but it is up to the Minister to argue for additional finance, as part of the peace formula. The motion is therefore perfectly reasonable in what it asks the Assembly and the Minister to do.

The report, and its recommendations, represents many months of deliberations, research and evidence taking. In truth, it could be argued that the Committee devoted as much time to its response to the review as the Department devoted to the review itself. As Committee members we needed to do justice to an issue that is about justice. I say to Mr Dallat that I do not remember a lot of time being devoted to discussions on human rights and TSN. We wanted to acknowledge the Minister's initiative in setting up the review of student finance, and we hoped that, together, we could get the best solution for our student population.

In addressing the issue the Committee has been aware of the terms of reference set out by the Department. We are also aware that the Department received only 50 submissions in relation to the review, whereas the Cubie inquiry received 700. We have listened to many voices over the months of deliberations and examination of evidence. The Committee commissioned its own research on reports, ranging from Cubie to international models of student finance, graduate earnings, student flows and changes to student benefits and tuition fees. We took expert advice on this matter. We were mindful that we were responding in an advisory and consultative capacity to the Minister's review, but we still needed to be satisfied that our proposals were addressing the issue of student funding.

We encountered many problems such as inadequate costings by the Department, lack of adequate local research and, as Ms McWilliams said, dissension among Committee members on the first draft. Sinn Féin felt that the draft was a watered-down version of the Scottish model, which in turn was a watered-down version of Cubie. We are aware that this report is not definitive, or final, or the solution to the serious problems of debt and hardship, the decline in numbers and the drop-out rate, which have produced the current crisis among students. It does not totally reflect the positions of Members' parties on the issue. Indeed, it was because of Sinn Féin's refusal to support the first draft that the Committee became deadlocked on the issue. At that stage we also had sight of the Minister's bids, and student funding was not there. Sinn Féin has argued that the Committee should accept the principle of a free education system, funded out of public moneys through a progressive income tax system.

Sinn Féin argued that such a policy would secure the objective that those who benefit most from a financial standpoint from education should also pay most through taxation. We believe that the Government should pay the tuition fees for higher and further education. My party made its submission to the review — as did others — and we pointed out that the position regarding the abolition of tuition fees was now being adopted by Dáil Éireann and the Scottish Parliament.

Sinn Féin believes that the current system, which expects students to shoulder an increasing burden of educational costs, is ultimately self-defeating. Our position is borne out by the National Union of Students and the Union of Students in Ireland.

Updated statistics show that for students the North of Ireland, as a region, is the worst off. The Scottish Parliament has abolished tuition fees and has increased access payments. England and Wales have introduced bursaries, school meals and a £57 million hardship fund. Additionally, the parental contribution threshold will rise from £17,000 to £20,000.

The Committee worked through all these difficulties and made 18 recommendations, which, let us hope, will alleviate hardship if the Department implements them. The Committee also agreed core principles and objectives, which we hope will underpin our future student support system and will apply equally to further and higher education.

In the end, it was the consensus of the Committee that free education, that is, the abolition of tuition fees and restoration of grants, is not feasible at this stage. The 18 recommendations are a compromise — a first step towards that goal and hinged upon the Minister's adopting the recommendation that the threshold for graduate repayment be set at £25,000.

Go raibh maith agat, a Cheann Comhairle.

**Mrs E Bell:** I am pleased to be able to comment even though I am not a member of the Committee. I congratulate the Higher and Further Education Committee in commissioning and producing this report. It is a formidable piece of work. Obviously the Committee and its researchers must be supported in their attempt to look into these issues, which will run parallel with the Department's review.

It is right to debate this subject today. It gives people like myself the chance to give their comments so that the Minister can be made aware of those comments. I hope that this will become an important part of the relationship between all Committees and Departments. It will allow ownership and accountability in important issues such as these.

The Education Committee is carrying out similar work, looking at the Gallagher Report and the review of the 11-plus, or transfer, procedure. It is clear from the Higher and Further Education Committee, people such as Mr Cubie and the National Union of Students that the research and recommendations are available to help the Minister with the problem of student finance in Northern Ireland. As others have said, it is not just a question of working out a system of funding for third-level students; the problem also involves access, equity and enhancement of our further and higher education system.

The Alliance Party substantially agrees with the set of guiding principles laid down by Mr Cubie in his report on student funding. However, like the Committee we feel that it might be more difficult to achieve these ideas in Northern Ireland. That does not mean that we should not try.

Accessibility, consistency, flexibility and fairness can be achieved only if there are enough places for third-level education, which is patently not the case. Adequate resourcing is the baseline of this report. We cannot depend on European funding any more than the volunteer community groups can. So we must make sure — regardless of whether the costs may be prohibitive at first — that education is accessible and possible for all.

The options outlined by the Committee are comprehensive and acknowledge the fact that students might be prepared to accept some system of payback, if that could go towards financially assisting those less well off or disadvantaged in areas such as physical disability or unemployment.

This assumes, of course, that such amounts would be based on an appropriate level, which graduates could pay back once their salary reached the agreed figure. Scotland ignored the Cubie Report's recommendation of £25,000 and set the level at £10,000. Presumably Westminster will put Members here in the same position. However, Alliance contests that £10,000 is an unrealistic figure. If this system is adopted, we strongly advise against such a low threshold, especially when graduates

are still paying off loans taken out during their period of study.

Another issue which must be examined is the present situation whereby students are ineligible to receive benefits during the summer. During term time, most students have to work 30 to 35 hours a week to sustain themselves. If you walk around the university area in Belfast, you will see students working in cafés, et cetera. This is bound to undermine their ability to do their coursework properly, particularly as this type of work is usually low-paid and involves long, unsocial hours.

This whole area is fraught with difficulties, and the Committee has dealt with them as best it can. Issues such as salary premiums need to be closely examined — and I am sure that the Minister's Department is doing that. The exact processes of any graduate endorsement scheme and the structure in regard to tracking graduates must be looked at if it is decided to include them. However, I also agree with the recommendation that student finances must be periodically reviewed and data built up so that student poverty can be eradicated.

The area of equity is just as complex, and, again, accessibility is the founding principle. There must be exemptions so that all students who wish to go further, but for financial reasons cannot, are catered for. The categories of one-parent families, those with disabilities and mature students are obvious and correct, but there may be a range of exemptions within the main categories. If funding strategies are in place, more places are made available and confidence is extended to those who can get extra support, I hope that most students will take advantage of this. As has been mentioned, the new equality legislation will impact on this area, and the Committee is right to highlight it.

Perhaps the option of a bursary scheme for mature students or the disadvantaged should be re-examined. The Dearing Report recommended more places, and that must be re-examined too. The House should not dismiss it and say "No, that cannot happen." Students who leave Northern Ireland do so not only because of concerns over the situation here but also because suitable courses are not available. This needs to be looked at again. More than 10,000 students studying elsewhere do so because of European legislation which prevents the extension of the abolition of fees. Let us deal with the 38,000 who will benefit. I hope that the numbers going to GB will decrease in the future.

I support the report.

**Mr Ervine:** I do not rise to commend the Committee; I rise to commiserate with the Committee. It has been grappling with an ethos that was delivered through the back door. It began under the Tories and has been vigorously maintained by a Labour Administration, to the extent that it is now accepted practice that students must contribute to their own education.

However, students are not being educated only for themselves. They are being educated for society — we get something from them — but the first thing that we do when they sign up is to say to them “No. We want something from you.” My brother and I were talking last night about the time when we were kids and could rhyme off 12 people from a working-class background who had gone to university — 12 people from one street. I could not name 12 people of similar background in my entire constituency who are able to go to university today.

The ethos that has been delivered to us and maintained against a backdrop of “Education, education, education” is the big problem. However, I do not see the Minister, or the Committee, addressing this. We need to give consideration to east/west relationships, formulate alliances with our colleagues in Scotland, Wales and Westminster, and begin the process of explaining to the Government that investment in people will get a return. If we fail to invest in people, we will not achieve the return. My party will not be supporting the motion, and it most definitely will not be supporting the amendment.

12.00

Mr Hay made a comment about Mr Dallat. Mr Dallat behaved to his Minister much in the way that the Democratic Unionist Party behaved to its Minister on the Child Support, Pensions and Social Security Bill. They said things that they did not believe in order to support narrowly — pathetically, in many ways — things that they did not believe. Unless we get radical and there is, dare I say, a form of rebellion, we are not going to achieve very much.

The aspirational circumstances mentioned in this report may or may not achieve something. If we manage to get businesses and Governments, and anybody else who wants to, to throw a few quid in, it is speculative how much would be returned from the students. The situation is simple: either we believe, as an Assembly, that there is a right to free education, as Mr Carrick said, or we do not. Most Members, whether they are on the Committee or whether they have to grapple with the difficulties in the Department, have accepted that education does not have to be free.

Here is a radical idea. Members earn £38,000 per year and are over the threshold for paying something back. Not all Members went to university; we know that the Minister of Education never did, and neither did my Colleague or I. However, plenty of Members did. Some members of the Higher and Further Education Committee went to university, but they never suggested that if we are going to charge the kids of today, why not share the burden? Why not make sure that everyone who has had a university education makes some contribution? The Committee members have only tinkered around what their masters asked them to do.

Is that what a Parliament is about? Is it just to rubber-stamp or play with the figures handed down from Westminster? Or is it about challenging them? Is it about saying “No” and reminding the Prime Minister and the Chancellor of the Exchequer that the funding has to be made available to help to create visions from dreams? Unless we are prepared to do that, we are wasting our time.

While I appreciate that the Committee has grappled with the issue and that it has been very difficult, the report says much about what we are prepared to put up with rather than about our concerns for education. I have no doubt that the Minister and the members of the Committee have a grave concern and desire that we should promote free education as of right, but instead of rebellion we just get compliance.

**Mr Attwood:** Reflecting on what David Ervine said, I remember that I cut my political teeth in the students’ union movement in the days when we organised and occupied to kick the Tories out. There may be one or two people sitting not too far away from me who shared that particular experience. It is that experience that informs me in the comments that I make now.

First, I want to acknowledge what Esmond Birnie said: the report outlines targets and goals not realisable but to be aspired to. Whatever happens in this debate, and whatever the Minister might conclude in the next number of weeks, I accept the spirit of the report, even if I differ on some of the details.

There have been some very thoughtful and technical speeches from the likes of Mrs Bell, but there have also been speeches that, in my view, have missed the point of this debate and of the Minister’s contribution. For example, Monica McWilliams spoke in various terms. She accepts that there are gaps in the figures used to form the right approach to student funding, access and needs, but she blames the Minister and carries on regardless. However, I have written to the Minister, pointed out where the gaps are and asked him to commission the research to find out what is required. That is a much more helpful and creative approach.

**Ms McWilliams:** Does the Member accept that the Women’s Coalition did that but got a blank sheet in return?

**Mr Attwood:** You did not get a blank sheet, and I am sure that the Minister will address that in his concluding remarks. However, you should also acknowledge that there are — *[Interruption]*.

**Mr Speaker:** May I encourage the Member to speak through the Chair.

**Mr Attwood:** The Member should also acknowledge that there are still serious gaps in the figures. It is not appropriate to make judgements at Committee level, in the Assembly or elsewhere. Members should try to commission the required information in order to make a thorough and informed judgement. If there are serious



gaps in what the Committee has outlined to the Assembly they should be acknowledged by the Member rather than ignored by her as she first carries on.

John Kelly rightly talked about the burden of debt and debt aversion. However, he ignored the evidence from the Republic of Ireland on the abolition of tuition fees and the fact that access is still being denied to under-represented groups, especially those from working-class backgrounds. One cannot accept that there are gaps in figures and evidence from other jurisdictions that should inform our debate, and then ignore them. Members should be more thorough and thoughtful.

The Minister dealt with a number of principles. I have not heard any proper, serious, structured rebuttal of them. Those principles should inform the debate in the Assembly.

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

**Mr Attwood:** I have two and a half minutes left, and it would not be appropriate to give way, having already done so once. Mr Wilson can speak later.

The Minister dealt with principles that will, I presume, inform his final determination and recommendations. The first of those principles was targeting social need. The Committee's recommendations genuflect towards that issue but do not address it — and it needs to be addressed. I trust that when the Minister speaks in the Assembly in the next number of weeks that will happen.

The Minister also addressed the matter of equality between further education and higher education. The Committee genuflects towards the further education sector, but the Minister's responsibility is to ensure that there is equality between the trainee medic and the trainee electrician. If that judgement informs the Minister when he makes his determination, advances can be made on that.

The Minister also addressed widening access to those people who are underrepresented in further and higher education and those who are averse to debt. If the Minister addresses that issue in the way that he is indicating, some progress may be made on the matter.

We should also seek to bring about a situation in which there is financial security in the first instance and financial independence in the second for those in third-level education.

Those four principles informed the Minister's comments today and will, I presume, inform his judgement in the coming weeks.

Those are the correct principles, but that does not mean that what I aspired to and enjoyed as a student 20 years ago will be delivered in the first instance. But there will be a system that will promote access to education for the underrepresented and disadvantaged, create a degree of financial independence and security for those in third-level education and create equality across all sectors. Those are appropriate principles that should inform our educational

and political new order. I have not heard any serious rebuttal of what the Minister said.

**Mr R Hutchinson:** In response to Mr Ervine, may I say that I sat on the Committee and never had the privilege of going to university. It oversimplifies the matter to say that it is OK for another member of that Committee seemingly to change his mind in order to facilitate a Minister from his party. This is far too important. The education of our children is of paramount importance. I was more than a little angry when I noticed the Minister's amendment to our proposal this morning. What is the point of having Committees if a Minister can come and, with a stroke of a pen, try to undermine what that Committee has done? My Colleagues and I spent many valuable hours debating this, and to have this amendment put before us this morning is a little mischievous, to say the least.

The economics of modern life in Northern Ireland make university study a two-edged sword. At present, young people who decide to go to third-level education do so knowing that they will commence their education in debt. I have a vested interest in this because my son started Queen's University this year, and he is the first in my family to do so. He is more fortunate than most because he can travel to university from home, but we can see the poverty of some students. As a Committee we have drawn a responsible conclusion to all that we have said and done.

I call on the Minister to look maturely at our considerations, to listen to what we have said and to change the realities of finance in third-level education today. Children are suffering through lack of money, and it is important for the Minister and the Committee not to get bogged down in the semantics of recommendations. We have an obligation to focus on policy and on what is happening.

More attention needs to be levelled at the difficulties encountered by part-time and mature students. These complicated circumstances are worthy of further scrutiny. However, in the light of the decline in numbers of Northern Ireland students going to the mainland to continue their academic careers, the Minister and the Committee have an ever greater responsibility to facilitate third-level education.

There is much of merit in the Committee's report, setting repayment thresholds on graduate salaries, for instance. Some Members of the Committee had difficulties with certain recommendations that were put forward. Mr Dallat knows that we argued over recommendations time and time again, but, because of the unity that was needed for the report, many of us accepted the majority decision of the Committee. I challenge Mr Dallat: do you still recommend what you recommended in this report?

**Mr Speaker:** I encourage Members to speak through the Chair.

**Mr R Hutchinson:** The idea that business and industry should carry some of the financial burden is important, as is our suggested review of student housing. Important too is the suggestion that a single, independent and accountable funding body be established to administer an even-handed and objective evaluation of claimants in accordance with realistic criteria.

I call on the Minister to work with the Committee, not against it, so that student hardship does not become a compulsory module.

12.15 pm

**Mr McElduff:** Ba mhaith liom fáilte a chur roimh thuairisc an Choiste agus ba mhaith liom labhairt i bhfabhar an oideachais shaoir do chách.

I speak in support of the Committee's report, albeit in a qualified way. I appreciate the involved process that the Committee has evidently gone through to arrive at consensus. As Eileen Bell has indicated, the Education Committee, of which I am a Member, is similarly undergoing an involved process in relation to selection and the 11-plus debate.

I believe that education is a right and not a privilege, and that education must be free for all. Alarming, the SDLP members of the Committee now appear to be backing away from positions that they evidently endorsed in the Committee deliberations and when they signed the report. I would like to hear whether Mr Dallat and Mr Byrne support what they signed up to.

In reality, higher education is still out of reach for many people, and we must all focus on the key objective of significantly increasing the participation rates in further and higher education. Higher education does not come cheaply, but we must seek to provide adequate financial support for students. It is totally unjust to expect the parents of students, as well as students themselves, to shoulder this burden.

We all agree that the current system is not working. The shift from grants to loans has resulted in a decline in the number of students in further and higher education institutions in the North. It is unacceptable that graduates should begin their working lives facing such considerable debts. I agree absolutely with Mary Nelis when she said that regardless of the issue of the handcuffing of the Minister, we should not cripple our students.

There has been significant growth in student financial hardship and poverty. Of necessity, many, if not all, have undertaken part-time jobs, even though they are meant to be on full-time courses. This has not only had a detrimental effect on their studies, but it has had an equally detrimental effect on the health of the students through poor diet. It greatly impinges on the quality of life of students who are working in low-paid jobs and who are unable to meet basic living costs. Similarly, students are required

to work very unsocial hours. Again, this is not at all conducive to their studies.

We totally support the principle of free education for all. In a spirit of compromise, my party is prepared to endorse this report.

With regard to the Celtic tiger, I recently spoke to a Sligo County Enterprise Board official, who told me that the success of the Celtic tiger is very much rooted in investment in the education system. I want to emphasise that point. Go raibh maith agat.

**Mr O'Connor:** We are here to discuss student finance. What exactly is a student? Is it just somebody at university or is it somebody in the higher and further education colleges throughout this country? Is it the person who attends on a part-time basis? Is such a person less entitled to adequate finances?

These issues do not seem to be addressed in this report. We talk about targeting social need. As my Colleague Mr Attwood said, the trainee electrician is just as important as the trainee medic. That is perfectly correct. For too long people in further education colleges have been the poor relations.

I want to draw some facts and figures to the Assembly's attention. Thirty-five per cent of Northern Ireland students travel outside Northern Ireland to study, and this report excludes them.

Dr Birnie said that the recommendations had not been equality proofed because they are only a set of recommendations. The reality is that in calling for the implementation of those recommendations —

**Dr Birnie:** The Member specifically says that we did not have the recommendations equality proofed. We have done all we are obliged to do. We sent the document to the Equality Commission and it said that we were not obliged to do that. The Equality Commission can now look at it if it so wishes.

**Mr O'Connor:** The point I am trying to make is that when we try to target equality and social need in the community the recommendations coming forward from the Committee, which is there to advise the Minister, should be proofed, as far as possible, for equality.

I want to draw the Assembly's attention to the fact that 40% of students currently pay the full fees. We have had three Members from Sinn Féin saying that they want free education for everybody. That is an honourable aspiration, but we are suggesting a situation in which 100% of people would be paying a graduate tax. It seems to me that one does not rest very easily with the other. Resources must be made available to target social need in working-class families. Several Members, including Prof McWilliams, referred to the fact that doing away with fees in Republic of Ireland three years ago had not increased the number of working-class people entering higher and further education — not even by 1%. When

the Minister is making his decision he should make sure that the resources he has available are targeted specifically at working-class families and at the need that is there.

We have heard Members from the DUP advocating free education for all. Again, it is an honourable ideal, but it should be noted by the Assembly that the DUP was the only political party in Northern Ireland not to make a formal response to the review that the Minister is carrying out. It is all well and good to come in here and get involved in the theatricals when they are not doing very much on the outside —

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

**Mr O'Connor:** No, I have only a minute and a half left.

I would like to draw the Assembly's attention to an article in the 'News Letter' of Saturday 11 November about the Belfast Institute of Further and Higher Education:

"The recent report from the Assembly's Higher and Further Education Committee on student support paid little attention to either part-time students or those in further education.

Since current financial support regulations push an increasing number of students towards part-time study, this omission would have serious consequences if repeated by the Minister."

I am asking the Minister to look at the overall picture and to listen to people such as those in the Belfast Institute of Further and Higher Education rather than just to the Committee. The Committee has produced a worthwhile document, but there are inadequacies in it. I would like to see free education some day at the earliest feasible opportunity, but everything has to be paid for. Is the money going to come from health? As Mr Carrick said, the right to health is the right to life, so where is the money going to come from?

**Mr Weir:** I am a member of the senate of Queen's University, and, having served on the student representative council longer than perhaps any other Member, I bring a certain level of knowledge about student issues to this debate. Anyone who knew me at Queen's, and knew the attitude I tended to take towards the Students' Union, will find it surprising that today I support the position of the Students' Union rather than that of the Minister of Higher and Further Education. That says a lot more about the shift in his party's stance on the issue than it does about me. I support the motion. This is a worthwhile report.

Some Members opposite have told us of the great inadequacies of this report; criticism after criticism has been levelled against it. It seems strange to me, as someone who is not on the Committee, that such an obviously inadequate report came to be endorsed by the two members of the SDLP on that Committee. Indeed, the motion itself was endorsed, but now they seem to be rowing back from it. To see how much of a U-turn the SDLP has made, look at its manifesto:

"In the new Administration the SDLP will work for ... the abolition of student loans and the introduction of a proper grants system."

There is no reference, in its list of priorities, to the abolition of fees. I think it is taken as read that they should be abolished more or less immediately, but it wants to go further by abolishing student loans and introducing a proper grants system. Where now is the great party of socialism across the way there? That seems a very distant past.

Mr Attwood referred to his great fights with the previous Conservative Government. Yet for all the inadequacies of that Government, during its 18 years it never dared to introduce a fee system. The current Labour Government bear that responsibility. Now we have our own New Labour Minister across the way. I was gravely disappointed by his speech. The SDLP is timid on abolishing fees. It seems to say "We have to look at this situation and make sure that all the money is there. Perhaps at some stage in the future it can happen. We have to look at the TSN requirements and make sure we are compatible with England and Wales." The SDLP seems to put everything on the long finger.

From a Students' Union point of view, this report is not absolutely perfect — I am sure that some of the Students' Union activists would have gone a lot further — but it is grounded in reality. In fact, the report appears to be so weak in support of students that it even fails the test of Mr Ervine, who seems to think that it is not radical enough. I think we have, for those of us who live in the real world, something that is practical and that takes a major step forward for students.

In his opening speech, Dr Birnie quoted Neil Kinnock's remarks about his being the first Kinnock in a thousand generations to go to university — a line that I think was later plagiarised by Senator Joe Biden. I am in a similar situation. Because of economic circumstances, this is the first generation of my family to have had the opportunity to go to university. I was one of the lucky people whose university career was in the last days of the student grants system. In my last couple of years, student loans were being introduced. I want to make sure that if my generation is the first with a proper opportunity to go to university, it is not also the last. Further and higher education, as with so much else, should be based on merit: it should be the ability of people, not the ability to pay. That, unfortunately, is the system operating at the moment.

What has been put forward, a gradual process following, in part, the Scottish model, is sensible. It has been said that this is not going to happen overnight. No one is saying that these additional costs will be introduced as part of the current budget, but it is setting down a strong marker that as part of next year's budget we should look at how we can better support student finance.

12.30 pm

This is a sensible solution to the problems facing us. We must invest something in the future to ensure we start attracting students back to Northern Ireland. As the report

indicates, we must increase the number of places, because too many students have had to leave Northern Ireland unwillingly. We must ensure that students are properly financed for the future. Targeting social need has its place, but we cannot use that as a smokescreen to hide behind. TSN is not Holy Writ. We must put ourselves in a position whereby TSN, or any other excuse, cannot stop the Assembly from helping people.

As I indicated during the recent debate on the Budget, the key test of devolution would be the difference we could make. Let us make a difference today and back this report.

**Mr Byrne:** I congratulate the Chairperson and the Deputy Chairperson of the Committee for the way they have conducted their business and their contributions in the Assembly today. They have had a very balanced and reasoned position.

This has been our Committee's first exercise — and it has been quite an onerous one. The Committee carried out its deliberations primarily on higher education in Northern Ireland and full-time students in higher education. It may have been remiss of us to deliberate primarily on that group of people. However, the Committee was conscious that so many of our students at 18 years of age have to emigrate.

It has long been a deficit in this region that so many of our students have had to go to England, Scotland, Wales or the Republic in order to avail of a higher education course. As someone who has lectured for 20 years in a further education college, I have seen students having to emigrate to get a course because entry requirements were so much higher in Northern Ireland. I know the pain that many of them have gone through, in recent years, because of the worry of debt. Last year I had 20 students located in England, Scotland, Wales and the Republic who were in deep financial trouble. The whole administration of the student loans company is one of the most painful exercises that many students and families have had to deal with in the last two to three years. Let us hope that the Department and the Education and Library Boards will deal with this issue at the administrative level.

Virtually every Assembly party believes in the principle of free education. My party has stood for that principle for many years. However, we live in the real world and we cannot achieve it in one year. The Executive have agreed the Budget. There are four parties in the Executive and the Minister has earmarked a certain amount of money for students. Mr Dallat and I argued vigorously for the principle of free education in the Committee. We argued for the plight of those in debt to be acknowledged and for the matter to be addressed. For that reason one of the recommendations was to develop a better grant system for those students who are less well off. I do not have to take lessons from anyone in here about deviating from a long-held party policy.

Forty-four per cent of all 18-year-olds in Northern Ireland now go on to higher education. When I attended Queen's University in 1973, the figure was only 15%. There has been enormous progress. However, the sad reality is that many students are now suffering severe financial hardship and debt and we must address that issue. I welcome the Minister's comments that he wishes to provide a greater sense of financial security to all of our higher and further education students.

There is another reality. The Assembly and the Executive are to carry out many reviews. Indeed, many reviews are being carried out at present. One example is the famous review of the 11-plus. I am sure the Minister of Education would not like the Assembly to come to a conclusion on that without a comprehensive review and a very considered outcome. It is just the same in this case. The Minister has held the review. It is disappointing that only a small number of submissions has been made to the Department. The Assembly Committee has deliberated on it for a long time and has given its considered view. We cannot yet ask the Assembly to give wholehearted endorsement to the recommendations, because we have to determine the relationship between an Assembly Committee and the decision-making process for budgetary matters. I am in favour of encouraging the Minister, the Department —

**Mr J Kelly:** Will the Member give way?

**Mr Byrne:** Just a moment, please. I am in favour of moving towards the goal that most Members spoke about this morning.

Thirty per cent of our students go on to further education, and they do not get much support. As I have lectured in further education, I know that students get only about £2,000 in grant towards the cost of their college education. Grammar schools get £3,000 on average. The further education sector has been the Cinderella of the education system for a very long time, and I hope that the Minister will address that issue.

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

**Dr Farren:** I have listened very carefully to a debate which has revealed deep concerns and deep convictions about how we should proceed to frame proposals for student financial support across all key categories of full-time university students — full-time and part-time students at both higher and further education levels. Please appreciate the comprehensive approach that I am adopting.

It was acknowledged first by the Chairperson, Dr Birnie, and then by Mrs Nelis, Mr Carrick and others that they realise that these recommendations can probably not be implemented immediately. They are aspirations — some people use that kind of language to describe them. In other words, they are recommendations that we may see implemented over a considerable period of time; on the other hand we may not even start with very many of

them. The urgency of implementation seems to have been highly qualified by some Members.

If my objective within the next few weeks is to draft a set of proposals which we can begin to implement, the House needs to hear those rather than comment on my contribution this morning as if it contained the seeds of those proposals. The motion before us today asks for approval and implementation of the recommendations of the report. It would have been dishonest of me not to have pointed out my reservations. This is because the views I have heard here today — however qualified with respect to implementation — certainly show that many Members want these recommendations implemented as part of my proposals, rather than be treated as matters that can wait for a more distant time.

That being the case, I want to make it clear that I have a responsibility to take forward proposals to my Executive Colleagues and eventually to the Committee and to the House. I have a responsibility to point out the reservations associated with the report's recommendations, lest it be understood that these recommendations were for the here and now and not for some distant future. It is important that Members hear my reservations in that context.

I was disappointed that equity — a major issue — was hardly ever addressed. Prof McWilliams stated that she would address the issue of equity, but not a single word did she utter about the large number of students who go across the water. By the first recommendation in the Committee's report, these are the students who would be denied the abolition of tuition fees if that were to be the road we went down. Prof McWilliams and Members from Sinn Féin, who talk a lot about non-discriminatory practices and about principles and targeting social need, said not a word about the discriminatory approach that might result if we were to implement that particular recommendation. As a Minister, I will not introduce any proposal that discriminates against 17,000 students in Northern Ireland who go across the water for further and higher education. Tell me why I should.

The Committee members acknowledge that the report is virtually silent on the needs of further education and part-time students. I believe that I am one of the first people with responsibility for further and higher education in our community to highlight their needs constantly. Furthermore, as part of my proposals for new forms of student financial support, their concerns as well as the concerns of students in universities will be taken into account as fully as possible. I ask those who have ignored that issue and who have sought to say "It does not matter. We can approve the recommendations." but later come forward with proposals in respect of further education students, to go to the colleges in Magherafelt, east Down, Newry, Dungannon, Omagh, Enniskillen, the north-west and the north-east, and talk to their constituents there. They can then explain to them why they are recommending a set of proposals that is virtually silent on their needs. I will not do that.

As Minister, I have a responsibility to them, as much as I have a responsibility to full-time university students, and I intend to discharge that responsibility.

Several Committee members said that there has been a communication failure between myself and officials in my Department and members of the Committee. I remind Members that officials, and in particular the official in charge of higher education, appeared before the Committee on several occasions, gave comprehensive information and answered questions raised by the members. I am aware that the Committee members have had recourse to outside advice. I applaud that course of action; they should not simply take the word of officials in any Department if further advice is available from other sources. We need to challenge one another. That advice also contains reservations with respect to the equality issue.

The Chairperson of the Committee said that the Committee had sent its report to the Equality Commission only to be told that the Committee was not obliged to do that. However, before that, the Committee had been told by its own advisers not to apply its abolition of tuition fees suggestion to those who go outside Northern Ireland, as that would not be compatible with New TSN. Mr Weir may say that New TSN is simply a minor irritant, something that we might have to take account of now and again. It is a basic requirement on all Government Departments, just as equality schemes are requirements on all Government Departments. It should be fully considered in this House, not simply waved aside as if it were a minor irritant.

12.45 pm

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

**Dr Farren:** No. I am winding up, and I am not giving way at this point. The Member has had his say.

We should be proud of what our universities and colleges have achieved. We have seen the numbers increase significantly. Participation in higher education by Northern Irish students has increased by 5% this year. We have seen an increase in part-time and further education enrolments. However, I am aware of the difficulties that students experience with respect to financial support. Within a week of being appointed, as I reminded the House earlier, I announced that it was my intention to proceed with a review of their financial circumstances. Is that betraying indifference to them? Perhaps one of the first reviews undertaken once the Executive was established last December was a review, announced by me, on behalf of students. This was to ensure that they would have as much financial security as we could possibly afford them and, in doing so, address the needs of those who are from backgrounds not traditionally associated with education at the higher and further levels.

**Dr Birnie:** I thank all who contributed to this very worthwhile and sometimes heated debate. Those who have analysed our governmental arrangements under the Belfast Agreement have sometimes asked where the Opposition is. Today we have seen a partial answer. The Committees, on occasion, can serve as opposition, in the best sense, to Ministers and the Executive as a whole — though I did note that the leader of the Progressive Unionist Party seemed to imply that he himself might be the Opposition in this House.

We seem to be breaking new ground, in terms of the relationship between Committee and Executive. I concede that this is a challenge for those of us who are both Committee members and members of parties in the Executive. I do not think that it is fair to charge anybody in the Committee with acting in a dishonourable manner.

Many Members made very valid points. I will not attempt to reply to them in detail, except one where there is simply a factual problem. Mr O'Connor suggested that the report's proposals amounted to a graduate tax. That is not strictly correct. A graduate tax would be paid throughout a graduate's working life. Our proposal is a one-off contribution of a fixed sum. There is an important difference in principle and in financial terms.

I now turn directly to the comments of the Minister and to his amendment. I am grateful to the Minister for speaking. He made three particularly significant challenges to the Committee report. I will attempt to respond to them.

First, there is the point about the costing of our proposals. The indicative figures that were presented in the Minister's speech were of a similar magnitude to those presented in my own. The House will have to decide today and in subsequent debates on this issue whether, in the long run, we cannot afford a sum of £60 million per annum. In the long run, if we fail to perfect our student support system, there will be a grievous cost to targeting social need and to the generation of economic growth, which ultimately funds the public expenditure of all Departments.

As early as 2 June this year, I requested from the Minister costing details on the likely options for student support facing the Committee, the Department and the House. In my speech, I made a subjective indication, which will not necessarily be shared by all Committee members, of a rank ordering of the stages in which the proposals in the report might be implemented. The priority should be to increase grant support to widen social access. The Minister hinted at this in his speech and in his comments at the weekend.

In response to the challenge regarding equity, I accept that it is true that around 35% of full-time undergraduates leave Northern Ireland to study in Great Britain. I note that the Minister feels that our proposals could be challenged on the grounds of equality and discrimination. Obviously, this remains to be tested, but the Committee has been advised that legal appeals on this basis are not likely to be sound.

I do concede that I do not regard lightly our recommendation of support for some students to the exclusion of others. I can declare a personal interest in this matter because at one point in my career I myself left Northern Ireland to study, so I appreciate that there will be a perception of unfairness. However, the question of principle remains: should we fail to help the clear majority of roughly 65% of Northern Ireland students who study in Northern Ireland because, similarly, European Union law prevents us from helping those students who go?

I agree that the issue of further education is a critical one. The Committee, in its report, recognises the point about equity. We have recommended the establishment, for the first time, of a single statutory funding council to bring together higher and further education. We must all grapple with these increasingly new and flexible patterns of lifelong learning, and this will pose continual challenges to student support systems.

I am pleased with the way in which the Minister recognised and endorsed many of the broad principles of the report, and I am sure that this has also pleased the Committee.

*1.00 pm*

As to the amendment, I am bearing in mind this advice given by Abraham Lincoln: "It is not advisable to change horses mid-stream." I remain undiminished in my advocacy of this report. The motion is not designed to handcuff the Minister — to use one of the images presented today. Rather, it calls for implementation "at the earliest feasible opportunity". Obviously a judgement must be made on what is financially feasible now, in the medium term and, ultimately, in the long term. At the same time, I welcome the tone of the amendment insofar as it would commit the Minister to bring to bear the report's principles and conclusions on his own forthcoming review.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 33; Noes 35.*

*AYES*

*Billy Bell, P J Bradley, Joe Byrne, Joan Carson, Robert Coulter, John Dallat, Ivan Davis, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, John Gorman, Carmel Hanna, Denis Haughey, Joe Hendron, Danny Kennedy, James Leslie, Patricia Lewsley, Alban Maginness, David McClarty, Donovan McClelland, Alasdair McDonnell, Alan McFarland, Michael McGimpsey, Eugene McMenamin, Danny O'Connor, Eamonn O'Neill, Ken Robinson, Brid Rodgers, George Savage, John Tierney, Jim Wilson.*

### NOES

*Eileen Bell, Paul Berry, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ford, Oliver Gibson, Michelle Gildernew, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, John Kelly, Alex Maskey, Kieran McCarthy, Barry McElduff, Gerry McHugh, Mitchel McLaughlin, Monica McWilliams, Francie Molloy, Maurice Morrow, Mick Murphy, Sean Neeson, Mary Nelis, Dara O'Hagan, Ian Paisley Jnr, Edwin Poots, Sue Ramsey, Mark Robinson, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Sammy Wilson.*

*Question accordingly negatived.*

*Main Question put and agreed to.*

*Resolved:*

That this Assembly approves the first report of the Committee for Higher and Further Education, Training and Employment on student finance and calls on the Minister of Higher and Further Education, Training and Employment to implement the Committee's recommendations at the earliest feasible opportunity.

*The sitting was suspended at 1.11 pm.*

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

### TRUST PORTS

*2.30 pm*

**Mr Hay:** I beg to move

That this Assembly notes the intention of the Minister for Regional Development to provide legislation regarding trust port status, and calls upon the Minister to safeguard the future of Northern Ireland trust ports, including Londonderry, and especially the smaller ports which will be affected by the announcement concerning the port of Belfast.

Trust ports in Northern Ireland have been very successful, either on their own or with a board of trustees which reinvests profit for the benefit of port users and for regional and local interests. There are three trust ports in Northern Ireland — Belfast, Warrenpoint and Londonderry. There is also the port of Larne, which is operated privately. The port of Belfast is the largest, handling 60% of Northern Ireland's seagoing trade, with a turnover of between £15 million and £20 million per year, and pre-tax profits of between £9 million and £12 million per year. It has 1.6 million passengers and roughly 15.7 million tons of freight passing through each year. The ports of Warrenpoint and Londonderry have turnovers of about £3 million, and pre-tax profits of £700,000. We have to ask why we wish to fix something that is not broken. Many of us involved in the private sector would like to see companies make that kind of turnover and profit.

Those of us who have been involved in trust ports in Northern Ireland have been attempting to persuade the Government to look at the extension of their powers. It has been recognised that if trust ports in Northern Ireland are to act more commercially and play a greater role in the regeneration of the region, it is vitally important they have powers allowing them to achieve this. If the two smaller ports in the Province are to survive, they have to diversify into non-port activities. It has also been recognised that there has to be an easing of the financial controls with regard to trust ports. There is a desire to improve public accountability. Trust ports should be allowed to act as catalysts for economic regeneration. These changes would put Northern Ireland trust ports on the best footing for the future.

Another interesting issue is that the South of Ireland has for quite some time been extending the powers of its ports, which are essentially private. I remind Members that our trust ports are in direct opposition to those in the South of Ireland. For example, Dublin is in direct opposition to Belfast. That is why it is also vitally important that extended powers be granted as soon as possible to Warrenpoint, Londonderry and Belfast.

I should like to say a word of thanks and pay tribute to the former Minister for Regional Development, Peter Robinson, who, with his officials, recognised that as soon as he entered the Department. The issue is now very much driven by the present Minister for Regional Development, Gregory Campbell. About two years ago the Department of the Environment decided to review Northern Ireland trust ports in general after some very strong lobbying, especially from the two smaller ports — Warrenpoint and Londonderry. There was a great need to look seriously at the extension of trust port powers in Northern Ireland, not least because England, Scotland and Wales had already carried out such a review, with Northern Ireland lagging behind.

The review of the Department of the Environment identified a need to extend the powers of trust ports to ease the existing financial controls under which they currently operate to enable them to meet the challenges ahead in an increasingly competitive industry. There was a commitment to bring forward legislation “at the earliest opportunity”. Those are the Department’s own words.

Both Warrenpoint and Londonderry, the two smaller ports, welcomed the announcement of that decision very much. Then, of course, as soon as the announcement had been made, there was a very interesting situation in Northern Ireland, when the Chancellor’s spending review was carried out in summer 1998. Members will recall the “additional” £150 million talked about, when we all wondered if that were really the case. The Chancellor made it very clear that the sale of Belfast port would raise £70 million and that the “additional” money would be drawn from this sum. He went on to say that the £70 million would have to be kept and that, regardless of how much was raised by the sale of Belfast port, Northern Ireland would get £70 million, with the British Exchequer getting the rest. He told us all that was a good deal for Belfast port.

Then came the report of the Ad Hoc Committee (Port of Belfast). I must pay tribute to the Members who served on that Committee, for they teased out a number of very interesting issues relating to the port. The report was very much driven by the Chancellor’s announcement and the issue of raising money for roads infrastructure, which was where the £70 million came in. Despite that, it was very interesting. In February 2000, after quite a gap, the Department for Regional Development produced an option paper for Belfast.

That paper contained three options — a private partnership; a modified partnership proposal; and, of course, a restructured trust port with extended powers — and it was presented to the Committee for Regional Development for its views. The Chairperson guided us through that difficult report, sometimes under difficult circumstances, and the Committee unanimously opted for a restructured trust port with extended powers.

As the Minister already knows, Londonderry and Warrenpoint ports have a number of significant development plans and some of these are being seriously examined. For example, the port in Londonderry has spent around £2 million on a new fish quay. There is also Fort George — a unique site, and probably one of the best sites to come on the property market in the city for a number of years. It is certainly one of the best economic and financial sites to come into the hands of the port commissioners — having been occupied for a number of years by the Army.

These developments, and many more, can only be taken forward properly with the extension of powers to trust ports in Northern Ireland. At present, what needs to be developed at Fort George, and other areas of the city, can be done meaningfully only if the port has the power to do the job. It can be done in a way that will help the harbour, put it on a strong financial footing, and help the entire city of Londonderry to regenerate. The port does not have that power at the moment. With the new powers, the ports would also be looking at financing these developments.

I am not taking anything away from Belfast or its port because it is one of the top six ports in the British Isles. It is a leading port within the European structure and it is developing. I see that port as helping to develop Belfast and the rest of the Province. The ports of Londonderry and Warrenpoint have two concerns if there is any great delay in resolving the outstanding issues in Belfast port, especially those relating to the land in and around the port. We all know that legal discussions about land can take some time to resolve. In the meantime, the two smaller ports have to wait.

2.45 pm

Is there going to be a delay in giving those extended powers to the two smaller ports, which have trust port status, while the remaining outstanding issues in and around the whole issue of Belfast port are resolved?

Secondly, what are the outstanding issues regarding Belfast port? When are they likely to be resolved — either in the short or in the long term? Will it take one or two years? Warrenpoint, in particular, has a number of developments that it would like to get on with, and I have already mentioned the situation in Londonderry. What are the issues that need to be resolved, and when will they be resolved? The sooner we get answers to those questions, the better the opportunity for the two smaller ports to move forward. I would like to see the three ports getting their extended powers at the same time and getting the powers they need to operate more commercially and economically for their own area and for the economic regeneration of Northern Ireland as a whole.

**The Chairperson of the Regional Development Committee (Mr A Maginness):** This is a very timely debate. I thank the Members who proposed this motion



— in particular, Mr Hay, who served on the Regional Development Committee and who has taken a keen interest, not just in his home port but also in the position of trust ports throughout Northern Ireland. He referred to them as potential engines for economic regeneration in their areas. I agree with that description. The development of the trust ports in those areas will be one way of regenerating local economies, which have suffered a great deal over the last 25 to 30 years. In Derry, where the economy has been slowly developing, the new port at Lisahally can help to revive that local economy.

The Minister for Regional Development, who is from that area, firmly believes that it is an engine for regeneration, not because of any selfish local or constituency interests, but because he realises, as do all of us on the Regional Development Committee, that the development of the trust ports will provide great economic opportunity. However, we have to do it properly and carefully. One of the problems we have to face is the fact that the trust ports have been hampered and hidebound to some extent in that they do not have the powers that are necessary to operate as commercially as they could do within the open market.

As an Assembly we have to give them the power, the economic muscle and the commercial flexibility necessary to develop their ports as competitive businesses in the open market. Port business is very competitive. Ports situated in Northern Ireland are not insulated from fierce competition from across the water or across the border. Mr Hay has rightly pointed out to the House that the powers of ports in the Irish Republic have been extended. The trust ports there operate almost as private companies. That is a lesson that we can learn. If we are to develop a competitive economy we must give our ports the wherewithal to compete in the market place.

I can understand the degree of fear or concern that Northern Ireland's smaller ports have in relation to the development of the port of Belfast. However, I do not believe that the extension of powers will create an unfair competitive situation for the ports of Derry and Warrenpoint. I believe that they both have their own particular strengths that can be built upon if powers are extended. In the case of Derry, it has proved that it has a niche market. I do not think that it will be affected by the extension of powers to the port of Belfast. However, if the smaller ports' powers are extended, the powers of the port of Belfast must be extended too.

In particular, I want to address the situation in Belfast. The uncertainty that has been created in relation to the future of the Port of Belfast has tended to blight the development of that port and the others. It had cast a cloud over the proper formulation and delineation of policy by the Department in relation to the development of ports. I am hopeful — I am sure that other members of the Committee for Regional Development share this view — that we will soon come to a conclusion on the

future of the Port of Belfast. As Chairperson of that Committee — and I think I reflect the views of other members — I would like to see the extension of powers for the Port of Belfast. That is as far as I will go until the Committee and I hear the substance of the economic appraisal that the Department has carried out on the restructuring of the trust port of Belfast and the extension of powers thereto. It would be wrong for us to come to the Assembly with a predetermined view.

I say to the Assembly, to the public and, in particular, to the Port of Belfast, that we want to see the port operating successfully. We want the port to be highly competitive. We want to give the port the commercial and economic powers that it deserves. I believe that that reflects the collective view of the Regional Development Committee. We will argue the toss about the detail, but our collective view is that we want to see the Port of Belfast develop properly again as an engine of economic regeneration.

No doubt we will return to the Assembly in the near future with legislation and on the issue of developing policy for Belfast as a whole. I know that the Minister has already indicated in correspondence that his Department hopes to deal with the extension of powers in three phases. I welcome that, because it brings an element of certainty and focus to the whole trust ports debate.

In the first phase, he hopes to give some additional powers to the various trust ports in Northern Ireland under the harbour orders. I welcome that also. In the second phase, which will be much more difficult, he will bring primary legislation to the House in order to shape and restructure the ports. We await that legislation eagerly. We are prepared to work constructively with the Minister for the betterment of all the ports in Northern Ireland.

A price has to be paid by the trust ports for the extension of their powers. That price is greater public accountability, for trust ports are not in the public sector per se. They are a hybrid — neither private nor public, but somewhere in between. There must be increased public accountability. That will be the price paid by the trust ports for the extension of their powers.

There is ever-increasing competition from the Republic of Ireland, which is not necessarily bad, but if our ports are to meet that competition we have to give them the additional powers that they seek — powers which I believe we collectively want to grant them.

There are also three smaller ports at Coleraine, Donaghadee and Carlingford Lough, and it is important that we address those ports as well, and see how we can assist them. I do not think that legislation is necessary, but we must seek to enhance their position because they form an additional element of the port structure in Northern Ireland.

This is a welcome debate that prefigures a very thorough and perhaps radical examination of the future of our ports. A very important service is being done in this Assembly today by bringing attention to this issue and forewarning Members that we will have to make policy and legislative decisions on the future of our ports. I believe that those decisions will be made in the best interests of all the people of Northern Ireland and in the individual and collective interests of the ports.

**Mr Neeson:** I welcome the opportunity to debate this issue. The shipping industry in Northern Ireland has been of great interest to me for many years, and I recognise the major economic importance of our ports. Our ports are a lifeline for us. Because of our peripherality, they are vitally important. Therefore the interests of the ports are the interests of all the people of Northern Ireland.

In May 1998 the then Department of the Environment completed its review of trust ports in Northern Ireland. I made a submission on behalf of the Alliance Party at that time. Regrettably, when the Ad Hoc Committee investigated the issue, the then Minister, Lord Dubs, refused to provide the Assembly with a copy of the review. I hope that the Minister for Regional Development will not deny us access to it.

3.00 pm

It was always believed that if privatisation — which was the original intention — did not go through, trust port powers would be extended to the ports of Belfast, Londonderry and Warrenpoint. I regret that the work recommended in the report of the Ad Hoc Committee was not carried out. The reason for that was that it was not known whether or not the golden share would be legal under European law. That is understandable, and the Committee recognised that it might create a problem. That problem was always hanging over the Committee. The correct decision has been made. Trust powers should be extended; there is no other choice now.

There is a concentration on the interests of the trust ports. It would be remiss of me, as a representative of East Antrim, not to express concern that what happens with the port of Belfast, in particular, should not endanger the interests of the port of Larne, which is a private port. In recent months Stena has decided to relocate its conventional roll-on/roll-off ferries to Larne for the Stranraer route. That shows that while Belfast has a niche, Larne, as a roll-on/roll-off port, also has an important part to play in Northern Ireland's economy.

I am also concerned about the demise of the small commercial harbours, particularly Carrickfergus. I spent a long time trying to protect the interests of that port. It provided competition to Belfast, as its rates were lower. Therefore it brought competition. The port of Bangor has also closed and the port of Coleraine is on its last legs. At present, it is only dealing with a number of cargoes of scrap. Its future remains in the balance. Competition

in Northern Ireland is reduced by the closure and disappearance of the other smaller ports.

All Members agree that the major asset of the Port of Belfast is land. It is vital that what the Assembly agrees is in the best economic interests of not only the people of Belfast but also the people of Northern Ireland. Harland & Wolff has designated an area of land for special development. Titanic Quarter will provide great opportunities for Belfast to create a major waterfront development. Northern Ireland's science park will be located there.

There is substantial interest, both in Northern Ireland and overseas, in the development of that site. There will be a full waterfront development, from the Odyssey to the 'Titanic' slipways. I watched a television documentary on Sunday about the 'Titanic' and the artefacts that have been recovered from it. The documentary concluded that Belfast should be the location for the display of those artefacts. That gives some encouragement to people like myself who support the development of maritime heritage in the Belfast area. In dealing with the question of extended trust powers we must look at the assets of Belfast Harbour Commissioners.

I was flabbergasted by last week's decision to overturn the payment of compensation to Harland & Wolff. I must question Global Marine's motivation in trying to bring about the demise of Harland & Wolff in Belfast. We are aware of Global Marine's activities in other parts of the world, and that must bring into question the company's very integrity. Wearing my enterprise, trade and investment hat, I sincerely hope that we can overcome those difficulties. The shipyard is a very integral and important part of the Belfast harbour site.

It is important for the Minister to take on board that there are a number of interests there, not just the Belfast Harbour Commissioners but also Belfast City Council, for example. I hope that all those interests are taken on board when plans come forward from the Department for Regional Development.

I am delighted to see Mr Roche here continuing his interest in Belfast harbour. Members may recall that he was a very active member of the Ad Hoc Committee, and he served on it with Sinn Féin. In fact, he chaired a meeting, and Sinn Féin members were present. Perhaps is a good sign that Mr Roche and his party members are here today. Maybe it is a sign that there is a realisation that if we are to have an inclusive and collective approach to important issues such as this they will have to take their responsibilities on board.

The trends in shipping are changing very much at the present time. As the Chairman of the Committee has stated, it is important for the ports to develop their own niche. I am delighted to see a growing number of cruise ships now visiting Lisahally port. There are other opportunities for development, and in Londonderry land

is also the major asset. It is important that that is developed in the best interests of the people in the city.

There is urgency about reaching a decision on the Port of Belfast and also the other ports. I urge the Minister to recognise that.

With regard to the recommendations that will be coming forward soon, there is a recognition in Belfast, Londonderry and Warrenpoint that elected representatives must have an input so that these organisations are accountable. They may be autonomous, but by the same token elected representatives should have an input.

I will say no more than that, except once again to thank Mr Hay and his Colleagues for bringing the report forward. I look forward to the responses from the Minister, as there is an urgency to resolve this issue.

**Mr Roche:** The key issue in the forthcoming legislation referred to in the motion is the future status of the Belfast port and how this might affect the other Northern Ireland ports.

In theory, there are two options available for the Port of Belfast, and they are set out in the Department for Regional Development's option paper of February 2000. The first is privatisation, and the second is that it be made a restructured trust port with extended powers. Although Belfast Harbour Commissioners have withdrawn their privatisation proposal, it is worth looking at this option in order to assess the strengths and weaknesses of the restructured trust port with extended powers option.

Both of these options should be considered against the background of the economic performance of the Belfast port during the 1990s. The key feature in the economic performance of the port during that time was the raised level of after-tax profit connected to capital expenditure of about £150 million. The after-tax profit seemed to have reached something of a plateau from the mid-1990s, and there cannot be an expectation of £75 million from the EU in the future. These considerations raised the crucial issue of how we will ensure the continued growth and commercial competitiveness of the Port of Belfast.

The Belfast Harbour Commissioners' response was to produce their proposals for the commercial privatisation of the port on the basis of a public-private partnership (PPP). Their core argument was that the PPP proposal would provide the port with greater commercial freedom and with crucial access to equity capital. The details of these proposals were submitted to the Ad Hoc Committee on 30 March 1999. The Ad Hoc Committee reported on 22 July 1999, concluding that the transfer of the port to the private sector by means of flotation on the stock market was the best way forward while retaining the harbour estate in public ownership. The Belfast Harbour Commissioners responded with what has been termed an enhanced PPP proposal on 2 February 2000.

The key issues at stake in these proposals can be stated clearly without going into the minutiae of the proposals themselves. The proposals conceded the principle of privatisation as the best way of securing commercial freedom and of getting adequate access to financial capital. The proposals also recognised that privatisation would give rise to two fundamental problems.

**Mr A Maginness:** Essentially, the Member is referring to the development of a privatisation policy in relation to the Port of Belfast. There are currently a few problems with that. First, the stock market does not favour the disposal of that type of asset. The type of finance that one could raise would be fairly limited and would come from the harbour commissioners. Secondly, there is the question of the golden share, which was supposed to guarantee the future of the harbour. That golden share has, in fact, been shown to be so ineffective that it is now redundant. The Port of Belfast would therefore be open to a predatory takeover, as have some of the other British ports.

**Mr Roche:** I was outlining some of the main features of the privatisation proposal, in the context of considering and assessing the second option of Belfast's being made a restructured port with extended powers. I will be dealing with most of the points you have mentioned.

3.15 pm

The proposals recognise that privatisation would give rise to two fundamental problems. First, how can we create a safeguard against predatory takeover and thus protect local ownership of the port in the event of privatisation? Secondly, how can we create a safeguard against the speculative use of the landbank — by which I mean use of the landbank that would not contribute to economic activity in Northern Ireland? The issue is further exacerbated by the fact that, almost certainly, the port could not be successfully floated without the rental income. PricewaterhouseCoopers identified that matter in their options assessment as one of the basic weaknesses in the recommendations of the Ad Hoc Committee.

The issues connected with privatisation were never successfully resolved. Leaving aside the problems associated with the use of a golden share to prevent a predatory takeover, it is difficult to resist the conclusion that the basic reason why the problems of privatisation were not satisfactorily resolved was that, on the part of the Assembly, the will to do so did not exist. The Ad Hoc Committee recommended privatisation because, at the time, it seemed to be the only way to secure the £70 million for infrastructural development included in the Chancellor's statement of May 1998, not because of any commitment to privatisation per se.

The alternative to some form of privatisation is a restructured port with extended powers. That is option D in the Department for Regional Development's paper dated 4 February 2000. It is the favoured option of the

Regional Development Committee and, almost certainly, the option that, subject to appraisal, will be included in the legislation.

There are two basic problems with the public ownership option. First, it is almost certainly the case that the extended powers option could not match privatisation in terms of commercial freedom and access to financial capital. Secondly, there is a lack of clarity about what is involved in the restructuring. To some extent, restructuring means the appropriation by the Government of the assets of the port as a means of raising revenue. Legislation could — I am not saying that it will — give the Government access to the cash reserves held by Belfast Harbour Commissioners, which represent about £21.8 million. Legislation could also transfer all or a portion of the non-port lands to an existing or new public body to generate Government revenue from the lease of such lands.

A restructured port with extended powers could represent the worst case option for two basic reasons. The option can not match privatisation in terms of commercial freedom and access to financial capital. Perhaps that should not be overstated, for the Belfast Harbour Commissioners now consider that, on such issues, the choice between privatisation and option D is marginal. That is at least debatable. More importantly, the restructuring option could degenerate into nothing more commendable than asset-stripping by the Government to meet the demand for expenditure on the institutions established by the Belfast Agreement. It is already apparent that the all-Ireland aspects of the Belfast Agreement are devouring millions of pounds without any proper — *[Interruption]* Do you find that amusing, Mr Deputy Speaker?

**Mr Deputy Speaker:** Please continue. What I find amusing or not amusing is none of your business.

**Mr Roche:** That too is a debatable point.

**Mr Deputy Speaker:** The Member should sit when I am on my feet. What I find amusing or not amusing in this House is not a debatable point. The Member should bear that in mind.

**Mr S Wilson:** On a point of order, Mr Deputy Speaker. Can you confirm that it is permissible for people to smile?

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

**Mr Roche:** It is another political stunt.

**Mr Deputy Speaker:** Order.

**Mr Roche:** I was not addressing you, Mr Deputy Speaker. Already the — *[Interruption]*

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

**Mr Deputy Speaker:** I will not take any further points of order.

**Mr S Wilson:** Is it in order for the Member to address anyone other than through the Chair?

**Mr Deputy Speaker:** The Member is quite correct.

**Mr Roche:** It is already apparent that the all-Ireland aspects of the Belfast Agreement are devouring millions of pounds, without any proper economic appraisal of the opportunity cost of this political use of taxpayers' money. The legislation must not restructure the port in a manner that would effectively deprive it of the financial resources to sustain competitive commercial activity. That would ultimately create the conditions for Dublin to emerge as the dominant port on the island. That crucial consideration is reinforced by the fact that it is almost certainly the case that the Treasury would offset any revenue flows to Stormont resulting from restructuring.

Finally, it seems to me that a socialist mindset or ethos informs the wording of the motion. The idea that the Government could safeguard the future of the Northern Ireland trust ports is simply economic nonsense. The proper role for the Government is to contribute as far as possible to an open and level competitive playing field, within which it is up to the port's management and employees to safeguard the future of these crucial commercial enterprises. There is only one way to do this: by effectively competing in the market place. The Government must develop the option best suited to that fundamental commercial objective.

Mr Neeson intruded a political point into what, as I say, is an economic argument. The position of the Northern Ireland Unionist Party is absolutely straightforward. We will not participate in any Committees established to implement the Belfast Agreement. As for the Ad Hoc Committee, which was established to consider privatisation proposals for the Belfast port, once Sinn Féin was admitted to Government without decommissioning we drew the line at even participating in such a Committee —

**Mr Deputy Speaker:** Mr Roche, please speak to the motion.

**Mr C Wilson:** On a point of order, Mr Deputy Speaker. I notice that you did not bring Mr Neeson to book when he departed from the issue. It is unfair of you to bring my Colleague to order for departing from the motion when the matter was raised by Mr Neeson.

**Mr Bradley:** I thank Mr Hay for introducing this timely motion. No doubt it will be welcomed in areas of the north-west and south-east. I would have been happier if the phrase "extension of trust status" had been included in the wording. However, I am satisfied that this requirement is the intention of the proposer. It goes without saying that I would be twice as content if the word "Warrenpoint" were included — but that is for another day.

Coming from Warrenpoint, I bring to the Assembly the concerns often expressed regarding the long-term future of the port there. I am speaking of a wide and varied section of people from the area, and further afield, who directly or indirectly earn a living from port-related employment. The success of Warrenpoint port is something that we are all very proud of in South Down. We look

forward to the continuation of the important role that the port plays in the regional development of the area.

Warrenpoint is situated more or less halfway between the two largest ports in Ireland — namely, Dublin and Belfast. It will remain under constant pressure from the competition created in those larger ports, but there can be no complaint about that. The ports of Greenore and Drogheda are also growing, and that will create even more shipping competition along the eastern seaboard. However, the current problems are business-related. The custodians of our trust ports have adequately dealt with these situations in the past and, I have no doubt, will continue to do so in the future, provided that the level of support that they require from Government is urgently legislated for. I endorse the demand by the proposers of this motion that the Minister for Regional Development take the appropriate steps to safeguard the future of the trust ports in Northern Ireland.

I mentioned earlier the ongoing development of Belfast and other ports. It is the Minister's obligation that the Belfast port is not offered any unfair advantages at the expense of the smaller ports. I too served on the Ad Hoc Committee dealing with the future of the Belfast port. I agree with the Chairman's reminder that the Committee recommended that trust ports be given extended powers, and I recognise the danger for smaller ports if the port of Belfast were given any unfair business advantage in the future.

If the Minister and his officials support the Ad Hoc Committee's view, the views of those heard here today and the anticipated views of those yet to speak, concerning our small ports we can feel reasonably assured that those in a position of responsibility will never lose sight of the important role played by our regional ports.

I agree with Mr Hay that the smaller ports anxiously await the implementation of extended powers. That could, and should, be done despite the fact that the situation in Belfast remains unresolved. I support the motion, and I thank Mr Hay for bringing it to the Assembly.

**Mr S Wilson:** The motion is timely. I wish Mr Roche would not leave, for I will want to say a word or two about him. Perhaps he will read it in Hansard. I would have liked to provoke him, but — ah well. I will do it in his absence anyway. I should have said so before he got past the door.

This issue has dragged on for some time. It is important that we reach a resolution for a number of reasons. The port of Belfast and the other ports mentioned earlier are important to local economies in the hinterland they serve. The present degree of uncertainty has been perpetuated because of difficulties in Belfast rather than in Londonderry, Warrenpoint and other such places in Northern Ireland.

It is important that we resolve the issue. I served on the Ad Hoc Committee, and it was made clear to the

Committee that to safeguard trust ports in Northern Ireland it would be essential that they be given flexibility to deal in activities other than strictly the handling of cargo from ships. They would need the ability to diversify. The ports would also need to have much more financial freedom than at present. Under trust port status, it would not be possible for them to go into the market and borrow money.

Many suggestions were made as to how ports could obtain those powers. We have not yet reached the point where we can fully address those issues. That is an important point. The Minister must bring forward proposals fairly soon so that those issues can be addressed.

The wave of goodwill towards the requirements of a successful port ought not to hide the fact that trust ports have behaved in a way that is not advantageous to citizens in the areas that they are placed. Trust ports are autonomous bodies. They are not accountable to anybody. The commissioners are accountable only to themselves. It is true that the Harbour Commissioners in Belfast have run the port effectively and profitably. They have modernised it, and they have changed its emphasis by their hard work to get tour ships to come to Belfast.

*3.30 pm*

We must recognise that they have looked for new business opportunities. They have changed with the times. Nevertheless, there have been occasions when I believe that the unaccountable nature of trust ports has been disadvantageous. Decisions have been taken that have been detrimental to the city of Belfast and that have been opposed by nearly all the opinion-makers in Belfast.

I am thinking particularly of the D5 proposal. The council, Belfast Chamber of Trade and Commerce, the traders on arterial routes and even those concerned with planning policy were opposed to what they were doing. Their own harbour plan was opposed to what they were doing, yet they went ahead. They flew in the face of all those groups and pushed through something that happened to suit them because it fattened their balance sheet in the run-up to what they thought was going to be privatisation.

Regardless of what comes out of the Department, a situation like that should never be permitted again. There has to be accountability. Alban Maginness was right about that. What is to be done? We need to divorce the operation of the port from the scope — especially in Belfast — for the port or the Belfast Harbour Commissioners simply to act as developers. I do not believe that non-port-related land is essential to the successful operation of the port. I know that there are people in the Department who do not believe that. When the Ad Hoc Committee was taking evidence we sometimes wondered whether we were receiving evidence from the Department or from the Belfast Harbour Commissioners, because their interests seemed to coincide so often.

I certainly do not believe the nonsense that we heard from Paddy Roche a moment ago. I want to emphasise Sean Neeson's point. Mr Roche and his party participated in a Committee of this Assembly before getting a belated bout of political conscience about it. It is interesting to see that, despite despising the great Satan, as epitomised by the Committees, Mr Roche has taken avid interest in the Regional Development Committee. He was able to quote liberally from its proceedings, reports and discussions. Perhaps his detached attitude towards the Committees shows that he has not been totally converted to the view that participation in Committees is such a bad idea.

He said that the port could not possibly operate commercially unless it had the rental income from the non-port land and the assets contained in that land. He went on to say that to take that land away would be tantamount to asset-stripping, as part of a great conspiracy to make the port less able to compete with Dublin, so that we could have all-Ireland transport links. People accuse me of being paranoid and seeing conspiracies around every corner. That is one of the greatest and most outlandish conspiracy theories I have ever heard. It may well be that he has fallen under the spell of those in the Belfast Harbour Commission who would love that kind of nonsense to be believed.

The fact is that there is a port with assets of over £150 million. It has, more or less, a monopoly position — 60% of the trade in Northern Ireland, with an even higher percentage of the passenger trade.

It has profits of £8 million per year; a return of about 40% on turnover. Mr Roche is an economist, and he is telling us that a business with that kind of performance could not possibly raise money and would not be able to borrow money on the open market if the port were not given another thousand acres of development land. That does stretch credibility.

Mr Roche's explanation of why his party does not participate in Committees also stretches credibility — but this stretches it even further. One might believe his excuse for not participating in Committees if that were not put alongside the kind of fairy story he wants us to believe in relation to the port of Belfast and its ability to raise money.

The one issue that must be addressed is that non-port-related land cannot be left in the hands of a body not accountable to the Government and only accountable to itself. That is a not a commercial or economical prerequisite for the successful running of the port in the future.

PricewaterhouseCoopers said something similar in their assessment. I know, from my involvement in Belfast City Council, that if you want consultants to give you a report which suits a certain outcome, you tell them the parameters you want them to work within at the start. All such reports must be viewed in that light. We should not leave objectivity aside when we look at reports, whether

they are generated by the Assembly or by outside consultants. They always come with that health warning. Those are the issues the Minister and the Department must address when bringing forward a scheme to the Assembly.

The Assembly has given clear direction on two occasions: through the Ad Hoc Committee, and through the Regional Development Committee. On both occasions the message I am giving today has come clearly from those Committees: port activities must be divorced from non-port activities. Whether it be the option for a restructured port with extended powers or the Ad Hoc Committee's report, there has been an indication given on both occasions that the non-port related land should not be part of whatever structure is introduced for the port in future.

If you want real accountability for an important swath of development land in the heart of Belfast, that should be given to the one body which is elected on a four-year basis and which does have public accountability. Belfast City Council, through running two major industrial estates and by developing the gas works site and St George's Market in the heart of Belfast, has a proven track record.

The development of the non-port related land is one aspect that the Committee and the Minister ought to be considering when looking at the future of an important asset in the centre of the city.

**Mr Byrne:** I congratulate Mr Hay and Mr Wells for moving this motion. The spirit of the motion is very much in line with the general thinking of the Assembly and certainly with that of the Regional Development Committee in that there is a desire to have extended trust port status for existing Northern Ireland trust ports.

As someone who lives in County Tyrone, I am concerned about the Derry port, as is Mr Hay. I see Derry port as a regional port, which serves the whole of the north-west of Ireland. If it had extended trust port powers, it would be in a better position to develop and contribute to greater economic development in the Derry city area.

Larne port is owned by a private company and is therefore largely in charge of its destiny. We can do little about that. Warrenpoint, like Derry, has a smaller port, and the harbour commissioners and the port users there would like extended trust port status so that the port could develop in the future and provide a greater range of services. Both Derry and Warrenpoint are, as Mr Maginness said earlier, niche ports serving local hinterlands — the north-west in Derry's case, and the south-east part of Northern Ireland in the case of Warrenpoint.

The future of the Belfast port is very much in question. As a member of the Ad Hoc Committee on that future, I agreed with the general sentiment that it is a large public asset in the heart of Belfast. The Belfast

Harbour Commissioners have been very successful in the way in which they have managed the port and developed it over many years. There is a very large asset base, and industrial zones are attached to it on both the County Antrim and County Down sides. It therefore earns a good deal in rental income from that commercial land asset.

I am largely in agreement with Sammy Wilson that Belfast port and its harbour commissioners have a great deal of power and assets at the moment. We should congratulate them on how they have managed the port. They have accumulated cash reserves of at least £30 million, and the port is currently making £8 million profit annually. They should not be punished for that but we, as an Assembly, have a public remit on the future of that port. The associated lands in the Belfast harbour estate could be used for the wider development of Belfast on behalf of all of the people of Northern Ireland.

I am aware that people in Derry and Warrenpoint would be concerned about Belfast port's ability to offer keener prices and to engage in what is called predatory pricing if it were to have the luxury of enjoying all the rental income from the commercial properties. That would be unfair competition against Derry port and Warrenpoint. The Minister needs to consider that, when he considers the future arrangements for Belfast.

Ideally, we will bring forward legislation as soon as possible to enable Derry and Warrenpoint to proceed with development through extended trust port status. The development of the Belfast port will take more time, and we should not be rushed unnecessarily. The Belfast Harbour Commissioners and the port are not suffering unduly because of the delay, and it is important that we properly plan for the port's future. Belfast port is largely a municipally owned facility and Belfast Harbour Commissioners are expected to hold that in trust for all the people of Northern Ireland. I am in favour of a requirement for greater accountability from the harbour commissioners of Derry and Warrenpoint and, I hope, for the Port of Belfast too.

I strongly believe in balanced regional development across Northern Ireland. It is therefore very important that all of these commercial ports are enabled to continue to serve their hinterlands and to contribute, as Mr Wilson said, to local economic development.

3.45 pm

I congratulate the management and the harbour commissioners in Derry for the way in which they have expanded their facilities in recent times. Most recently, they have opened a wharf for fish processing, which should prove very successful. Secondly, they have developed a cruiser ship business, which has the potential to be very beneficial to the tourist industry in the north-west. In recent times, cruiser ships have also been operating in Belfast harbour, which is a very welcome development. It is important that the Minister come forward with the

legislation to extend trust port status for Derry and Warrenpoint as soon as possible. It is also important that we deal with the Port of Belfast as quickly as possible.

**The Minister for Regional Development (Mr Campbell):** I have listened with interest to Members' views on this subject. Before addressing the issues which have been raised, I will make a number of points to allay the concerns expressed about the interests of the smaller ports and Belfast harbour.

First, my Department's legislative proposals for trust ports are still at a preliminary stage. I have only recently written to the Chairperson of the Regional Development Committee to outline the proposed legislative programme which, I envisage, will extend over a number of years. The overall aim is to modernise our harbour legislation to better equip trust ports to compete and to meet the challenges of an increasingly competitive and fast changing industry. In seeking to do this, my intention is to widen their commercial powers and to ease the financial controls under which they are currently required to operate. At the same time, there is a strong case for taking steps to improve their public accountability — and I note the frequency with which that issue was raised during the debate.

In advancing this work and introducing legislative change, I want to maintain a level playing field, insofar as it is possible. In this context, while I recognise the considerable contribution which Belfast harbour makes to the local economy, I am equally keen to encourage the development of the smaller commercial trust ports of Warrenpoint, Londonderry, Coleraine and Larne. Each port has a unique role to play within the ports industry in Northern Ireland, and I am personally committed to doing what I can to enable them to realise their full potential.

No decision has yet been made on the future of Belfast harbour. A report by PricewaterhouseCoopers on an economic appraisal of the various options under consideration is due to be published tomorrow. I have arranged for a presentation on the report's findings to be made to the Regional Development Committee, and I await that Committee's views before coming to a final decision on this important matter.

At a meeting with the Regional Development Committee earlier this month, I did, however, indicate that, for a number of reasons, I do not believe that the time is right to pursue the public/private partnership (PPP) option further. The market conditions are not conducive to a successful floatation. There is considerable political opposition on a local level to privatisation, and the Belfast Harbour Commissioners have recently withdrawn their PPP option in favour of the alternative option of a trust port with extended powers. During the summer the Regional Development Committee announced that it was looking favourably at the alternative option for Belfast harbour of a restructured port with extended powers. I have indicated to the Committee that, in principle, I agree with it on this matter.

The publication tomorrow of the report on the economic appraisal will obviously inform the considerations of the Committee and myself on this matter. However, much uncertainty still surrounds a number of aspects, not least the public expenditure treatment of any proceeds under the various options and the future classification of trust ports for public expenditure purposes, both here and in the rest of the United Kingdom.

For this reason, if restructuring proves to be the way forward for the Port of Belfast, it should be undertaken in a measured way. I have explained to Committee members that subject to their views, and taking into account the views of others, a phased approach would be sensible. Phase one would entail drafting suitable enabling legislation to permit the restructuring of the harbour estate. On the basis of the findings of the economic appraisal, I would see this mainly centring on the Harland & Wolff and Shorts core lands. Phase two would give effect to any restructuring and involve the transfer to the Government of the lands in question. This would obviously be influenced by advice from the Department of Finance and Personnel on the public expenditure implications of any associated rental income or any proceeds resulting from subsequent renegotiations of existing leases. The third phase would entail a periodic review of the PPP option.

I am reluctant to put a precise time scale on this. Clearly, much would depend on changing circumstances and on the market conditions prevailing at the time. As I have already said, greater public accountability will be a feature of my Department's legislative proposals, and this will apply to all of Northern Ireland's trust ports. I am strongly of the view that the granting of wider commercial powers for trust ports brings with it increased responsibility and the need to become more publicly accountable.

Once the future of Belfast harbour has been finally determined, and in advance of the necessary legislation's being put in place we could agree with the Belfast Harbour Commissioners that they undertake to consult with me on any plans for significant change in land use or planned disposal or reletting of harbour lands. In any event, I foresee a need for the harbour legislation to place a statutory duty on all trust ports to seek the approval of the Department in future for any of the circumstances to which I have referred. At the same time, I propose that the Assembly take a reserved power of direction to ensure that the public interest is fully safeguarded against their activities. Apart from this, I do not foresee the eventual decision on the future of the Port of Belfast having any material effect on the smaller trust ports. This of course assumes that the future of the Port of Belfast lies in the public sector for the time being, and I expect that to be so.

In conclusion, I wish to deal very briefly with some of the issues raised by Members in the course of the debate. Initially there was a query from Mr Hay regarding the extension of powers for the smaller ports holding up

decisions that may pertain to them. The extended powers of the smaller ports will not be held up by the determining of the future of the Belfast port. I would like to reassure all of the smaller ports on that.

Mr Maginness raised the issue of extended powers for the smaller ports. I assure him that the Department intends to offer those ports the benefit of extended powers where appropriate.

Mr Neeson raised the review undertaken by a previous Minister. Unfortunately there is a convention whereby a report that was issued by a previous Administration is not available to subsequent Ministers. I am afraid that that covers Mr Neeson's point.

Mr Neeson also referred to Harland & Wolff and the Global Marine compensation issue. Of course, I have considerable sympathy with Harland & Wolff, but that is a matter for the Minister of Enterprise, Trade and Investment and his Department.

Mr Roche raised the matter of asset-stripping and the restructuring of the port. I suggest that it would be more appropriate to wait until tomorrow and the outcome of the economic appraisal. He also raised the issue of extended powers under restructuring not being able to match commercial freedom under privatisation. This may well be true, but I have already referred not only to the wider commercial freedom that extended powers will give but also to the fact that in a very critical area there are benefits from the extended powers option, in that it would increase the degree of public accountability that privatisation would not.

Mr Roche also referred to asset-stripping to raise proceeds. Another Member made similar comments, albeit in a somewhat bizarre fashion. Some of the lands under discussion have a major public interest dimension, so I do not see how this could be regarded as an asset-stripping exercise.

Mr Wilson raised the matter of public accountability. I hope that I have dealt with that comprehensively. He also referred to non-port-related land's not being essential to the operation of the port. This will be covered in considerable detail in tomorrow's economic appraisal, and members of the Regional Development Committee will have a full opportunity to deal with the issue.

I hope that I have dealt as fully as possible with the matters that Members have raised. I hope that, from what I have said, it is clear to Members that in advancing my legislative proposals, I am mindful of the interests of all Northern Ireland's ports and harbours, regardless of whether they are in the public or the private sector or of whether they are large or small.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

**Mr Hay:** We have had a good, lively debate this afternoon, even if some people did go slightly off the mark. First, I have to thank the Minister for his commitments.



It is important that we hear them in the House and for the Minister to assure us that it will be a level playing field, whether they be private ports, trust ports or smaller ports. He also made the important commitment that the new extended powers will not be held up.

I myself and the Chairperson of the Regional Development Committee have made the point that the people involved see the business they can generate as being the engine of the economies of their areas, whether Belfast, Warrenpoint or Londonderry.

4.00 pm

For a number of years, trust ports have wanted to become involved in other aspects of life in their areas. Sometimes there is a commercial venture in which they would like to get involved but find it difficult to do so at the time. Let us hope that when changes are made, trust ports throughout the Province will become catalysts of economic development and regeneration in their areas.

Another issue which featured strongly in the debate was the need for greater accountability. At present, there is little or no accountability in the structure of some trust ports. The extension of powers to trust ports' powers will be accompanied by greater accountability. Some Members highlighted the need to do the job properly, and that is important. Trust ports are close to getting the extra powers they need to operate more commercially, and it is important that our Committee, the Minister, the Department for Regional Development and the Assembly get those powers right.

Much hard work has been done by the Department in recent years, and that work has been vital in bringing us to the present stage. I pay tribute to those civil servants who worked extremely hard on complex legislation that, it is hoped, we will have in the near future. I also commend the Minister on his commitment to resolving the serious outstanding issues pertaining to Belfast. I hope that in trust ports throughout Northern Ireland the commissioners will operate collectively and support the Minister and the Department in their moves to make progress on this matter.

*Question put and agreed to.*

*Resolved:*

That this Assembly notes the intention of the Minister for Regional Development to provide legislation regarding trust port status, and calls upon the Minister to safeguard the future of Northern Ireland trust ports, including Londonderry, and especially the smaller ports, which will be affected by the announcement concerning the port of Belfast.

## SECURITY FORCES PERSONNEL: COMPENSATION

**Mr Deputy Speaker:** The time allocated for this debate is two hours. I will call Mr Danny Kennedy to speak for 10 minutes, followed by Mr Paisley Jnr, who will speak for seven minutes, and Mrs Nelis, who will also speak for seven minutes. I have been notified of 14 Members who wish to take part. After those speeches I will give the mover of each amendment five minutes, and the proposer 10 minutes to wind up. That seems a fair allocation of time.

**Mr Kennedy:** I beg to move

That this Assembly welcomes the announcement, by the Secretary of State for Northern Ireland on 7 November 2000, of payments to RUC widows and the fund for injured police officers, retired officers and their families; and calls on the Secretary of State to provide the same level of assistance to Army/UDR/RIR widows, injured Army/UDR/RIR personnel, retired Army/UDR/RIR personnel and their families.

I would like to express my appreciation to the Business Committee for allowing this motion to come forward. I hope that many Members will participate in this important debate, or at least listen and, I hope, better inform themselves on the issue.

I accept the amendment in the name of the Member for North Antrim, Mr Paisley Jnr, and with his permission will have it included in the main text of the motion. Like him, I wish to place on record my appreciation and recognition of the service and sacrifice of members of the Prison Service who have also borne the brunt of Republican and Loyalist terrorism over the past 30 years.

I am unwilling to accept the amendment proposed by Mrs Nelis. The purpose of my motion is to highlight the inequity of the current compensation system for members of the security services and their families. If the hon Lady wishes to pursue the sentiments expressed in her amendment, she can table a motion for consideration by this Assembly.

Members will be aware that, as part of the Patten Report on policing in Northern Ireland, the Government asked Mr John Steele to bring forward proposals to establish a fund to meet the needs of injured or retired RUC and RUC reserve officers, their families and widows. Mr Steele published his report at the end of October. I commend the report to the House and pay tribute to John Steele for beginning the enormous task of recognising the service and sacrifice of members of the RUC and the RUC reserve. I trust that the Secretary of State will speedily and fully implement the recommendations of the Steele Report.

After Mr Steele's appointment, I received many representations concerning the omission of adequate compensation proposals for the many Army, Ulster Defence Regiment (UDR) and Royal Irish Regiment (RIR) widows and families neglected over the years. Members will be aware that the security forces in my constituency of Newry

and Armagh bore the brunt of a particularly vicious murder campaign by Republican terrorists. Many lives were cruelly taken, leaving young families devastated. I move this motion on their behalf, with the simple plea that the families of murdered or injured members of the security forces should be fairly treated.

Some Members might question why Army, UDR and RIR widows and families should receive the same compensation as members of the RUC or the RUC reserve. I strongly contend that attempting to differentiate the sacrifices of the security forces would be not only impossible but morally wrong. The bravery and sheer courage of the men and women of the security forces, who stood between this Province and anarchy, must never be forgotten and can never truly be repaid in monetary terms. The issue of proper recognition being afforded to security force victims over the past 30 years therefore arises.

In the process of preparing for today's debate in the Assembly, I spoke to a number of UDR and RIR widows and close relatives. I found their stories to be a very humbling experience indeed, and the grief that they had suffered through the loss of their loved ones was in many ways compounded by the pain they felt as they struggled, in many cases alone, to provide for their families. It would appear to them that they are, and were, abandoned by successive Governments.

Unfortunately, time does not permit me to share with the House the many cases brought to my attention. I shall, however, use one as an example to illustrate the urgent need for action on this issue. It is the case of a woman who struggled to bring up four young children after the cruel murder of her husband in 1973. He was a part-time member of the UDR who had joined to help serve his community and country, not for any great financial benefit or reward. His death robbed his wife and her family of a husband and father, the sole wage earner and provider for that home. The little compensation paid in those early days only made a small contribution towards getting the house finished which the man had been building for his family. Years of grief and struggle followed, with only the help and great support of relatives and friends to assist that lady and her young family.

It is little wonder that people who have endured an experience of that nature are sceptical and resentful of the actions of a so-called grateful Government. It is clear that proper help and assistance has not been provided in the past, but that is no reason why shameful treatment of the security forces should be allowed to go unchallenged. When one compares the settlements paid over many years to terrorists or prisoners to the amounts of compensation paid to security force victims, it is clear that a very great wrong has been practised which must urgently be redressed.

Members will be aware of the ongoing assistance and funding provided to ex-prisoner groups by such organisations as the Northern Ireland Voluntary Trust,

Extern, the Northern Ireland Association for the Care and Resettlement of Offenders, and the Probation Board for Northern Ireland. Many people in Northern Ireland will contrast this level of assistance with the neglect felt by the families of members of the security forces.

It is also interesting to contrast the compensation given to the families of those members of the Garda Síochána who lost their lives in the Irish Republic with that given to widows of security force personnel killed in Northern Ireland. Settlements in the Republic appear to have been substantially more generous. Her Majesty's Government should take careful note and apply the same criteria. I strongly believe that the Government have a bounden duty to provide proper compensation and ongoing financial support to the families of all security force personnel killed in Northern Ireland. I contend that the full range of security force services — the RUC, the RUC Reserve, the Army, the UDR, the RIR and prison officers — should be treated equally and with generosity.

In the light of the publication of the Steele Report, I believe that the Government, the Secretary of State and the Prime Minister have the opportunity to address this great issue. Equally importantly, they have an opportunity to prove to the people of Northern Ireland that they truly value the service and sacrifices of the men and women of the security forces.

I look forward to this debate and trust that Members will conduct it in a respectful and responsible manner. I commend the motion to the House.

4.15 pm

**Mr Paisley Jnr:** I beg to move the following amendment: In line 6, after "personnel", insert

"injured Prison Service personnel, retired Prison Service personnel and widows of Prison Service personnel".

Last week this House remembered and respected, by the purchase of the poppy and its remembrance service, those people who sacrificed so much of their today so that we could have a tomorrow. It is unfortunate that an element in this community wishes to equate the so-called sacrifice of actual terrorists with the legitimate sacrifice of the state. I hope that during the course of this debate people who would attempt to make a political football of the issue of respect, recognition and remembrance will judge for themselves the disservice they are doing to the people who paid so much. I say that in all sincerity, in a week when we have people who want respect and recognition for certain sections of the community whenever those same people cannot condemn massive bomb findings in places like Derrylin.

Society will judge this House and politicians by how they treat the weak and vulnerable. We will be judged by society if we exclude from recognition, due respect and reward, those people who have sacrificed so much for this society. Like many, I am sceptical about the

motivation behind the Government's announcement for a cash reward for members of the RUC, widows and those injured who have been serving members of the RUC. At a time of insult to the RUC, that force suddenly gets the George Cross and compensation payment proposals. Those rewards are mediocre and are a belated recognition for what they have done. I welcome them — but with that caveat.

It is time that the RUC, the Army, the UDR, the Royal Irish Regiment and, as my amendment to the motion states, the Prison Service were given the reward, respect and recognition that they deserve. I am only amending Mr Kennedy's motion because of that gap in it, and I am happy he has accepted my amendment. It was unintentional on his part. I have spoken to him about it, and I appreciate his accepting the amendment.

The Prison Service was employed to do a job under the most dangerous civil disturbances anywhere in Europe. They paid a price for that job, and we must reward them. The facts behind the Prison Service's sacrifice are that during the troubles 29 prison officers were murdered for doing their job — murdered by both sections of the community. They were so-called legitimate targets by certain sections of the community when, in reality, they were pawns in an appalling game of politics that saw out the hunger strike, the dirty protests and numerous other attempts to demean that service. Twenty-nine out of a maximum service personnel of 3,000 is a very high proportion. Therefore I ask this House to recognise that they are due compensation for their sacrifice also.

Of course, there is the Northern Ireland Prison Service Central Benevolent Fund, which was established to assist ex-Prison Service personnel. I pay due recognition to that voluntary body — and it is a voluntary body. It was established in 1982, and, through voluntary contributions and voluntary work, it tries to provide a service to 200 widows and more than 700 retired staff. It draws entirely from voluntary contributions, and that is not enough. It cannot be expected, on a voluntary basis, and through voluntary contributions, to meet the demands placed upon it.

The resources that these people have are a pittance in comparison to other benevolent funds. They need resources, and they deserve them. We must insist that the Government put them on a proper footing so that education, training and retraining bursaries can be provided for ex-service personnel and the needs of widows can be made.

The RUC benevolent fund — a very good fund — provides holidays for certain widows. The Northern Ireland Prison Service Central Benevolent Fund attempts to offer the same service. It also provides holidays for widows, but, because of its lack of funds, applicants have to pay a reduced rate. It is not fair to ask someone who has gone through the same suffering and the same sacrifice to pay more for similar benefits. We are asking a voluntary scheme to foot a massive bill, and that is unjust. These

people made sacrifices on behalf of the state. They made those sacrifices in order to protect everyone — not only the people in this Chamber but everyone represented by them, whether they like it or not.

The Prison Service must therefore be added to this motion, and I am glad that it will be. Mr Kennedy has decided to accept my amendment. I hope that the fundamental injustice suffered by Prison Service personnel will also be recognised, as has the failure of the Government in the past to recognise the RIR, the UDR and the police.

**Mrs Nelis:** Go raibh maith agat, a LeasCheann Comhairle. I beg to move the following amendment: Delete all the words after "Assembly" and add

"notes the statement of the Secretary of State for Northern Ireland on 7 November 2000 regarding compensation payments and calls on him to provide the same level of assistance to all the victims, survivors and their families directly affected by the conflict here."

The motion before this House does not acknowledge that all victims, survivors and relatives of this long conflict are equal and should be treated equally. Instead, we have a motion that is nothing less than a squalid, sordid squabble among the agencies of the Crown and their camp followers to divide up the spoils of the illegal war declared by the British state on an Irish Nationalist population.

This motion should be seen for what it is, judging by the media reports and the list of amendments on behalf of the various agencies, as they all rushed to join Peter Mandelson's gravy train. British forces on this island — the RUC, the UDR, the RIR — all knew, when they joined these state agencies, of the risks involved. They were well paid for fighting Britain's dirty war in this country. The families of the civilians killed by those same forces did not know risks, but they are surely entitled at least to equality of treatment. It is entirely appropriate that our party table an amendment supporting the families and relatives of all victims of this conflict, rather than give any credibility to this motion.

The motion is nothing less than a sectarian exclusion order against the relatives of those murdered by the state. Our amendment notes the Secretary of State's announcement regarding compensation payments and calls on him to provide the same level of assistance to all victims, survivors and their families who have been directly affected by the conflict.

Our party's amendment acknowledges that, with regard to the loss of a loved one, all grief is the same. Such grief can never be compensated for by money or platitudes, nor can such monetary rewards acknowledge adequately the legacy of the past or help heal the wounds and divisions created by this conflict. This announcement by Peter Mandelson serves only to deepen divisions and put off for ever the need to reconcile those affected and afflicted by the trauma of the last 36 years. It legitimises some victims and demonises others. It reinforces the notion that the Secretary of State and the Minister are operating

a hierarchy of victims, which was put in place, in the first instance, by the Bloomfield Report. Bloomfield's selective recognition and Mandelson's compensation awards to state agencies fail to recognise the hundreds of people murdered by those state agencies or the thousands injured — the vast majority of whom were Nationalists and Republicans. Peter Mandelson has failed utterly to understand or recognise the impact of his announcement on those families — the deep pain and hurt inflicted by his dismissal of Nationalist / Republican dead as having no significance. That is what his announcement really says.

However, it is not surprising that such an announcement indicates the sectarian and partisan nature of his stewardship and his amnesia over the RUC's role in the murder of many Catholic Nationalists. Their pain is no less acute than that of others, but that pain is not acknowledged. They are not seeking awards, merely equal treatment. The victims and survivors of state violence have found that, despite the recommendations of the Good Friday Agreement, they are continually marginalised, discriminated against and left out of the equation entirely. Peter Mandelson's golden handshake to the RUC has done nothing to lessen this perception. The league table of what constitutes a victim is measured by the Minister responsible for victims by the status of a person at the time of his death. It is further advanced by the unquestioning media. There is no doubt that in the minds of Mandelson and the motion's proposer, the victims of state forces and state-sponsored violence are of no importance in the wider schemes and political machinations of a Government that signed up to an agreement which states

“it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation.”

According to Relatives for Justice, some of whom have joined us in the Gallery today, there has been no official recognition for the families of those killed and injured by RUC violence — something that has been exacerbated by Mandelson's refusal even to meet the relatives of those killed. Yesterday's announcement of £200,000 — *[Interruption]*.

**Mr Deputy Speaker:** Order.

**Mrs Nelis:** May I continue.

Yesterday's announcement of £200,000 for victims' groups, as compared to £11 million for RUC relatives, is an insult to the dead, the injured and those trying to rebuild their lives. It should have been an equal and inclusive package designed to meet the needs of everyone affected by the conflict. Instead, the victims and survivors of state violence find themselves sidelined once again in the face of an announcement which makes conflict resolution more difficult than ever.

**Mr A Maginness:** We in the SDLP come to this issue in a spirit of reconciliation. We wish to play our part in healing our society's wounds. We fully accept that the needs of those who suffered during the conflict merit greater

attention and support. We can never be truly reconciled as a community until the victims of the troubles are reconciled with the rest of society. Unfortunately, the motion and the amendments tabled highlight the partisan and sectarian differences that exist and the failure of the body politic to reach an overall consensus on who is a victim of the troubles.

I regret the tone of the debate so far. I regret that it has been divisive and non-conciliatory. In particular, I regret the tone of Mrs Nelis, who was herself selective about the victims of the troubles.

4.30 pm

**Mr C Wilson:** Does the Member agree that the sad reflection on his party today is that over the past 30 years, when violence was being inflicted on the RUC and the security forces, his party was not able to bring itself to support the forces of law and order in Northern Ireland and instead played footsie with its Colleagues in Sinn Féin?

**Mr A Maginness:** In the SDLP we have maintained a balanced approach to the problem of conflict in our society, and I reject entirely the partisan remarks that the Member has made.

The motion and the amendments all attempt to be selective and to distinguish groups of people as the sole victims of violence. Therefore on one hand we have solely security force personnel as victims or on the other hand solely civilians as victims. When one starts to differentiate between victims, more problems are created because it is saying that some people, by virtue of their role in society, have suffered more than others. That is not acceptable.

In the SDLP we accept that people are victims if their lives have altered negatively because of the violence and division in our society resulting from the troubles. Essentially, we regard victims as self-defining, and in order to build a new agreed society to heal the wounds of the past, support should be available for all traumatised individuals according to need.

There is no monopoly on pain. The pain of an RUC widow is no different from the pain of the parent of a child killed by a plastic bullet. Orphaned children, whether they are the offspring of paramilitary or military fathers, still suffer the same pain of bereavement and separation. Their financial and material needs are still acute. The disappeared — the victims of kangaroo courts — are as much victims as those unjustly convicted and imprisoned by the regular courts. Whatever an individual's circumstances, victims stand to gain more by recognising their common suffering than by focusing on their differences.

The Assembly would be better served by a more comprehensive motion that recognised the suffering of all victims of the troubles and asked for more assistance for all of them right across the board. I invite the proposer

of this motion to withdraw it, as, indeed, those who submitted amendments should withdraw them. It would better serve the House if there were an all-embracing motion that considered the needs of all victims of violence in our community.

Let us engage in a process of healing the divisions within our society and help all those who have been victims. Let us recognise and publicly acknowledge their individual and collective suffering and let us move in that direction in this House. This motion and the amendments, whether intended to or not, are likely to create further divisions and suffering. Through them, we are in danger of ghettoising victims.

This debate, therefore, may extend rather than reduce the suffering of victims and encourage arguments about the right to victim status. We must ask ourselves what we are achieving today in this Assembly debate, which does not have the power to deliver positive change for the people for whom we speak. This motion and the amendments are merely procedural graffiti.

**Mr Berry:** I rise to support the motion and also the amendment moved by my Colleague Mr Paisley Jnr. I am sick of listening to the rhetoric of Sinn Féin/IRA representatives here today. It is worth pointing out that there would be no need for such a debate if the IRA had not murdered innocent members of the RUC, the UDR, the RIR, prison officers and Army personnel.

**Mr S Wilson:** Does the Member also accept that there would be no need to talk about the Catholic victims of the troubles had it not been for the IRA's killing more Catholics than the Army, the UDR and the police put together?

**Mr Berry:** I agree. It is worth pointing out the hypocrisy when Sinn Féin/IRA Members speak in the Chamber about victims. It is sickening that we have had to bring this debate to the Floor, but we had to because of the problems that RUC widows and the widows and families of members of the other security forces have faced over the past 30 years.

I welcome the compensation money that RUC widows are receiving. Sadly, it is too little, too late. The need for that money was greatest when the tragedy happened.

I recall a cold, wintry morning in February 1993 when a telephone call came through to our house at 5 o'clock and my family was told the tragic news that my uncle had been blown to pieces by the IRA. I can understand the grief and the pain because my family and I faced it. My aunt faced life without a husband, and my cousins faced life without a father, because of the cowardly actions of Sinn Féin/IRA. That is when they most needed the money. Sadly, the Government of that time did not provide sufficient money. Money was provided, but it was not enough. I understand the grief that all families go through, especially those of members of the security

forces who have been taken from the community in such a cowardly way.

However, I fear that this is a cynical exercise by the Government. It cunningly disguises the fact that when the RUC and the UDR were facing terrorism head-on and there was no talk by the Government of appeasing Republicans, the officers and their families were treated with little generosity. Now, when the RUC is being lambasted by all and sundry, the Government feel that they have to offer something to those hit hard by the troubles. I fear that this is a patriotic recognition of the force that the Government, and some Unionists, want consigned to history. However, I welcome the compensation.

The motion says that money must also be allocated to families of murdered and injured UDR, RIR, prison service and Army members. They must all be recognised. Following the Secretary of State's announcement of compensation money for RUC widows, the UDR widows, prison officer widows and others felt great pain and betrayal. That is why we are debating the matter. We demand that action be taken to ensure that the loved ones of everyone in the security forces who had their lives so tragically taken from them be recognised and awarded compensation.

I am meeting the Secretary of State this Friday, and I will press for equal recognition for UDR widows, prison officers' widows and Army widows. The sacrifice of the widows who endured the heartache of losing their partners to ruthless murderers must be fully recognised. We cannot allow half-hearted compensation payments by the Government; nor should the compensation be sold as a sugar-coated stone to the forgotten victims.

Between 1970 and 1998, 315 people were murdered in County Armagh by the Republican movement. The Assembly would not be discussing victims, RUC officers and their wives and families, or compensation had the IRA not murdered those people. The IRA has wasted the money and has destroyed family circles over the years, so shame on it. The Government must act immediately to show recognition of all security force families.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom aontú leis an mhéid atá ráite cheana féin ag Mary Nelis. Is é an teachtaireacht atá agam go bhfuil gach duine sa tsochaí seo cothrom: tá siad cothrom sa tsaol agus tá siad cothrom sa bhás.

I support Mary Nelis's amendment, which seeks to emphasise that all victims, survivors and relatives are equal with regard to the suffering and grief brought about by the conflict. There is no hierarchy of victims; no one is more equal than others, in spite of what the British Secretary of State may say. Alban Maginness wants to have that equality acknowledged. Mrs Nelis's amendment meets that desire, and therefore I anticipate Mr Maginness's support for it.

I find it difficult to accept that Mr Paisley Jnr is sincere and that he is not trying to use this vexed issue as a political football. Victims of the British State and British death squads are not included in his amendment, nor are the civilians killed by any of the protagonists to the conflict.

It is difficult for any of us to detach ourselves from our political standpoint and the experiences of our communities. I speak as someone whose community has suffered tremendously at the hands of the British Army, the RUC, the UDR, the RIR, the B-Specials, and the Black and Tans. I am a Member of the Tyrone National Graves Association, the function of which is to foster respect for Ireland's patriot dead. I do not apologise for that for one second, but we must try to detach ourselves from the political context. I have here a little booklet that give details of the Ulster Defence Regiment's record of violence against the Nationalist community, but, in the spirit of the debate, I cast it to one side.

The voice of the victims of British State violence is seldom heard. In particular, it is seldom heard on our broadcast media, in UTV and BBC programmes. Nobody went to the home of Aidan McAnespie in Aghnacloy to analyse the family's feelings and listen to their suffering after Aidan was killed by the British Army on his way to a GAA match. I could speak at great length on such matters. I will not make light of anyone's suffering — everyone's suffering is equal. The amendment put down by Mrs Nelis serves us well.

**Mr B Hutchinson:** I support Mr Paisley Jnr's amendment. As someone who was incarcerated for 16 years and whose human rights and right to equality suffered at the hands of some prison officers, I still believe that we need to recognise that they were part of this.

I am concerned that Mrs Nelis's amendment does not fit in with this debate. The subject should stand on its own. We would be doing an injustice to the victims of state violence if we were to discuss it now. I have heard people say that they were mostly Republicans. It does not matter whether there was state violence against only one Loyalist or two, there was still state violence against Loyalists. That debate needs to happen, but not as an amendment tagged on to a motion concerning the security forces. The matter should be debated in its own right.

With regard to compensation payments to the Prison Service, I accept that those people did serve. Their families sat at home wondering whether they would return, just as the families of members of the RUC, the UDR and other people did. They had to go through the daily security routine of closing their doors, looking through cameras and checking under their cars for bombs. The threat was not just from Republicans, it was from Loyalists as well — I recognise that. We should recognise that there are victims on all sides, but today our focus is on the security forces, and I would like to keep it there.

I do not support the amendment lightly. Members of my party and I have suffered in prison; some of my colleagues died there. However, I recognise the suffering of the people who were in the Prison Service and of their families. We forget that the families were victims as well, just as we forget that people such as myself and other prisoners were not the only people who served sentences.

4.45 pm

Our families served the sentences with us, yet they were totally innocent. They were not guilty of anything but being our family members. We should remember them and the prison officers who served there.

The Secretary of State could also have used this opportunity to recognise the service of members of the Prison Service, but it was left to Mr Paisley Jnr to bring the issue to the attention of the Assembly and society. We must thank him for that.

In my 16 years of incarceration I regarded the prison staff as the enemy. I have come to recognise that my enemies of yesterday are not necessarily my future enemies, which is where I am focused. I want to make sure that both Republicans and members of the security forces can co-operate in the future. We must recognise the hurt and the pain that we inflicted upon others and that others inflicted upon us. That should be the spirit of this debate, and that is why I agree with most of the sentiments voiced by Mr Maginness.

I do not make these comments lightly. In prison, I suffered from draconian measures that were drawn up by prison regimes in these very grounds, but not in this Building. The measures were implemented by prison officers, some of whom wanted to use them — they were watched and, in many ways, they were amused by this infliction of pain on people. This does not apply to all prison officers, but to some, and this must be recognised.

We are under a new political dispensation, and we need to recognise that there are victims on all sides. I hope that this debate helps people to understand that, even if they do not want to admit it.

**Mr Davis:** The proponent of the motion said, at the outset, that he hoped that the debate would be dignified, so the comments of the Sinn Féin Member for Foyle were regrettable.

I congratulate my party Colleague Mr Kennedy on bringing this matter before the Assembly and I also support the amendment proposed by Mr Paisley Jnr. Those in the front line in the fight against terrorism have been neglected by the state; they have been forgotten. It is a fact that 203 UDR and RIR soldiers died in the period between the formation of the UDR and the ceasefires. As well as these deaths, 47 former members were murdered purely on account of their previous association with the regiment. Four hundred and fifty-two members of the regular Army also died in conflict, and perhaps many of them did not even understand what the conflict was

about. In addition, over 500 UDR and RIR soldiers were wounded, along with thousands of regular soldiers.

I welcome the Secretary of State's announcement of the payments to RUC widows and the fund for injured police officers, former officers and their families. These awards are only right and proper, and although I, like other Members, may query the adequacy of what is being proposed, a start has been made to remedy a great wrong.

I support Mr Kennedy's contention that the Secretary of State's announcement does not go far enough, in that it refers only to police officers. The RUC bore the brunt of the terrorist campaign, with the deaths of 302 officers and almost 9000 injuries. It is only right that the relatives and those who were injured should be assisted, even at this late date.

There is no good reason for the scheme's being limited to only the police. A comprehensive scheme that takes into account all those who have suffered in the service of the state since 1969 should be set up. During the First World War the then Prime Minister, David Lloyd George, spoke of making Britain a land fit for heroes to live in. The Government of the time, for various reasons, did not achieve that end. Today, with our increased prosperity and ability to take care of our fellow citizens in need, there is no reason for that generosity's not being shown to those who sacrificed health and happiness to protect our country. The widows and families of UDR and other soldiers who died in the conflict are no less deserving than the widows and families of the police officers who died.

Over the years those widows faced financial hardship as they struggled to bring up young families. The children of those who were killed faced lost opportunities in education and careers because of the death of the main family breadwinners. In rural areas farms had to be sold as UDR men were murdered and the struggle to carry on became too great for the people who were left behind. Other widows, whose husbands did ordinary jobs, were forced to depend on the state or had to work to keep their families together.

Those who were injured faced a lifetime of pain and suffering and a loss of amenity. We should be generous to them and to their families. Whatever money is eventually paid out will never fully recompense loved ones for their loss and for the injuries they have suffered. It never could, but it can help to make the loss more bearable.

Today we are a rich nation with an expanding economy. What is being proposed in the motion will not be costly overall; it will be a mere pittance in the context of Governmental expenditure. If the Secretary of State takes the motion on board and gets agreement from his Cabinet Colleagues to expand the scheme proposed for the RUC, it will show a generosity of spirit and a basic humanity for which his Administration will be remembered. I support the motion.

**Mr Boyd:** I support the motion, including the amendment to include the Prison Service. The only response I will make to Sinn Féin's comments is that its terrorist wing, the Provisional IRA, has murdered hundreds of innocent Roman Catholics and Protestants, including courageous members of the security forces.

I had the privilege, along with Mr Roche of attending a fund-raising concert for the widows and relatives of innocent victims in the south Armagh area last Friday with Mr Kennedy in his constituency. I was humbled by the kindness and sincerity of these people who carry the scars of Republican terrorism and broken hearts that will never heal.

Of course, there is a difference between innocent victims of the security forces, who were upholding the rule of law, and those who were attempting to overthrow it. Regrettably, we have a Government that continues to reward terrorists who have committed the most heinous crimes and yet treat innocent victims very shabbily, sometimes ignoring them completely. There is now a long overdue opportunity for the Government to take practical steps to right some of the many wrongs they continue to be guilty of regarding victims' issues. How many times have we, as Unionist Assembly Members, requested the Prime Minister, successive Secretaries of State and Northern Ireland Office Ministers to meet the innocent victims of Republican terrorism, only to have these requests refused? Yet at the drop of a hat the same Government Ministers will meet those guilty of the most horrendous crimes against society, even going into prisons to meet them.

To put these recent payments to RUC widows into context, I draw Members' attention to pay-outs between 1995 and 1999 to terrorist prisoners through the European Union Special Support Programme for Peace and Reconciliation. The total amount paid out to terrorist groups was over £4 million. The grants were used to provide education and training, resource centres, minibuses for prison visits, training for drivers for HGV licences, guitar and yoga lessons inside the Maze prison and even a computer for women prisoners at Maghaberry. This is quite disgraceful when the funding would have been better spent on the innocent victims of terrorist violence who have suffered throughout the last 30 years. To compound the hurt further, the Northern Ireland Voluntary Trust — in my view, a completely discredited body — which administers this European funding recently authorised a paltry sum of £2,000 for the Families Acting for Innocent Relatives (FAIR).

It is one of the largest victims groups in Northern Ireland with several hundred widows of RUC, UDR and RIR personnel in its membership. It is disgraceful that terrorist prisoners are receiving such large amounts, yet innocent victims receive very little, or nothing at all in many cases.

The Northern Ireland Memorial Fund, set up in November 1999, provided small grants of up to £500

each for victims. To apply for this funding, which was for essential items or services, the victims were put under all sorts of scrutiny and felt humiliated just trying to meet the criteria.

The announcement on 7 November regarding funding for RUC widows and injured officers is long overdue but is not enough. It is wrong to exclude UDR and RIR members and their families, many paying the supreme sacrifice for defending democracy and the rule of law against a vicious terrorist and ethnic cleansing campaign. Many widows and their families are still too frightened to speak up for fear of intimidation. While the package of £11 million for RUC widows is welcomed, it still does not achieve parity with those widows whose husbands were murdered after 1982. Many RUC widows who lost their husbands before 1982 have been left poverty-stricken. Some are receiving police pensions of less than £2,000.

The RUC widows group, Forgotten Families, has said that the package falls short of addressing the needs of widows. For example, a widow currently receiving a pension of £1,932 per annum could receive a lump sum of £31,000. If this lump sum were invested at a return of 8%, the income from it would be approximately £2,400 per year. This would mean that the widow would have a total annual income of £4,332. Not every widow will receive the maximum of £31,000 as it depends upon the date of the murder of the loved one. Some will receive an amount between £19,000 and £31,000, which would result in a smaller pension. How can a widow raise a young family on such an amount?

The Government acknowledge the sacrifice made by bereaved and injured officers and the hardship caused to their widows and families, yet they have only partially addressed the issue. The financial package for RUC widows should also have been extended to the widows and widowers of policemen and policewomen who died in non-terrorist incidents. Providing assistance to widows and families of Army, UDR and RIR personnel, as well as those who are retired or injured, must also be a priority. Hundreds of members have been brutally murdered or injured as a result of Republican terrorism. The vast majority came from isolated areas and were in the front line of the battle against terrorism. Many were murdered in front of their wives and children by cowardly scum. These are the forgotten victims.

There have also been 29 members of the Prison Service murdered by Republicans and so-called Loyalists. Many others have been seriously injured. It is vital, therefore, that members of the Prison Service and their families also receive financial support and Government recognition.

I support the motion.

**Mr Neeson:** I welcome the announcement of payments to RUC widows and disabled police officers. For many it is long overdue and, unfortunately, for others it is too

late. The Government have tried to address the problems of the legislation prior to 1982, where limited amounts of compensation could be paid. To that extent the statement was welcome, and, in many ways, it recognises the hurt that those families have felt over the years. I also recognise the hurt of other families in the security services who have made similar sacrifices.

The issue looked fairly straightforward when Mr Kennedy brought forward his motion. However, then we had the amendment brought forward by Mr Ian Paisley Jnr. I do not have a problem with that. My problem is that over recent weeks Members have been queuing up to recognise the courage and sacrifices of the Fire Service, so why is the Fire Service not there?

5.00 pm

In the past, other Assembly Members have recognised the sacrifices of the Ambulance Service. Why has the Ambulance Service not been included today?

Recently, I held a meeting with a victims' support group comprising personnel from the Ambulance Service, the Fire Service and the RUC. Because of their attendance at explosions, particularly in the early years, some people claimed that they have contracted asbestosis. So, where do we draw the line?

As far as Mrs Nelis's amendment is concerned, it is important that we recognise the needs of all victims of violence in our society. However, it is quite clear from her delivery that she was being selective. Government have not seriously addressed victims' needs to date. Although Sir Kenneth Bloomfield's report on compensation has moved the situation further, it did not go far enough. We need to go back to the drawing board and look at all victims of violence in our society.

In many ways, it is regrettable that this has turned out to be a points-scoring exercise — it is much more important than that. The people who matter most, the victims of violence, seem to have been turned into a political football. I am not selective about any victims of violence in this conflict and I assure you that many of the victims across Northern Ireland will not thank us for this debate today. I agree with Mr A Maginness. We need a more comprehensive motion to recognise the real needs of all victims of violence, and I appeal to those who tabled the original motion and the amendments to take on board the needs of all victims of violence in our society.

**Mr Armstrong:** I noted with satisfaction the contents of the financial package announced by the Secretary of State for retired RUC officers and their families. Although no money can substitute for a husband, wife or family member, there are always financial consequences as a result of family disasters.

Although I endorse Mr Mandelson's proposals for the RUC, I feel that, on the grounds of equality and fairness, members of the UDR, the Royal Irish Regiment, and the



Army who have been affected by the Northern Ireland troubles should receive similar consideration.

Insofar as the Ulster Defence Regiment and the Royal Irish Regiment are concerned, I would like to highlight a number of important factors. The men and women who joined the UDR, in 1970 and 1973 respectively, did so mostly out of loyalty to their country and through a personal desire to rescue their beloved Province from destruction and economic disaster. Financial reward was a secondary issue, which did not feature in their thinking.

However, costs arose from their loyalty and contribution to their community. Family farms or businesses were left — to a greater or lesser extent — in the hands of fathers or spouses to administer as best they could. Injury or death frequently led to the demise of a business or farm also. Men and women in full employment found that job security was poor. For example, a terrorist incident in an area could lead to redundancy under some false excuse.

Promotion, despite equality of opportunity and qualifications, also seemed to pass them by. As the terrorists' campaign moved forward into the 1980s, employers began to show less and less tolerance or support to members of staff who were engaged in this part-time security work. Seeking employment became an exercise fraught with difficulty. When serving members resigned or were discharged, the personal threat and the threat to their families continued. The support that they received from local battalions was adequate initially, but, as such problems multiplied, they tended to fade from the security picture. To all intents and purposes, they and their families were left to get on with life as best they could.

Regular Army soldiers had been trained to fight a war. However, in 1970 they found themselves drawn into a policing or peacekeeping operation. For those soldiers that was a most unfortunate scenario — a war situation in which politics dictated that they had to use policing tactics. On that basis alone they were put into a position where they became sitting ducks for anything the terrorists threw at them.

The members of all security forces joined because of love for their country. They offered their lives to the Crown. Looking back, the Government took advantage of this commitment and generosity — they paid £2.50 for one night's work. It was a pittance, and certainly not an initiative to join the UDR. The security forces were reasonably successful in their activities, and many terrorists were put behind bars. Those terrorist lawbreakers were well looked after. Some of them came out of prison with qualifications the length of an arm, as well as compensation which was used to build their lives. Those terrorists — some of them in this Building today — destroyed this country and cost the taxpayers billions of pounds. Meanwhile, all the security personnel and their families struggled to move forward.

Do Members not realise that, had it not been for the brave soldiers of the British Army and the UDR apprehending members of Sinn Féin/IRA, and other organisations, and putting them safely in prisons such as the Maze, many of these people might not be alive and in good health today? They have all now been released, when the risk of harm is over.

Therefore, for the Secretary of State to extend the same level of assistance to Army, UDR and RIR widows, to injured Army, UDR and RIR personnel, and to retired Army, UDR and RIR personnel, would be a small but significant gesture.

**Mr O'Neill:** We also welcome the recent package from the Secretary of State, as indeed we welcome last week's package of £200,000 from Mark Durkan for the victims. My Colleague Alban Maginness, in his usual erudite fashion, put the case for us. He spoke of reconciliation, which he took — not accidentally — from the agreement. The section in the agreement dealing with victims, small though it is, is packed with very interesting ideas for trying to deal with their problems. For example, it says that it is essential to

“address the suffering of the victims of violence as a necessary element of reconciliation”.

It also says that there should be

“community-based initiatives based on international best practice”.

It also states that the provision of services should be

“supportive and sensitive to the needs of victims”.

As well, there should be

“the allocation of sufficient resources, including statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes”.

There should also be support for organisations dealing with the problems of victims. One presumes that this refers to Cruse Bereavement Care, The Samaritans and the other organisations that are so immensely valuable to people in these circumstances.

Not everyone will agree with the agreement but I doubt if many people could disagree with those organisations. All groups of victims should recognise that there is no monopoly on pain, and victims have no particular monopoly. Some have suffered bereavement, separation and physical and psychological injury. Many have been forced from their homes or have lost or had their property damaged, et cetera.

We need to consider whether the motion and the amendments attempt to deal with those problems. What about the reconciliation we heard about in the first statements? What have we heard today? No one can deny that Members have participated in a barracking session from one extreme of the Chamber to the other. They have signed up to the agreement, which called for reconciliation.

The motion and the amendments talk about compensation only, financial payments only. There is no evidence of providing community resources. What about the support services, the sensitive services? Are those mentioned? No, they are not. What do we have here today? We have a motion that calls for compensation only. All three — the two amendments and the motion — want money thrown at the problem. Money is necessary, but it is only one part of the problem.

Not only do we have that as the agenda; we also have an auction going on. Three political parties are trying to outbid one another, a repulsive kind of Dutch auction. The UUP is saying that it is the hero for those mentioned in the motion. The DUP is saying that it will show the public that the UUP does not care about those who are mentioned in its amendment. It will add the amendment and become the real hero. Sinn Féin, very cleverly, has tried to outmanoeuvre the whole lot by including everybody and trying to gain the high ground.

This is an awful, repulsive Dutch auction and an insult to all of the victims. I ask the three parties to withdraw the motion and the two amendments and to join with Colleagues to table a comprehensive motion to cover not only the groups mentioned but all our victims — a motion that will cover not only compensation but all of the things that victims need to support them through their trauma.

**The Minister of the Environment (Mr Foster):** I support the motion tabled by my party Colleague Kennedy and the amendment from Mr Paisley Jr. I welcome the news that the wives of RUC officers murdered by terrorists are to benefit from the £11 million package of funds announced by the Secretary of State on 7 November. This compensation package is long overdue and richly deserved, and I hope that the available funds will be increased to meet ongoing needs.

I am concerned, however, that the wives of UDR, Army, RIR and prison personnel have not been included in the compensation proposals. How does one make any distinction or degree of difference between the armed forces of the Crown when it comes to service and sacrifice? Brave men and women in all of those forces have given their lives, limbs and blood in the service of democracy, and it must surely be right that they and their families and dependants are cared for.

As a society, we have a duty to those who put their lives on the line to defend us. Is the pain and grief of any serving person's mother, widow, sister or daughter less than that of any others? I cannot imagine so. Those ladies who remained in their homes over many lonesome nights in isolated areas are the unsung heroines of the callous and brutal acts that were perpetrated against their way of life. They watched over their homes and their children. They were and are the real axis around which

the home revolves. They are heroines with courage of the highest order.

Can we imagine how it felt for them on the many nights they spent with fear running through their minds — mental torture indeed — awaiting with trepidation the horrible news that their loved one had been murdered? Most personnel were murdered when off duty, rather than when on duty, which exemplifies the gross danger that personnel were placed in 24 hours a day, every day of the week. Such courage is exemplary and demands the highest accolade that the Government can bestow. Many were gunned or blasted out of existence by a callous, brutal and morally corrupt enemy lurking in the undergrowth.

5.15 pm

I served in the UDR and am proud to have done so. I had occasion to accompany doctors and clergy to a home to break the dreadful news of the death of a loved one to a colleague's wife and family. Last Sunday I attended a UDR service of remembrance with laying up of colours in St Macartin's Cathedral, Enniskillen. There was an act of remembrance for two battalions, one from west Tyrone and the other from Fermanagh, and a total of 65 names were read out — 40 from Tyrone and 25 from Fermanagh. It was a sad, solemn tribute to fallen comrades whom we should remember:

“They shall grow not old as we that are left grow old.”

Those gallant people paid the supreme sacrifice. Are they and their dependants to be forgotten like turf in a clod?

The heartache, pain, distress and devastation suffered by their loved ones cannot go on being ignored. The valley of tears is the same for all personnel of Her Majesty's forces. Such remarkable people cannot and must not be ignored by Government; it would be callous discrimination of the highest order if they were. We remember that the loved ones of those broken-hearted relatives served unstintingly, and the Government must ensure that those families are recompensed unstintingly. The soldiers of the UDR, Army and RIR, and the prison officers served Her Majesty with distinction. They never went out to serve the community and did so proudly. As Longfellow said,

“And our hearts... like muffled drums, are beating funeral marches to the grave.”

It is absurd that the wives and dependants of those brave security force personnel should have to seek compensation in the first place. It should be there as a matter of right — not as a form of charity to them, but as a debt of honour paid by those whom they have protected. We are, I hope, moving into a new era of political peace and democracy in Northern Ireland. We must look to the future and build for tomorrow but — I emphasise this — we also have a duty to remember those who made

that new era possible, many of whom did so by making the ultimate sacrifice.

**Mr Shannon:** I support the amendment moved by Ian Paisley Jnr. It is important that we focus on the innocent victims of terrorism. Mr Foster — indeed, most of those who have spoken — focused on them, and I wish to do so as well.

We all recognise the contribution that past and present members of the Army, the UDR, the RIR and the Prison Service have made to society. I want to underline that, as it is very important. They selflessly committed hours of service to our community, night by night for those who were part-timers, and day by day for those who were full-time members. When the announcement was made that the RUC widows and the injured and retired officers and their families were to be recognised, I felt that it was what they truly deserved. A grateful community recognised and congratulated them, for they had given much. They did not look for very much but they gave much, and I believe that they deserve much in return.

However, we also want to consider the Army, the UDR, the RIR and the Prison Service, their injured and retired personnel and their families. We do so not just out of a sense of duty, but out of a deep sense of gratitude for all that they have done. We think of all those who served in the UDR, the RIR and all the other services. Some 40,000 part-time and full-time members of the UDR and RIR have given of their time.

Mr Sam Foster, the Minister of the Environment, spoke about his service in the UDR. Some of us have served in it as well. I can remember joining as an 18-year-old. I can remember doing three or four nights a week — that included training — and then going to work the next morning. We did not do it for financial advantage, as one Member suggested — there was no financial advantage. Mr Armstrong talked about getting £2.50; I thought it was £3.00 — perhaps I was getting 50 pence more than he was. The money was small — it was no incentive. People did it to make a contribution to the community and hoped that, in some small way, they would be able to rid society of the scourge of terrorism.

Our duty was to make the Province safer for the whole community, and we did not draw any distinction between one side and the other. That type of commitment went far above the call of duty for all who participated and contributed. I will give two examples of that commitment. One is a constituent of mine whom I know quite well. He served in the UDR, but today is unable to work. He was in a convoy in Belfast when two of his friends were blown up. He is traumatised and, as a result, he and his wife and children enjoy less quality of life than the rest of us. He will never work again. We have a commitment to help such people, to make a commitment to them, and do our best for them. That is what we want with this motion.

We need to support those families in some way. I talked to Mr Kennedy earlier, and he said that this was an occasion to recognise some of those who gave so much. I agree. Returning to my example, my constituent received a pension and got help from the Benevolent Fund, but it was not sufficient to look after all his needs as a family man.

The first UDR man to be killed was murdered outside my uncle's farm at Clady near Strabane. I remember 10 December 1971, when my cousin, Sergeant Kenneth Smyth of the UDR, and his friend Daniel McCormick, were murdered by IRA people who were able to rush 200 yards to sanctuary across the border, to the haven where murderers get away with what they do, and are not accountable to the law.

Is that fair play? I think not. We are here to recognise the innocent victims of terrorism, and that is what we want to do. Mr S Wilson referred to the number of Roman Catholics killed. My cousin, Kenneth Smyth, was a Protestant, and his friend, Daniel McCormick, was a Roman Catholic — both members of the UDR (one a serving member and one a past member). The IRA snuffed out their lives. There is something wrong with a society that allows that to happen. We want to recognise that, and commemorate it.

Daniel McCormick left five children — one of them disabled — and the IRA were not thinking about that when they killed him. To them he was an agent of the state, and it did not matter what his religion was or what community he came from. They were best friends, who worked together, played together and died together.

The Government did very little for their families. If there is any decency or justice, it is only right that the Army, the UDR, the Prison Service and the RIR receive assistance — payments for the widows, the injured personnel, the retired personnel and their families.

I support the amendment put forward by Ian Paisley Jnr.

**Mrs Carson:** I must point out that the security forces were protecting the whole community from terrorism. They were not protecting the Unionist and the Protestant community alone. They were protecting our whole community, and I regret that the SDLP have never recognised that. I think that their act today of playing Pontius Pilate in the Benches is something to be regretted.

I attended a poignant service on Sunday. It was the rededication of a memorial stone to members of the UDR and RIR who lost their lives protecting the whole community from terrorist attacks. I looked at the widows who had lost husbands, the young men and women who had lost fathers, and the children growing up without grandparents. The suffering and hardship of these good people cannot be quantified. All of the people, and I emphasise all of the people, in Northern Ireland owe the members of the UDR, RIR, and the security forces a

great debt of gratitude. Those who paid the ultimate sacrifice at the hands of assassins also sacrificed their families for the good of the whole community. We must ensure that their families are neither forgotten nor neglected.

The Ulster Defence Regiment was a unique British Army regiment formed in 1970. The part-time element was recruited exclusively in Northern Ireland and used exclusively in Northern Ireland. The regiment was in continuous active service for longer than any other since the Napoleonic period.

We have already heard the numbers of injured and dead — I will not go over them again, but they were all soft targets. My own constituency of Fermanagh and South Tyrone has suffered greatly. Many men and women joined the security forces to do their duty of protecting the innocent — all of the innocent, and not just those in the Unionist community — from the evil atrocities perpetrated by this terrorist movement.

Many of them made the ultimate sacrifice. These people were easy targets because they lived in the community. Of the 197 murdered, 155 were off duty, going to or coming from work, or at home. They had no chance to defend themselves.

As a former teacher in Tyrone, I know of the hardships of wives forced to leave home, and children having to move school, leaving where their suffering could be understood for an area perceived to be safe. I know what it is like to teach children trying to cope with the loss of their father. It is heartbreaking.

Our security forces consisted of the UDR, RIR, Army, Prison Service and the RUC. We must count in their number many gallant Roman Catholics. I regret that the opposition Benches have not recognised that. They all served the people, ensuring the threat of terrorist attack was minimised. They were, and are, to be commended. They and their families should be treated equally. I support the motion and the amendment tabled by Ian Paisley Jnr. It is imperative that the Steele Report be extended to incorporate all the elements of the security forces. They selflessly protected the people from terrorism. We must remember the dead, but we must not forget the living.

I wish to ask the Secretary of State, the Prime Minister and our United Kingdom Government why it has taken 30 years for these citizens, who have suffered so much, to be recognised. Why have the Government only recently recognised that there are more widows and families in need of help than those of RUC members? Why was no overall view taken of security force families until now? The Government have dragged their feet.

I support the motion.

**Mr Savage:** I support the motion and the amendment put forward by Ian Paisley Jnr. I appeal to the Assembly to stand by the principle of parity of treatment, which all communities should now expect under our new partnership

Government. It is only fair that widows of UDR, RIR and Army personnel should expect the same treatment as police widows. That should form part of any equitable general settlement. I am a plain, practical man. Speaking practically, no reasonable person could distinguish between the services of the police, UDR, RIR, Army, and the Prison Service. They were all part of the same security force, under the same central direction and answerable to the same authority. They were all charged with carrying out the same Government policy. All were acting under precisely the same orders and all came under exactly the same terrorist threat. All were confronted by the same danger.

It is an insult to their intelligence to differentiate between them. That is why RIR, UDR, Army and Prison Service widows should receive equal treatment. In law, the test is often that of the reasonable man. What would a reasonable man do in the circumstances? The same applies here — what would the reasonable man do? Faced with the same danger, and acting under the orders of the same authority, often acting in conjunction with one another — the widows of these gallant servicemen should be treated in exactly the same way as police widows.

Natural justice is another legal principle that is applicable here. It would be unjust to differentiate, for example, between police widows and UDR widows. In the comprehensive peace settlement the guiding principle should be generosity and not the penny-pinching that we had before. When I consider the massive savings of public money achieved through the scaling down of the security situation — and the size of the Chancellor's war chest to fight the next general election for the Labour Party — I am amazed that the funding for this compensation cannot be found quickly.

5.30 pm

For reasons of natural justice, and with a view to behaving as reasonable men and women, for reasons of parity and because of the overriding need for generosity in our behaviour towards one another in this new age of peace, I appeal to the Assembly to support this essential, decent and fair-minded motion. Money cannot compensate for the loss of a husband or a father, nor can it fill the empty chair left in so many homes throughout our Province. I make no apology for giving the best 13 years of my life to the Ulster Defence Regiment. Never did I see anyone step out of line. I hope that we who have survived will see fair play for the widows of our servicemen.

**Mr Paisley Jnr:** The House is right: whoever judges what is before him tonight can judge what is behind the main motion, which is genuine. My amendment is also genuine and is intended simply to fill a gap and endorse what is already on the record.

However, we should also look at the amendment before the House in the name of Sinn Féin. I do not believe that it is genuine, for its comments have demonstrated

its concern that neither the amendment nor the motion should recognise the role played by the Provisional IRA. It did indeed play a role: it wrecked peace and destroyed the society which for more than 30 years it sought to undermine. That has been its motivation tonight, and the Assembly should judge its position.

I was amazed when I heard someone say that this was an attempt to get people onto the Mandelson gravy train. This comment came from an organisation whose members keep everyone else away from the gravy train as they seek gratuities from the Government. Look at the money the Government have thrown at issues that are the concern of Sinn Féin people. I quite unashamedly mention the "bloody Sunday" tribunal, which has cost over £30 million. Is it getting on a gravy train to give a few million pounds to grieving widows and disabled RUC, RIR, UDR and Prison Service members? What we heard tonight from Sinn Féin was disgusting. The political reality is that if they had not created the victims, there would be no need for this debate.

It is important that we contrast the great gap between the comments made tonight by Mr Billy Hutchinson and those made by Sinn Féin, and the House would be right to point it out. Sinn Féin's atrocious comments have been vindictive and spiteful. Mr Hutchinson could have taken an anti-Prison Service attitude, for whatever reason, but he did not — something which says more about him than about Sinn Féin/IRA. It is right to recognise that. I hope that the House will reject the second amendment and accept mine.

I should like to place on record an extract from an article written by Gail Walker of the 'Belfast Telegraph'. She looked at the life of Victor Arbuckle, the first police officer murdered in the troubles. Having interviewed Dorothy Arbuckle many years after her husband had been appallingly murdered, Ms Walker said:

"Victor made the ultimate sacrifice, yet, scandalously, his widow received not gratitude and care and endless support but years of financial hardship. Dorothy endured a lonely struggle to feed, clothe and educate her son, just two when his father was killed."

He got a meagre £137 a month. This motion and the amendment I have put before the House are essential to send out a message to the Government that people who have allowed their husbands and wives to enter the police, the UDR, the RIR and the Prison Service to defend society deserve respect.

In that article, Gail Walker quoted Dorothy Arbuckle as saying

"I wonder what Victor would think of how we have been treated."

I am sure that now people are saying "I wonder what the victims think of the comments of Sinn Féin/IRA in this debate." They have been thoroughly atrocious.

I appeal across the House to the SDLP not to dance in the shadow of Sinn Féin/IRA. Come out of that shadow.

Get off your self-erected high moral perch and take a decision that recognises, respects and rewards those people who defended this society, whether you like it or not, for me and for you. I appeal to you to vote for the amendment and not to run away from the challenge that is before this House.

The SDLP said that we should get together and sort something out. Here is a specific motion and a specific amendment that set down a criterion. Accept that tonight and make an effort to demonstrate that you do want to see people who have made the ultimate sacrifice for this society being rewarded in their hour of need.

I ask members to support the amendment.

**Mrs Nelis:** Go raibh maith agat, a LeasCheann Comhairle. I want to address some of the comments made in the debate. Mr Paisley Jnr says that the RUC, the British forces, and the Prison Service should be duly rewarded and given due recognition, but how are these organisations viewed by the Nationalist/Republican community? As bereaved relatives of state violence have seen and experienced, those are the forces responsible for the death and torture of their loved ones. Mr Paisley Jnr wants us to applaud them and pay them compensation.

Mr Maginness accused me of being selective, but my motion is entirely consistent with what he wants. It is quite explicit in that it addresses all victims. Who will speak for the victims of state violence? Has Mr Maginness spoken for them? Who will acknowledge that their grief is as legitimate as everyone else's? Does Mr Maginness believe that Peter Mandelson's announcement addresses their needs?

I remind those on the opposite Benches that Loyalists on the Shankill Road killed the first RUC member murdered in this conflict. I also remind them of their parties' close associations with an organisation called Ulster Resistance, an organisation that Michael Stone claimed, on television last week, first armed him.

Getting back to my party's amendment, all victims and bereaved families deserve to have their pain acknowledged and their needs addressed. The signing of the Good Friday Agreement, one hoped, would be the time, and create the climate for such a move. Indeed, victims' groups were beginning that painful process of engaging and talking. The victims of state violence and the RUC widows were getting together and discussing the commonality of their pain and grief.

The announcement by Peter Mandelson has put that delicate process in jeopardy and has subverted the need and the search for truth for victims and survivors, which is central to this process. He has supported the concept that state forces are above the truth, are not amenable, and should be applauded and rewarded. The father of nine-year-old Patrick Rooney, shot dead by the RUC in 1969; Jim McCabe, the husband of Nora McCabe; the

parents of children killed by plastic bullets; the children of Sammy Devenney; the 400-plus victims killed by the state; the relatives of the many Loyalists also killed by the state, whom Billy Hutchinson mentioned — they understand the pain and grief that others have experienced. What they cannot understand is why they are treated differently.

The continued attempt to operate a hierarchy of victims has done little to heal all our wounds. The failure to understand and recognise equally all victims, survivors and their families is in essence sectarian. It is about presenting a very narrow definition of the causes and effects of conflict in this part of Ireland. Peter Mandelson's announcement reaffirms to the relatives of the victims of state violence that their hurt, their pain and their trauma are somewhat less important.

I do not accept that I was being selective. In fact, I acknowledge that with regard to the loss of a loved one, all grief is the same. But, according to Peter Mandelson's announcement and the opinions of Members speaking today, some grief is different. I make no apologies for raising the issue of state violence, for no one else in this Chamber has had the courage to do so. A hierarchy of victims is in place, with the victims mentioned in Mr Kennedy's motion at the top, and those murdered by the state at the bottom. Who in this Chamber is asking the families of those killed by the RUC, the UDR or the British Army how they feel? Why will Peter Mandelson not even meet them? As for the monetary packages, let us put them in perspective: £11 million for the RUC and £200,000 to victims' support groups. Contrary to what Eamonn O'Neill has stated, I did raise the recommendations contained in the Good Friday Agreement, and I will finish by quoting these words:

"The achievement of a peaceful and just society would be the true memorial to the victims of violence."

**Mr Kennedy:** I am grateful for the opportunity to wind up. This has been an important debate. I listened carefully to all the speeches, and I thank the Members for the content of most of them. I have indicated that I will be accepting the amendment of Mr Paisley Jnr. I am happy to confirm that again, and according to the contributions I have heard, acceptance of that amendment is widespread. I strongly agree with Mr Paisley Jnr that the Benevolent Fund should never be used by the Government as a substitute to providing adequate state compensation.

With regard to the contribution of the Member for Foyle, Mrs Nelis, I, like many others, was greatly offended by its tone and spirit. It was most unfortunate that we had to hear a litany of Republican bile. I draw a clear distinction between the actions of the security forces and their role in conflict and those of people who go out to perpetrate atrocities, to murder and to maim. That is a very clear distinction in the minds of all right-thinking people in Northern Ireland. Neither can I accept the idea

of a hierarchy of victims. I know that Sir Kenneth Bloomfield did not accept that in his main report.

I listened with interest to the lecture from Mr Maginness. It was interesting that his party has proposed no motion on reconciliation to the Assembly for its consideration. He ought to bear in mind that when it employs personnel to act on its behalf, the state has a duty to look after and cater for their families in the event of their death. I sincerely think he is wrong in his assessment of my motion.

I want to thank Paul Berry and several other Members. I agree with Mr Berry that there should be no half-hearted attempt made with regard to compensation for the security forces. I was interested in Mr Hutchinson's contribution. He recognised at least that this motion was aimed at alleviating the sacrifices made in the service of the security forces. It was brave of him to accept that prison officers should be included. It highlighted a real difference between him and Sinn Féin. I also want to thank my Colleague Mr Ivan Davis for his contribution, and Mr Norman Boyd, Member for South Antrim.

5.45 pm

I am sorry that Mr Neeson is not in the Chamber. His speech was a classic Alliance statement. He initially welcomed the announcement and then went on to criticise the motion. His speech was curious in that respect, but perhaps one should never be surprised by the antics of the Alliance Party. One of the significant points that he made was that the motion omitted the Ambulance Service and the Fire Service. I must remind Mr Neeson that they are emergency services. This motion is clearly aimed at the security services, of which prison officers are very much part.

I thank my Colleague Mr Billy Armstrong for his contribution. Mr O'Neill did not bring forward a motion in his own name or on behalf of his party, nor did he supply an amendment. We had another lecture on reconciliation. It was clear that Mr O'Neill has not read the Steele Report or its recommendations. It was also clear that he wrote his speech before hearing the debate. That was a mistake.

I thank my Colleague Mr Foster, Minister of the Environment, for taking time out of his extensive ministerial duties to contribute to and be part of this important debate. I also thank Mr Shannon and my Colleagues Mrs Joan Carson and Mr George Savage. It is important to remember Mrs Carson's point about the contribution of Roman Catholics in the security forces and their sacrifices. That should be borne in mind by everyone in the community.

Mr Savage rightly said that there should never be any differentiation made between the contributions and sacrifices of the security forces. It is impossible to say to any member of the Army, UDR, RIR, RUC, or to any of their families who are victims, that their contribution was less, or less valued, than anyone else's. That was an important point.

I am grateful for this debate. I recognise, of course, that it is a reserved power. It is a matter for the Government, the Secretary of State and others to bring forward proposals and recommendations. I hope that they will move speedily to do so. It is right that we remember that the sacrifices of the security forces crossed the sectarian divide.

This motion seeks to address the great injustice that has been carried out against the security forces in relation to compensation. I wait with interest to see what others, particularly the SDLP, will do. I am also saddened that there was no contribution to today's debate from the Women's Coalition. On other occasions they have been very keen to lecture Members about remembrance and all that that involves.

I commend the motion and ask the entire House to give it its wholehearted support.

*Question*, That the amendment in the name of Mr Paisley Jnr be made, *put and agreed to*.

*Question*, That the amendment in the name of Mrs Nelis be made, *put and negatived*.

*Main Question*, as amended, *put and agreed to*.

*Resolved*:

That this Assembly welcomes the announcement by the Secretary of State for Northern Ireland on 7 November 2000 of payments to RUC widows and the fund for injured police officers, retired officers and their families; and calls on the Secretary of State to provide the same level of assistance to Army/UDR/RIR widows, injured Army/UDR/RIR personnel, retired Army/UDR/RIR personnel, injured Prison Service personnel, retired Prison Service personnel and widows of Prison Service personnel and their families.

*Adjourned at 5.50 pm.*





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## NORTHERN IRELAND ASSEMBLY

## SPECIAL EU PROGRAMMES: NORTH/SOUTH MINISTERIAL COUNCIL SECTORAL MEETING

Monday 27 November 2000

*The Assembly met at 10.30 am (Mr Deputy Speaker  
[Mr McClelland] in the Chair).*

*Members observed two minutes' silence.*

### ATTACKS ON SCHOOLS AND SCHOOLCHILDREN

**Mr J Kelly:** On a point of order, a LeasCheann Comhairle. I want to refer to an interview given by Assemblyman McCrea to the 'Mid-Ulster Mail', which was carried in that paper last Thursday. In the interview the Member alleged that shadowy figures linked to IRA/Sinn Féin were responsible for acts of violence against schoolchildren in Maghera. The next day a school in Greenlough was burnt in a Loyalist arson attack.

**Mr Deputy Speaker:** Mr Kelly, this is not a point of order. I am going to move to the next item of business.

**Mr J Kelly:** Further to the point of order, a LeasCheann Comhairle. Is there any way in which Members can raise issues that are, in many ways, life-threatening to members of the Nationalist community?

**Mr Deputy Speaker:** That is a matter for the Standards and Privileges Committee. If you feel strongly about it you should write to the Clerk of that Committee.

### **The Minister of Finance and Personnel (Mr Durkan):**

I wish to report to the Assembly on the meeting of the North/South Ministerial Council in the special European Union programmes sector, held in Omagh on Wednesday 15 November 2000. Mr Dermot Nesbitt and I attended the meeting. The Irish Government were represented by Mr Charlie McCreevy TD, Minister for Finance. My statement has been approved by Mr Nesbitt and is also made on his behalf.

The Council agreed that the various programmes in the remit of the Special European Union Programmes Body (SEUPB) had a major role to play in the development of peace and reconciliation and in economic and social progress on the island as a whole, particularly in the border areas. The Council looks forward to working closely with the SEUPB in implementing those important tasks.

The Council received a report on progress made towards recruiting a permanent chief executive. The post has been advertised and interviews are now being held. The Council noted the progress made and hoped that the permanent chief executive would be appointed as soon as possible to drive forward the important work of the body.

The Council received a report on actions taken to further the development of the SEUPB and was pleased to note that a second regional office of the body had opened temporary premises in Omagh and that permanent premises have been identified. The Omagh office will have lead responsibility for monitoring and promoting the implementation of the common chapter and particular responsibility for the cross-border priority of Peace II.

The Council highlighted the need for clarity on the roles and responsibilities of the body as it takes forward its developing work programme. The Council noted and endorsed the pace and nature of the developments of the SEUPB's internal structures and mechanisms and its range of developing partnerships.

The Council noted that the negotiations on the Peace II operational programme were nearing conclusion and that the SEUPB had begun work on the programme complement. The Council attaches urgency to the completion of that work and hopes that negotiations with the European Commission on the operational programmes will be finalised as soon as possible.

The membership of the Peace II monitoring committee was announced at the meeting. The committee will be established in shadow format, pending the formal adoption of the Peace II programme by the European Commission. The Council expressed a desire for an early meeting of

the committee to enable it to have an input to the development of the Peace II programme complement.

The Council approved the community initiative proposals for INTERREG III, Leader+ and EQUAL in Northern Ireland and Ireland, and the proposals for the URBAN II programme in Ireland for submission to the European Commission as a basis for negotiation.

The Council recalled the important responsibilities of the SEUPB for grant making and other managerial functions in respect of the North/South elements of all the community initiatives in Northern Ireland and Ireland. It also recalled the ongoing role that the SEUPB will have in implementing and monitoring community initiatives throughout their lifetimes.

The Council stressed the immediate need for the body to be directly involved in the forthcoming negotiations with the European Commission on the community initiative programme proposals provided for in the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999. The Council requested that it be kept informed of progress on those negotiations.

The Council noted the progress made by the SEUPB in developing its responsibilities for monitoring and promoting implementation of the common chapter on cross-border co-operation contained in both Northern Ireland's structural funds plan and Ireland's national development plan. The Council agreed that delivery of the common chapter requires a consistent, coherent, co-ordinated approach to identification and implementation of cross-border co-operation on a North/South and east-west basis. The Council looks forward to a further progress report at the next sectoral meeting on EU programmes.

The Council approved the SEUPB's draft corporate plan for 2000-03 and the draft business plan for 2000. A new corporate plan will be presented to the council early in the new year. The Council approved and welcomed the code of conduct for the staff of the body and is confident that staff will apply all aspects of the code in discharging its duties.

The Council considered a paper outlining the progress of spending on the Peace I programme and the INTERREG II programme. The Council noted the position on commitments of funds under both programmes and that overall expenditure at 30 June 2000 stood at 66% of the Peace I allocation and 79% of the INTERREG II allocation. The Council agreed that this was an important area of work and that further sustained effort will be required to ensure that full expenditure is achieved by 31 December 2001. The Council also noted that the body will provide a further progress report on the implementation of both programmes at the next sectoral meeting on the special EU programmes. The Council agreed the text of a joint communiqué, which was issued following the meeting. A copy of the communiqué has been placed in the Assembly Library.

I would also like to cover two items that fall within my responsibilities and which were dealt with at the North/South Ministerial Council sectoral meeting on 17 November. Ms Rodgers will be making a full statement on that meeting in due course. Following approval by the Executive Committee, the Council agreed final recommendations on the budgets for the six North/South implementation bodies. Details are set out in the table attached to my statement. The contributions from the North and South will go forward for approval by the Assembly and the Dáil respectively, as part of the Budgets and Estimates, North and South. Thus, the Executive have agreed the Northern contributions that will be recommended to the Assembly as part of the revised Budget that I will introduce next month.

The second item is the URBAN II community initiative. The Executive Committee agreed on 16 November that the URBAN II programme proposals for Northern Ireland be submitted to the North/South Ministerial Council. This happened at the sectoral meeting on 17 November, and the Council agreed to those proposals being submitted to the European Commission as a basis for negotiation over the next five months.

**The Chairperson of the Finance and Personnel Committee (Mr Molloy):** A LeasCheann Comhairle, go raibh maith agat. I welcome the Minister's statement on European funding. It is an important stepping stone, and we hope to make continued progress on it. Can the Minister tell us when Peace II money will be available, so that groups with a gap in funding will be able to ensure the continuity of their projects? What problems are being encountered? Do they relate to match funding from other Departments and organisations to allow some of these groups to draw down the extra money for the completion of payments in those schemes?

**Mr Durkan:** I thank the Chairperson of the Finance and Personnel Committee for his Committee's interest in these areas.

First, we had hoped to be further forward with the proposals for the Peace II programme. There has been some delay in finalising the community support framework. Although it is the Commission's document, the Administration has been working with the Commission on the operational programmes. That is the next stage. When operational programmes for Peace II and transitional Objective 1 are agreed, we will bring forward the more detailed proposals, within a few months, at the programme complement stage.

We are working on the operational programmes and the programme complements, but under EU regulations the monitoring committees have to be able to make an input to those. Our work would be assisted if we had everything we needed from all the Northern Ireland Government Departments. We are still awaiting some contributions on the operational programme. We are determined to try to

proceed as quickly as possible because we recognise the expectations, the needs and the gaps. However, in all likelihood we will not be in a position to call for applications for Peace II until the new year.

10.45 am

In relation to Peace I, the most up to date figure that I have is for the end of September. It shows that 70% of Peace I funds have now been drawn down. We have only until 31 December 2001 to complete that work. There are a range of issues and problems involved, and we are trying to identify the problems of particular sectors and groups to see whether we can come up with specific solutions.

**Mr O'Neill:** I welcome the Minister's statement, which shows that considerable advance in this area has been made. Can he tell us about the role of local government in the administration of INTERREG III funding? It has been envisaged for some time that it would be done through the three cross-border committees that exist in Northern Ireland?

In reply to an earlier question of mine, the Minister indicated some favour towards the idea of an Assembly oversight committee for the administration of the EU programmes. Does he still see merit in such a suggestion and, if so, how could it be done?

**Mr Durkan:** First, in respect of INTERREG III, further details will have to be worked on. Proposals for the basis of negotiation, approved by the Executive and the North/South Ministerial Council, have been submitted. We will give further consideration to precisely how local delivery, and area-based, mechanisms can facilitate that programme.

Mr O'Neill mentioned cross-border networks. I have previously recognised how they have contributed to our understanding in this area. It would be wrong for me to say that those groups will be directly engaged as delivery mechanisms for INTERREG III. It would simply be inappropriate to make any promise at this stage, but clearly the cross-border network groups are particularly well placed to make proposals regarding INTERREG III. Obviously, they have submitted some critical comments about the present proposals, and they are well placed to make a further contribution to our thinking and to the life of the programme itself.

I am open to dealing with any Committee of the Assembly. I seem to be picking up Assembly Committees to work with; it is certainly a growth sector in my area of activity, and we can take another one if that is needed.

The issue is whether the Finance and Personnel Committee believes that there is a further, distinct role to be discharged regarding the Assembly's interest in the community support framework and the various EU programmes, and whether it believes that anything distinctive

could be done by another Committee. I recognise that other Members also have an interest in the question.

**Mr Poots:** Does the Minister acknowledge that the £1.2 million being allocated from the Executive's Budget would be better spent in actual programmes within Northern Ireland? Does he recognise that the cross-border element reduces the ability of areas not along the border to tap into that money? Is there not, therefore, an element of discrimination against areas such as Lagan Valley?

**Mr Durkan:** I repeat the point that the allocations being made to the six implementation bodies are not huge allocations when taken against the budget as a whole.

They are significant, but they go towards supporting some significant services and work by the bodies. Some of the work was already being undertaken in other forms and, as it has to continue, we feel that it will be performed and discharged better in the particular context of the North/South implementation bodies. There can be economies of scale and performance efficiencies through co-operating in that regard.

I refute any suggestion of discrimination against any part of Northern Ireland regarding EU programmes. Obviously, some EU programmes apply to specific areas, rather than to Northern Ireland as a whole. For example, URBAN II proposals apply particularly to north Belfast, but that does not mean that the rest of Northern Ireland is discriminated against because it is not benefiting directly from URBAN II. Mr Poots may not have noticed that the whole of Northern Ireland will be eligible under INTERREG III as opposed to previous INTERREG programmes. I am at a loss to understand why there should be any suggestion of discrimination against any part of Northern Ireland.

**Mr Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement. However, I have a specific concern about the presence of Mr Dermot Nesbitt, given his recent comments in the press, where he claimed to be quoting from the Northern Ireland Statistics and Research Agency (NISRA) report. Subsequently we were told that it is not a report but simply a briefing for the various Ministers.

Given that Mr Nesbitt has responsibility, in the Office of the First Minister and the Deputy First Minister, for matters including equality, his remarks, which were quoted in the local press, are of great concern to all of us. He suggested that NISRA said — I do not know whether they are saying it, because I have not seen the briefing — that there was no discrimination between the communities. What input did Mr Nesbitt have at the sectoral meeting, given the major role that EU programmes have in ending discrimination and given that Mr Nesbitt is on public record as saying that it did not exist?

**Mr Durkan:** Mr Nesbitt was one of two Ministers from the Northern side who were present at the meeting. I

was the other Minister. I am making the report because these matters are within the responsibility of my Department. We participated in the meeting on the basis of the papers and positions approved by the Executive Committee, which is the proper way to do business at the North/South Ministerial Council (NSMC).

I note Mr Maskey's concerns about the comments made by Mr Nesbitt on a previous occasion about another issue, but I hope that Mr Maskey is not suggesting that more parties should engage in vetting tactics as far as other Ministers' participation in the NSMC is concerned. I am happy to participate with any Minister from any other party in NSMC business on behalf of the Executive on proper, approved and agreed terms. I hope that everybody else would do the same. I do not think that anything would be gained by saying that we will not go to certain meetings with certain Ministers because of other issues that may arise.

**Ms Morrice:** I welcome the details of what is happening in the European structural fund programmes. However, I would be grateful for further clarification on a number of points. I would like to focus on the funding mechanisms under Peace I and Peace II. First, is it the definition of funding bodies that is holding up the negotiations on Peace II? Secondly, will the Minister make it clear that the intermediary funding bodies that existed under Peace I and the district councils will have a role to play under Peace II. What role will that be?

Finally, will the six North/South implementation bodies carry out a funding function similar to that of the intermediary funding bodies, and will their funding come from European programmes, particularly Peace?

**Mr Durkan:** First, the negotiations on Peace II are ongoing. As I said, the community support framework — the Commission's paper, which we had expected would be formalised in the summer — has taken longer than expected. Nevertheless, negotiations are proceeding in respect of the operational programme and the programme complements. There are a number of issues that need to be explored by ourselves and the European Commission. It would help our officials if we had the necessary material from all the Northern Ireland Government Departments.

The intermediary funding bodies have made a useful, distinctive and helpful contribution to Peace I. We see the importance of such a role continuing with Peace II, but we must put that work out to tender. That would be consistent with the European Commission's own requirements. The European Court of Auditors' report was somewhat critical of the fact that it had not happened in Peace I. It would also be appropriate with regard to public procurement policy.

We are continuing to engage with a range of interests — local partnerships and local government, as well as staying in touch with others such as the intermediary

funding bodies on how best to develop local delivery mechanisms and local funding arrangements during the Peace II programme. A working group involving representatives from district partnerships, local government and intermediary funding bodies will shortly be making proposals to me in that regard.

**Mr Byrne:** I welcome the Minister's progress report on the workings of the special EU programmes body. I am delighted that the Omagh office is now open and that it will monitor and promote the implementation of the common chapter and have responsibility for the cross-border priority of Peace II.

How will the North/South Ministerial Council endeavour to make the common chapter a more meaningful, practical and relevant exercise in the next round of structural funds? Unfortunately, in the 1994-99 round, the common chapter became an illusion rather than a meaningful exercise. That was particularly disappointing for those of us who live in the border zone. There is a need for real North/South co-operation on transport infrastructure.

**Mr Durkan:** Mr Charlie McCreevy, Mr Dermot Nesbitt and I were glad to have the meeting — the first Northern meeting in sectoral format — in Omagh, not least to mark the fact that there will be an office of the special EU programmes body in the town. As Mr Byrne said, that office will have a particular focus on the cross-border activities of Peace I and on the implementation of the common chapter.

He is also right in pointing out that it is not the first time that there has been a common chapter. I have said elsewhere that the previous common chapter was a great book but the movie never got made. This time we at least have a production system for the special EU programmes body and a North/South Ministerial Council with a dedicated sectoral format that can consider those issues. I welcome particularly the commitment of Mr McCreevy and his colleagues in the Irish Government to pursue the common chapter actively and effectively. We need to make sure that we are not just making commitments that are notionally on a cross-border basis but that do not mesh on a North/South basis. It is not just the quantity of cross-border activity that counts, it is the quality, and the body and the North/South Ministerial Council both wish to see it developed effectively.

*11.00 am*

**Mr Dodds:** How do the budget figures for the implementation bodies set out in the annex to the Minister's statement compare with the figures in his recent Budget statement? On what basis was it calculated that the projected budget provisions for 2002 would increase by 9.6%, compared to this year's figure, and for 2003 by 16.13%, compared to this year's figure? Can the Minister explain in detail how he arrived at those figures?

**Mr Durkan:** The figures for 2001 and 2002 in the draft Northern Ireland Budget were based on financial years. Those figures do not, therefore, correspond precisely with the budgets for the bodies, which are expressed on the basis of calendar years. This is not the first time that I have made that point.

Any further revisions are subject to confirmation by the relevant sector of the North/South Ministerial Council. Some adjustments will be made in respect of the trade body. There will probably be a reduction of £200,000 in the amount proposed in the draft Budget. That will ensure consistency with the decisions taken at NSMC level. Similarly, there will be an increase of probably £400,000 in the allocation to the languages body to reflect that body's activities.

The future projections are based on the plans brought forward by the bodies and approved by the North/South Ministerial Council, both in its relevant sectoral format and in plenary session. The plans were discussed in plenary forum at Dublin Castle in September and again in the various sectoral formats, and have been approved by the Northern Ireland Executive on that basis.

## **FOYLE, CARLINGFORD AND IRISH LIGHTS COMMISSION: NORTH/SOUTH MINISTERIAL COUNCIL SECTORAL MEETING**

**The Minister of Agriculture and Rural Development (Ms Rodgers):** The third meeting of the North/South Ministerial Council for the Foyle, Carlingford and Irish Lights sector took place on 10 November in Newcastle, County Down. Following nomination by the First Minister and the Deputy First Minister, Mr Dermot Nesbitt and I represented Northern Ireland. Mr Frank Fahey TD, Minister for the Marine and Natural Resources, represented the Irish Government.

The Executive Committee noted the papers for the NSMC on 9 November 2000. The meeting opened with useful updates from the chairman of the board of the Foyle, Carlingford and Irish Lights Commission, Mr Peter Savage, and the chief executive, Mr Derick Anderson. The chairman outlined the Loughs Agency's progress in establishing subcommittees on shell fisheries, marine tourism and finance and audit.

The shell fisheries subcommittee proposes to undertake a programme of visits to other shell fisheries on the island of Ireland to see the co-ordinated local agricultural management systems in operation. It is hoped that the system will provide a model on which to base shell fisheries management in Lough Foyle and Carlingford Lough. The marine tourism subcommittee attended a seminar organised by the Marine Institute and the Department of the Marine and Natural Resources on grant-aid proposals. The finance and audit subcommittee approved the re-prioritisation of in-year expenditure and considered the estimated needs for 2001.

Board members have also undertaken familiarisation visits to see drift and draft netting, fish population counting and fish counters, electro-fishing and oyster farming. The chief executive updated the meeting on staffing matters in both areas, particularly on progress on recruitment in the Carlingford area. He also advised that the agency had secured accommodation in Carlingford, which it hopes to occupy from 1 December. The chief executive also updated the meeting on population, catch and production data for salmon and shellfish in both areas, on the extent of seizures of illegal nets and, most worryingly, on the level of aggression with which river watchers have to contend in carrying out their duties.

The Council then considered and approved a number of papers. These were: proposals on consultation with fisheries interests in the Carlingford Lough and Foyle areas; preparation by the agency of four sets of Regulations on salmon carcass tagging to extend protection to migratory salmonids on a stretch of the River Mourne, to lift a ban on angling on a stretch of the River Foyle, to extend close seasons in both the Carlingford and Foyle areas,

and to provide for a coarse angling licence in the Carlingford area; and a paper bringing forward costed proposals regarding grant-aid in the year 2001 for aquaculture, fisheries development, marine tourism, marketing, training and education, and the use of consultancies.

In addition, the Council was updated on the making of the legislation to enhance the functions of the Loughs Agency of the Foyle, Carlingford and Irish Lights Commission in line with the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, and on the transfer of the functions of the Commissioners of Irish Lights to the body.

At the request of Waterways Ireland, the Council approved a compulsory purchase order on land in County Longford to allow for the construction of a single-span bridge, thereby facilitating the completion of the restoration of the Royal Canal.

Finally, the Council agreed to meet again in February or March 2001, and approved the issue of a joint communiqué, a copy of which has been placed in the Library. I make this report on behalf of Mr Nesbitt and myself.

**Mr J Wilson:** I welcome the Minister's statement. I note that board members have undertaken familiarisation visits to see drift and draft netting, fish population counting with fish counters, and electro-fishing. When will the Minister, through the Council, begin to pursue a policy of banning all forms of netting? Is she considering the allocation of funds to begin the process of buying out netting enterprises?

Will the Minister further confirm whether the aggression experienced by the river watchers in the execution of their duties occurred on the northern or southern shore of the lough?

Finally, will the Minister also give details of the extent of the problem posed by illegal nets? Can the problem be quantified in terms of salmon lost and income lost?

**Ms Rodgers:** I am not sure that the first part of the question relates to my report. The aggression experienced by the river watchers was in the Foyle area. Two of the agency's river watchers were attacked by a group of men while carrying out their duties in the Sion Mills area. The Loughs Agency fully supported the officers and asked the police to investigate. I know that a private river watcher suffered intimidation in the Omagh area and, despite this, subsequently gave evidence at a court case in which a prosecution was obtained. I commend those people; they do a difficult job, and it was very courageous of that river watcher to go ahead with the prosecution despite the fact that he had been threatened.

I am not aware of any plans to ban netting at this stage. In answer to the last part of the question, I repeat that the aggression occurred on the northern side.

**Mr McGrady:** When will the Loughs Agency be in a position to provide services and consultation, particularly

in the Carlingford Lough area? The Minister may be aware that the Carlingford Lough Owners Association was promised consultation with respect to new developments and matters affecting it. Is she aware that a planning application is being made for yet another shellfish processing plant, that the association was not consulted and only read about it in the newspapers? Will the Minister undertake to investigate the matter and see that the proper and appropriate consultation will be carried out, even if the Loughs Agency is not yet in a position to do that?

**Ms Rodgers:** In the Carlingford area, the Loughs Agency premises will be occupied on 1 December. Staff recruitment is proceeding and we hope to have the premises fully operational at the beginning of next year. In the meantime, the offices will be used for meetings and consultation.

The SDLP is fully committed to consultation. I am not aware of the specific issue that the Member raised. I am surprised to hear about the difficulties and that no consultation has taken place on the specific area that he speaks of. I will have the matter investigated, and I will report back to the Member.

**Mr Paisley Jnr:** Can the Minister give the House any idea of the extent of damage to salmon and shellfish population in both areas as a result of poaching? How many arrests and prosecutions have been made, how many prosecutions are pending, and what penalty can we expect to see imposed upon those who are convicted?

**Ms Rodgers:** The Foyle Commission has a good record of policing poaching in the area. I cannot give specific numbers at this stage, but I will come back to the Member with the numbers.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister believe that the four sets of proposals for salmon protection on the Foyle and the Mourne will be sufficient to protect future tourism and the other gains that that would bring to the area?

There are important issues here that are strongly dependent on the North/South Ministerial Council working properly and the First Minister allowing these issues to be progressed.

**Ms Rodgers:** The Member asks whether I am happy with the measures being taken for the protection of salmon in the area. The answer is yes. We are preparing legislation on salmon tagging, and I am satisfied that those measures will be successful and that preservation of stocks, which is of key importance, will be satisfactory.

The other part of the question was about the working of the North/South Ministerial Council. It is working extremely effectively, as my report will show. The work is done on an all-island basis. For example, we will have the same policy and manner of salmon tagging throughout the whole island, and that is important. I am satisfied that the North/South aspect is working effectively.

11.15 am

**Mr Bradley:** Will the Minister expand on the Loughs Agency's proposal to provide grant-aid in 2001?

**Ms Rodgers:** The North/South Ministerial Council has authorised the preparation of proposals for grant-aid schemes by the Loughs Agency in agriculture, commercial wild fisheries and marine tourism, including marketing, training and education, and consultancies. The legislation to provide for grant-aid schemes is being drafted, and it is expected that Regulations will be in place to allow for the consideration of applications for grant-aid in the latter part of 2001.

**Mr Kane:** Can the Minister tell the House the cost of the latest meeting and what proportion of that cost was paid by her Department? Does she believe that that is the best use of her Department's scarce resources?

**Ms Rodgers:** The costs were paid by the joint secretariat. I cannot specify the exact cost, but I do not expect that it was very great. The benefit, as I have explained, will outweigh the cost of the meeting.

**Mr Ford:** Mr Bradley asked about grant-aid and tourist development. Will the Minister place the paper under consideration in the Assembly Library in the near future for the benefit of Members, given the importance of this field in developing our tourism infrastructure?

Secondly, I questioned the Minister on the issue of consultation bodies — or even a single consultation body — relating to the function of the Foyle, Carlingford and Irish Lights Commission. Are there any further proposals to have consultation, so that the range of operations may be developed?

**Ms Rodgers:** The answer to the first part of the Member's question is yes.

With regard to the second part of his question, I can tell him that the agency is aware of the need for consultation. There are many interests to be taken into consideration. Many people want to be consulted and to have input into the making of the legislation. The Loughs Agency is developing a formal procedure for consulting its customers and other parties in the Foyle and Carlingford areas who have an interest in its work. As part of the process, the agency recently invited interested parties to make suggestions on how the agency should establish consultation arrangements in order to ensure that interested parties are given the opportunity to have an input into the agency's decision-making process.

The outcome of the exercise is that the agency plans to establish an advisory forum and focus groups on which local fishing interests will be represented. The Member will be interested to learn that a consultant has been retained by the agency to recruit members independently to the forum and the focus groups to ensure that all interests are represented and that the representatives are truly independent.

**Mr O'Neill:** I join other Members in welcoming the Minister's statement and the advances that are being made in this important work, considering that neither game nor coarse fish know where the border lies. We must do what we can to make sure that everything goes well. Can the Minister tell us what the Loughs Agency's proposals are? What promotion will be necessary for the development of coarse angling in the Carlingford area in general? She might also care to comment on the Loughs Agency's powers to license agricultural operations in the same area.

**Ms Rodgers:** The agency proposes to carry out an initial survey of potential coarse angling in the Carlingford area and, in particular, in Newry canal.

The agency is liaising with scientific staff to design and initiate those surveys. It also proposes to draw up and implement a coarse angling development programme in partnership with local angling clubs and district councils.

Legislation is being prepared to regulate aquaculture in both loughs, and I hope to be able to bring it forward in the new year. There has been wide consultation with interested bodies in the preparation of the legislation.

## BSE

**Mr Deputy Speaker:** I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement on BSE.

*(Mr Speaker in the Chair)*

**The Minister of Agriculture and Rural Development (Ms Rodgers):** Last Monday, at the European Agriculture Council meeting in Brussels, I had discussions with British Agriculture Minister, Nick Brown, the other UK Agriculture Ministers and the Republic's Agriculture Minister, Joe Walsh. I also had a meeting with the Health Commissioner, David Byrne. Members will be aware of the increased level of awareness of BSE and heightened public concerns arising from recent development in France and other member states.

In the light of those discussions and, in particular, of the increase in the incidence of BSE in Northern Ireland this year, as well as the current climate with regard to BSE in other member states, I have reviewed my position on a formal submission to the Commission to call for a relaxation of the export ban. I have also taken into account concerns expressed by other member states about a call from Northern Ireland for a relaxation of the ban at this time.

I have decided, therefore, that it would be inappropriate and possibly counterproductive for me to proceed with the case at the moment. I am still fully committed to obtaining a relaxation of the export ban for Northern Ireland. In the meantime, my Department will finalise its proposals in light of the consultation exercise and the findings of the recent inspection carried out in Northern Ireland by the EU Food and Veterinary Office. It will also continue to hold informal discussions with the Commission at official level. I will consider the action that should be taken in Northern Ireland to ensure that we comply with the European Agriculture Council's conclusions and the resultant decision of the Standing Veterinary Committee.

**The Deputy Chairperson of the Agriculture and Rural Development Committee (Mr Savage):** The Minister should not be intimidated by the re-emergence of the BSE problem in France and now in Germany. She should cash in at this time by highlighting the benefits of traceability, rather than doing nothing, as she, in effect, proposes. Now is the time to put traceability to the test. In the wake of the earlier BSE crisis, Northern Ireland put in place the most sophisticated and rigorous tracing system for beef cattle in Europe. As a result, Northern Ireland and British beef is now the safest in Europe.

We should be vigorously promoting the real, comparative safety of Northern Ireland beef. Does the Minister agree that, by doing that, we could recapture lost markets and alleviate the real distress felt by farmers?

**Ms Rodgers:** First, I am not abandoning the objective of relaxing the ban. Neither I nor my Department have stopped work on this issue. Work will continue on dealing with the proposals which we are adjusting in the light of the consultation and the need to ensure that they are accepted. I understand the frustration of the Member and the farmers because I share these feelings, but I have decided that the most important consideration is that we achieve the right result.

Going now would not get the right result. I was in Brussels last Monday and saw the atmosphere of panic resulting from the new BSE scare in France and other countries. I took advice, and I spoke to a number of other Agriculture Ministers — Joe Walsh, Nick Brown and others. I also had a lengthy meeting with the Commissioner. The advice that I got from all quarters, and which I feel instinctively is the right advice, was that this is not a good time or a good context within which to try to convince the other member states that we should have a relaxation of the ban. I agree with the Member that we have an excellent traceability system. All those issues will come into play when the time is right, but we must remember that we will get one shot at this and that we must take that shot only when the time is right and when we are going to get what we want.

**Mr Bradley:** The Minister referred to the increase in BSE in France and Germany and also Northern Ireland. What is the increase in BSE incidence in Northern Ireland? What is responsible for it, and what action is she taking to deal with it?

**Ms Rodgers:** I shall put the cases of BSE in perspective. In 1992, we had almost 500 cases here. That gradually decreased until 1998, when we had 18 cases. Last year, we had only six cases, but, unfortunately, this year we have had 20. That is not a cause for concern, but, at present, people in Europe are unable to look at it logically. The epidemiology suggests that when it falls to the low numbers, there will no longer be a regular downward decline; there will be a bump — an irregularity — at the bottom. One will have good years, when the numbers are low, and bad years. That is the position.

We will continue with the strict controls that are already in place. We have the strictest and toughest controls in Europe, and I do not intend to have any further controls, as they are not necessary. As Mr Savage said, we have an excellent traceability system.

**Mr Paisley Jnr:** Given the Minister's failure to achieve low-incidence BSE status, and given her comment in the House today that it is not the right time to get it, can she tell us, instead of prevaricating, when the right time will come to achieve low-incidence BSE status? Has the Minister made any representations to the Ministry of Agriculture, Fisheries and Food (MAFF), to the UK representative or to any of her European competitors that French beef ought now to be banned from import to



Northern Ireland in order to protect consumers' rights and the rights of local producers? When did she make such representations? To whom did she make them? Does the Minister accept that now is the time for us to be seeking the alternative, which we called for in September 2000 and before the summer recess, to the current strategy that her Department is pursuing?

**Ms Rodgers:** In the first place, I do not accept that I have failed in not getting low-incidence BSE status. The Member will appreciate that I started to seek low-incidence BSE status as one of my main priorities almost a year ago. He will also know that, for reasons beyond my control — and reasons that I did not agree with — there was a three-month hiccup that year, during which I was unable to do anything because of the suspension, which the Member fully supported. I have not been prevaricating; I have been absolutely open and honest in saying that the time is not now right. As a Minister, I bear responsibility for ensuring that we put our case at the time when its strength will be viewed reasonably, and not in the present context of panic.

11.30 am

Secondly, I have made representations to the Ministry of Agriculture, Fisheries and Food (MAFF) in my search for a relaxation of the ban. The Member, who is on the Food Safety Agency, raised the issue of the safety of French beef. I want to assure the Member that I have taken every opportunity to engage in discussions with the other member states, and in particular with France. I have had meetings with French officials twice in the past number of months to ensure that when we come to put our case we will get their full support, which will be extremely important.

As we seek to gain the support of other member states for the relaxation of the ban, it will be more useful to dwell on positive points than on negative ones.

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. By moving into a fallback position, is there not a danger that we could give out the wrong message? The consumer could infer that we are guilty by association of not making our case at a time when Europe is looking for disease-free beef, which we have had for some time. Does the Minister see that as a danger? If our case was right the week before this happened in Europe, it must still be right. Will the Government consider doing something for local farmers, who now face a serious drop in prices because of the fallout from Europe?

**Ms Rodgers:** We will not give out the wrong message. As I have explained, the decision that I have taken is the correct decision. The current situation in Europe is that member states are not prepared to listen to rational argument and to our strong case. Therefore, it would be foolish in the extreme for me to fire ahead on the basis that we can put a good case and say, "To hell with the circumstances." I agree with the Member that we have a

good case on the basis of our numbers and our extremely strict controls. However, I will not put a good case at a bad time. Our message is strong, and people will hear it when they are in a position to listen.

The proposal to relax the export ban has been deferred only because of the current climate. I still intend to submit the proposal to the Commission when the time is right. Producers can feel heartened that the proposal will go to the Commission, but in the meantime the status quo will be maintained. I received £2 million in the Budget for the beef quality initiative. I was also allocated £300,000 in the monitoring round to kick-start the beef quality initiative, which in due course should help beef prices.

**Mr Ford:** I am not sure that I welcome the Minister's statement, but I welcome the fact that she has come to tell the Assembly about the rather bad situation that we are in. I can assure her that from this corner of the House she will hear no knee-jerk anti-Europeanism of the sort that she has heard elsewhere.

The Minister mentioned the support that has been received in the past from Nick Brown and other UK Ministers, and from Joe Walsh. Do they still support her decision to apply for special status when she sees the time as right? Notwithstanding the current problems with France and Germany and the difficulty in getting a rational decision, has the Minister had meetings with other Governments in order to build up support, so that when the time is right we will not have to start looking for supporters of our case?

**Ms Rodgers:** I am happy that I still have the full support of Nick Brown and the Scottish and Welsh Ministers over the relaxation of the ban for Northern Ireland, in spite of the adverse implications for them. I also have and have always had the full support of Joe Walsh in the Republic. I have not yet come to the stage of doing the rounds of the other European states to look for support for my proposals. I am waiting until we are ready to put the proposal formally — that is the best time to move on it.

I have had discussions with the French in the margins of other conferences on two occasions. I have not had discussions with other countries so far, but when the time is right and we are beginning to move towards the formal proposals, I intend to go to the various European countries to speak to them. Indeed, the agriculture attachés from the different embassies in London are coming to Northern Ireland soon. In preparation for putting the case, I am also going over to inform them of exactly how good our controls are and how low the incidence is of BSE.

**Mr Dallat:** I agree with the Minister that the Assembly should be sending out a positive message. On that basis, can she assure us that the controls imposed on farmers by the Department will strengthen our case when it is presented? Secondly — perhaps this sounds repetitive — does the Minister think that there will ever be a right

time to proceed, given the work that she has already carried out in this field?

**Ms Rodgers:** Will the time ever be right? That is a good question. I had hoped that the time was right six months ago. The fact that circumstances are not right at the moment is beyond my control. However, I am sure that the right time will come. The time will come when the panic is over, when our case will be even stronger. As people look around Europe and see our level of incidence and our controls, compared with those of other countries, they will be easier to convince and, in a calmer situation, the strength of our case will be noted.

I am under no illusion that we can get away with poor record keeping. If we are to get out of this mess and get the ban lifted, we must be sure that we can compete with the best, and maintaining proper herd records is essential for that reason. Traceability, both pre- and post-slaughter, will become even more essential as a result of the latest BSE developments in Europe. We are well placed, and that can be seen when compared with the records of our rivals. We also have a serious problem with bovine TB and brucellosis. Therefore it is important for us to keep accurate accounts. Nonetheless, I am satisfied that our controls are extremely good.

**Mr Kane:** Does the Minister share the opinion of many of those in the industry that the United Kingdom Government should unilaterally ban French beef imports, thereby ensuring that markets for our own highly regulated product avoid being saturated with cheap, unsafe and origin-unknown French beef? I am disappointed that the Minister has failed to call for a ban on French beef.

**Ms Rodgers:** As I have already said, the question of banning French beef is one for the Food Safety Agency, which is looking at the issue. If the Food Safety Agency concludes that French beef is not safe, it will be a matter for the UK Government, and I expect that they will take action because public health is and must remain a priority.

**Ms Hanna:** How does the incidence of BSE in Northern Ireland compare with that in other member states? Is it lower than in France? What are the public health implications of this year's increase?

**Ms Rodgers:** There were 20 cases in Northern Ireland this year, an unfortunate increase from last year's six. In Office International des Epizooties (OIE) low incidence terms, that is equivalent to 25 per million. Incidence in the Republic is 101 this year, which is equivalent to 27 per million under the OIE criteria. In France, the incidence in the nine years prior to 2000 was 80. This year alone it is 86, which is a huge increase, but still only equivalent to six per million. Our incidence this year is three times that of France. Of course, we had an incidence of almost 500 in 1992, whereas we now have 20, so we can make a good case.

In Northern Ireland, as in the rest of the UK, animals of over 30 months — which is when they become more suspect — are not allowed into the food chain. Only animals of under 30 months are allowed into the food chain in Northern Ireland. Even those animals have all specified risk material removed before they go into the food chain. Therefore all our precautions and controls are extremely tough and strict, and there are no health implications.

**Mr Poots:** Does the Minister recognise that it was she who set a date of October 2000 to have the beef ban lifted, thereby misleading the agricultural community? When will the ban be lifted? She told the Assembly that it would be March 2001. Is it going to be October 2001, October 2002, or October 2003? Is she implying that the Department of Agriculture and Rural Development did nothing during the Assembly's suspension from February until April 2000? Given her performance, the Minister should be renamed Minister for Prevarication and Rural Desolation.

How many cases of BSE in cattle under the age of 36 months have there been in Northern Ireland? Do the new tests that will apply to all cattle over the age of 36 months not represent an opportunity to further our campaign to get the beef ban lifted? All animals will then be tested and will not, therefore, have BSE.

**Ms Rodgers:** I hope that I will remember all those questions. If not, the Member will probably remind me.

First, I did not set a date. In response to questions in the House as to when I thought we would be able to move, I said that I hoped to move on specific dates in October. Recently, I said that I hoped to achieve a relaxation of the ban in March or April 2000. I do not have a crystal ball, and, unlike some Members, I do not have a direct line to the Almighty. Therefore, I could not here forecast this current crisis in Europe, for instance.

I do not take any responsibility for things that are beyond my control. I take responsibility only for things that I can influence. To that end, I have worked extremely hard to get the ban relaxed. There is no implication that my staff did nothing for the three months that I was out of office. I am being attacked for not doing anything, not my staff. I cannot influence French officials, French Ministers or Irish Ministers when I am not in office.

The Member said that new tests will be carried out on all cattle over 30 months. That is not the situation as I understand it. It is not yet clear what the Standing Veterinary Committee (SVC) is saying. We are still interpreting it.

11.45 am

The European Union has insisted that 2,500 cattle be tested over the next year, beginning on 1 January 2001. The Department of Agriculture and Rural Development has begun that task ahead of schedule — we are ahead

of the game. All cattle of over 30 months going into the food chain may have to be tested, but as none over 30 months goes into the food chain in Northern Ireland, it may not be necessary to test them all. Mr Poots may, of course, have some source of inspiration or knowledge denied to me.

**Rev Dr William McCrea:** I do not claim to have a direct line to heaven on this serious matter. It is not a game, although certain Members sitting behind the hon Lady seem to treat it as such. I know that the Minister takes it seriously.

Two cases of BSE have been reported in Germany, while in France, where the situation is grave, 107 cases have been reported. However, there are 101 cases in the Irish Republic, but there is no stir or sense of urgency about them. Are people in Northern Ireland and Great Britain protected against potentially infected meat from BSE animals from the Irish Republic? How will the Minister ensure that Europe deals effectively with the problem there?

**Ms Rodgers:** The incidence of BSE in Northern Ireland is currently 25 per million, while in the Irish Republic it is 27 per million. Clearly the rate in Northern Ireland is lower. It is illegal for any country to sell cattle of over 30 months of age to Northern Ireland and introduce them into the food chain here. The problem exists across the United Kingdom, and we are examining how it might be resolved. The Food Safety Agency is immediately undertaking a risk assessment of French beef. The over-30-month regulations are being rigorously enforced at meat processing plants and by retailers, and all beef for the domestic market has to be certified as coming from animals of under 30 months. The Commission is being pressed to ensure that the compulsory labelling of meat and processed products clearly states the country of origin.

## FIRE SERVICE: AWARD

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A Cheann Comhairle. Is mian liom tuairisciú don Tionól gur aithbhreithnigh an Coiste Feidhmiúcháin a chinneadh gur chóir don Údarás Dóiteáin bonn a bhualadh le bronnadh ar throdaithe dóiteáin agus a bpearsanra cúnta ar son na seirbhíse suntasaí a sholáthair an tSeirbhís Dóiteáin le tríocha bliain agus shocraigh sé gurbh fhóirsteanáí Duais Chorporáideach.

Bhí an Coiste den bharúil fosta gur chóir d'Oifig an Chéad-Aire agus an LeasChéad-Aire fiosrú an mbeadh Duais Stáit ionghnóthachana nó fóirsteanach.

Beidh a fhios ag Teachtaí gur cuireadh fáilte roimh chinneadh an Choiste Feidhmiúcháin i Meitheamh maidir le bronnadh meadáillí ag an Údarás Dóiteáin ar dtús, ach mhéadaigh ar an imní a léirigh ionadaithe na dtrodaithe dóiteáin nach raibh a leithéid de dhuais fóirsteanach. Ar aon dul leis an Choiste Feidhmiúcháin, phléigh mé na hábhair chúraim seo le hionadaithe Cheardchumann na mBriogáidí Dóiteáin, a mhol roinnt roghanna. Chuir mé na barúlacha seo in iúl don Choiste Feidhmiúcháin ag a chruinniú deireanach agus chinn an Coiste Feidhmiúcháin glacadh leis na moltaí aithbhreithnithe atá mé i ndiaidh a fhógairt.

Mar a dúirt mé leis an Tionól i Meitheamh, murach misneach agus oilteacht ár dtrodaithe dóiteáin agus ról tábhachtach fhoireann cúnta na mbriogáidí bheadh na mílte marbh atá beo inniu. Is mian liomsa agus le mo Chomhghleacaithe sa Choiste Feidhmiúcháin aitheantas a thabhairt don tseirbhís shuntasach seo ar dhóigh fhóirsteanach inghlactha.

I wish to report to the Assembly that the Executive have reviewed their decision that the Fire Authority should strike a medallion to be awarded to firefighters and support personnel in recognition of the outstanding service that they have provided over the past 30 years, deciding instead that a corporate award by the Assembly would be more appropriate. The Executive also agreed that the Office of the First Minister and the Deputy First Minister should investigate whether a state award would also be achievable or appropriate.

Members will be aware that, while the Executive's June decision regarding the awarding of medallions by the Fire Authority was initially welcomed, firefighters' representatives subsequently expressed growing concern that such an award was not appropriate. With the agreement of the Executive, I discussed those concerns with representatives of the Fire Brigades Union, who suggested a number of options. I informed the Executive of those views at our last meeting, and we decided to adopt the revised proposals that I have just announced.

As I said to the Assembly in June, many people owe their lives to the courage and skill of our firefighters and

the important contribution of brigade support staff. My Executive colleagues and I wish to recognise that outstanding service in an appropriate and acceptable way.

**The Chairperson of the Health, Social Services and Public Safety Committee (Dr Hendron):** I welcome the Minister's statement. Members will be in total agreement that the outstanding service of those in the Fire Brigade who have so gallantly provided a service to the entire community over the past 30 years should be recognised in an appropriate and acceptable way. We should also take into account the views of the families of those firefighters who gave their lives — something I myself have seen in West Belfast. I note that the Executive, in reaching their decision on the type of award, have taken on board the views of representatives of the Fire Brigades Union.

A corporate award from the Assembly is, of course, appropriate. However, does the Minister agree that other organisations and individuals, with the possible inclusion of the Secretary of State himself, may wish to honour the Fire Service? It is, of course, a matter for those people.

**Ms de Brún:** I join with the Member in paying tribute to the work of the Fire Service over the period in question. It is important that we pay tribute to it, and that is why the Executive Committee took the decision to ensure that the most appropriate award be made. There will be further discussion of the issue in this afternoon's debate. There may well be others who wish to honour the Fire Service, but we must consider what the Executive feel. The Assembly will also wish to take this forward in accordance with its own wishes.

**Mr Berry:** Is the Minister of Health, Social Services and Public Safety once again being political, brushing such a serious decision off onto the First Minister and the Deputy First Minister? I remind the Minister that her remit covers the Fire Service. The Department should recommend that a state medal be awarded to the Fire Service, whose members have served this community with great distinction.

**Mr Speaker:** What the Member is suggesting is not necessarily in order. It is not for a Department or the Executive to confer a state award. That is entirely a matter for the sovereign, who is the fount of all such awards. Of course, it is possible for anyone, including any individual, the Department, or the Office of the First Minister and the Deputy First Minister, to make a recommendation. I simply want to make it clear that the decision would be one well beyond the responsibilities of the Assembly. However, I give the Minister the opportunity to respond, if she so chooses.

**Ms de Brún:** The Executive decided that we needed to consider the form that a state award might take and whether it is achievable and fully acceptable to the firefighters. The Executive will consider the matter again when the work has been completed.

**Ms Ramsey:** Go raibh maith agat. Fire Authority personnel are drawn from all sections of the community. As the Good Friday Agreement calls for sensitivity on flags and emblems, may I ask whether the Minister is satisfied that a corporate award is the best way to ensure that every member of the Fire Service would be happy to accept it?

**Ms de Brún:** The Member will be aware of my position, which is that any award, at any stage, should be such that all who are to receive the award would be happy to accept it. It is not for me to say this morning what kind of corporate award should be made. I merely point out that the Executive have decided that a corporate award by the Assembly would be more appropriate.

**Mrs E Bell:** I totally endorse the Minister's comments on the bravery and commitment of the Fire Service over the years. I withdrew my motion on the Fire Service some weeks ago, as I had been advised that the Executive would take a decision on the matter. I am sorry that the DUP, unlike ourselves, did not wait for that Executive decision but relaunched its motion for reasons that seem to have nothing to do with the wishes of most firefighters. Can the Minister assure the Assembly that the matter will be dealt with as a priority?

**Ms de Brún:** The Executive will take it forward with all speed. I repeat that, although the Executive have decided that a corporate award by the Assembly would be more appropriate, it is not for the Executive to dictate to the Assembly how that is done or the timescale.

**Mr Kane:** How much finance will the Department make available for the corporate award? What are the criteria for receiving such an award?

**Mr Speaker:** As the Minister has repeatedly said, although the Executive may decide that an award would be appropriate, the award will not be from the Executive or the Department but from the Assembly. The decision is one for the Assembly. If the Assembly were to decide — and it might decide such a thing today — it would probably be for the Commission to take forward the practicalities.

However, the question relates to something that is not in order. If the Member would like to reframe his question, he may do so.

12.00

**Mr Paisley Jnr:** Further to that point of order, Mr Speaker. If it is not in order for a Member to ask that question, why is the issue before the House today? Why has the Minister made a statement if we cannot ascertain from her what finances will be made available?

**Mr Speaker:** It is entirely in order for the Minister to state the view of the Executive that the Assembly should make an award to the Fire Service. It is a ministerial statement, and it is entirely in order for the Executive's view to be expressed. It is, of course, for the Assembly

to make a decision about the matter of an award, as I have explained.

I take from that point of order that Mr Kane does not wish to reframe or restate his question.

**Mr Ford:** I welcome the Minister's statement, but I regret that one party in the Chamber seems determined to drag politics into this issue, whereas those of us who proposed it in the first place were trying to recognise the service and the sacrifice of firefighters, and not make cheap political points.

The Minister referred to work to be done by the Office of the First Minister and the Deputy First Minister with regard to a state award. How will information about that work, which is not being done by her Department, be conveyed to the Assembly? What is the likely timescale?

**Ms de Brún:** I recognise that the intention of the Members who brought forward the previous motion was to ensure that the firefighters would be given due recognition — an objective that my Executive colleagues and I share.

The Office of the First Minister and the Deputy First Minister will investigate whether a state award is achievable or appropriate. It is not for me to determine at this point with whom they will consult. However, I am sure that there will be consultation with all interested parties when they have ascertained the necessary information, which they will do now with all speed. Whatever the outcome, it is important that there should be a full understanding of the position and full support for any proposal that emerges.

**Mr Shannon:** Did the Minister or her Department have discussions with the Fire Brigades Union and the Fire Authority? During those discussions, did not the members and representatives of those organisations suggest that a recommendation for a state award would be the best way forward and a suitable way of recognising the work, and the courage that the Fire Service has shown over the past 35 years?

**Ms de Brún:** With the agreement of the Executive, I had discussions with the Fire Brigades Union, and I brought its views to the Executive. It is not correct for the Member to suggest that it expressed the preference that he has suggested.

**Mrs Carson:** I welcome the fact that the Executive have decided that the Fire Service of Northern Ireland, after working through 30 years of terrorism, needs a proper award. A civic award would be an insult, and that idea has already been rejected by both the Fire Brigades Union and the Fire Authority itself. A state award, granted by Her Majesty the Queen, to recognise professionalism, bravery and commitment, would be most appropriate. Will the Minister, with all diligence, petition Her Majesty the Queen for an appropriate award to the Northern Ireland Fire Service?

**Ms de Brún:** I refer the Member to my statement that the Executive have taken a decision that a corporate award by the Assembly would be appropriate. They have also agreed that the Office of the First Minister and the Deputy First Minister should investigate whether a state award is achievable or suitable. It would not be appropriate for me to move ahead outside the Executive's decision.

## SOCIAL SECURITY AND CHILD SUPPORT REGULATIONS

**The Minister for Social Development (Mr Morrow):** I beg to move

That this Assembly approves the Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2000.

The Regulations were laid before the Assembly on 22 June 2000. This is the first time that I have sought the approval of the Assembly for Regulations relating to social security, pensions and child support. It may be helpful if I begin with an explanation of why the confirmatory procedure — the strongest form of Assembly control over Regulations — is being used.

Parity between Great Britain and Northern Ireland means not only parity of content but parity of timing. The Great Britain Regulations to which the Northern Ireland Regulations correspond will have been approved by Parliament shortly before they were made, so it is not possible for the Assembly to approve the Northern Ireland Regulations and match the operative date. The use of the confirmatory procedure, under which the Regulations are made and come into operation but must be approved by the Assembly within six months of the operative date, enables us to do this.

I do not propose to speak on every amendment made by the Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2000, but I shall, of course, be happy to respond to Members' questions. The Regulations correspond to Regulations for Great Britain made by the Secretary of State for Social Security following their approval by the House of Commons on 8 June and the House of Lords on 14 June. Therefore, they are a parity measure.

Principally, these Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, which I shall refer to as the decisions and appeals Regulations. They also amend Regulations on claims and payments, child support and industrial injuries. The decisions and appeals Regulations were made under powers in the Social Security (Northern Ireland) Order 1998. That Order set up a new decision making and appeals system in social security and child support. The decisions and appeals Regulations provided the detailed framework for an improved decision-making and dispute-resolution system, a simplified appeals system and the introduction of a modern, accountable appeals service. The new system was implemented in relation to child support in June 1999, and over the period from July 1999 to November 1999 with regard to social security benefits.

The amendments to the decisions and appeals Regulations are purely technical and are intended to improve the service to claimants. They are based on the

experience of the live running of the decision-making and appeals system and are all beneficial.

The Regulations can be broken down into three parts. The first tier deals with decision making, appeals and other matters. The changes being made to the first tier aim to secure more effective and efficient management of the new process. There are three key changes. First, there is a clearer definition of official error. The original definition caused confusion, and, more significantly, there was the possibility that claimants would be penalised where no penalty was intended. Secondly, changes are to be made to bridge payment gaps when the Department supersedes a decision on its own initiative. Thirdly, there is to be clarification of the effective date of a decision which replaces an earlier one made by a tribunal or a commissioner on disability and incapacity benefits.

The amendments relating to appeals, which affect the composition of tribunals, striking-out, decision notices and time limits are all aimed at approving the service for appellants by streamlining the administration of appeals.

The other amendments deal with the tidying-up of the decision-making process for industrial injury scheme benefits. They are designed to ensure that the decision-making and appeals principles are adhered to and to improve the administration of claims where the entitlement is dependent on the award of another benefit. The existing provisions can lead to delays in people getting their full entitlement. In future, provided people act within a defined time, payment will be made more promptly and automatically.

The new decision-making and appeals arrangements have already had a positive impact on the way in which the agencies and the appeals service handle disputes and appeals. However, there is always room for improvement. I am confident that the Regulations will help to bring about that improvement.

**The Chairperson of the Social Development Committee (Mr Cobain):** The Social Development Committee considered this Statutory Rule along with the report from the Examiner of Statutory Rules at a meeting on 14 September. The Examiner drew the Committee's attention to his concern about the Rule under Standing Order 41(4)(g). The Standing Order requires the Committee to report whether the Rule examined

“appears to have defects ... or on any other ground which does not impinge on its merits or on the policy behind it.”

This Statutory Rule contains some provisions that are subject to negative resolution and some that shall cease to have effect unless approved by resolution of the Assembly — that is, by confirmatory procedure. The Examiner thought that that could lead to procedural difficulties and that it should be avoided unless clearly contemplated by the enabling legislation.

In 1950, the Speaker of the House of Commons ruled that it was not appropriate to have both procedures in the same instrument. The Examiner recognised that, in the context, the enabling legislation in this case intended that these Regulations should be subject to the confirmatory procedure, but exposed some doubts about its clarity.

The Social Development Committee has no objections to the content of this rule and does not wish to delay it. Therefore, it recommends that the Assembly approve it. It asks, however, Mr Speaker, that you consider the general point raised by the Examiner and make a ruling. I have forwarded a copy of the Examiner's full report to your Office, and I have placed a copy in the Library.

**Mr Speaker:** I will take account of those matters and will make a ruling as soon as I have considered them fully.

**The Deputy Chairperson of the Social Development Committee (Ms Gildernew):** Go raibh maith agat. I was interested to hear the Minister talking about improving the service and dealing with claims promptly and automatically. How efficient will that be, and will it get rid of the current huge backlog of cases? I have concerns that it will not improve the service in the way that we might like.

**Mr Speaker:** I have no further indications of Members wishing to speak, so I call the Minister, Mr Morrow, to wind up.

**Mr Morrow:** In response to the point made by the Chairman of the Social Development Committee, I want to say that I am aware of the report of the Examiner of Statutory Rules. I have considered his views on the inclusion in the same instrument of provisions subject to the confirmatory procedure and those subject to negative resolution. It is not clear from the reference in the report to the 1950 ruling by the Speaker of the House of Commons whether that was the House of Commons at Stormont or at Westminster. In any event, that was 1950 — we have moved on since then.

Prior to 1990, it was the practice to include Regulations subject to the confirmatory procedure in a separate instrument from those subject to negative resolution. That was consistent with the practice in Great Britain. However, the Social Security Act 1990 amended the legislation relating to parliamentary control of subordinate legislation to allow provisions subject to affirmative and negative resolution to be included in a single instrument, subject to affirmative resolution. That was during direct rule, and the Social Security (Northern Ireland) Order 1990 allowed for Northern Ireland to make provisions subject to negative resolution that could be combined with provisions subject to affirmative resolution and for those Regulations to be subject to the confirmatory procedure. Since 1990, all primary legislation concerning social security, pensions and child support has continued that practice.

12.15 pm

The inclusion of the phrase

“whether alone or with other provisions (or regulations)”

in the provisions of an Act or Order in Council dealing with Assembly control is intended to allow for the inclusion in a single instrument of Regulations subject to the confirmatory procedure and those subject to negative resolution. Such an instrument is subject to the confirmatory procedure. That means that the reader can find the relevant provision in a single set of Regulations instead of two, and there is a financial saving. The cost of a single set of Regulations will always be less than the cost of two sets, which, added together, make the same provision.

As such Regulations in Northern Ireland are subject to the confirmatory procedure — the highest form of Assembly control for Regulations dealing with social security, pensions and child support — the Assembly's control of the Regulations is not diminished; it is strengthened. That is a proper and effective way to process Regulations, and I recommend that it be allowed to continue. The backlog of claims will be reduced.

**Mr Speaker:** I note what the Minister has said about procedure, and I will examine his comments, as reported in Hansard, in my consideration of the question raised by the Chairperson of the Committee for Social Development.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2000.

## SOCIAL SECURITY (STUDENTS AMENDMENT) REGULATIONS

**The Minister for Social Development (Mr Morrow):** I beg to move

That this Assembly approves the Social Security (Students Amendment) Regulations (Northern Ireland) 2000.

I shall refer to these Regulations as the students Regulations. The students Regulations make provision for Northern Ireland and correspond to those made by the Secretary of State for Social Security for Great Britain, following approval by the House of Commons on 12 July and the House of Lords on 19 July. This is a parity measure.

The Regulations amend existing housing benefit, income support and jobseeker's allowance legislation in three ways. First, they introduce new provisions for students who have recovered from illness or are former carers. In some cases, students who are ready to resume their studies may not be allowed to do so immediately by their educational establishment. Often, they have to wait until the start of the next academic year. In such circumstances those students who have recovered from an illness or who are former carers do not receive educational support and are not eligible for jobseeker's allowance or housing benefit because they have not finished their full-time courses.

The Regulations provide that, subject to the normal rules, such students will be eligible to claim jobseeker's allowance and, where appropriate, housing benefit. The period during which they will be able to claim benefit is from the date of recovery from illness, or the end of their caring duties, until the date when they are able to join their courses or the start of the next academic year, whichever is sooner. That positive support will help those individuals to help themselves.

Secondly, the Regulations tighten up the definition of full-time student for the purpose of housing benefit, income support and jobseeker's allowance — the income-related benefits. It re-emphasises the existing policy that those benefits are not normally payable to students until they finally complete, abandon or are dismissed from their course.

Thirdly, they make technical amendments to provide a better alignment of definitions across all the income-related benefits. They make positive progress in maintaining the interface between social security and education maintenance. They will enable the "recovered ill" and "former carers" to claim jobseeker's allowance and housing benefit until they are able to resume their studies.

**The Chairperson of the Social Development Committee (Mr Cobain):** As with the previous Statutory Rule that we discussed, the Social Development Committee considered this rule along with a report from the Examiner of Statutory Rules at its meeting on 14 September 2000. The comments that I made on the last motion apply equally to this Statutory Rule. I do not wish to reiterate

what I have already said, Mr Speaker, except to ask again that you consider the general point raised by the Examiner.

What student groups did the Minister's officials consult prior to the preparation of this Statutory Rule?

**The Deputy Chairperson of the Social Development Committee (Ms Gildernew):** Go raibh maith agat. I have some concerns about the regulations. I welcome the move to assess modular students at the time of their claim, as opposed to the first day of their course, but I believe that the restrictions on claiming income support or jobseeker's allowance while registered on a part-time basis are too prohibitive. Students are not entitled to support from their education and library board as they are registered as part-time, yet they are not entitled to jobseeker's allowance as they are classed as full-time for social security purposes. That will undoubtedly create another group of students who are excluded from any kind of financial support.

I am also concerned about the Social Security Advisory Committee's recommendations. It pointed out that people in full-time education should not be deprived of the right to any guarantee of support if their studies are interrupted for valid reasons. Those reasons could be other than ill health and caring. Consideration could be given to people who have had to leave their courses because of pregnancy, bereavement or other reasons. I am also concerned about lone parents, who lose their entitlement to benefits as soon as the youngest child reaches 16. The Social Security Advisory Committee recommended that entitlement to income support for lone parents should be extended while they are in full-time education. I also believe that there was not enough consultation with student groups such as NUS-USI. To what extent has consultation taken place?

**Mr Morrow:** I will clarify the position on consultation. The Social Security Advisory Committee fulfils a role for Northern Ireland similar to that for Great Britain. It invites views from Northern Ireland when conducting consultation on the equivalent Great Britain Regulations. The Committee states that corresponding Northern Ireland Regulations are to be made and takes into account views expressed by any Northern Ireland interests. I emphasise that the consultation process was carried out by the Social Security Advisory Committee, and I have no details about who was consulted. I will take a look at it again and come back to the Chairperson of the Committee about it. With regard to student requirements, the regulator's advice is to keep the student in line with other recipients of income support.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the Social Security (Students Amendment) Regulations (Northern Ireland) 2000.

*The sitting was suspended at 12.25 pm.*



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

2.30 pm

## Oral Answers to Questions

### EDUCATION

#### Minister / Executive Committee

1. **Mr Paisley Jnr** asked the Minister of Education if he will detail when he will next meet the Executive Committee, and what issues concerning his Department he intends to raise at that meeting. (AQO 371/00)

**The Minister of Education (Mr M McGuinness):** I plan to attend the next meeting of the Executive Committee, which is scheduled for Thursday 30 November. Under the ministerial code, I am unable to disclose the business of the Executive, and thus I am unable to answer any questions on issues to be raised at that meeting. However, I have discussed a wide range of education issues at previous Executive Committee meetings.

**Mr Paisley Jnr:** Given that the Minister of Education is taking legal action against the First Minister, can we take it as read that he has absolutely no confidence in the First Minister, and does he agree that his costly actions have undermined any token of credibility contained in the Belfast Agreement?

Given his new-found fondness for legal action, will he be giving advice, encouragement and evidence to the Bloody Sunday inquiry? Also, given the fact that he had the responsibility of firing the first shots then, how will he take up his responsibilities as Minister of Education?

**Mr M McGuinness:** We have discussed the difficulties caused by the First Minister's refusal to nominate me for the education sectoral meeting of the North/South Ministerial Council. In the press release after the Executive Committee meeting on 9 November, we said that there had been a comprehensive exchange of views about the questions of ministerial nominations to the North/South Ministerial Council. That is where the matter sits at the moment. The issue of what is happening in the court proceedings is in the public domain. People will be familiar with the course of action that the Minister of Health, Social Services and Public Safety and I have taken.

**Mr J Kelly:** Will the Minister also bring to the attention of the Executive the use of inflammatory language by Assembly Members — for example, Mr McCrea — which could lead to —

**Mr Deputy Speaker:** I remind the Member that supplementary questions must relate to the question on the Order Paper.

**Mr J Kelly:** A LeasCheann Comhairle, my question relates to the Executive and the Minister's responsibility.

**Mr Deputy Speaker:** I am ruling it out of order.

#### Rural Schools

2. **Mr S Wilson** asked the Minister of Education what steps he intends to take to ensure that he meets the Programme for Government commitment to protect schools in rural areas. (AQO 360/00)

**Mr M McGuinness:** It is very important that rural communities have access to a network of strong local schools with the necessary accommodation, equipment and range of teaching experience to deliver a broad and balanced curriculum. High priority will continue to be given to the replacement of rural schools that have seriously sub-standard accommodation.

As to school rationalisation, when development proposals are submitted to the Department for approval, I will want to be satisfied that all alternative options have been examined in consultation with parents in the community before taking a decision on any of those matters.

I also intend to publish a consultation document early in the new year that will set out proposals for a new common formula for use in the allocation of resources for all schools, including small schools. The document will include proposals for the definition of a small school for funding purposes, the value of the funding supplement that should be allocated, and the range of pupils that should be included in the pupil count.

**Mr S Wilson:** Can the Minister assure us that where there are existing small schools in rural areas, or where there are demands for new schools in rural areas to maintain rural communities, the same criterion will be applied to them as he proposes to apply to Irish language schools? If there is an intake of 12, will he be prepared to fund such schools, or are we going to see a difference in the way that the Minister deals with controlled schools, as opposed to the way that he deals with Irish language schools?

**Mr M McGuinness:** There are over 400 rural primary schools with fewer pupils than the levels envisaged in the proposed new viability criteria for Irish-medium and integrated schools. In cases in which we are considering building new schools in rural areas, we already use a minimum enrolment of 85 pupils as our basic criterion. My proposals for Irish-medium and integrated schools will therefore merely provide them with equality of treatment for the first time.

**Mr McHugh:** A LeasCheann Comhairle, will the Minister give an assurance about funding for small schools, particularly in rural areas? Lack of funding puts pressure

on teacher numbers in those schools, taking into account the issue of rurality and the viability figures that he has just mentioned.

**Mr M McGuinness:** Very small schools often have to rely to an unreasonable degree on the commitment and dedication of a small number of teachers. That cannot provide the same quality of educational experience for pupils as is available in larger schools. Such schools can require additional support over a sustained period to help minimise any educational disadvantages to their pupils. A consultation document will be issued early in the new year setting out proposals for a new common formula to be used in the allocation of resources to all schools, including small schools. It will give us an opportunity to deal with some of the issues raised by the Member.

I would also like to inform the Assembly that there have been attacks on small schools in the past two weeks — one in Greenlough, near Portglenone in County Antrim, and another on the Comhaltas Ghaelscoil Dhál Riada in north Antrim, which I visited this morning. It was sad to see children in their school uniform unable to attend their school because someone thought a cause — whatever that cause was — could be served by the burning of a school. It is incumbent upon everybody in the Assembly, particularly elected representatives and leading citizens in the north Antrim area, to make it clear to the people involved in such arson attacks — whether on Irish-language schools, Irish cultural establishments, Orange halls or church property — that such behaviour is absolutely unacceptable.

### Education Administration

3. **Mr K Robinson** asked the Minister of Education if he intends to review the current structure of education administration as set out in the draft Programme for Government. (AQO 381/00)

**Mr M McGuinness:** My Department intends to participate fully in the planned review of public administration which will be taken forward by the Office of the First Minister and the Deputy First Minister. It will be for the Executive Committee to determine the scope and nature of the review in due course.

**Mr K Robinson:** Does the Minister agree that, given the ever-growing segmentation of our educational system, there is an urgent need to review the structure of boards of governors in all types of schools in the interests of transparency and equity and to ensure that all sectors of society have confidence in the structures? Does he also agree that, given the ever-increasing complexity of their task and the severe demands upon their time, school governors should in future receive an attendance allowance similar to that which local councillors formerly received?

**Mr M McGuinness:** Much of that will depend on the nature of the review, the terms of reference and what the Executive agree as the best way forward.

Obviously, other Departments have a direct interest in educational issues and structures — the Department of Culture, Arts and Leisure has a particular interest in library services — so the Department of Education cannot act unilaterally. Undoubtedly, as we stated in the Programme for Government, there is consensus on the need for a wide-ranging review of local government. When the Executive decide on the terms of reference for that review, we will deal with the issues relating to the existing bodies in order to improve our education services.

I have not yet given any consideration to payments for school governors. If people wish to make a case, we will consider it within the context of a wide-ranging review.

**The Chairperson of the Education Committee (Mr Kennedy):** Will the Minister tell us exactly when the review will take place? Will it be a wide-ranging review, and will it cover all educational partners, including bodies such as the education and library boards, the Council for the Curriculum, Examinations and Assessment and the Council for Catholic Maintained Schools? Given that it is in the Programme for Government and that each ministerial Department will be charged to bring forward its review proposals, can the Minister state when he will do so?

**Mr M McGuinness:** It is a matter for the Executive Committee as to when the review will take place, although I believe that we will come back to the issue before Christmas. I cannot decide that on my own. The review, when it is announced, will have to be wide-ranging. We should consider all the bodies within education, and we should aim to improve our education system in order to direct services straight into the classroom.

We must also recognise that this issue will create uneasiness and difficulty for many of those involved, because change is difficult for some people. From the educational perspective, we want a wide-ranging review in order to establish how we can enhance the services that we provide.

### Business and Entrepreneurship: Teaching in Schools

4. **Mr Neeson** asked the Minister of Education what plans he has to introduce the teaching of business and entrepreneurship in schools. (AQO 357/)

**Mr M McGuinness:** The current post-primary curriculum includes the statutory cross-curricular theme of economic awareness. One of the objectives of the theme is to provide pupils with first-hand experience of commerce and industry. The CCEA has embarked on a review of curriculum provisions, with a view to meeting the educational needs of young people in the new millennium. As part of that review, it is proposed to provide a specific programme for employability as a statutory entitlement

for all young people in post-primary schools. There has been widespread consultation with employers to ensure that their needs are taken into account in the revised curriculum.

**Mr Neeson:** I am pleased that the review is taking place. Does the Minister recognise the importance of small businesses to the Northern Ireland economy and, hence, the importance of the development of business and entrepreneurial skills? Does he also recognise that that is even more important as we move away from the grant culture? Will he consider what steps his Department can take to get more women involved in business in Northern Ireland?

2.45 pm

**Mr M McGuinness:** Links between business and education are vitally important. In the context of the review of the curriculum, all the matters that the Member raised will be seriously addressed. We are working closely with bodies such as Young Enterprise, the Northern Ireland Science and Technology Regional Organisation, and Industry Matters. Those bodies offer a wide range of programmes linking schools with business. Such programmes are of great benefit to pupils and teachers and undoubtedly deepen their understanding of the world of business.

Business education partnerships play an important role in developing local partnerships and provide a mechanism whereby schools can make themselves aware of the range and nature of businesses in their locality. They make employers aware of their role in preparing pupils for life after school and maximise the input from employers in such work.

The number of women in business is an important issue. It is a matter for us but also for trade and industry and for the Department of Higher and Further Education, Training and Employment. People are focused on the importance of the subject. Recently, I was involved in the presentation of an 'Irish Times' award at the Royal Irish Academy in Dublin, at which three pupils from the North swept the board in a chemistry competition. Two of the winners were from my constituency, and all of them were female, which was an added bonus. It is important that we interest everybody, male and female, in this matter.

**Mr Dallat:** I welcome the Minister's reference to Young Enterprise. Will the Minister ensure that access to that organisation is available across Northern Ireland? Furthermore, will he give special encouragement to schools to come together from different backgrounds, particularly from North and South, to discuss business enterprise?

**Mr M McGuinness:** Organisations such as Young Enterprise provide an important range of programmes that link schools with business. It is important that we continue to encourage people — not just in schools, but

in industry and business — to recognise the importance of business education partnerships. That battle has been won. Every school that I visit — even primary schools — shows an increasing awareness of the need to go down that route.

It is also important that we continue to build our links with other parts of this island. Schools should maintain contact with schools in other parts of the island so that they can learn from their different experiences. Everybody agrees that education played a major role in the growth of the "Celtic tiger" economy in the South. We have a lot to learn. I am convinced that we will continue to build on those relationships.

It is also important that we continue to build relationships across the community here in the North. It gives me particular pleasure to inform the Assembly that schools everywhere are recognising the need to bridge the community divide. They are doing that very successfully.

**Mr S Wilson:** Given the obvious expertise that the Minister's party has on such issues, will the programme include modules on extortion, racketeering and the black economy?

**Mr Deputy Speaker:** That is out of order.

### Capital Developments: Economic Appraisal

5. **Mr McGrady** asked the Minister of Education if he will outline the number of economic appraisals currently being undertaken by his Department in respect of capital developments, and those planned for the next financial year. (AQO 351/00)

**Mr M McGuinness:** The Department of Education carries out economic appraisals directly on behalf of the maintained, voluntary grammar, integrated and Irish-medium sectors. The Department is currently working on 42 appraisals in those sectors. It also considers and approves appraisals carried out by education and library boards, and there are 38 of those at present. Work on some of the appraisals will continue through to the next financial year, when further new appraisals will be added to the programme.

**Mr McGrady:** I thank the Minister for his reply to my question and his reply to question 2 indicating that next year there will be a new allocation formula for assessment. Will he address the problem of Moneydarragh Primary School at Annalong? He is aware that that excellent school, with an increasing roll, has been long starved of funding and has not yet received any favourable response from the Department. He is also aware that a decision must be made quickly, because of local land circumstances. At another level, his Department has already accepted the need, as a matter of some urgency, for an extension to and refurbishment of the Assumption Grammar School in Ballynahinch. Can that also be given some priority? Neither of those schemes

can afford to wait until the review process next year, however welcome that is.

**Mr M McGuinness:** The Department's appraisal work programme for the current financial year is fully committed. It will, however, consider the inclusion of the Moneydarragh Primary School project in its programme of appraisals for 2001-02, depending on other competing priorities.

I understand the case made by Mr McGrady in relation to Assumption Grammar School, but we all know that throughout the North there are many competing priorities for the schools capital building programme. We will certainly consider Assumption Grammar School in the school capital building programme next year, but that will obviously depend on the resources available.

If people have been listening to the radio and watching the television news recently, they will know that there are many demands on our finances for the school capital building programme throughout the North. When a decision is taken, it will be solely on the basis of educational need, but with a view towards fitting in as many urgent cases as we can. Since the establishment of the Executive, my views on the poor state of our school stock and the need to improve it have gone on record. People know the quantity of money that is required to do that. We can do only a certain amount in any given year, but early next year we will announce the school capital building programme, and we will attempt to facilitate as many people as possible in the light of the limited resources available to us.

### Citizenship: Teaching In Schools

6 **Mr McCarthy** asked the Minister of Education what plans he has to introduce the teaching of citizenship in schools. (AQO 356/00)

**Mr M McGuinness:** I am aware of the importance of citizenship education for our young people. The Council for the Curriculum, Examination and Assessment (CCEA) is currently undertaking a review of the curriculum here, taking into account the changing needs of pupils, society and the economy in the new millennium. The council has highlighted the issue of citizenship education as part of this review and has been given approval to begin development work on a programme covering education for democracy and citizenship. It is proposed that that programme will focus on years 8 to 10, and it will cover diversity and interdependence, including community identity, conflict and reconciliation, and social and civic responsibilities. It will also deal with the issue of equality and justice, including human rights, inclusion and sustainable development, democracy and active participation.

**Mr McCarthy:** As we live in an era of citizens' rights, does the Minister agree that young people should be taught at an early age that respect for law, justice and

democracy — among other things — are fundamental elements of decent living? Does he agree that society as a whole would benefit from such an addition to the curriculum?

**Mr M McGuinness:** I agree that our young people would benefit from a comprehensive approach to the issue of citizenship and to the effective provision of processes to enable young people to appreciate their environment. The most important thing of all is the valuable contribution that they have to make to the community. I have often said that our most valuable resource is our children. There is no doubt about that. We have a responsibility to provide the best and most wide-ranging education that we can.

As I said in response to an earlier question, our young people are tremendous. The more that I visit schools and meet young people from right across the community, the more it becomes clear that young people appreciate the transformation that our society has undergone recently. They appreciate the Good Friday Agreement and understand the challenges that it poses, not just for politicians, but for themselves. They have risen to that challenge and accepted that the new way forward is for them. The more that we encourage that in the school curriculum, the greater the benefits will be for all of us in the longer term. That is why the review of the curriculum is so important.

**Ms Lewsley:** I welcome the recommendation of the CCEA to include the issue of citizenship in the new curriculum. How will that be delivered, and what type of training and funding will be put in to ensure that teachers will not be put under any more pressure than they are already?

**Mr M McGuinness:** The issue of how teachers deal with the considerable change caused by new measures that may be put in place as a result of the review is important. I am conscious of the need for teachers to receive appropriate training that will assist them in preparing for the introduction of the revised curriculum. The CCEA and the curriculum advisory and support services of the education and library boards have a responsibility for the provision of in-service training and are in discussion with my Department on how to plan for and meet those training needs. It is important that we manage all such matters in a way conducive to making life as easy as possible for teachers, who are presently under great strain.

**Mr Poots:** One of the rules for good citizens is the upholding of law and order. Will the Minister of Education call on school leavers to join the Police Service of Northern Ireland as part of the practice of good citizenship?

**Mr M McGuinness:** No one in the House will be under any illusion as to where I stand on the matter. I do not want to go into a debate on the issue, but it is important to point out that I accept absolutely that we need a new beginning to policing in this part of Ireland.

We need a policing service to which all in the community can give its allegiance. The jury has sat on that — *[Interruption]*

**Mr Deputy Speaker:** Minister, those matters are outside your responsibility.

### Information and Communication Technology (Primary Schools)

7. **Mr Ford** asked the Minister of Education if he will detail his plans on the installation of information and communication technology in primary schools.

(AQO 359/00)

**Mr M McGuinness:** My Department's aim is to strengthen information and communication technology provision in all schools by procuring a managed service to meet their infrastructure, curricular and administrative needs. Priority will be given to primary schools.

**Mr Ford:** Does the Minister agree that too much effort in that area tends to depend upon voluntary activities — for example, the parent/teacher associations? Is it not the responsibility of his Department to even out the playing field between schools from different backgrounds?

**Mr M McGuinness:** The Assembly is aware that we live in a changing world. We must adapt and change in order to meet the needs of that world, particularly those of our young people. That poses all sorts of challenges for us. At the moment, important negotiations are taking place on Classroom 2000. We are trying to prepare for the future. It is, of course, an issue that has wide-ranging implications for young people, the educational system and teachers. We are trying to face up to all of those difficult challenges in order to provide the best possible education for our children.

3.00 pm

**Mr Deputy Speaker:** The time is up. We must move on.

**Mr Hussey:** On a point of order, Mr Deputy Speaker. I noticed during answers that the Minister habitually repeats the question. Is that not a waste of time?

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

### HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

**Mr Deputy Speaker:** Question 11, standing in the name of Ms Monica McWilliams, has been transferred to the Department for Social Development, which will provide a written reply.

#### Intensive Care Beds (Greater Belfast)

1. **Mrs E Bell** asked the Minister of Health, Social Services and Public Safety if she will outline her plans

for the provision of intensive care beds in the Greater Belfast area; and if she will make a statement.

(AQO 367/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Tá méadú ar an dianchúraim de réir an aithbhreithnithe a rinne an Príomh-Oifigeach Míochaine ar mo shon i bhfianaise na mbrúnna a cuireadh ar sheirbhísí ospidéal an geimhreadh seo caite. Is é an chiall atá leis seo i mBéal Feirste go mbeidh trí leaba dhianchúraim phéidiatraiceacha bhreise ann sa Ghrúpa Ríoga Ospidéal agus dhá leaba dhianchúram bhreise in Ospidéal Uladh.

Táthar ag méadú soláthar cúraim ardspleáchais le cur leis na seirbhísí dianchúraim sin. Sa Ghrúpa Ríoga, áit nach bhfuil leapacha ardspleáchais faoi láthair, cuirfear cúig cinn ar fáil ar 1 Nollaig. In Ospidéal na Cathrach, áit a bhfuil dhá leaba ardspleáchais, méadófar an líon go dtí sé cinn ón 1 Nollaig fosta. Agus in Ospidéal Uladh, áit nach raibh soláthar cúraim ardspleáchais ann go dtí seo, tá trí leaba ardspleáchais ann ó 1 Samhain.

Levels of intensive care provision are being expanded in line with the review carried out for me by the Chief Medical Officer, in the light of pressures on hospital services last winter. In Belfast, that expansion means an increase of three paediatric intensive care beds at the Royal Group of Hospitals and two intensive care beds at the Ulster Hospital. To complement those intensive care services, high-dependency provision is also being increased. At the Royal Group of Hospitals, where there are no high-dependency beds at present, five will come on stream on 1 December. The Belfast City Hospital Trust's existing complement of two high-dependency beds is being increased to six, again from 1 December, and the Ulster Hospital, which had no high-dependency provision, has had three high-dependency beds since 1 November.

**Mrs E Bell:** I am pleased with the answer. Knowing the situation at the Ulster Hospital, I ask the Minister whether she agrees that the crisis will not start on 1 December but it is happening now. I hope that the necessary measures will be put in place now. As well as high-dependency beds, adequate staff are required. As the Minister may know, well-trained Filipino nurses are working in the Ulster Hospital. Although we congratulate them, we would like to be in a situation where that was not necessary.

**Ms de Brún:** It is clear that the situation has been building up for some time. As I have stated on more than one occasion, I addressed that issue immediately upon coming into office last year. I called for two reviews at that time, the outworking of which we see as part of the response to today's question.

I agree that it is a question not merely of availability of beds, but of staff. Boards and trusts have been working hard to ensure that additional staff, particularly nursing

staff, are available. In the short term, boards have put in place a Return to Practice programme under which more than 100 additional nursing staff will be available. For the longer-term, an additional 100 nurse training places have been commissioned for each of the next three years.

**The Chairperson of the Health, Social Services and Public Safety Committee (Dr Hendron):** A number of people who were severely injured in the Omagh bomb were at Stormont last week, along with women who had had breast cancer and required breast reconstruction. My question concerns the surgeon, Mr Khalid Khan, on whom those people have depended and continue to depend so much. He has been at the Royal Victoria Hospital for the past two years, where he has been fighting a lone battle, depending to some extent on substandard equipment, but he has not had a permanent contract. Will the Minister give her total support to the Royal Hospitals Trust in giving Mr Khalid Khan, to whom I was speaking earlier today, a permanent and realistic contract so that he can continue to serve all the people of the four board areas in Northern Ireland?

**Mr Deputy Speaker:** I am not sure that that point was directly related to the question.

**Dr Hendron:** Acute beds, acute burns.

**Mr Deputy Speaker:** You are stretching it a bit.

**Ms de Brún:** Since the problems with the service emerged, the Royal Hospitals Trust has been working to resolve issues relating to the supply of equipment to the unit. The trust has also been in urgent discussions with the eastern board and the Ulster hospital trust to enhance links between the burns unit and other plastic services. I appreciate the vital service that Mr Khan has given, and I understand that he has been in close discussions with Dr Ian Carson, the Royal's medical director. I am cautiously hopeful that concerns about the future development of the service can be addressed.

I have asked my officials to keep in contact with Dr Carson and to keep me informed of developments. I hope that these problems can be resolved quickly so that services can be maintained and patients can continue to get the treatment that they need — *[Interruption]*

**Mr Deputy Speaker:** Order.

**Ms de Brún:** It is difficult to answer against this level of background babble, but I will attempt to do so.

I will do everything in my power as Minister of Health, Social Services and Public Safety to ensure that that service and others are delivered to the highest possible standards.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. Can the Minister repeat her assurance that last year's problems with the recruitment of support staff to avert the winter pressures will not recur this year?

**Ms de Brún:** I refer the Member to Ms Bell's question on nursing staff. Boards and trusts are doing everything

possible, and they have taken considerable measures to ensure that nursing staff, in particular, will be available this winter.

The Return to Practice programme has been developed. Representatives have gone out, on roadshows to ensure that people will take part in the Return to Practice programme, and 100 additional nursing staff have been recruited as a result of that considerable work. I previously outlined steps that my Department has taken to ensure that 100 nurse training places each year, over the next three years, will be put in place.

### South Tyrone Hospital and Craigavon Area Hospital (Winter Pressure)

2. **Mrs Carson** asked the Minister of Health, Social Services and Public Safety if it is her intention to use South Tyrone Hospital this winter to ease pressure on Craigavon Area Hospital. (AQO 372/00)

**Ms de Brún:** Tá Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt i ndiaidh sé leaba bhreise a choimisiúnú i dTeach Loane, aonad seanliachta in Ospidéal Dheisceart Thír Eoghain. De bharr na leapacha sin beidh sé ar chumas Ospidéal Cheantar Craigavon othair, nach bhfuil tuilleadh cóireála de dhíth orthu mar othair chónaitheacha ach nach ndearnadh measúnú iomlán go fóill ar a riachtanais chúraim pobail, a scaoileadh amach níos luaithe.

The Southern Health and Social Services Board has commissioned an additional six beds in Loane House, a geriatric unit on the South Tyrone Hospital site. Those beds will allow the earlier discharge from Craigavon Area Hospital of patients who no longer require hospital in-patient treatment but whose community care needs have not yet been fully assessed.

**Mrs Carson:** The people of south Tyrone will find that a strange reply. Last year, we were told that Craigavon Area Hospital could cope with the workload previously dealt with by South Tyrone Hospital, and it came as some surprise that all our beds were used. It is interesting to find that we only have six down this year. I ask the Minister to assure to the Assembly and the people in south Tyrone that she will re-examine the current status of the services that have been temporarily transferred see if they can be reinstated, rather than just to provide the six beds that she spoke about.

**Ms de Brún:** Temporary transfer was made for specific reasons, and those reasons have not changed. Specific measures have been put in place in Craigavon to tackle winter pressures. The capacity of the intensive care and high dependency unit at Craigavon Area Hospital is being expanded. There are currently four intensive care beds and two high dependency beds in the unit, and arrangements are being made to increase that provision by 50%, to six intensive care and three high dependency beds.

Dedicated patient transport vehicles will also speed up hospital transfers and discharges.

Several strong measures have been taken. Boards and trusts have been working hard to ensure that contingency arrangements are made for this winter. With regard to the long-term future of the South Tyrone Hospital, I have made it clear that no decisions will be taken until the independent review group chaired by Maurice Hayes has reported.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. First of all, the Minister will remember that she instructed John Templeton, the chief executive of Craigavon Area Hospital, to rebalance services between the Craigavon and South Tyrone hospitals. At present, private clinics such as the Ulster Clinic are being used and beds are being transferred from Craigavon to them. Can the Minister tell us the cost to the Health Service of that? Why are the new theatres in South Tyrone Hospital not being used for that very purpose? I am certain that they are just as well equipped as the Ulster Clinic, or any other private clinic.

**Ms de Brún:** Some of the measures that were outlined at that time, for the responsibilities that Craigavon Area Hospital will take on, will be implemented only from 1 December. However, I must make it clear that the Department has been in contact with the board and has emphasised that it wishes to see a rebalancing of services between the two hospitals.

With reference to the question about the use of private facilities, around 57 patients waiting for surgical procedures have been identified for possible treatment by the board at the Ulster Independent Clinic. The board has also made it clear that it considered alternatives to the Ulster Independent Clinic. Those were fully explored, and the board is satisfied that there was no realistic alternative at the South Tyrone Hospital or elsewhere. My Department and I expect all reasonable potential options for treating patients in health and personal social services facilities to be tested first. From conversations that officials have had with the board, I understand that the main factor preventing the use of the South Tyrone Hospital for those 57 patients has been the need for overnight clinical cover for recovering patients.

I understand that a range of treatments is still being negotiated with alternative providers, including the private sector, and that the board expects to obtain a cost-effective package for those procedures that will represent good value for money for the patient and the Department.

### Nurses (D Grade)

3.15 pm

3. **Mr Poots** asked the Minister of Health, Social Services and Public Safety if she will detail the percentage

of nurses employed at D grade in Northern Ireland and what is the comparable figure for the rest of the United Kingdom. (AQO 354/00)

**Ms de Brún:** Is é 37.5% an céatadán d'altraí a bhfuil poist ghrád D acu anseo; 24.2% an céatadán i Sasana; agus 28.4% in Albain.

The percentage of qualified nurses in D grade posts here is 37.5%; in England it is 24.2%; and in Scotland it is 28.4%. Information on grade D nurses employed in Wales is not available.

**Mr Poots:** It is evident from the answer that we are paying nurses on the cheap in Northern Ireland, with 13% more nurses at D grade than in England. It is clear that that is one reason why so many nurses are leaving.

**Mr Deputy Speaker:** Is there a question in there, Mr Poots?

**Mr Poots:** Yes, there is. It is clear that that is one of the main reasons for the nursing crisis and for our having to import nurses from all over the world. What will the Minister do to ensure that nurses are rewarded fairly for the work that they do?

**Ms de Brún:** The Member has obviously not read the front pages of the English newspapers, which tell us of the grave shortages of nurses throughout that country, and which slightly belie the point he appears to be trying to make. The grading of any nursing post depends on the duties of the post; length of service, experience and qualifications are not in the agreed criteria. Therefore, no direct comparison can be made between the numbers of grade D posts in different countries, as the number depends on the staffing requirements of individual organisations to deliver health care to service users.

The clinical grading system and pay for nurses and others working in the system have been addressed in the House several times. The four health boards, in partnership with employers and staff organisations, are currently developing proposals for a new pay system. It will offer staff a more attractive career with the potential for better progression, greater use of skills, improved status and higher earnings for those who contribute most to the service.

It is proposed that a job evaluation scheme will be used to evaluate every post in the Health Service, and pay will be awarded on the basis of a job's worth in fair comparison with the worth of other jobs.

### Minister / Executive Committee

4. **Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will confirm when she will next meet with the Executive Committee and what issues she intends to bring to the Executive Committee for discussion. (AQO 352/00)

**Ms de Brún:** Beidh mé ag freastal ar an chéad chruinniú eile den Choiste Feidhmiúcháin ar an Déardaoin, 30

Samhain 2000. Mar atá leagtha síos sa chód aireachta, ní hé an cleachtas é labhairt go poiblí faoi mholtaí atá le cur faoi bhráid an Choiste Feidhmiúcháin nó atá á mbreithniú acu.

I will be attending the next meeting of the Executive, which is scheduled for Thursday 30 November. As stipulated in the ministerial code, it is not practice to make public comment on policy proposals that are to be brought to the Executive or are already under consideration.

**Mr Paisley Jnr:** Given the fact that the Department, because of the Minister, wasted £3,290 on a meeting in Enniskillen that had supposedly been cancelled, to which the Chief Medical Officer for Northern Ireland and the permanent secretary of her Department were dragged along, can she reveal to the House how much departmental money she is going to waste on a legal action against the First Minister? Does she honestly believe that that is the best use of departmental money? Does she accept that her actions make a joke of any notion of collective responsibility? Does she accept that she is now the Minister for waste, the Minister for want and the Minister for the destruction of the Health Service? She is not the Minister for the Health Service, and that demonstrates Sinn Féin's irresponsibility, rather than collective responsibility.

**Ms de Brún:** The Member must be acutely embarrassed that the cost of the meeting is only half what he estimated it would be in his famous newspaper article — *[Interruption]*.

**Mr Deputy Speaker:** Order.

**Ms de Brún:** The Member made a similar gaffe over the cost of ministerial cars — his Minister had spent four times as much as some others. Maths is obviously not Ian Paisley Jnr's strong point — *[Interruption]*.

**Mr Deputy Speaker:** Order.

**Ms de Brún:** Given that he has not yet learned maths —

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

**Mr Deputy Speaker:** I do not take points of order during Question Time.

**Ms de Brún:** In my response to written question 63/000, I outlined the real cost of the meeting, the travel expenses for officials and the costs associated with the launch of the Food Safety Promotion Board. I attended the meeting in order to fulfil my duties as Minister of Health, Social Services and Public Safety. As a Minister, I am entitled to full administrative support. Therefore the salaries of those officials who accompanied me to the meeting were paid for fulfilling their duties.

That meeting produced significant benefits. There were four or five different components to it. At the same venue on the same day, there were public launches of the Food Safety Promotion Board and of the folic acid campaign. The latter informed the population of the specific benefits of taking folic acid when pregnant or when intending to

become pregnant. The kind of publicity given to that vital health promotion campaign could not have been paid for. Having the different components on the same day, in the same venue, was highly cost-effective when compared to the cost of the legal action.

The North/South Ministerial Council is an integral part of the institutions that were established as a result of the Good Friday Agreement. Strand two paragraph 13 of the agreement states that the North/South Ministerial Council and the Assembly are

“mutually inter-dependent, and that one cannot successfully function without the other.”

North/South work is also an integral part of the work of my Department and of my duties as Minister. The importance of challenging any attempt to ensure that I cannot carry out my duties is therefore self-evident. I had no option but to initiate legal proceedings and incur any costs in order to challenge the attempt to prevent me from doing that and prevent a major part of the agreement's being put in place.

**Rev Robert Coulter:** Will the Minister advise the Executive Committee of discussions that she has had with health trusts about increasing the mileage allowances for district community nurses, taking into account the increasingly high cost of fuel? Will she undertake to discuss the matter with the Secretary of State for Health who has agreed an increase of up to 5p per mile in Great Britain?

**Mr Deputy Speaker:** That question is related to one further down the Order Paper.

**Ms Gildernew:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister raise with the Executive Committee the absence of Maurice Morrow from the ministerial group on drugs and the refusal of Gregory Campbell to report to the Executive on the cryptosporidium outbreak? Mr Campbell attempted to point the finger at the Ministers of the Environment and of Health, Social Services and Public Safety, but he has refused to meet the West Belfast MP and Sinn Féin Assembly Members from the area that is affected by the bug.

**Mr Deputy Speaker:** Order. Again, that is not related to the question.

### Influenza Vaccination (Nurses and Doctors)

5. **Mr Neeson** asked the Minister of Health, Social Services and Public Safety if she will detail the percentage of nurses and doctors who have been vaccinated against influenza this year. (AQO 361/00)

**Ms de Brún:** Níl an t-eolas ar fáil san fhormáid inar iarradh é. I mbliana tairgeadh an vacsaín in éadan fliú do gach ball foirne de chuid na SSSP. Go dtí seo is é 6,100 líon iomlán na foirne a vacsaíodh. Is é seo 11% d'fhoireann iomlán na SSSP. Sa dá bhordcheantar SSS



dá bhfuil sonraí ar fáil vacsaíodh 6.3% de na haltraí agus 9.9% de bhaill foirne míochaine. Leanfaidh na hiontaobhais de chlár vacsaíthe go dtí go luath i mí na Nollag.

The information is not available in the format requested. This year, the influenza vaccine was offered to all health and personal social services staff. The total number of staff vaccinated to date is 6,100, which represents 11% of all HPSS staff. In the two HSS boards where data is available, 6.3% of nurses and 9.9% of medical staff have been vaccinated. Vaccination programmes will continue in most trusts until early December.

**Mr Neeson:** Following a recent report — not about Northern Ireland hospitals, but those in other parts of the UK — stating that many patients contract fatal illnesses while in hospital, surely those startling figures make it incumbent upon all hospital staff to have the vaccination.

**Ms de Brún:** The influenza vaccine is effective in preventing influenza, but it will not have any impact on other causes of viral illness. It is hoped that there will be less staff absence as a result of flu. In any given winter, it is difficult to predict how much influenza and other viral illness there will be in the community. It is therefore difficult to predict the level of staff absence due to these conditions. Staff immunisation will reduce staff absence.

In Scotland, the uptake of vaccinations among health care staff is not monitored centrally. Trusts in Wales have not been asked to immunise health workers and are not collecting the information centrally. In Northern Ireland, we have monitored the uptake of the vaccine, and the boards and trusts organised the influenza vaccination programme for staff. All HPSS staff were notified of the vaccination programmes by several different measures, including advertisements in hospital newsletters, personal invitations through clinic lists and payslips. We continue to monitor the uptake of the vaccine among staff, and boards and trusts have been asked to forward information on uptake levels and details of how their information and immunisation programmes are being organised and promoted. However, it is a voluntary measure. To ensure accessibility, immunisation clinics have been organised at a variety of locations and times. Some trusts have also organised special clinics for night staff.

**Mr Deputy Speaker:** Members of all parties should remember that private conversation when the Minister is speaking is very discourteous.

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

**Mr Deputy Speaker:** I do not take points of order during Question Time.

**Mr McFarland:** What has been the uptake for the influenza vaccine amongst the elderly, and is another epidemic expected this year?

**Ms de Brún:** On the second part of that question, I refer the Member to my answer to Mr Neeson. The influenza vaccine has proved effective in preventing influenza, but it will have no impact on other causes of viral illness. It is an important part of our efforts to minimise winter pressures from influenza, but it is impossible to state exactly what will happen. They are precautionary measures. We are taking clear measures, and television advertisements and other campaigns were used to ensure uptake, because this year the vaccine is offered to the over-65s. The uptake is 57%.

## Learning Disabilities

7. **Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will outline what measures she will take to improve services for those with learning difficulties in the community; and if she will make a statement. (AQO 349/00)

3.30 pm

**Ms de Brún:** De réir na spriocanna i straitéis réigiúnach na Roinne do 1997-2002 tá gach bord sláinte agus seirbhísí sóisialta agus gach iontaobhas pobail sláinte agus seirbhísí sóisialta ag forbairt réimse cuimsitheach de sheirbhísí tacaíochta do dhaoine a bhfuil míchumas foghlama orthu agus dá gcúramóirí. Is iad ár gcuspóirí foriomlána iad deireadh a chur le cúram fadtéarmach ospidéal agus líon na n-othar a ghlahtar isteach a laghdú.

Each health and social services board and community trust has been developing a range of support services for those with a learning disability and their carers in line with the targets in the Department's regional strategy for 1997-2002. The overall objectives are to end long-stay hospital care and reduce hospital admissions. Since 1997, the number of long-stay patients has decreased from 602 to 491. A regional review group chaired by the Department of Health, Social Services and Public Safety has been quantifying the need for community services to achieve those objectives and the resources necessary to fund them. That work is nearly complete.

**Mr McGrady:** I am sure that the Minister is aware that the Down Lisburn trust and the eastern health board assessed the requirements of services for those with learning disabilities. The requirements have been costed and the costs submitted to the Department. Does the Minister agree that the twin objectives of resettlement from Muckamore Abbey Hospital and community support should be granted equal importance? Does she also accept that resettlement and a decrease in the use of hospital-based services will not necessarily be achieved unless adequate resources are provided for the local community infrastructure?

**Mr Deputy Speaker:** The Minister must be brief in her reply.

**Ms de Brún:** The eastern board's statement has not been formally submitted to the Department, although the regional review group has considered it. It has been refined in the light of that consideration. Along with similar bids from the other boards, the statement will be incorporated in the group's submission to the Department on future service provision and resources. I concur with those who see as essential the availability of appropriate community infrastructure and services for those transferred into the community from Muckamore Abbey Hospital. I emphasise that the move will not occur unless the appropriate community services are available to allow those people to be transferred.

**Mr Hussey:** I would like to raise a point under Standing Order 19(5). Members will agree that the allocation of time is insufficient to allow questions to be answered when both the question and the answer are repeated. I ask that appropriate additional time be allocated to the Minister of Education and the Minister of Health, Social Services and Public Safety following the completion of other scheduled business under Standing Order 10(3).

**Mr Deputy Speaker:** I will see that the matter is raised with the Business Committee tomorrow.

**Mr J Kelly:** I am concerned at the verbal abuse directed at the Minister during Question Time. Such abuse is unacceptable in the Chamber. It is no wonder that young people take an example from that and go out to burn Catholic schools and Irish schools. It is unacceptable — *[Interruption]*.

**Mr Deputy Speaker:** Order.

## FINANCE AND PERSONNEL

### Barnett Formula

1. **Mr Ford** asked the Minister of Finance and Personnel if he will detail the discussions he has had with his counterparts in Scotland and Wales in relation to the impact of the Barnett Formula. (AQO/365/00)

**The Minister of Finance and Personnel (Mr Durkan):**

I met the Finance Secretary of the National Assembly for Wales in July. We agreed that there is common interest between Northern Ireland and Wales and that there could be scope for working together in the future to press for adjustments to funding arrangements. During the spending review process, my officials had a series of meetings with their counterparts in Scotland and Wales.

**Mr Ford:** I thank the Minister for his response and welcome the fact that there has been at least some discussion. Does he agree that the Barnett formula is opaque and out of date and that it fails to meet either future or present needs? Does he also agree that the Barnett formula operates with uncertainty, as in the recent DETR initiative on transport funding?

Given that level of discrimination, is it not important that the Minister consult further with both Scotland and Wales? I understand that both parties in each of those Governments are now fully in favour of revising the Barnett formula to produce something more equitable to every region of the United Kingdom.

**Mr Durkan:** I agree with much of the Member's criticism of the Barnett formula, which does not represent a fair or proper basis for allocations across the regions in the context of devolution. We have registered that point and shall continue to do so. However, to have any hope of success, we must build up a strong case before the next spending review. The issue is not so much whether we can come up with valid and well-founded criticisms of the Barnett formula as whether we can produce a cogent and coherent alternative that the various regions, as well as the United Kingdom Treasury, would be prepared to adopt. To that end, we shall continue to explore all the issues with our counterparts to come up with a more equitable basis for future allocations.

**Ms Lewsley:** How much success have the Minister's representatives on the group working on the Barnett formula had?

**Mr Durkan:** In the context of the spending review announcements made in July, the First Minister, the Deputy First Minister and I had some success in making representations for an improvement to the allocation that Northern Ireland received under the Barnett formula. We improved our treatment of abatement of VAT in spending programmes. We also ensured that spending on the London underground would be included in the formula for the first time. Those changes were worth some £40 million extra in each of the three years of the spending review.

On the basis of further representations made subsequent to the spending review announcement, the Treasury also agreed to provide additional common agricultural policy funding for modulation payments, amounting to £3 million, £4 million and £4.5 million respectively in the three years of the spending review.

### Civil Service: Decentralisation

2. **Mr McGrady** asked the Minister of Finance and Personnel if he will outline the progress to date on the decentralisation of Civil Service accommodation to rural areas. (AQO 350/00)

**Mr Durkan:** I intend to examine the scope for the decentralisation of Civil Service jobs in line with the commitments made in the draft Programme for Government and in the context of an accommodation review. The review will start as soon as possible after the receipt of an updated database of office accommodation commissioned from specialist consultants. The current target for completing the review, as set out in the Programme for

Government, is June 2001. Pending the outcome, opportunities for relocation will be considered as they arise.

**Mr McGrady:** I thank the Minister for his reply, which somewhat subverted my supplementary question. I am glad to hear that the office accommodation audit to which he referred will be completed by the middle of next year. In coming to his conclusions on decentralisation, will the Minister take on board the deficit of such jobs in many rural areas and the particular requirement to address social need? Following publication of the Minister's report in June 2001, such matters will need to be addressed urgently.

**Mr Durkan:** I recognise the valuable contribution that Civil Service jobs make to many locations. We shall take a range of factors into account, including the number of Civil Service jobs in an area as a proportion of the local workforce, new TSN indicators, the regional planning strategy, the effect on equality of opportunity and, not least, service delivery and business efficiency and, of course, cost. In trying to balance all those factors, we want the region as a whole and, in particular, the various locations within it, to benefit. We also want to ensure that we continue to enhance the quality and effectiveness of public services.

**Mr K Robinson:** Does the Minister agree that Newtownabbey, despite being the fourth-largest borough in Northern Ireland, is under-provided with Civil Service jobs and has suffered from a recent loss of Civil Service accommodation?

Newtownabbey incorporates a large rural hinterland, and farmers in that area are to be congratulated on forming the highly successful Ollardale co-operative. Given that worthy example of self-help, will the Minister undertake to look frequently and favourably at Newtownabbey as a rural community likely to maximise the benefits that might flow from any decentralisation?

**Mr Durkan:** It would be wrong of me to speculate about which areas might benefit as a result of whatever new policy might emerge from the review. Many areas have already been suggested as suitable locations for Civil Service jobs. We hope to bring forward a policy that will take account of a wide range of factors. I welcome the interest from a large number of areas in hosting Civil Service jobs and hope to see that interest reflected in the opportunities that might arise from the review.

**Mr Dallat:** On the basis of the Minister's personal experience in Derry, does he agree that the decentralisation of jobs is absolutely critical to the regeneration of all communities? Will he redress the disgraceful centralisation that took place during the dark years of direct rule?

**Mr Durkan:** I need to be careful about saying too much about my own constituency. A further 20 Civil Service jobs in the pensions branch are to be located there, as a

result of developments in the treatment of superannuation activities in some Departments.

Civil Service jobs make a significant contribution in any locality. I recognise the strong case that many Members make that the benefits should be evenly spread across Northern Ireland. I also recognise the difficulties with congestion in Belfast. We are trying to bring forward an overall review of accommodation strategy. We are bringing forward a policy that is about providing the Northern Ireland Civil Service with the accommodation that it needs for its business and management purposes. We will be glad to ensure that, as far as possible, the efficient supply and deployment of accommodation helps to achieve other benefits across the region.

### Referral Dental Officer Position

3. **Mr B Bell** asked the Minister of Finance and Personnel if he will detail in which newspapers advertisements were placed for the position of referral dental officer (job reference SB/85/00) in (a) English language text and (b) Irish language text, and what was the cost of each advertisement. (AQO 373/00)

6. **Mr Leslie** asked the Minister of Finance and Personnel to detail how many applications for the position of referral dental officer (job reference SB/85/00) have been received by the Department in (a) the English language and (b) the Irish language. (AQO 375/00)

**Mr Durkan:** I will take questions 3 and 6 together.

The Recruitment Service, for which I am responsible, placed advertisements in English in the 'Belfast Telegraph,' the 'News Letter,' the 'Irish News' and the 'British Dental Journal'. Excluding VAT, the costs were £955, £618, £477 and £1,113 respectively. I understand that the Department of Health, Social Services and Public Safety placed advertisements in Irish in a number of newspapers. It is for the Minister of Health, Social Services and Public Safety to answer any questions relating to advertisements placed by her Department. The Recruitment Service has received six applications for the post — all in English.

3.45 pm

**Mr B Bell:** I thank the Minister for his reply in English. The advertising charge of £3,000 — the Minister did not give the Assembly any figures for the other advertisement — is exceptionally high, given that the position has a salary scale of £31,000 to £52,000. It is a deplorable waste.

**Mr Deputy Speaker:** Do you have a question? This is your opportunity to ask it.

**Mr B Bell:** Surely, I am also entitled to a preamble.

**Mr Deputy Speaker:** Of course.

**Mr B Bell:** Has the Minister any plans to discuss with his colleagues how such deplorable waste can be

eliminated? I intended to ask a second question, but it has been said that all the replies to the advertisement were written in English.

**Mr Durkan:** It is for each Department, not the Minister of Finance and Personnel, to decide what advertising is appropriate, according to the needs of the Department. The cost of advertising is significant, but if we did not advertise the posts — or if we varied the money to be spent on advertising according to salary scales — the level of equality of opportunity and open access to vacancies would be open to greater question. It is standard practice — and there is guidance on that — that advertisements be placed in a range of newspapers so that they will come to the notice of everyone who is eligible to apply.

The Recruitment Service has also recently launched a website that displays the details of every vacancy in the Civil Service, and I hope that it will be widely used. The site is useful, not just for people in the region, but for the many people who work elsewhere and who might have an interest in returning to work here. The service is accessible to people who cannot buy local newspapers.

### Regional Rate

4. **Mr Close** asked the Minister of Finance and Personnel if he will detail the equity of distribution of the regional rate among the population; and if he will make a statement. (AQO 370/00)

7. **Mrs E Bell** asked the Minister of Finance and Personnel if the proposed 8% increase in the regional rate has been equality proofed. (AQO 369/00)

**Mr Durkan:** I will take questions 4 and 7 together.

The regional rate is levied uniformly at a standard rate in the pound across Northern Ireland. Its impact on households will depend on the net annual value ascribed to each property and on the economic circumstances of each household.

The existence of rate rebates, as part of the social security system, means that the impact is lessened for those in the lower income bands. In that sense, in taxation jargon, it becomes more progressive. It is recognised that the system can be made more progressive, and that will be considered in the proposed review of the rating system, as has already been signalled to the Assembly. The setting of the level of and increases in the regional rate is scheduled for equality impact assessment by the Department of Finance and Personnel's draft equality scheme. That equality impact assessment is to be tied into the overall review of rating policy.

**Mr Close:** The Minister says that he hopes to make the tax more progressive. I would prefer it if he recognised that the tax is quite regressive. It does not take into account the ability to pay and it hits those on fixed incomes, such as pensioners.

In the light of the regressiveness and inequity of this tax, will the Minister assure the House that when he comes to reassess the Budget with his Executive colleagues, it will not be increased by the proposed 8%, thus ensuring that those who are less well off, whose position he tacitly recognises, will not be further crippled?

**Mr Durkan:** I suggested that at a certain level the rates could be seen to be more progressive than at other levels, because of the facility provided through the social security system. I am not claiming that the rates system overall is a progressive tax. When rate rebates are taken into account, research shows that the rates become more progressive in the lower half of the income distribution and that they are proportional for middle incomes and regressive in the higher part of income distribution. We are trying to improve the fairness of the rate burden on Northern Ireland's households. That is one reason for the rating review.

Recent research, based on the continuous household survey and the Robson index of deprivation at district council level, demonstrates a relationship between the degree of deprivation and the domestic regional rate burden per capita in district council areas and that the domestic regional rate burden per capita generally increases as the level of deprivation decreases. Therefore the picture is not as bad as the Member has painted it. That is not to say that there are no anomalies and inequities in the system that should be examined. In particular, I recognise the position of some older householders, especially if they are single occupants.

**Mrs E Bell:** The Minister is obviously aware of the problems that rates cause for people on low incomes. Can he assure the House that the rating review will take account of equality impact assessment so that people will not be in the position that they are in at present? It is an unequal system. What is the present state of the rating review?

**Mr Durkan:** I repeat what I said in the original answer. As part of the Department of Finance and Personnel's draft equality scheme, a commitment has been made for an equality impact assessment on the setting of the rates. It is sensible to tie that work in with the broader rating review. Proposals on that review will be brought forward soon. We want to re-examine how revenue is taken from Northern Ireland's population to support public expenditure requirements. It is right that we make a contribution towards those public expenditure needs.

We do not want a situation in which we seem to criticise the Barnett formula — as the Member's Colleague did — or where we appear to call for the formula to be changed because we want more money from English taxpayers and, at the same time, say that extra money should not be raised through the rates from the local population. We cannot win both those arguments. A review is needed. The review will examine how money is raised and how

any inequities in the present system might be relieved. The review must make sure that revenue is raised, as well as dealing with the problems of particular groups.

**Mr Hussey:** I trust that the review will take some cognisance of the difficulties of town centre traders as opposed to those in developments on the edges of towns. I am concerned about the equity of the distribution of finances raised from the regional rate, given that, in the main, the increases were intended for infrastructural improvement.

I refer to the answer to Mr McGrady's question about the decentralisation of Civil Service accommodation. There is a commitment to e-government in the Programme for Government. Therefore it is important that the infrastructure for e-government is in place throughout Northern Ireland. Will finance be made available for broadband infrastructural development throughout Northern Ireland?

**Mr Durkan:** The Member's supplementary question took the scenic route around the points that we passed on the way.

In the review, we are trying to ensure that we have a rates system that delivers money for public expenditure services and does so in a way that the ratepayers find fair. It is also important that the money be spent in ways that the people believe to be fair and equitable. That is a constant challenge in our resource and spending planning.

The Member will be aware that there are proposed Executive programme funds in the Budget. One of those funds relates to infrastructure and capital renewal. We also said in the draft Budget statement that telecommunications is an area that might be addressed or assisted.

The Member will also be aware that the Minister of Enterprise, Trade and Investment, Sir Reg Empey, is sponsoring an information-age initiative and has made a commitment to the entire region in that regard.

**Mr S Wilson:** Given the difficulties that the review of the rateable value caused for small businesses a couple of years ago, especially for shops on arterial routes, will the Minister bear in mind in this review the regressive effect of the rates system, especially on retail business?

**Mr Durkan:** The review of rating policy and processes that we are talking about is separate from the non-domestic revaluation that I announced previously. That work is now being undertaken, but the results of the revaluation will not feed into rating bills until 2003.

We want to carry out a non-domestic revaluation now because we have learnt the lessons from the last one. Things had been left so long from the previous revaluation that there were considerable swings in the rateable valuation. Everybody affected at that time said that future revaluations should be regular and timely. We hope to do that.

People are already saying that some of the last revaluations have been overtaken by developments, not least the change in retail patterns. That is another argument in favour of a timely non-domestic revaluation.

## Budget: Rural-Proofing

5. **Mr Paisley Jnr** asked the Minister of Finance and Personnel if he will confirm that the Budget has been rural-proofed. (AQO 363/00)

**Mr Durkan:** The allocations in the draft Budget are consistent with the strategic aims and priorities set out in the draft Programme for Government. One of the strands of the programme's key priority of securing a competitive economy is to work to regenerate the rural economy, and that includes a commitment to the new process of rural-proofing.

4.00 pm

**Mr Paisley Jnr:** In reply to AQW 672/00, the Minister of Agriculture and Rural Development informed me that there had not been a ministerial-led group established to proof all Government policies. Will the Minister campaign to ensure that that group is established soon? Anything else will make nonsense of any commitment to rural-proof the Budget or the Programme for Government.

**Mr Durkan:** The Programme for Government contains a commitment to establish a ministerial-led group to proof all major Government policies and programmes in respect of their rural impact. All Ministers — myself no less than anybody else — are committed to that. I am glad that the Member is keen that measures proposed in the Programme for Government be implemented.

**Mr Deputy Speaker:** Members, including the Minister, should be brief.

**Mr Byrne:** What resources were made available in the Budget, the October statement and the EU programme, specifically for agriculture and rural development initiatives?

**Mr Durkan:** This year's budget provided £164.2 million, the October statement saw a further £6.7 million allocated, and the EU Peace Programme provided £4.4 million. Therefore the total is £175.3 million for the year. The Member will be aware that £190.9 million is projected in next year's draft Budget and a further £9.6 million will come from Peace II. That will be £200.5 million — a 14.4% uplift.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

## FIRE SERVICE

**Mr Shannon:** I beg to move

That this Assembly calls on the Minister of Health, Social Services and Public Safety to make representations to the Secretary of State for a state award that will recognise the great sacrifice and commitment to duty of members of the Fire Service in Northern Ireland.

This is an opportunity to bring to the Assembly an issue that is important to many Members. We felt that we might have had the opportunity to bring the matter up a few weeks ago, but we were unable to do so. However, the opportunity has been granted today, and Members have a chance to voice support for the Fire Brigades Union, the Fire Brigade and those who work therein.

The motto of the Fire Service is “unitate fortior” — unity is our strength. It is appropriate and sums up the motion before us today. It was adopted in 1973 when the Belfast Fire Service and the Northern Ireland Fire Service amalgamated. The Fire Service has faced the worst evils that man could throw at it. Along with the RUC and the Army, the Fire Service has borne the brunt of the atrocities that occurred during 30 years of troubles. Members will recall some of the worst atrocities: the Remembrance Day service bomb blast in Enniskillen; the Droppin’ Well at Ballykelly; the Abercorn Restaurant; Bloody Friday in Oxford Street; La Mon House Hotel in Castlereagh; McGurk’s Bar; the Shankill Road; and Omagh. The loss of life at those terrible incidents was horrendous, and members of the Fire Service, along with others, scrambled through the rubble and debris to find anyone still alive. They were also there to give urgent medical attention and support to those still alive or close to death. That was life in the Fire Service.

Men and women from both sides of the community served all the people bearing the brunt of terrorist attacks, without thought for themselves. Nine members of the Fire Service were killed, and thousands more were injured as a result of dedication to their job and to their vocation. The injuries are not only physical; many members of the Fire Service have suffered from post-traumatic stress disorder, and many still suffer. That was first diagnosed after the Gulf War and the Falklands War, but you do not have to be in the Army, the Navy or the Air Force to suffer from post-traumatic stress disorder. Some Fire Service personnel are shadows of their former selves because of that disorder. Can you imagine the effect of carrying dead children out of a bomb site or attending to those who have sustained horrific burns, with many others blown to pieces? In some of the worst incidents, the only way to collect the bodies

was with a shovel and a bag. That would have a serious effect on anyone’s mind. Many members of the Fire Service suffer from post-traumatic stress disorder, with little or no prospect of getting better. We cannot, and should not, forget them. Today we have the opportunity to put things right.

Did the outrages end with the peace process and the agreement? The answer is “No”. Statistics show that the Fire Service has attended just as many, if not more, civil disturbance incidents since 1996. The highest number of incidents took place in 1998. Those figures equal the worst of the 30 years of the troubles. During that time of war and savage violence, the Fire Service carried out its work with true dedication and loyalty to the whole Province. Firefighters served everyone in Northern Ireland, right across the spectrum.

There are currently 2,000 members of the Fire Service. Fifty-five per cent are full-time, and 45% are part-time. There are also many who have retired or who have had to give up service for medical reasons — for example, post-traumatic stress disorder. The Fire Service has given much, without the financial or manpower resources of fire services in other parts of the United Kingdom. Essex, which is only 30% of the size of Northern Ireland and has a smaller population, has a larger budget, more up-to-date fire equipment and more full-time firefighters than Northern Ireland and can call on the help of its neighbours, Sussex and Suffolk. In Northern Ireland, the Fire Service attended almost 10,000 more incidents in one year than that in Essex. That illustrates the shortfall.

The Northern Ireland Fire Service has worked above and beyond the call of duty. It is totally committed to serving the whole community. It carried out its duties while it was under-resourced and sometimes undermanned. It gave best value in the past, gives it now and will continue to give it in the future. For those reasons, it is important for the Assembly to make representations to the Secretary of State for a state award.

In my discussions with the Fire Service, the Fire Authority, other Members and constituents, all have said to me that they want a state award that will reflect accurately the esteem in which the Fire Service is held. A corporate award, perhaps in the form of a stained-glass window in a public building or a monument in a public place, would also show recognition, but we want a state medal to reflect public opinion. We want to see a medal struck by royal warrant that could be worn on a tunic in special recognition of all that the Fire Service has done. The Secretary of State could make such an award under his delegated powers, and we urge him to do so.

The Fire Brigades Union and the Fire Authority are united in the belief that the correct way to show recognition is through a state medal. That is something that the citizens of Northern Ireland would agree with. I have been inundated with requests from constituents who want the

Fire Service to receive a state medal as recognition. In the 30 years of the troubles and subsequently, the Fire Service has shown dedication and commitment to the job at hand. Without concern for their safety, members have shown singular courage and energy in safeguarding property and saving lives with limited resources and manpower. Their work has saved countless lives. Today, many owe their lives to an unknown firefighter who was simply doing his job, without looking for special treatment. They are humble men and women doing their best for society. They deserve a state metal struck under royal warrant.

**Mr O'Connor:** I beg to move the following amendment: Delete all after "Assembly" and add

"will institute an Assembly award that recognises the great sacrifice and commitment to duty of members of the Fire Service in Northern Ireland, and liaise with the Fire Service unions/representatives to examine any further awards."

The amendment is in keeping with what was decided at last week's Executive meeting. It is also in line with the statement that the Minister made this morning. About an hour ago, that statement was warmly welcomed on television by the Fire Brigades Union. I spoke to some of its members before coming into the Chamber, and they warmly welcomed the Minister's statement. Mr Shannon is 100% right when he talks about the dedication to duty shown by those people. Some of them have pulled people out of burning bars, and it is an awful indictment of our society that they have had to undergo such traumatic incidents over and above the type of fires that a fireman ordinarily has to deal with. Firemen have been left to pick up the pieces of some of the most horrific acts of violence. I agree that there is a need to recognise what they have done, but better terms and conditions would be important steps towards achieving that.

Mr Shannon referred to the lack of numbers. In some cases, fire crews should be strengthened to enable them to do their job fully. The amendment will not preclude any further award, and it will allow us, as an Assembly, to make an award without requiring Peter Mandelson's permission. It will allow us to recognise the work that those people have done for this country over the years. In that spirit, I hope that the amendment will be well supported. We are not trying to score any points, but we need to present something that those people can say was awarded to them by the Assembly. Whether that takes the form of some kind of medal or a scroll is not for me to decide. However, the Assembly should institute some such award.

I and, indeed, my party are not normally in favour of political backslapping or giving awards. However, we believe that this case stands on its own merits. The service of the Fire Brigade and the men and women — unfortunately there are not all that many women — who risk their life should be recognised. If the amendment is

accepted, that will in no way stop any further award being given by the Secretary of State. It would be an award made by the Assembly in recognition of the work done by the firefighters of this country. At a later date, as was suggested in the Minister's statement this morning, it could be a matter for the Executive, through the Office of the First Minister and the Deputy First Minister, to recommend, in consultation with the Fire Brigade, any subsequent awards. Our positions are probably not all that far apart, but I believe that, as an Assembly, we should be allowed to express ourselves in favour of the people who elected us and be able to recognise those people who have served our community rather than be totally dependent on the Secretary of State, who, ultimately, is not bound to accept any recommendation that the Assembly makes.

4.15 pm

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. The Minister told the Assembly in June that many people owed their life to the courage and skill of our firefighters and the important contribution of brigade support staff. She said that she and her Executive colleagues wanted to recognise such outstanding service in an appropriate and acceptable way. I endorse that statement. It is important that we keep the award to the Fire Service separate from the extraneous political undertones coming from the DUP. Is the striking of a medal about symbolism rather than about honouring the firemen who serve the entire community? Is the striking of a medal to the firemen an indication that the Fire Service belongs to only one section of the community? That would dishonour the Fire Service and make it difficult for people from my community to support or join it.

We have already witnessed a culture of discrimination in the Fire Service that made it difficult for young Nationalists — young Catholics — to join. It was difficult because of the culture that had been created around the Fire Service by successive Unionist establishments and an attempt to perpetuate — *[Interruption]*. It is cultural discrimination, and when I spoke to the firemen's union even they admitted that over the years there had been an imbalance — *[Interruption]*.

**Madam Deputy Speaker:** Order.

**Mr J Kelly:** There has been — *[Interruption]*.

**Madam Deputy Speaker:** Order.

**Mr J Kelly:** There has been an imbalance — *[Interruption]*.

**Mr P Robinson:** On a point of order, Madam Deputy Speaker. What does the issue of discrimination have to do with the motion?

**Madam Deputy Speaker:** That is not a point of order — *[Interruption]*.

**Mr P Robinson:** Of course it is. Can a point of order be any more a point of order if it questions whether the person who is speaking is relating his remarks to the motion?

**Madam Deputy Speaker:** I ask the Member to explain; we would like to hear what he has to say.

**Mr J Kelly:** A LeasCheann Comhairle, I will explain.

In my opening paragraph I asked “Is the striking of the medal about symbolism?” If it is, then it is a divisive instrument that perpetuates the notion among Nationalists that there has been a culture of discrimination in the Fire Service. It is as simple as that. That fact was acknowledged by the firemen’s union when we had discussions with it and it hopes to redress it. The awarding of a medal with royal assent will not encourage young Nationalists to join the Fire Service, and neither does flying a flag over a fire station.

**Mr Hussey:** Will the Member tell me whether what he has just said has any relevance to those excellent brigade members in Strabane? It has not.

**Mr J Kelly:** I am not suggesting that at all, Mr Hussey. What I am saying is that if we are to pursue the course that the DUP is suggesting —

**Madam Deputy Speaker:** Please make your remarks through the Chair.

**Mr J Kelly:** If we are to pursue that course, we will create further division in the Fire Service. I was asking whether the striking of a medal would engender further division in an already divided community. We would better serve the community by getting behind an award to the Fire Service that has the full support of the Assembly, rather than one party’s using honour for the Fire Service to promote its own divisive political agenda.

We have heard time and time again from all parties about the need to strike out locally, to cure the ills of our Health Service, our education service and other elements of our infrastructure. This is a glorious opportunity for us, as an Assembly, to strike out on our own and devise some manner of rewarding, as honourably and completely as we can, the sacrifices that the Fire Service has made over the years.

I would also like to make a point about the culture of discrimination in the Fire Service that is perceived by the Nationalist community. I refer to the poor representation of women.

**Mr Shannon:** On a point of order, Madam Deputy Speaker. What has that to do with the motion? The Member is talking about discrimination, which has nothing to do with a state medal. He is not addressing the issue of the proposal at all.

**Madam Deputy Speaker:** The motion relates to the Fire Service in general. The Member may continue.

**Mr J Kelly:** To wind up — and there is a lot of winding up going on today — I must say that it is an opportunity for the Assembly, in consultation with the Executive, to strike out on its own and do something that is independent of divisive outside influences. This is our chance to honour the integrity, loyalty, good work and sacrifices of the Fire Service over the years.

**Mrs E Bell:** I support the amendment. I would like to welcome members of the Fire Brigades Union who are, I think, in the Public Gallery. They have spoken to many Members today, and I hope that they will find the debate useful. I support the amendment, because I feel that the DUP’s motion is restricting both the Assembly and the Secretary of State, as my own did some weeks ago. However, I hope that the motion will be debated in the right atmosphere and that the firefighters of Northern Ireland will be left in absolutely no doubt that Assembly Members agree that there should be due recognition of the dedication, commitment and sacrifice of firefighters, past and present, on behalf of all the people of Northern Ireland.

When devolution was achieved, the Department of Health, Social Services and Public Safety was given the task of organising such an award. Accordingly, the Minister issued a statement in June that the award would be made. I quote from the beginning of her statement:

“I wish to advise Members of the arrangements being made to pay tribute to the exceptional service of the Fire Service over the last 30 years.”

That followed a meeting of the Executive, during which the Minister spoke in a way similar to that in which she has spoken today, and which underlined the sense of appreciation of the Assembly.

One of the benefits of devolution is that we, as local representatives, could create some sort of appropriate award that would not preclude a decision by the Secretary of State to make a state award. We should be able to make our own decisions. Are we not mature enough to do that?

The Fire Brigades Union was supportive of the state awards made to the RUC and the prison officers. It was felt that, if the efforts of firefighters were to be properly recognised, their award should be of a similar stature. I have spoken to many firefighters from all over Northern Ireland, and they realise that there would be a difference between a corporate award and a state one. However, they would like both, if possible. These firefighters also said that it would be nice to be the first recipients of such an award from the Assembly.

Firefighting is a dangerous and potentially life-threatening undertaking. It is considerably more dramatic and varied than, for example, the picture painted by the television programme ‘London’s Burning’. There has been loss of life and serious injury throughout the brigade’s history. In my constituency last week, firefighters arrived



at a scene to be greeted by two gunmen who would not let them near the blaze, despite the fact that things were happening that might have resulted in loss of life.

It is, I regret to say, a service that the public tends to take for granted. Firefighters are not just expected to put out fires and rescue people; they also have to rescue kittens up trees, free children from railings, help those who have been locked out of or inside buildings and aid those trapped in the aftermath of a road traffic accident. But for the efforts of the brigade, horrors such as La Mon, Abercorn and the others mentioned would have been even more horrific. I remind Members of the film footage that we have seen over the years of the troubles, with buildings crumbling in flames as they did in wartime. What was and is the first line of defence called upon to try to save both life and property? It is the Fire Brigade.

We, as an Assembly representing the people of Northern Ireland, cannot allow their efforts to be overlooked or undervalued as we move towards a new future for all of us. Such a future has been made possible by the bravery and selflessness of the men and women who protected our community from peril. The Fire Brigades Union has had meetings with the Minister of Health, Social Services and Public Safety. It was encouraged by her attitude. Today's statement shows her prompt action in dealing with the matter. She will obviously make significant efforts to impress upon the Secretary of State the need to give serious consideration to the state's giving appropriate recognition to the firefighters. The Office of the First Minister and the Deputy First Minister will also consider what is appropriate.

It is fully within the remit of the Secretary of State to decide whether a state award should be made to the firefighters, but if it is decided that an Assembly medal is an appropriate award at this time, it will be the first ever. It will be locally decided and locally supported and, as such, will carry the heartfelt thanks of all the people of Northern Ireland with it. In its own way, that could be extremely hard to improve on, but a state award would be something that could still be considered. I have had many requests from firefighters. They maintain that they would be pleased to accept either, although more pleased to accept both.

I hope that the Minister's statement will be unanimously supported. That will ensure that the Minister, the Secretary of State and the Office of the First Minister and the Deputy First Minister are all fully aware of the views of the Assembly, its Members and the people of Northern Ireland whom they represent. Our priority must be the recognition of all firefighters, past and present, who have kept our people and society safe and protected life and property throughout difficult times and against all odds. In spite of other problems, such as funding and manpower — and gender issues, I have to say — our

priority must be the recognition of all firefighters who have played their demanding role to help us.

4.30 pm

It is sad that the DUP cannot put the wishes of the firefighters ahead of its own political agenda. I hope that they will do that. I hope that all Members will speak on relevant matters today, and not use the debate as a vehicle for criticism or comment on others. To do so would be to do no service to those whom we have come here to support: the Fire Brigade, the firefighters, men and women of Northern Ireland.

**Mr Ervine:** I am sure that the Fire Brigades Union wondered for a moment whether we were the right people to be talking about this when we began — or lapsed into — what seemed to be a divisive debate. I do not recognise the Fire Service described by Mr J Kelly. I could never imagine a postcode area where they would not go, or a house or a life that they would not attempt to save.

**Mr J Kelly:** I was not suggesting that, a *LeasCheann Comhairle*. What I said was that employment levels in the Fire Service did not adequately represent the Nationalist and Unionist make-up of our population, and that there was a chill factor, a culture of discrimination, against Nationalists' joining the Fire Service.

**Mr Ervine:** Against the backdrop of attempting to encourage the Assembly, and therefore society, the Member was not required to introduce such a negative element, regardless of how much he is wedded to that belief.

My understanding of firefighters is that we should value them all, no matter where they have served. We have seen them coping with terrible circumstances. The morning might begin with taking someone who has been decapitated out of a road traffic accident. In the afternoon, a child might be found — perfect, untouched, but asphyxiated by smoke. A firefighter has to carry that child out to all of those who will grieve. Those are the normal circumstances of the Fire Service.

Then, there is the unavoidable accidental horror, the avoidable accidental horror and the wanton destruction. Our society, unlike many others, has all three. The Fire Service is at the front of those who have to go — those who go on our behalf. I am pleased that the Minister has recognised the Fire Service and that there is recognition from all parts of the House. It is vital that the British Administration also recognise the sacrifice of the Fire Service.

Jim Shannon and Danny O'Connor referred to resources and to the circumstances under which the Fire Service functions. They save the British Exchequer billions of pounds under difficult circumstances, never measuring the risk to themselves. Some of us who have been close to victims that the Fire Service has had to deal with

might look at such things somewhat differently. Accountants at Westminster look at it on the basis of what they have to pay out, for example, to give Essex perfect Fire Service cover. Northern Ireland gets the crumbs off the table.

Our men have been fighting the battle under those circumstances for many years. That is bad enough for a normal Fire Service. If it is a Fire Service in a place apart — Northern Ireland — suffering wanton destruction and the resultant horror, how much more significant is recognition by that Government of the Fire Service's dedication under awful circumstances? They were under-resourced, but they behaved as they were expected to behave. Do we not expect that of trained firemen? The Fire Service has served the community above and beyond the call of duty, taking into consideration the lack of resources. Others, who did not have the same trauma and difficulty to deal with, received better treatment.

I shall make one final argument as to why it is so vital that there be a state award. Mr O'Connor said that his amendment did not preclude what Mr Shannon wanted. However, it is also true that Mr Shannon's motion does not preclude what Mr O'Connor wants. There is no reason why the Minister could not approach the Secretary of State to make him aware of the depth of feeling about this. Meanwhile, back at the ranch, we could recognise the value of the work of the Northern Ireland Fire Service, even though we have only just assumed responsibility for it. The Minister should tell the Secretary of State or the Prime Minister that they would be as well to do the same — the honourable, decent thing. However, such a scenario was not forthcoming. That is a serious disappointment.

We have only just taken over responsibility for the Fire Service. The people who previously had the responsibility, and who ought to pay tribute, are at Westminster. Northern Ireland is a part of the United Kingdom, and the United Kingdom Exchequer benefited from the skills and tireless efforts of the Fire Service. It is fundamentally important that that recognition be complete, and that both Houses recognise the Fire Service. What harm would that do? Who would feel insulted? Fire Service personnel of both religions and none have risked their life saving others in every postcode area. The Fire Service had to deal with road traffic and other accidents, as well as the wanton destruction that was visited on our society by the troubles, irrespective of who caused it.

My support for the motion does not mean that I feel wholly negatively towards the amendment. There is goodwill on these Benches. I appeal to the Minister to give serious consideration to lobbying on behalf of the Northern Ireland Fire Service. It would not go amiss and might settle the worries of Members who feel — probably wrongly — that there is some sinister reason to explain why the Minister is not prepared to do so.

**Mr Hussey:** I shall speak on the motion and the amendment. As Mr Ervine said, we must look at both options. However, I would like to know what is meant by these words in the amendment:

“to examine any further awards”.

I want an explanation of what the Executive intend to put to the Secretary of State.

Throughout the 30 years of terrorism, the people of Northern Ireland had the good fortune to have a number of emergency services dedicated to the preservation of law and order and the protection of life and property. The exceptional dedication of members of the RUC and the suffering that they endured have been recognised by the award of the George Cross to the corporate body. That award was instituted in 1940 to honour great heroism and conspicuous courage. In August, the Secretary of State confirmed that approval in principle had been granted by the Queen to the award of a special medal to prison staff in Northern Ireland. That was also in recognition of the professionalism, bravery and commitment of prison staff in serving the community over the past difficult, and often dangerous, 30 years. That medal, unlike the George Cross, is to be awarded to serving and former prison staff who have served with the Northern Ireland Prison Service for at least five years.

Today, the Assembly is rightly debating how it can properly recognise the exceptional service given by part-time and full-time members of the Northern Ireland Fire Service. That service has been given over the past 30 years of terrorism in Northern Ireland and, indeed, extends to many duties beyond those linked to terrorism. Their basic duties of attending normal incidents — if one can call them normal — of fire and vehicle accidents have been hindered by increased call-outs due to terrorist attacks on community and business. Their dedication to duty must be rewarded. I am aware, in my constituency, of the horrors that part-time and full-time firemen have had to face in carrying out their duties. They are in action night after night, engaging in hazardous operations — many times at the mercy of the elements. Part-time volunteers have had to carry on with their normal jobs and businesses as well. Some tribute should also be paid to those employers who have allowed employees who are part-time firemen to go when the call arises.

In 1954, the Committee on the Grant of Honours, Decorations and Medals agreed the issue of the Fire Brigade Long Service and Good Conduct Medal, with the approval of the Queen. It is awarded for 20 years' service with good conduct. In the same year, another medal was struck, and it was to be awarded to members of recognised fire brigades for distinguished service. That medal may also be posthumously awarded for gallantry, and was named the Queen's Fire Medal. I believe that several officers in Northern Ireland have been honoured in that way.

Any award recognising the bravery of the Fire Service must be proper and adequate in status. I believe that a civic award is an insult. It has been rejected by the Fire Brigades Union and, indeed, by the Fire Authority itself. I welcome the fact that the Executive have recognised that a corporate award from the Assembly is more appropriate than the civic award first proposed. We have all received a note from the Fire Brigades Union highlighting the options that are available to the Assembly. One of the options that we are considering is to pursue corporate recognition within the purview of the Northern Ireland Assembly and, at the same time, making all possible efforts to achieve full state-endorsed recognition. I trust — I wait for the reply with reference to the amendment — that that is what is in the minds of those who are moving the amendment. Like Mrs Bell, I urge most fervently that the First Minister and Deputy First Minister pursue, through the Secretary of State, a proper state award for the Fire Service. I believe that it can be achieved.

A state award granted by the Queen to recognise the professionalism, bravery and commitment of all members of our Fire Service during the past 30 years of the terrorist campaign is, without doubt, appropriate. I regret the remarks that we have heard about possible discrimination within the service. I am sure that if somebody is standing at a window or trapped in a car, the first question asked is not whether he is a Protestant, a Catholic, a Nationalist or a Unionist. The firefighters do not ask the person, and the person that they are helping does not ask them. It does not come into the question. I know many brave brigade members from both sides of the community, and I have never been aware of any discrimination within the service.

4.45 pm

I urge the Office of the First Minister and the Deputy First Minister and the Executive to petition the Secretary of State to give the same consideration to the Fire Service as has been granted to the Northern Ireland Prison Service. I further urge that the Assembly recognise the great service that the Northern Ireland Fire Service has given to the community.

**Mr Dallat:** If the proposers of the motion have the Fire Service and its interests at heart, they will have no problem accepting the amendment, because it offers greater flexibility than the motion. We are often accused of harking back to the past, but it is fair to say that the Fire Service began its life following the great fire of London in 1666. That was 24 years before the battle of the Boyne. The Fire Service has moved on since then — sometimes the motions before the House remain in that period.

Nearly 30 years ago, I was in Foyle Street in Derry while firemen dealt with a fire at the City Hotel. I was there not for the excitement but because two firemen were

trapped inside. I am sad to say that they lost their lives. We must be careful not to make political capital out of the lives and deaths of firemen. We have a duty to respect them, and we have not done that today. The firemen do not want the issue to become yet another excuse for secretarian politics. They would prefer it to be settled in another way.

The House did itself no favours whatsoever when news of a medal was first announced. In the mad rush to create sound bites and score political points, Members behaved in the most disgraceful manner. What a pity it is that those Members were not so vocal when the Fire Service was repeatedly attacked in their constituencies with stones and bottles. The Fire Service was not the issue then, and neither is it now. We must bear that in mind.

The decision to honour the Fire Service was initiated by the former Minister of the Environment, Lord Dubs, and acted upon by the present Minister of HSS&PS, Ms de Brún, and there the matter should rest. To do otherwise is to do the opposite of what is proposed in the motion. No one disputes the great sacrifice and commitment to duty of members of the Fire Service. However, the issue should not become a political football, because that is not in anyone's interest, and certainly not in the interest of the Fire Service. Members may know that the Northern Ireland Fire Service is currently experiencing difficulty recruiting new members, particularly in rural areas. Emergency calls are answered by skeleton crews, and that is of greater concern than political arguments about the origins of a medal. If we allow that controversy to continue, an even smaller number of volunteers will come forward, because when politicians get their grubby hands on organisations and politicise them, experience tells us that they do those services no favours.

The Fire Service does not need such a controversial debate. Instead, it needs hard working politicians who are prepared to take as many risks in the interests of peace as they have done. Society views this type of motion as a time-wasting opportunity for gaining political capital at the expense of the services that Members claim to represent. In the past, another section of the emergency services was used for political purposes, namely the police service. Are we going to feed the Fire Service to the political vultures as well? I hope not.

I support the amendment. This is a one-off occasion, and I look forward to the implementation of the Minister's proposals. I salute the Fire Service for the work that it has done, not just over the past 30 years but since its inception.

**Mr Berry:** I support the motion, and I welcome the opportunity to raise this serious matter. It is regrettable that we have to raise it in the Assembly. It is regrettable that the dedication and sacrifice of the Fire Service have not been recognised. It makes me sick sometimes to listen to the likes of John Dallat and members of Sinn

Féin/IRA when they accuse my party colleagues of introducing party politics to the issue. It is too serious for party politics. I remind Mr Dallat that the Fire Brigades Union did not meet only the DUP. It also met representatives of the Ulster Unionist Party, Danny O'Connor from the SDLP, Sinn Féin, the Alliance Party and the PUP. It also met the Minister of Health, Social Services and Public Safety, who is a member of Sinn Féin/IRA. Indeed, I spoke to the Fire Brigades Union myself today. We are not using this politically.

The Fire Brigades Union represents 95% of uniformed Fire Service personnel and recommends a corporate award. It also stresses that it wants to see a state awarded medal for the Fire Service. That is the message that the DUP got, and I am sure that it is the message that the SDLP and other political parties also received — in no way was the Fire Brigades Union being political. It represents people of all backgrounds, including Roman Catholics, Protestants, those of other religions and people without religious belief.

Today's statement from the Minister included no commitment. She is making it the responsibility of the First and Deputy First Ministers to investigate whether a state award medal is possible or appropriate. The award of a state medal to the Fire Service is important, and I hope that the First and Deputy First Ministers will be recommending it to the Government and the Secretary of State rather than investigating whether it is appropriate or not.

We must listen closely to what the Fire Service and its representatives want. I have consulted ordinary fire officers and the chief fire officer at his Lisburn headquarters, and I received a clear message from the latter that, while they recommend awards, they also want to be recognised with a state-awarded medal. It has been said repeatedly today that the Fire Service has served our community with great distinction. It has sacrificed a lot, and officers have lost colleagues in the line of duty.

Loved ones have lost their husbands and fathers because of the dedication with which they served the entire community. I find it regrettable that the question of discrimination was brought into the debate today. As the hon Member for West Tyrone (Mr Hussey) said, Fire Service officers never questioned whether a house was Roman Catholic or Protestant when they were at the scene. I say to Members who talk of discrimination that they should go to a place such as Crossmaglen and get a religious breakdown of those at the Fire Service station. Then we would know all about discrimination. It is ridiculous that the issue was brought into today's debate.

Firefighters responded to over 31,000 incidents across Northern Ireland in 1999-2000, rescuing over 700 people in road traffic accidents and other special service calls. In no way are we being political about the issue. It is because of the sacrifice, dedication and distinction with which

the Fire Service has served the community that it should have a state-awarded medal. I call on the House to back the motion for such a medal.

The Health Minister's statement does not go far enough. I am getting a clear message from the Fire Brigades Union that it will accept nothing less. I call on the House to support the motion, and I trust that the views of the Fire Brigades Union and all the ordinary fire officers throughout the country will be listened to, for they serve the entire community and have safeguarded our society over the past 30 years of the troubles.

Mr Dallat said that certain politicians were not quick to support the Fire Service when it was under attack from their own community. In this corner of the House, we state clearly that we are well aware that the Fire Service came under attack not only from the Republican or Nationalist community but from Loyalists: we condemn that outright. We condemn those in our own community who attacked the Fire Service, for it is a neutral service that has served the entire community in Northern Ireland. I condemn attacks carried out on members of the Fire Service from whatever section of the community they come. After all, they were going out to save lives, which is the most important thing.

I support the motion and call on the House to do so. Once again, I remind Members to listen closely to what the Fire Brigades Union and other members of the Fire Service have told us. A state-awarded medal must come as soon as possible.

**Ms Ramsey:** Go raibh maith agat, Madam Deputy Speaker. I also welcome today's announcement by the Minister of Health, Social Services and Public Safety, in which she informed the Assembly of the Executive's decision to grant the Fire Authority a corporate award. I also wish to express my thanks to the Fire Authority and my gratitude for the sacrifice and commitment of individual members.

My Colleague, John Kelly, was not saying anything about firefighters discriminating about where they went, or about postcodes when responding to fires or road traffic accidents. He was pointing out that discrimination has been recorded in the employment of Catholics in the Fire Authority. The motion tabled by Jim Shannon and William Hay shows us exactly where the DUP is coming from. It is clearly about marking out Unionist territory. The idea of a proposed state award to the Fire Service is about rewarding one section of the community more than another, and we cannot allow that to happen. The motion shows the DUP in its true-blue colours of non-inclusiveness again. The DUP showed it in the Assembly last week when it talked about victims. It assumed that some victims are better than others, that some families' suffering is better than others. Victims of state violence are of no importance to them. We are on the road to equality, whether the DUP likes it or not.

5.00 pm

We must have equal recognition for all in the Fire Authority, and the announcement of a corporate award today will achieve that. A local award will be acceptable to all, not just one section of the community. Mr Shannon said that the Fire Service is made up of men and women — sadly, a small percentage of women, which is another argument for another day — from both sides of the community, and I am glad that he recognises that. However, he must recognise that a section of the Fire Service will resent the proposal of a state award. That cannot be good for staff morale. We have heard throughout the debate about funding and staffing.

A state award, as proposed by the DUP, is about wanting to recognise only the Unionist tradition. There are Nationalists in it too. Any award should take account of all traditions. Mrs Bell and Mr Ervine said that there were people of no religion, and an award should take account of that. An award should be acceptable to all sections of the community. An award that reflects the ethos of one community cannot, and will not, be inclusive.

Nobody will dispute the service that the Fire Authority has given to society, but I want to point out that a state award is a British award and will not be acceptable to Nationalists in the Fire Service. The Good Friday Agreement says

“All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division.”

The DUP's motion does not take that on board. Where is the sensitivity in the motion? Coming from a party that has worked against the agreement, the Executive and the notion — God forbid — of equality for Nationalists, it is of no surprise to me. The DUP and others in the Assembly need to face up to the fact that the Nationalist community is off its knees, and it is not going back. It will achieve equality.

A state award will discourage Nationalists from joining the Fire Service, but that may suit the movers of the motion. My party will not support the motion, but we will support the amendment put forward by Mr O'Connor. Unlike the DUP, we support equality for all in the community. Go raibh maith agat.

**Mr Carrick:** The degree of rancour that has been introduced into the debate is regrettable. As I read the motion, I have some difficulty finding the party political agenda referred to by Sinn Féin/IRA and the Member from the Alliance Party.

There can be no equivocation, no doubt and no prevarication. The amendment proposed by Mr O'Connor smacks of an intermediate step. The vast majority of people in Northern Ireland have no difficulty in accepting the valour, bravery, courage, dedication and sacrifice of the Northern Ireland Fire Service.

We do not need an intermediate step; we want to go for the full thing, which is the purpose of the motion. Even to the most casual, impartial observer, it must be obvious that members of the Northern Ireland Fire Service have played an invaluable, vital and distinctive role in society. Their extraordinary and special role over the past 30 years of terrorist bombings and mayhem has demanded the highest degree of bravery and heroism. Risking life and limb, firefighters never shirked from their duty, even in the most horrific circumstances or even when they were under physical attack from onlooking hate-mongers who associated themselves with sectarian terrorist crimes.

That commitment and dedication is further emphasised when one takes into account the fact that many firefighters are part-time, retained firefighters. They did not enjoy the same advantages and support that the RUC and the Ambulance Service did when responding to emergency calls. In response to calls, part-time firefighters had to leave their home or place of work and negotiate their way through traffic to the fire station, without the help of distinctive sirens or signs fitted to their vehicle. Those retained firefighters suffered much stress, as did their families, who did not know whether they would return home uninjured or return home at all.

Despite a campaign by families of retained firefighters, that handicap for part-time members of the Fire Service has yet to be dealt with. I call upon the chief fire officer to adequately and speedily address the issue in consultation with retained firefighters. In view of the danger that such men encountered and their courage in the face of adversity, it is scandalous to deny a state award in recognition of the sterling sacrificial service rendered by Fire Service personnel in what was in many cases a hostile environment.

Many of our firefighters have served throughout the entire period of civil unrest. We owe those brave officers a great debt of gratitude. They bear physical and psychological scars, testimony to the horrific and traumatic circumstances in which they had to carry out their duties on behalf of all of us. We are all aware from experiences in our constituencies of many acts of heroism, bravery and sacrifice. It is only fitting, therefore, that the brave firefighters, and their families, be properly recognised with a state award and nothing less than a state award. Anything less for the Fire Service personnel in Northern Ireland would be a calculated snub for the gallant and brave members of that meritorious emergency service.

**Mr Gibson:** I am rather disheartened by some of the words used in the debate. I was surprised that the Executive, and indeed the Minister, who is responsible for emergency services, should think of making a distinction between the level of bravery and the level of award.

What is so different about an Indian surgeon in Omagh receiving an OBE — a state award? Have the Minister and the Executive caved in to the idea that

there should be various levels of reward for bravery? The Minister needs to rethink her position on that subject. She is responsible for this emergency service, so how could she suggest that Fire Service personnel, who have given great service to every member of the community, are not as brave as those in other emergency services?

It was a devout Roman Catholic who saved my brother's premises when they were petrol bombed. It was an equally hard-working and respected Roman Catholic who saved my own premises when my car was set on fire at two o'clock in the morning. I cannot understand the claims of bigotry and sectarianism from the Sinn Féin Benches. However, I see the duplicity that they have demonstrated over the past few days. It is perfectly all right for Nationalists and Republicans to use the state when they are seeking a judicial review in the High Court if they think that the state will cave in, but when it comes to recognising a state award, the evasion, the equivocation and the hiding begins. That has been demonstrated here today, initiated by Mr J Kelly and continued by Ms Ramsey and others. Indeed, it has been a desperate indication that it is not equality that they recognise, but inequality. They are almost saying to the rest of the community that if something is not Catholic, it should not exist — and that is horrifying. The equality laws will be put to good use in my community. I will take every opportunity to make sure that the coalition of greed that has often denied the Protestant community is rectified. I want to make that point clear.

Other emergency services have had their reward, and those have been mentioned. Why should the bravery of someone who releases a young 20-year-old from the wreck of a car on the A5 Ballygawley-Omagh road and staunches the flow of blood from a severed artery not have equal recognition with the surgeon who tenderly sews up that person's wounds and restores him to health? One can be given a state award. Doctors and nurses have received those awards, and our police and the prison service will receive them. Why not apply equality fully and ensure that our gallant Fire Service personnel also receive equality of recognition through a state award?

It is almost sinful to think that a Minister in charge of the Fire Service — a service that all of us depend on for life, limb and home — is even thinking along the lines that I have heard this afternoon.

I am also surprised that someone in the SDLP whom I respect — Mr Danny O'Connor — should have succumbed to Sinn Féin's duplicity. Some people talked about there being no guns inside the door, outside the door or under the table but quickly forgot their words. When I respect someone, I do not expect him to depart from known and accepted standards. I did not expect that from those who can make the distinction, but I expect it from those who find it difficult to tell the truth at any time. It was almost foreseeable that Sinn Féin would not

recognise a state award. Over the weekend, they were quite prepared to use the state for other legal activities.

5.15 pm

Let us introduce equality into the debate, and recognise the service that Members have talked about. Every Member who has spoken has paid, quite rightly, a glowing tribute to the bravery of the members of the Fire Service. I know of 126 people in my constituency who can testify to their bravery. So let us honour those people who have honoured us with their professionalism.

I thank Mr Shannon and Mr Hay for proposing a state award. There should be equality for all, and no distinction in what constitutes an act of bravery. Let us be fair to the Fire Service.

**Mr Davis:** I want to pay tribute to the Fire Brigades Union. Throughout the debate, it has kept Members fully informed of what is taking place. I am disappointed that there have been sentiments expressed today that have not helped that debate.

When the matter was first raised, I remember asking the Minister about a friend of mine from Longstone Street in Lisburn who was killed during the troubles. He was blown up on the Stewartstown Road. The debate has moved on from that. However, when the matter was originally raised with the previous direct rule Minister, Lord Dubs, the answer given was as follows:

"The Minister is emphatic that there will be no state awards to Northern Ireland bodies"

We have moved on a bit — albeit slowly — from Lord Dubs's day. He was emphatic that there would be no state award, but we are at long last moving in the right direction. Although one can have sympathy with the motion and the amendment, I personally believe that the amendment gives both. Therefore I do not see any difficulty in our supporting the amendment.

A fortnight ago, Alliance Party Members withdrew their motion because, as I understand it, they wanted to talk to the Minister. Eventually, the matter was brought to the Executive where it was discussed last week. Arising out of that discussion, we had the Minister's statement this morning. It said

"The Executive also agreed that the Office of the First Minister and Deputy First Minister should investigate whether a State Award would also be achievable or appropriate."

I am prepared to run with that.

There has been talk today about the Fire Brigades Union. It has spoken with me, and I have taken guidance from it, as have other Members. Therefore, on the advice that I have been given, and because I believe we can achieve it all, I support the amendment.

**Mr Kane:** I feel privileged to register my support for the motion. The unconditional discharge of duties by the Northern Ireland Fire Brigade is beyond dispute. In the protection of people and property and during periods of extreme civil unrest when bombings and violence seemed to reach new heights, the officers of the Northern Ireland Fire Brigade were there.

A debt of gratitude is felt not only by civilians but also by the business community, which stood to lose so much as bombers targeted the commercial hearts of towns and cities. Without the efforts of the Fire Service, countless more properties — on which all communities depended for supplies — would have been lost.

The personal risk was and is just as great for Fire Service personnel when dealing with emergencies unrelated to terrorism. In North Antrim, firefighter Robin Neil lost his life when attempting to rescue an individual from a farmyard well. He, along with two others, was heroically taken by officer Charles McAuley from the well where they had been asphyxiated. The three men did not survive, but are we to ignore the heroism of the firefighter who lost his life and the officer who risked all to save lives?

That is the level of risk under which the personnel of the Fire Service work. It is the level of risk and the willingness to take risks that the motion asks us to acknowledge. If we are to demonstrate our coming of age as a society, we must commend the work of those who made sacrifices and took risks to secure our safety, often at the cost of their own life. That sacrifice was made by, and on behalf of, both sections of our community.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Uasal Hay as an tsaincheist seo a thabhairt go hUrlár an Tí. Gabhaim buíochas fosta leis an Uasal O'Connor as an leasú a mhol sé. Tá mé sásta go raibh mé in ann freastal ar an díospóireacht seo agus chuir mé suim, agus mé ag éisteacht, i mbarúlacha Teachtaí.

I thank Mr Shannon and Mr Hay for bringing the issue to the House, and Mr O'Connor for his amendment. The amendment is timely, considering the Executive's decision at last Thursday's meeting, on which I reported to Members this morning.

I am pleased to have been able to attend the debate, and I have listened with interest. I support the sentiments expressed by members of all parties about the courage, dedication and commitment of the Fire Service. We also heard about the difficulties facing firefighters in their work — some specific examples were given — and the exceptional service given by firefighters and their support staff over the past 30 years.

As I said this morning, the Executive have agreed that the Office of the First Minister and the Deputy First Minister should investigate whether a state award is

achievable or appropriate. The Executive decided that consideration should be given to what form the state award might take. The Executive will reconsider the matter when that work is completed.

Reference was made to the British Administration prior to the establishment of the Executive. Lord Dubs made his position clear on the subject in a radio interview on 6 October. Points were also made about value for money, comparisons with other services, pay and conditions and other practical measures concerned with the Fire Service. The Fire Service compares well with other services, as has been confirmed recently by the fire inspector's report. People need to realise that pay and conditions of service are not negotiated locally. They are agreed by the joint council, which is made up of employers and Fire Brigades Union representatives. The Fire Brigade is also making every effort on the recruitment, retention and the career progression of women.

Some people suggested that the Fire Brigades Union would only accept a state award, but that was not the position presented to me at its October meeting. I was careful to listen and record the alternatives that it proposed. An OBE is awarded to an individual. Therefore comparisons between individual surgeons and what is being suggested in my statement, or in the amendment, would be unfair.

This morning, I made a statement that the Executive had reconsidered a previous decision on the form that recognition of outstanding service should take. I reiterate that the performance has been outstanding. The Executive agreed that a corporate award by the Assembly would be more appropriate. They also agreed that the Office of the First Minister and the Deputy First Minister should investigate whether a state award for the Fire Service would be achievable or appropriate, and they will consider that again at a later date.

**Mr O'Connor:** Some Members have said that the amendment in some way precludes a further award. It does not. The decision taken by the Executive last week was that the dedication and courage of our firefighters should be acknowledged. Mrs Bell rightly said that the Assembly has never made an award to anybody, so for the Fire Service to be the recipient of an inaugural award would make it even more prestigious. I deliberately tried to stay clear of the political points that others chose to make, and I tried to be as apolitical as possible. I am not trying to cast a slur, as has been suggested, on firefighters, or the Fire Brigades Union, by proposing the amendment. The amendment allows people to put something in their pocket and look for something else.

The award mentioned in the motion is outside our gift. It is dependent on the Secretary of State, and he does not have to grant our requests. The award stated in the amendment is within our gift. It is within the gift of the Assembly to create an award that will adequately

reward the people who have served this country so well over many years and in many horrific incidents. Mr Ervine said that the amendment and the motion were not exclusive. My amendment does not exclude the further possibility of some other type of award. However, the motion does not allow the Assembly to make an award. We should bear in mind the Minister's statement that the Executive have agreed that the Office of the First Minister and the Deputy First Minister should investigate whether a state award would be achievable or appropriate.

5.30 pm

We should bear in mind Mr Davis's reiteration of the statement by Lord Dubs that no state awards would be made to Northern Ireland bodies. The important factor is to decide whether such a move is achievable or appropriate, but such matters should not be aired in public. It is for the Minister and the Executive to discuss any such forthcoming issues.

My amendment is an attempt to recognise, in a non-divisive way, all those who gave gallant service, without discrimination. I recognise the bravery of all those people, and we owe them a debt of gratitude. But a debt of gratitude is not necessarily enough; we need to create an award that will make service members feel that we, as their representatives, acknowledge what they have done. We must give them something that it is within our power to offer.

**Mr Hay:** During the debate, it was difficult to tell whether Members were referring to the same amendment and the same motion. If Members had listened to Mr Shannon, they would know that he did not make any political points in his speech. The parties opposite, who lectured us about not bringing politics into the issue, did just that.

The amendment does not go far enough. It falls short of an appropriate recognition of the bravery of our Fire Service members in Northern Ireland. Members should read the Minister's statement about what she is trying to achieve. I remind Members that, a few weeks ago, the Alliance Party brought a motion to the House. On the day of debate, it withdrew the motion, but it did not give its reason for doing so. It was probably an attempt to do some deal with the Minister.

**Mrs E Bell:** On a point of information.

**Mr Hay:** There is no such thing as a point of information in this House — *[Interruption]*.

**Madam Deputy Speaker:** Order. The Member who is winding up has been asked to give way.

**Mr Hay:** No. The Alliance party has had two bites of the cherry here, or perhaps three. As I said, it had an opportunity to move a motion in the House a fortnight ago, but we were not told why the motion was withdrawn. There is no point — *[Interruption]*.

**Mrs E Bell:** On a point of order, Madam Deputy Speaker. May I point out once again that in my statement to the Assembly I gave a reason for withdrawing? If Mr Hay does not know it — *[Interruption]*.

**Madam Deputy Speaker:** That is not a point of order. Mr Hay, please continue.

**Mr Hay:** I shall take up my point about the Alliance Party again. I think it is extremely important, irrespective of the excuses that we are hearing today, that Alliance Members had an opportunity and they missed it. There is no point in their coming to the House today to complain. As for the comments that were made by Sinn Féin/IRA, as always we treat them with contempt — *[Interruption]*.

**Mr J Kelly:** Is it in order for a Member to describe another party by a name other than that designated in the Register of the Assembly?

**Madam Deputy Speaker:** I shall come back to you on that point.

**Mr Hay:** We seem to be ruffling a few feathers in the House this afternoon, which does not surprise me. I was about to say that what was left out of the Minister's statement — *[Interruption]*

**Madam Deputy Speaker:** Order. The Member is entitled to speak.

**Mr Hay:** We have heard Sinn Féin/IRA go through a number of issues today. Nightly, in my constituency, the Fire Service is stoned in Republican areas. It is rather sad that we have to bring the motion to the House. Had the British Government wanted to recognise the service that the firefighters have given to Northern Ireland over the years, they could have done so. Mr Ervine said that we needed to get the British Government on board to recognise properly the job that firemen have done. We all know that many areas of the Fire Service have been underfunded over the years.

There is something that needs to be said: we have had a terrorist campaign of bombing, burning and shooting in the Province for 30 years. Many of the Fire Service personnel who were injured in those bombings, burnings and shootings paid the supreme price. I do not need lectures from Sinn Féin/IRA on how to behave. The Minister seems to forget that the Northern Ireland Fire Service has suffered severely over the past 30 years of violence. We all know that throughout the troubles, many of our Fire Service personnel had to retire early because of serious injury. In fact, I will go further. Many of them, under difficult circumstances, risked their life to save others.

It is a tragedy that the debate has turned the way that it has. Mr Danny O'Connor heard from the union representative who contacted him today that there should be a state award. I think, Mr O'Connor, that that was made clear to you as you spoke to the union representative over the telephone.



**Madam Deputy Speaker:** Order. The Member should address the Chair.

**Mr Hay:** There seems to be a problem. I know that the Fire Brigades Union met all political parties in Northern Ireland, and the message that came across was that the proper recognition would be a state medal. That is the message that Danny O'Connor, representing the SDLP, got this afternoon from a union representative. I would ask Mr O'Connor to state that — not now but in the future. It needs to be made clear.

If the Minister does not have the courage to consider a state medal, the matter should be taken out of her hands. What is being proposed in the amendment and the statement would not be acceptable to the union representatives of the Fire Service personnel. I do not believe that the Minister has the courage or the strength to take the matter forward in the manner that it requires. I ask the Secretary of State to take it out of her hands. He should deal with it.

I have no faith in the First and Deputy First Ministers dealing with the matter either. It is wrong for some Ulster Unionists to support the amendment, because they know that it does not go far enough. They are hoping that the First Minister and the Deputy First Minister will make everything all right, but we know that that will not be the case.

Some Members say that we can give an award and then possibly look at a state award. The motion asks only that we make representations to the Secretary of State for a state award. That is all. One would think from listening to some of those who spoke on the amendment that we are asking for some great task to be undertaken. If we genuinely want to recognise the firefighters of Northern Ireland, there is only one way to do it, and that is a state award. That is the message from the union representatives of the firefighters of Northern Ireland. That is the only way in which it can be done.

If the Minister responsible for the issue cannot deal with it, we should get someone else who can — and I do not mean the First Minister and the Deputy First Minister.

5.45 pm

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 43; Noes 22.*

AYES

*Alex Attwood, Roy Beggs, Billy Bell, Eileen Bell, P J Bradley, Joe Byrne, Robert Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Bairbre de Brún, Arthur Doherty, Mark Durkan, Reg Empey, Sean Farren, John Fee, David Ford, Sam Foster, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Joe Hendron, John Hume, Derek Hussey, John Kelly, Patricia Lewsley, Alban Maginness, Kieran McCarthy, Alasdair McDonnell, Alan McFarland, Michael McGimpsey, Eddie McGrady, Gerry McHugh, Pat McNamee, Francie Molloy, Sean Neeson, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, Ken Robinson, John Tierney, David Trimble.*

NOES

*Fraser Agnew, Paul Berry, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mark Robinson, Peter Robinson, Jim Shannon, Denis Watson, Jim Wells, Sammy Wilson.*

*Question accordingly agreed to.*

*Main question, as amended, put and agreed to.*

*Resolved:*

That this Assembly will institute an Assembly award that recognises the great sacrifice and commitment to duty of members of the Fire Service in Northern Ireland, and liaise with the Fire Service unions/representatives to examine any further awards.

*Adjourned at 5.58 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 28 November 2000

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

*Members observed two minutes' silence.*

## ECONOMIC PERFORMANCE

**Dr Birnie:** I beg to move

That this Assembly welcomes the recent announcement of a continuing decline in the rate of unemployment; and calls on the Minister of Enterprise, Trade and Investment and all Ministers whose Departments have an impact on economic performance to continue to develop policies which promote a competitive, dynamic and sustainable economy.

It is important to have this debate now in order to welcome the economic progress which has been occurring. We do this without being in any way complacent as to what policy may be required in the future to maintain this very welcome progress. Certainly, we should all be pleased that, in the last year, the rate of growth in Northern Ireland's manufacturing output was around 10%. This compares extremely favourably with a national UK average of 1.7% and, indeed, has even been higher than the rate of industrial growth in the so-called Celtic tiger economy, south of the Irish border.

In bringing forward this motion, we hope that this debate will allow Assembly Members to provide indications as to what can be done to maintain this very welcome progress to the Department of Enterprise, Trade and Investment, and, indeed, to other relevant Departments, for this is an interdepartmental issue.

There are three main parts to what I will say. First, I will indicate some of the institutional and structural changes that are still required. Secondly, I will outline the ways in which we should still strive to increase cost-competitiveness and, thirdly, I will mention the means of attaining the type of economic growth that Northern Ireland requires. It needs growth associated with high value added, which would lead to relatively higher wages.

I welcome the review of the industrial development agencies, which has been heralded by the Minister. This is a necessary process because we require a more logical structure than the current demarcation between the IDB and LEDU, which is based on the size of the client company. Also in question is what should be done by the

Industrial Research and Technology Unit (IRTU), and whether it could be usefully combined with another agency, to have its main emphasis on small firms and inward investment. Also under discussion are the functions which are allocated to the Training and Employment Agency (T&EA) relative to those allocated to the IDB. I refer specifically to the company development programme, which is currently run by the IDB rather than by the T&EA.

We need to go beyond 'Strategy 2010' by providing an adequate benchmarking of these agencies' performance in the recent past to evaluate what must be done in future. In devising a new structure for our industrial development agencies, we should recognise that, over recent years, the rate of growth of employment in Northern Ireland small firms has been considerably better than the United Kingdom average. We have had a success in this sector, and we should build upon that.

The Assembly will probably need to make difficult choices on how far we wish to promote a more entrepreneurial and risk-taking spirit in the context of our major industrial development efforts. We will have to note the PAC report published in May this year, which charts the past performance of the IDB, and, no doubt, this will be debated in due course. At this stage, it would be wise to move the burden of industrial development assistance away from straightforward grant awards to companies and towards greater contributions to their equity.

We would welcome the application to Northern Ireland of the so-called regional venture capital funds. These involve the use of public money, usually in relatively small amounts, to leverage out bigger amounts of private-sector, entrepreneurial-related capital. Unfortunately, regional venture capital funds initiatives across the United Kingdom have been delayed on account of objections by the Competition Commissioner in the European Commission — perhaps that can be changed.

Given the central importance of e-commerce, the regulation of telecommunications should be made a transferred matter — as an Assembly, we should push for that. At the moment, responsibility lies with Westminster, but that is inappropriate given the central role of telecommunications in long-term economic development.

My second point is that we need to increase cost-competitiveness. Electricity charges to the industry are increasing again. The margin by which they are higher than in Great Britain is considerable, and this was the subject of a very valuable debate here recently. We welcome the liberalisation of the electricity market, primarily for industrial users, which has already occurred. In this respect, Northern Ireland has been ahead of the Republic of Ireland — the rate of liberalisation here has been quicker than that south of the border.

We also welcome the extent of the interconnections of our provincial electricity and gas supply system, first of all, with the Republic of Ireland but also, through

Scotland and by implication, with the mainland of the European Union.

Fuel and motoring costs to industry, the subject of a recent debate in the House, are the subject of grave concern. Transport connections between Northern Ireland and Great Britain, and between Northern Ireland and the rest of the world, are very important. They matter in terms of cost, reliability and frequency. In due course, I have no doubt that the House will want to consider our policy with respect to airports in Northern Ireland. That is going to be a difficult decision; we will have to balance customer choice and keeping a number of major airports with attempts to build up economies of scale in one major regional centre.

Company finance matters. Significantly, the Federation of Small Businesses, whose survey of small firms was published last week, noted particular concern among small firms here about the way in which they felt the banking system had dealt with them. We need to do what we can to ease the costs of marketing. This can sometimes be done on a North/South basis, though there is also room for growth in east-west trade.

During the 1990s, Northern Ireland's exports to Great Britain grew by about 40% while those to the Republic of Ireland rose by 90%. This may suggest a need for relatively more emphasis on promoting trade with the rest of the United Kingdom while not, of course, neglecting cross-border trade. At the same time, we should note that we have some cost advantages. At the moment manufacturing industry here is exempted from rates payments; perhaps this should be reviewed and made more selective. If we were to apply rates to manufacturing industry, we could raise revenue for other pressing uses.

Rental charges in Northern Ireland are still relatively low compared to those in the rest of the UK and much of the EU. We also have relatively low wage rates, though given the wider social aspects, this is not necessarily a cause for celebration. It is therefore worth noting that much can be done on cost competitiveness, however one views the desirability and practicality of imitating the Irish Republic's relatively low rate of tax on corporate profits.

Thirdly, we need to aim for growth driven by high added value and resulting in higher wages. Wages in Northern Ireland are typically around 85% of the UK average, and they have in fact been falling in recent decades. We note that growth performance in the 1990s was good in terms of output, employment and the decline in unemployment. But all this was somewhat dependent on Northern Ireland's becoming a relatively low wage economy. 'Strategy 2010' has set the regional economy a target for raising average incomes per head from 80% of the UK average to 90%. This is a very worthy target, but how will it be done? We await with interest the

valuable report which the DETI Committee will be doing on 'Strategy 2010'.

Boosting research and development is a key component of all of this. We should note that in the Republic of Ireland the rate of research and development has risen quite dramatically in recent years. This is a case of joined-up Government par excellence. I know much has already been done, but perhaps we can do more to promote technology transfer. The example of Israel and the United States exchanging software expertise could be applied to Northern Ireland.

10.45 am

Of course, we need to raise our supply of labour, particularly of skilled labour, and in this area there is a considerable policy overlap between the Department of Enterprise, Trade and Investment and the Department of Higher and Further Education. I commend many of the initiatives that have already been taken.

It is worth noting in passing that it has been estimated that the Republic of Ireland has as many software writers as Germany, and perhaps we could move in that direction.

We need to identify where labour demand is exceeding labour supply for particular skills or occupations. We need to improve careers guidance services and encourage the return to Northern Ireland of people who have left the Province because they could not get a job here commensurate with their skills and abilities, and for this reason we welcome the initiatives promoted last week by the Department. For the first time in many decades Northern Ireland now has positive in-migration — on average more people are coming into the Province than are leaving it.

I recognise that in this overview it is not possible to go into detail on all major sectors of the economy. Sadly, the farming crisis continues. The Northern Ireland Chamber of Commerce recently noted that of 30,000 farming units, only some 10% are viable in the long term. We need to take a responsible and realistic attitude to how we can diversify the economy in rural areas and take people away from producing food when there is a massive oversupply throughout the European Union.

The tourism sector recently published a blueprint which stated that employment in tourism in Northern Ireland is estimated at only 34,500 compared to 120,000 south of the border.

In summing up, let me make two points. First, time and again in coming debates here, the issue of whether money will be available for many worthy initiatives will arise. This has already been hinted at in some recent debates. In today's debate Members will have the opportunity to contribute to the growth of the economy so that in the long term more resources will be available for all the desirable, socially orientated projects which we may want to promote.

My second point, and here I quote —

**Mr Speaker:** May I ask the Member to bring his remarks to a close — many Members wish to participate.

**Dr Birnie:** My second point is that economic progress can contribute to political stability, and the reverse is equally true. I have pleasure in moving the motion.

**Mr Speaker:** As I have indicated, many Members wish to participate in the debate. The Business Committee has set a time limit for completion by 12.30 pm, so I must impose limits. The Minister will have the usual time to respond, 10 minutes per hour of debate; the Member who winds up will have 10 minutes; all other Members will have six minutes to make their remarks.

There is one amendment standing in the name of Mr Gallagher.

**Mr Gallagher:** I beg to move the following amendment: At the end add

“taking account of the wider European economy.”

I agree with Dr Birnie’s comment about the importance of this debate, in that it will indicate to our Government Departments how we would like to see our economy unfolding. However, an important debate on our economy should take account of the main factors that will influence our economy for the duration of the present Assembly, and hence my amendment.

We already know that many Northern Ireland businesses have been badly hit by currency differences. We heard in an earlier debate about retailers and wholesalers in the fuel business having to close down. We have seen how large sections of our transport industry have moved across the border where a better climate exists at present for them to operate in. The result is that hundreds of jobs have been lost here because of a slump in economic activity, and hundreds more will be lost as a result of the Chancellor’s new aggregates tax, which is due to come into effect in 2002. That will trigger a substantial increase in construction costs. The tax is to be levied on raw materials such as sand, gravel and crushed rock. The levy on those materials is to be charged at £1·60 per tonne. In other words, the cost of stones will rise from £4 a tonne to £5·60. The cost of building blocks will rise from about £184 for a load at present to £207, an increase of 12·5%. Ready-mix concrete will go up from £20 per cubic metre, which is roughly the present rate, to £33·20, an increase of 10·5%.

The aggregates tax is likely to have severe implications for the construction trade — for employers and employees alike. Ultimately, consumers will inevitably find themselves forced to pay for the levy, through costs transferred to new roads maintenance, to housing and to all construction projects. The Minister for Regional Development recently said that he is putting some major road schemes on the long finger because of a possible shortfall in funding. As we know, many of our roads are falling into quite a serious

state of disrepair because of the lack of investment. With an increase of 10·5% in tarmac costs alone due to the new aggregates tax, we are looking at £13 million per year being wiped from actual roads maintenance expenditure. With the aggregates tax set to hike up costs of some raw materials to 40%, we are facing an urgent situation. In England, it is estimated that £70 million of the extra £250 million for roads will be eaten up by this tax. In Wales, it will cost an estimated £40 million per year, and 300 jobs will be lost. My concerns, like those of many others here, are for the people whose livelihoods and jobs are directly affected by the quarrying and construction industry, because they will have to deal with the knock-on effects. As we know, in the end the consumers will have to face major delays of road schemes and witness our minor roads deteriorate even further, while the cost of renovation and the building of new houses rises even further.

**Mr Speaker:** Order. I draw the Member’s attention to two matters. First, his time is passing. Secondly, I have been listening carefully to hear the connection between what he says and the amendment that stands in his name, and I am not entirely clear about what that connection is. I am not questioning the content, simply its connection with the amendment.

**Mr Gallagher:** The introduction of the new aggregates tax will have serious consequences for our economy. I have mentioned the job losses that will result. In my constituency we have already lost 450 jobs over an 18-month period. The impact of this aggregates tax will be felt throughout every constituency in Northern Ireland, and it will be felt greatest in border areas. Our Executive should be taking measures to counter the implications that it will have for Northern Ireland.

**Mr Speaker:** I draw the Member’s attention to the wording of his amendment — “taking account of the wider European economy.” I have yet to make that connection in my mind. Please continue.

**Mr Gallagher:** The implications for the wider European economy are that employers and employees in the quarrying and construction industry have advised me that, in anticipation of this tax, they are already taking steps to move their operations across the border. That is an implication for the wider economy and it is the reason for my amendment. I believe it should be taken into account.

**Mr Paisley Jnr:** First, I must register my disappointment at having only six minutes to speak on what is a crucial issue for all Members. Nonetheless, we will use the time appropriately. I congratulate the Member for South Belfast (Dr Birnie) for bringing the motion, and his Colleague from North Antrim (Mr Leslie) for supporting it.

I have less support for the amendment than I have for the motion. It may have looked good on paper, but I did not follow it or understand it as it was proposed, and I do not believe that Mr Gallagher understood it either. Therefore,

I am unable to support the amendment as it was not articulated in a way that would give it any sense.

I do not share Dr Birnie's optimism about Northern Ireland's economic performance to date. I agree we have low inflation because we are part of the United Kingdom. Also, our medium growth rate has been good, but it is still essential to set targets for low inflation and high economic growth and we should pursue those goals. It must be understood that this will be a long haul, mostly caused by the 30 years of violence that the Province has suffered — 30 years of violence against economic targets and investments. Of course, the Members opposite have been at the cutting edge of that economic warfare. As political representatives, we must repair the quite deliberate damage they have done to the Northern Ireland economy.

Many aspects of economic performance are beyond the Minister's control. Unfortunately, he will be blamed for poor economic performance even though he cannot influence the price of sterling or the weakness of the euro. Neither can he do anything to address the over 50% drop in farm incomes. In my constituency, so much depends upon a thriving rural community. I wonder if any cross-cutting measures are being considered to link industrial and business development issues with rural farm businesses. That is essential if we are to see an upturn in farm development, which is an integral part of business and economic performance in my constituency. The Programme for Government has paid only lip-service to that concept.

Over the summer, 300 jobs were lost in my constituency at the Agivey and Ahoghill pig processing plants, and to date these have not been replaced. I urge the Minister to press the Minister of Agriculture and Rural Development for a fulsome agrifarm regeneration scheme or farm retirement scheme that will allow for the redevelopment of farm businesses. Farm businesses need young blood, and that can happen only if the Department puts its money where its mouth is.

Yesterday, we were disappointed to learn that, according to the Department of Agriculture and Rural Development, the time is not right to press for low-incidence BSE status. However, if we had that, it would help rejuvenate farm businesses in Northern Ireland. I do not share Mr Gallagher's confidence — he did not express any, but it was inherent in his written amendment — in our European partners helping us out of this hole. We are in this by ourselves, and we must get out of it ourselves. We have no confidence in our European partners helping us.

11.00 am

A more flexible approach to farm land development would have a sound impact on economic performance. I agree with Dr Birnie, who proposed the motion, about the importance of rural diversification. Such diversification is necessary, and I have stated many times that farm land is an under-exploited asset. It is essential to realise

the economic benefits that can be derived from that asset if we are to have a more flexible approach to its development. I appeal to all the Departments referred to in the motion to work together to realise the economic potential of farm land development.

Northern Ireland has much ground to make up. Lack of entrepreneurial skill or drive in the Northern Ireland business community is not to blame for the economic deficit. That deficit derives solely from an orchestrated terror campaign against business development in Northern Ireland. That must go on the record. We are failing as representatives if we do not make that point. It is the people sitting under the Gallery opposite who have destroyed economic investment in our country for so long. We are now left with the long haul of trying to make that up. Other countries have moved forward while Northern Ireland has been so disadvantaged and handicapped. I agree that the Northern Ireland business sector is determined to move forward in spite of terrorism and failed political initiatives.

**Dr O'Hagan:** Go raibh maith agat, a Cheann Comhairle. I do not think anybody would argue with the concept of a competitive, dynamic and sustainable economy. However, we need to closely examine the unemployment figures. I fear at times that there is a sustained campaign to paint a brighter picture than actually exists. Are the unemployment rates decreasing because people are getting decent, high-quality jobs, or is it just because the figures are presented in such a way as to paint a better picture? How many young people and adults are being forced onto New Deal programmes to bring down the unemployment rates? What is the quality of the work coming in? Instead of providing high-quality jobs with decent wages and working conditions, we are becoming a society that is dependent on a low-wage economy — an economy which depends on contract labour and in which workers' rights are continuously eroded.

What about the job losses in the traditional industries? As a member of the Enterprise, Trade and Investment Committee I hear evidence on a depressingly regular basis from people in the textile industry, the bakeries and the agrifood industry about the problems facing those sectors. We still have a war economy. We are in receipt of a huge subvention from Westminster, and we are over-dependent on the public sector and the huge security and military industry which has been built up.

What are we getting to replace this? It seems to me to be call centres and supermarket chains. We are losing our manufacturing base as a result of years of neglect. Can we, as a society trying to achieve normalisation, sustain this?

The figures also reveal huge geographical and community differences. There are pockets of serious disadvantage. In the main, these are Nationalist working-class areas, disproportionately adversely affected by decades of institutionalised discrimination and sectarianism. That is not to say that Unionist and Loyalist working-class

areas are not also suffering high levels of unemployment and the associated socio-economic deprivation. They are, and these areas need to be equally targeted and uplifted.

However, the reality remains that young Catholic males are still 2.5 times more likely to be unemployed than their Protestant counterparts. This figure has not changed despite a raft of fair employment legislation. The lack of change is not because of the innate inabilities of those suffering from such discrimination. It is the result of the lack of political will to seriously address these issues. There are serious disadvantages being suffered west of the Bann. They do not just relate to unemployment, but go right across the board in relation to issues such as infrastructure, health and social services.

Long-term unemployment rates in Derry City remain at the level of 30 years ago. We must be realistic about all this. The Minister, Sir Reg Empey, has also referred to and given evidence to the Committee on the 60,000 people not included in official unemployment statistics. What are the reasons for the hidden unemployed not being on any register, and where are they? There are very serious issues to be tackled. Are these 60,000 people among those who cannot escape from the poverty trap?

I also point to the fact that there has been no real attempt by Government agencies to redress serious unemployment imbalances. The Industrial Development Board in particular is failing to live up to its targeting social need and policy appraisal and fair treatment (PAFT) obligations, merely replicating patterns of disadvantage. I therefore welcome the review of agencies and hope that whatever new structures are put in place herald real and fundamental change.

Returning to the motion, we all want an economy which is “competitive, dynamic and sustainable”. No one here would argue with that, but we must be realistic. Let us not massage the figures or pretend that everything in the garden is rosy or equal. We want a society where issues of economic justice and equality are central. Go raibh maith agat.

**The Deputy Chairperson of the Committee for Enterprise, Trade and Investment (Mr Neeson):**

While the purpose of today’s debate is to produce an overview of the economy, I feel somewhat restricted in what I can say since the Enterprise, Trade and Investment Committee will be finalising its report to the Assembly on ‘Strategy 2010’ and the recommendations therein over the next few days. We shall also be finalising our response to the Minister on the proposals to create a single development agency.

If one is among the large band of long-term unemployed in Strabane or Moyle, two council areas we visited during our investigation into ‘Strategy 2010’, or even in Carrickfergus in my constituency, which has the fifth-highest level of unemployment in Northern Ireland, one cannot take much comfort from what the motion proposes. However, I

do not wish to be wholly negative about the issue, for there has clearly been an increase in inward investment into Northern Ireland in recent times, one of the main reasons for it being the region’s greater perceived stability. While I welcome that, there remains uncertainty about the future — even about the future of this Assembly.

I earnestly believe that those people who can deliver should do so. I am thinking in particular of the IRA’s May 6 statement that it would re-engage with John de Chastelain. That could be a major step forward in itself to ensure that people in areas of high unemployment such as west Belfast, east Belfast and Strabane get the jobs for which so many of them are crying out. I welcome the fact that President Clinton has taken the decision to visit Northern Ireland once again. I hope that all those who can resolve the difficulties which we are facing at present will take advantage of the opportunity afforded by that visit.

However, one of the important aspects, if we are to move forward and develop a progressive economy in Northern Ireland, is the need for joined-up Government. I recognise the close co-operation we have seen so far between Sir Reg Empey and Dr Farren in trying to develop the skills required for the new industries coming here. We only have to look at Nortel Networks with the huge expansion in Monkstown and the benefits that can be gained from that. Other companies are supplying them and other new companies are investing in the area. There are great opportunities. I also appreciate that quite a large number of further education institutes are now trying to develop the skills of their students to meet the needs of the new industries. That is to be welcomed.

Other Members have mentioned infrastructure and that is vital. If we are to have joined-up Government as well, it is also important to look at ‘Strategy 2010’ in conjunction with the ‘Shaping our Future’ document, which deals with the whole question of future infrastructure developments in Northern Ireland.

In essence, the main message I am giving to the Assembly is that if we are to move forward and maximise the benefits of economic development, it has to be on the basis of liaison and partnership between the different Departments in Northern Ireland. I appeal to the Minister of Further and Higher Education that there is an urgent need for a substantial increase in university places here.

The question of energy is one which myself and others have dealt with both inside and outside the Assembly. It is vital that the gas pipeline goes to the north-west. There could be problems if the Irish Government insists on a special levy for a North/South gas pipeline. There are opportunities there, but what I want to see in Northern Ireland is a level playing field so that all areas can benefit from the opportunities I see being created by the new political disposition in which we find ourselves.

I could say lots more but I have run out of time. I will look very closely at the amendment put forward by the SDLP.

**Mr Roche:** I had hoped to deal with some general aspects of the Northern Ireland economy, but due to the time constraint I will focus on a specific issue relating to the Northern Ireland labour market that is worth detailed comment.

The ratio of Catholic/Protestant unemployment in Northern Ireland of 2.5 to 1 has persisted for over three decades. This unemployment differential constitutes a chronic labour market problem in Northern Ireland. The solution of this problem requires, at least as a necessary condition, a proper diagnosis of the cause or causes.

The politically dominant view, and the most important in terms of policy formulation, is the understanding that this Protestant/Catholic unemployment differential is due to a single cause — systematic discrimination by Protestants against Catholics in the Northern Ireland labour market. The political dominance of this understanding of the causality of the unemployment differential has given rise to the so-called fair employment legislation of 1976, 1989 and 1998. This legislation has and will continue to impose a heavy administrative cost on business in Northern Ireland.

This cost would be socially justified if in fact the differential were due to systematic Protestant discrimination against Roman Catholics. The leaders of business in Northern Ireland and Unionist politicians failed to effectively counter this allegation. That is an inexcusable failure for the simple reason that the claim was never based on anything more sophisticated than anecdotal comment and theoretically and empirically inadequate research.

11.15 am

Prof John Whyte, in a highly revisionist evaluation of the extent of discrimination published in 1987, nevertheless resorted to mere anecdote in retaining the claim of systematic labour market discrimination against Roman Catholics.

This theoretical and empirical inadequacy was exemplified by the work of the Policy Studies Institute, sponsored by the Standing Advisory Commission on Human Rights and published in 1987. Politicians in the House of Commons, such as Kevin McNamara, applauded that research as highlighting

“the appalling levels of inequality in Northern Ireland.”

However, the research was publicly rubbished by two external reviewers in an article in ‘Fortnight’ magazine in January 1988, on the grounds of obvious theoretical and empirical inadequacies. That criticism was reinforced by Prof Tom Wilson — one of the most eminent economists in the United Kingdom — in his book ‘Ulster: Conflict and Consent,’ published in 1989, in which he showed

that inferences about anti-Roman Catholic labour market discrimination in the Policy Studies Institute research simply could not be sustained.

The fact that the religious unemployment differential has persisted for three decades — despite so-called fair employment legislation and massive changes in the Northern Ireland labour market, including the significant reduction of unemployment in the 1990s — prima facie suggests that this unemployment differential is not significantly due to discrimination. The key to isolating the real cause of persistent religious unemployment differential was set out by Prof Paul Compton in a contribution to ‘The Northern Ireland Question: Myth and Reality,’ a book that I co-edited, in 1991.

Prof Compton’s core argument was that

“The explanation of high Catholic unemployment and under-representation in many types of employment lies not in discrimination but primarily in the structure, attitudes and aptitudes of the Catholic population.”

That is in characteristics self-chosen by the Catholic population, such as exceptionally high fertility rates and geographical labour immobility.

The work of researchers such as Dr Graham Gudgin and Prof Richard Breen has now made it intellectually impossible to argue that discrimination is the only or significant cause of the chronic religious unemployment differential. Dr Gudgin set out the detail of this research in an accessible form in a contribution to ‘The Northern Ireland Question: Nationalism, Unionism and Partition.’

**Mr Speaker:** Order. The Member obviously has some things that he wishes to say. I appeal to him to connect his words as directly as he can with the wording of the motion.

**Mr Roche:** The fact that the religious unemployment differential can no longer be understood as significantly due to systematic discrimination by Protestants against Roman Catholics must be accepted by those who genuinely wish to alleviate this characteristic feature of the Northern Ireland labour market. That characteristic is also a significant feature of the Northern Ireland economy, because the labour market is part of the economy. That logic could hardly be clearer.

Unfortunately, it was apparent from Mr Mallon’s statement on this issue on 20 November that he refuses to abandon the old Nationalist sectarian dogma. His mindset on this issue can only be accurately described as a state of invincible ignorance that bodes ill for the alleviation of some of our long-standing economic problems. That mindset was used repeatedly to justify 30 years of IRA terrorism on the basis that Protestants discriminated against Catholics, but there is not a shred of evidence to support it.

**Ms Morrice:** I will try to lift the debate on to a higher, perhaps more global, plane.



Economic development strategists have a very important decision to make. Should we prepare the Northern Ireland economy to play catch-up in the high-tech revolution? Or should we try to leapfrog the dot-com wave and move into much more interesting, more exciting uncharted waters? The catch-up option is the easy option. The role model is, as Mr Roche is very aware, just 100 miles away.

The Republic of Ireland has shown us that it can be done. All we have to do is follow suit and wait for the Celtic tiger to come hunting north of the border. I agree that the leapfrog option carries more risk, but it could be more interesting. It is about preparing the way for the next wave of industrial development without knowing for sure what it is going to be. It is about leading the market instead of following it.

As Northern Ireland moves out of conflict and into a new phase of political stability, there is a golden opportunity to rethink our economic development strategy and set a blueprint for the future. We have two choices: play it safe and chase the “dot”, or relaunch ourselves as the global pioneer of truly modern socio-economic development. We have to think big.

The Northern Ireland Programme for Government and the economic consultation document ‘Strategy 2010’ call for a sea change in economic attitude, from the fear-of-failure society to a new risk-taking culture of innovation and creativity. If this strategy is to succeed, those sitting in the economic driving seat must lead by example.

Northern Ireland is perfectly positioned in both human and physical capital terms to take advantage of what is now an unstoppable move towards a new direction in socio-economic thinking. Our island situation at the northern part of Europe, with nothing beyond but ocean, gives us a clean, green image, so essential to, and the envy of, environmentalists the world over. We must not let that be tarnished and we must take advantage of it.

Our position at the English-speaking intersection of Europe and the Americas, and our ability — as will be demonstrated by the arrival of the President next month — to win friends and influence people on both sides of the Atlantic is hugely important and gives us an incredibly valuable edge.

Also, our young and increasingly educated population — and as has been said, our young people are now staying or returning — is an incredible reserve of energy and know-how, which is second to none in human terms.

Finally, our worldwide reputation for manufacturing excellence, our solid industrial skill base and our high quality of life gives Northern Ireland the reputation it requires to relaunch itself into a new global economy where quality, high-value-added specialisation and diversification will compete over price.

Time is short, but I want to give five pointers on the way forward for economic policy thinkers. First, there is

the increasing awareness of the effects of industrial and domestic pollution on our climate. We have seen the effects of global warming — flooding — and we have seen the consequences of the collapse of the climate change conference. We must grasp the nettle and head right down the line of pioneering new, clean, green technology. That is the leapfrog into the new areas. Secondly, we need to be aware of the changing trade and investment patterns that will emerge as a result of single European currency arriving on our doorstep. It cannot be ignored. We are already severely handicapped by — *[Interruption]*

**Mr Roche:** What are those patterns?

**Ms Morrice:** The changing trade and investment patterns caused by the single currency are very clear. Investors who want to use Northern Ireland as a stepping stone into Europe may have to think twice when they realise that we have sterling and that the rest have the euro. I hope that explains that.

Northern Ireland’s export potential is already hugely handicapped by the strength of sterling. Innovative ways to overcome that must be found.

**Dr Birnie:** Will the Member give way?

**Ms Morrice:** On a point of order, does giving way take up my time?

**Mr Speaker:** Of course.

**Ms Morrice:** In that case I will not give way.

I have two final points, but they are not necessarily the most important. First, we have to take account of and accommodate female participation in the workplace. Secondly, social responsibility and traditional industry is the way to go.

**Mr Speaker:** Order. The Member’s time is up.

**Mr McCartney:** Of course, everyone has difficulty in giving up their old shibboleths and beliefs, and Paddy Roche may have touched a nerve when he suggested that perhaps the unemployment ratio between Catholic males and their Protestant counterparts was not entirely, or not really, because of discrimination.

It was interesting that one vital piece of evidence that supported him in this debate came from, of all sources, Sinn Féin. The Sinn Féin Member said that over the last 30 years the rates of unemployment in Derry City have not changed. We have been told that Derry City is the “jewel in the crown” of the economic achievement of John Hume’s SDLP. We have heard of the myriad jobs that have been brought to Derry.

What do we find? The rate of employment of Catholic males has not changed, and the reason is not difficult to see. Between four and five thousand new jobs would be required annually in Derry City alone to meet the number of wage earners coming in to the labour market. Think about that when you jeer or sneer at suggestions that

Catholic male unemployment may not be due entirely, or at all, to discrimination.

Let me move on to some of the other valid points made by the Sinn Féin Member in relation to industries like textiles, bakeries, agrifood and heavy industry. This Assembly gives itself a competence that it should well question. A lot of our problems will not in any way be solved in any circumstance by anything that this Assembly may do. That is because they are occasioned — for example, in relation to heavy industry, textiles, and agriculture — by global markets and by policy decisions in Europe and the United Kingdom over which this Assembly does not, and will never, have any control.

What can we do about the question of competition with Denmark and Holland on the importation of pork, when the British Government decides that it will impose certain measures on tethering that make our pork industry uncompetitive? What can we do about the textile industry, when it is quite plain that even those, like Marks & Spencer, who wish to support British and Northern Irish manufacturers, find that it is impossible to compete in the market place unless they purchase from Sri Lanka and other places? What can we do about the competition between French and German shipyards and Harland & Wolff, or about textile manufacturers that compete with the virtually defunct Mackies, or about the Sirocco works? Nothing.

As for the visit of President Clinton, the “Old Mother Hubbard” president, it is quite clear that every president, and particularly those who have served two terms, wants to leave some legacy. Roosevelt had the “New Deal,” Reagan had “Star Wars,” and even poor Dick Nixon had the détente with China. Poor old Billy has got absolutely nothing. He has put no major legislation through Congress, and the Middle East is in an infinitely worse situation than he found it. As for Northern Ireland, many people think that he is really scraping the barrel and that, like Old Mother Hubbard, he will find absolutely damn all in the cupboard when he comes here.

Let me deal with some other matters. We want real jobs here. We do not necessarily want call centres or super-markets. I agree with that. The Industrial Development Board and other agencies seem to be entirely within the control of the propaganda department of the Northern Ireland Office.

Every time there is a wobble in the peace process the ‘Belfast Telegraph’, the ‘News Letter’, the BBC and Uncle Tom Cobbleigh and all announce a wave of new jobs which mysteriously disappear as quickly as they appeared. The Audit Committee has investigated the IDB and its virtually fraudulent claims about jobs that have been produced, of which the situation at Montupet UK Ltd is one example. There needs to be some honesty in the business of job creation.

11.30 am

What is the North/South Ministerial Council doing about the massive smuggling operations that are illegally supplying one third of fuel consumed in Northern Ireland? That smuggling is putting many of our workers and industries under pressure. What is being done about that? I asked the Deputy First Minister, and he skilfully evaded the question. If we are going to have any relations with the Republic of Ireland let us hope that they will be honest.

The Assembly’s objective is not to prattle, as some people do, about major visionary projects, but to consider the level of its own competence and what it can do within those limitations.

**Mr Byrne:** I welcome the motion and the amendment. It is important to place the objective of a sustainable regional economy in the wider European context as matters concerning ever-closer European economic integration and the single currency have far-reaching consequences on the economic competitiveness of this region.

Joined-up Government is fundamental to the success of the economic performance of the region. ‘Strategy 2010’ states that its key objective is the creation of a knowledge-based, value-added economy, building upon the opportunities provided by the information and communication technologies (ICT) sector. That area of economic activity has been developed very successfully in the Republic. That key objective can only be achieved if the 10 Government Departments that have a direct or indirect impact on the North’s economic performance work together to develop and implement economic policies with all Ministers playing a co-operative and constructive role.

The need has never been greater for the devolved Administration to develop a coherent and integrated economic development strategy to inspire the confidence of all sections of the community that the new political dispensation can really make a difference to their lives.

With regard to the development of the infrastructure of the region, the Programme for Government has taken an imaginative step forward and adopted joined-up government as its guiding principle. If this Administration is to implement a successful economic development policy it is critically important to ensure that the proper standard of infrastructure is in place to facilitate and sustain economic growth.

A competitive regional economy also requires a competitive energy market. The recent announcement by the Minister of Enterprise, Trade and Investment that he is to present a Utilities Bill before the House should put the electricity regulator in a position to make statutory price recommendations. Northern Ireland Electricity (NIE) must abide by those recommendations, and that will lead to a reduction in the electricity bills of industrial and domestic customers.

In April 2002 central Government will introduce an aggregates tax or quarry tax that will be charged on a weekly basis of around £1.60 per tonne, as Mr Gallagher already mentioned. That may hamper the creation of a competitive economy and place a burden on the Roads Service budget. Products for export will be taxed, but exported aggregates will be exempt. Even though imported aggregates will be taxed, imported products such as blocks, kerbs, lintels and mixed concrete will be exempt. That will result in a large increase in construction costs, and the Roads Service will experience a reduction in spending power of between 10% and 15%.

Recent labour market statistics show that unemployment in Northern Ireland is on a downward trend. The number of those out of work and claiming benefit in the North is currently around 5.7%. That is still higher than the Irish Republic's unemployment rate, which is 3.7%, and Britain's, which is 3.5%, but nevertheless it is a welcome development. However, we should not be complacent. New TSN highlights that there are many areas of economic deprivation in this region which require special assistance. For example, in my constituency of West Tyrone, Strabane has 12.6%, the highest rate of unemployed males claiming benefit in Northern Ireland, and overall has the highest unemployment rate in the region. Also in the Omagh District Council area we have three of the most deprived council wards in Northern Ireland. This persistent long-term unemployment has been further compounded by the crisis in the agricultural sector, the decimation of the textile industry, and the punt-pound disparity which is wiping out border petrol retailers and damaging the retail sector along the border zone.

The IDB's 1999-2000 annual report gives a very positive assessment of the North's current economic situation. It shows a growth in manufacturing output and increase in manufacturing productivity, and a significant increase in the new projects negotiated by IDB. There are 52 new projects in total, with an anticipated 7,000+ new jobs. However, as a public representative from West Tyrone — a new TSN area that has seen very little from the IDB in recent years — one has to emphasise the importance of the Department of Enterprise, Trade and Investment's ensuring that TSN areas also receive their fair share of inward investment projects.

Joined-up Government means not only co-operation between the Departments and Ministers in the Executive, but also listening to the views and working alongside local government. The recent launch of the 'Omagh 2010' strategy, and its endorsement by the First Minister and the Deputy First Minister, is an example of how local communities can develop a vision that fits in and complements existing regional frameworks such as 'Shaping our Future' and 'Strategy 2010'. It is an example of how local communities can collectively seize the initiative and put in place a vision to shape their own future. An increase in this sort of interaction between the two tiers of

Government will enable the Executive to listen to the public's views at ground level. The challenge now is how can we develop the regional economy so that it is more productive and less dependent on the public sector as a percentage of overall GDP output with increased employment and general prosperity.

**Mr Wells:** It is extremely frustrating having to cover such an important issue in six minutes, but I will try my best in the time given. Implicit in this motion is a subtext that the present encouraging trends in economic development in the Province are somehow linked to the Good Friday Agreement, or to the appointment of the Minister. It is important to emphasise that many of these trends were occurring long before the signing of the agreement in 1998. Therefore, while we have enjoyed the benefits of those trends continuing, it would be totally wrong to lay them at the feet of the accord.

The IDB report states that the upturn in industrial production commenced in mid-1991, and has continued ever since. The trend in exports is even more apparent. In 1991-92 exports worth £1.78 billion were shipped out of Northern Ireland. That rose to £3.13 billion by the 1997-98 financial year. That is a very clear and welcome trend. The point that has not been made is that we are inextricably linked as part of the United Kingdom to the United Kingdom economy. As it has expanded we have enjoyed the enormous benefits that have accrued from being part of the United Kingdom.

In the rush to indulge in North/Southern and in all the cross-border bodies linked to the agreement, the Minister and the Department have failed to grasp that Great Britain is our main market. Thirty-five per cent of our trade is with the rest of the United Kingdom, and that is where concentrated efforts should be made instead of running down South where only a small proportion of our trade comes from.

I had some direct experience of the IDB's work when I expressed concerns about B/E Aerospace in Kilkeel. I found IDB extremely co-operative, and that was during direct rule. Lord Dubs, the then Minister of the Department of the Environment also moved mountains to facilitate the development of that company with very obvious success.

It is totally wrong to attribute all of this to recent developments. Once again, it has to be emphasized, that the economic upturn has been very unevenly distributed. I have a few statistics from a recent IDB report.

In 1999-2000, the most recent financial year, 2,400 jobs were created as a result of inward investment in Northern Ireland. In reality, over 70% of those were created in Belfast — 1,879 of them. The previous year, 2,657 jobs were created, again, over 2,000 of them in Belfast, which means that great swathes of Northern Ireland benefited very little from inward investment.

Is it any wonder this has happened, given the number of visits by potential investors to Northern Ireland, which are sponsored by IDB and LEDU? To give an example, in 1998-99, there were 299 visits, yet how many of those went to South Down? We know that five went to Down, one to Banbridge, and seven to Newry and Mourne District Councils. Of course, those councils cover parts of other constituencies. From what I can see, about four out of 299 visits that were made by potential investors came to South Down. I have to agree, for once, with the Member for West Tyrone; it is quite clear from the statistics that very few of these visits are made outside the Greater Belfast area and Londonderry.

There is enormous potential in the areas south of Belfast and west of the Bann for inward investment. Unfortunately, when an investor rings up, he seems to be pointed in the direction of Greater Belfast. The problem with that is that Belfast is becoming congested. There is a huge demand for housing, and people have to wait an enormous time to get into Belfast during the rush-hour period. All we are doing here is storing up considerable trouble for ourselves by concentrating investment in one part of the Province.

While we all welcome the large call centre, which I understand will employ 1,500 people on the Ormeau Road, in south Belfast, one has to think of the implications of an extra 800 or 900 vehicles going in and out of that part of the city. How on earth can the present road system cope with that? That investment could have easily have come to Banbridge, Kilkeel, Omagh or any one of our rural towns. It would have had the most enormous impact on the economies of those towns, without a huge increase in congestion.

I have to come back to the one nettle that we have not really grasped, and the Assembly must grasp it if we are to have a meaningful impact on unemployment, and that is of decentralisation. Why is it that we are still concentrating most of the Civil Service jobs within half a mile of this Building? That is totally unacceptable. Already, some parts of agriculture and education have been successfully decanted to Londonderry with very few difficulties, and that has increased the economic performance of those areas. Why is the Department of Agriculture's headquarters in Dundonald House and not in South Down, Mid-Ulster, or West Tyrone? Why do we need to have that Department there? We must grasp this nettle and mean business about getting jobs into Northern Ireland which are out of the Greater Belfast urban area.

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. I would also agree, along with most other people, that six minutes is a very short time in which to contribute to this debate, but it is useful in that at least it allows continued debate on the same subject. The motion mentions the unemployment figures and the fact that they are declining, but I would question that to some extent, because while there can be unemployment figures of the

like of seven per cent, we should use the re-unemployment figures as a barometer. In certain areas of deprivation, such as were mentioned by Dr O'Hagan, the situation is similar to what it was years ago with very high unemployment or low-paid jobs, and working in menial jobs at very low pay is almost as bad as being unemployed. The New Deal or jobs schemes of that nature are not much better than an excuse for leaving people locked in to unemployment for years to come. That needs to change. Those areas need to be targeted in a different way to try and give them real jobs. The idea that areas have been designated exclusively for New Deal and that that is their lot, must change. There has to be change in the mindsets of those Departments and cross-departmental structures, which has been mentioned.

11.45 am

We are emerging from a conflict situation that has perhaps affected Nationalist areas in particular. The Robson deprivation indexes and the incidence of school meals are still very valid in terms of those areas. Nationalists, for decades did not have the crutch of subvention in the security economy that others have been able to make use of.

The motion mentions "competitive, dynamic and sustainable economy". Ministers, and especially politicians and heads of Departments have to change their present mindsets. It has been mentioned that if IDB or LEDU want to target jobs they will have to change from the idea that jobs have to be centred in Belfast, or the larger built-up areas, and move the economy to all areas. That would solve a lot of problems at once.

The North/South institutions have a tremendous amount to offer regarding our future. If people do not change their present political mindsets, in which they are only willing to look at this as a situation where Northern Ireland can survive on its own and without looking wider, they are going to be wrong. However, they have to bring their people along with them. Politicians need to bring their own people with them in this. It is not simply good enough to have your political tract when elections come up and then talk about the economy as if it is a totally different subject.

There are certain realities concerned with competitiveness and the dynamic economy of today's world that have to be put across to employers and ordinary people. The global market is a reality, and you will have the continual business of mergers, which is standard practice of global industries at the present time.

People feel angry, as I know from experience. Fermanagh Creameries is closing and that is causing a further increase in local job losses. We have had that ten-fold in Fermanagh. It happens in rural areas for reasons of distance and roads structure, all of which come into vogue when people decide to stay in an area.

I also think that pushing forward indigenous small industries is the way forward for rural areas, perhaps more so than trying to bring in large industries which will move out at the first sign of difficulty.

Mr Gallagher mentioned the quarries, and the quarry industry is a very important one for people in Fermanagh. It is a very high employer, at a time when our local agriculture industry is declining. We will lose hundreds of jobs in the quarry industry if that tax lands on us because quite a number of quarry firms will simply move South. That is the only option they will have if almost one quarter, or one third, of the price of a tonne of stones is added. It will have a knock-on effect. Many small industries are attached to the quarry industry and that issue needs to be highlighted. It was a tax designed to put pressure on the number of roads being built in England and it has to be stopped with respect to our area. People should at least look at that.

Overall, there are those in the political situation who are not prepared to move forward or to bring their people forward. We have Mr Paisley Jnr talking about the economy. He met delegates recently and told them that the polity of the situation was not going to work, the agreement was going to break down, and he asked them to invest with us anyway — *[Interruption]*.

We had another politician earlier who perhaps has no time in his diary to meet President Clinton when he visits here, a meeting that would be of great importance to this area in terms of how the people outside look at us. That is very important. Go raibh maith agat.

**Dr McDonnell:** I regret that time is limited as I am sure all of us could contribute a lot more. The motion welcomes the decline in unemployment and all I can add is that it has not declined far enough or fast enough — it has a good bit farther to go.

I have particular sympathy with unemployment black spots, regardless of what side of the sectarian divide they are labelled with. Somebody who is unemployed suffers a considerable loss of dignity, worth and personal credibility, and that can never be measured in absolute terms. The motion calls on all the Ministers to develop policies that will promote a competitive, dynamic and sustainable economy. I would like to enter into a detailed critique of the strengths and weaknesses, the opportunities and the threats to our economy, but time does not permit it.

We must systematically remove the obstacles, bottlenecks and restrictions to economic growth. There are many of those scattered right across our economy; outdated, bureaucratic, restrictive practices that may have had a place in the nineteenth or possibly even the twentieth century, but certainly not in the twenty-first century. We must do more than pay lip-service to our own particular narrow interest or whatever angle any of us as individuals might have in the economy.

We must all make sacrifices to help move the economy forward. We have just seen the exchange across the Chamber here; we heard the pot calling the kettle black regarding who did what to whom first. Instability is the biggest threat, and if there were stability here, the unemployment rate would be halved. Some have raised the question of the Northern Ireland Office and all sorts of manipulative things, but the biggest obstacle has got nothing to do with the NIO and manipulation. I have had the good fortune, on numerous occasions, to be in the United States — usually on behalf of Belfast City Council but subsequently as part of the Enterprise, Trade and Investment Committee — and those who are considering investing here are, at times, tottering on a knife-edge about whether they will or will not. However, when the circus — the carnival — takes place at Drumcree every July, that certainly persuades them in the wrong direction.

There has been a significant failure here to consolidate the peace. We can all point the finger; we can all poke each other in the eye; but most of the parties in this Chamber could do a good bit more to consolidate the peace. If they were genuine and wanted to back up the rhetoric, they could go that extra mile to underpin the peace that we have, thereby encouraging a further reduction in unemployment.

All of the political jockeying that has taken place here at times — and in any assembly there will always be political jockeying, but some of ours goes a bit far, whether it be blocking Ministers from going to meetings of North/South bodies or suing Ministers for not being allowed to go to North/South meetings — sends out a disastrous message —

**Mr Paisley Jnr:** That the agreement does not work.

**Dr McDonnell:** I could say that Ian Paisley Jnr does not work, but I think that has been obvious to all of us for a long time. Ian Paisley Jnr has not made much of a contribution to the prosperity of the people of North Antrim during the time that he has been elected.

‘Strategy 2010’ was useful, but it may not have gone far enough, or been inclusive enough, but I believe that the sterling efforts of the Enterprise, Trade and Investment Committee since then have gone a long way towards rectifying any possible exclusion. We must strenuously embrace a knowledge-based economy. There are a number of opportunities throughout the whole spectrum of e-commerce — and I include e-government in that, because we have got to embrace this, at Government level as well as a commercial one — and the whole field of bio-technology.

Therefore, we must try to achieve the right financial factoring for our small businesses. As the motion suggests, we must pay attention to the cross-cutting and inter-connecting issues with the Department for Regional Development, the Department for Social Development

and the Department of Higher and Further Education, Training and Employment. We must also look at the availability of land use right across our community, in Belfast, Derry and the rural parts, in order to get the balance right.

Mr Speaker, I realise that time does not permit me to go on though I could.

**Mr Speaker:** Your time is up. A number of Members who have spoken have remarked on the shortness of their time. All of those who did so remark were at least able to speak. A number of Members who also wished to speak were unable to do so because of the shortness of time.

The length of the debate is decided not by the Speaker, but by the Business Committee. If Members want a longer time to be made available for debates, they should speak to their business managers, who, in turn, will strive to ensure that longer time is made available.

I am reminded of a Member who apologised to his audience for making a long speech because, he claimed, he did not have time to prepare a short one.

**Mr Poots:** Dr McDonnell spoke about underpinning the peace. Perhaps he will help to underpin the peace by declaring that the SDLP will support the Police Service of Northern Ireland. SDLP Members should sit on the board of the Police Service rather than cling on to IRA/Sinn Féin or look over their shoulders at it.

I welcome the fall in unemployment that has taken place over the past years. Last month there was a rise in the unemployment figures, but that may just have been a blip. I imagine that it is possible to trace the fall in unemployment back to before the ceasefires. It has more to do with the world economy, new information and communication aids and job creation in those areas that are experiencing falling unemployment than with the security situation. It is related too to new Labour, the Assembly and a number of other political ideals that some people may have.

Northern Ireland has become less peripheral as a result of new communication aids and, therefore, we have greater opportunities to sell ourselves on the worldwide market. However, there are some issues that need to be addressed. For example, announcements are made about jobs that we do not get. I know of one factory that announced 500 new jobs. However, management was later notified that it was not to take on any more staff. This still stands. Those jobs have not come into being in spite of the announcement that was made a number of months previously. Job announcements must not be made for political purposes. When jobs are announced they should be genuine jobs that will come into being then and not at some time in the distant future.

A number of other matters also need to be addressed by the Minister. With regard to the quality of jobs available, Northern Ireland employees are said to be paid at a rate

of 85% of what employees in the rest of the United Kingdom are paid. We must create a better quality of job to encourage people to come back to Northern Ireland and reverse the brain drain that took place during the 1980s. It is well-paid people who drive the economy forward. They invest more in the economy and do more to provide a greater number of jobs in it.

I hope to see a greater concentration of resources directed at indigenous companies, as such companies tend to remain where they are when the going gets tough. They tend to invest more into the economy and thus create more jobs. Given the high cost of flights, ferries and transport in and to Northern Ireland, we are paying through the nose for fuel. We are on the edge of Europe, and we seek to export our main manufacturing base to the rest of the United Kingdom and Europe. This obviously costs us a lot more money because of the high fuel and ferry costs.

12.00

Those issues must be addressed by the Minister. I realise that in the matter of fuel costs his hands are somewhat tied by the Exchequer, nevertheless he has to make the case. That has been part of the problem faced by the manufacturing and agriculture industries, one that has had a major detrimental effect on them. The textile and agriculture industries have lost 8,000 jobs over the last five years, and while other industries — particularly electronics — have stepped into the breach, the transition has been a difficult one which has created problems, particularly in rural areas where there was a higher dependency on such jobs.

We also need to look at the current infrastructure. It is essential that the Department for Regional Development get sufficient finance to proceed with the intended road network. The £30 million cut should not take place in years 2 and 3, and the intended road developments should be allowed to proceed apace.

There is much merit in looking at the value added to what we produce in Northern Ireland, particularly by the agriculture industry. Companies such as Moy Park have done great work in developing that whole area, so why can it not be done in, for example, the pork and lamb industries? It can be done if there are companies which are prepared to do it. Unfortunately, one company involved in the pig industry here does not seem to be forward-sighted. It seems to wish merely to cream off the market here and not to create jobs and make real investment for the future.

Mr Gallagher proposed an amendment to this motion, although I did not hear anyone speak in support of it, including Mr Gallagher. In relation to the European dimension, it would be short-sighted to go into the Euromarket, to enter the euro-zone at this time. More difficulties would be created for the Irish Republic's economy as a result of the United Kingdom's not entering

the euro-zone. It must be remembered that 71% of our exports are to the United Kingdom, and we are currently doing very well with low inflation and high growth.

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I welcome the opportunity for this debate. There have not been many opportunities to concentrate on some of these very important matters. One has to remember that our economy, and how it progresses, affects every home in this Province, and sometimes that tends to get a back seat when other things are on the agenda.

A number of Members have focused obviously on unemployment. I want to strike a note of caution. We have been enjoying a significant fall in unemployment and long-term unemployment throughout the last few years. That has continued, but as everybody who knows about economics will tell you, we live in a series of cycles. My caution is that there are limits to how long this process can continue without some reverses being undertaken. We have been making very welcome progress, but that cannot be guaranteed to go on for ever.

Some Members have complained about unemployment in their areas, and that is fair enough. It has been said that no effort has been made by the IDB and other agencies to deal with particular districts which might be TSN areas. However, Members who frequently put questions to me about unemployment and how it affects their particular areas should look at some of the figures. In every single district council area — without exception — unemployment has dropped in the last year, although by varying degrees. The percentage is not uniform, but some of the drops are quite significant and are in some of the areas that have been worst affected. That is largely because those areas have further to go.

The approach of organisations such as the IDB and LEDU to TSN is serious, and I and my Department take the situation very seriously. If Members were to look at where jobs went last year they would find that three quarters of the new jobs brought in to Northern Ireland by the IDB went to TSN areas in accordance with the targets.

Mr Wells and others referred to another frequently raised issue — visits. No one, not the IDB nor LEDU, can dictate where companies go. We encourage companies to visit TSN areas and have set a target of 75% of first-time visits to go to TSN areas. The out-turn achieved last year was 76%. Companies decide where they go and where they invest their money. We will offer them additional incentives to go into TSN areas and frequently that does happen. However, the idea that we are some kind of Soviet-style economy that can direct companies to go to these places is not right. That does not happen.

It is a matter of regret to me that during the debate a number of Members who raised these points are no longer in the Chamber to hear my reply.

**Mr Paisley Jnr:** The Minister has raised a number of points which I would like to respond to. Neither I nor my Colleagues are calling for the Minister to act like a Soviet director, dictating where certain businesses go. However, when businesses and trade groups come to visit Northern Ireland they should be brought to much wider areas than would previously have been the case. My area has on its doorstep a major university, a research facility. It has a high youth population which desires employment, and I hope that the Minister will be able to bring trade groups to the area and encourage them to invest.

**Sir Reg Empey:** The Member is correct that we can not direct; but it is appropriate that we encourage. Up to the moment we have been reaching these targets.

With reference to Dr Birnie's point, I have made it clear that with regard to the structural and institutional changes that we are proposing, subject to Executive approval, it is my intention to make a statement to the House before Christmas. I am awaiting a response from the Enterprise, Trade and Investment Committee, and when that is received I will be able in the next couple of weeks to move towards making decisions. We do not want uncertainty or any further delay.

It is over 30 years since the structures were developed for LEDU, 20 years since the IDB was set up and 10 years since the IRTU, the Industrial Research and Technology Unit, was set up, and it is an appropriate time, now that local authorities are very active in local economic development, to review the situation and see whether we are delivering the services to the business community in the best way that we possibly can. Due to the changing nature of the businesses that we are dealing with — the whole innovation/ICT sector now emerging is very strong — it is appropriate now that we take the opportunity to review our structures. We hope to bring forward proposals to the Assembly within the next few weeks, and it is my intention, if possible, to get them in before the recess.

Dr Birnie mentioned significant cost and competitive issues. We all know about the energy situation, and a number of Members have referred to that. It is very depressing. I read an article recently that talked about gas and electricity charges in Great Britain going up by 25% due to fuel costs and gas pressures which might emerge early next year.

We are working hard to find a total package to deal, once and for all, with the question of energy costs. It has been a millstone around our necks for some time, and we have been severely disadvantaged by the privatisation that was carried out between 1989 and 1992. A very bad deal was done, and we are struggling with the consequences. That has a huge impact. We have opened up competition for the business sector, but sadly, as Members know, domestic consumers still do not have any choice and face significant difficulties.

Members referred to farming, rural diversification and tourism. In many rural areas, unemployment figures disguise the difficulties that farmers, suppliers and processors face. They may count as employed or self-employed, but it is no secret that they are in dire straits and suffering greatly. In the Programme for Government, we attempt to address those problems. My answer to Mr Paisley Jnr's question is that I have been in regular contact with the Minister of Agriculture and Rural Development. Through the vision group, we are examining the whole processing sector. However, we recognise that it goes much further than that; a number of farmers are not going to survive. What are the alternatives? That is where the Department of Agriculture and Rural Development comes in, because it is rural development programmes that will help to replace traditional jobs. Tourism can also play a role. We are underperforming significantly, for reasons to which I will refer later.

Members spoke about the trends in the economy. Mr McCartney said that there were many things over which we can have no influence and about which we can do nothing. I consider that to be a helpless attitude, although I appreciate that we are a regional economy, that many fiscal decisions are made in London, and that currency issues are dealt with in London.

I suspect that Ms Morrice thinks that the single currency might be the panacea. That is false. The euro is undervalued; sterling is not overvalued. There are downsides to that. For example, some companies have found the currency situation beneficial, because they are able to buy cheaply in the euro sector. If they are selling to the dollar area, where an increasing amount of our export trade is going, the disadvantage does not apply. However, I accept that many exporters suffer as a direct result of the currency situation. I hope that, in due course, the euro will come back up to a more realistic level; it is undervalued. Nonetheless, I am far from convinced that we can extrapolate from that that we would be better off within the single European currency.

Mr McCartney also referred to fuel smuggling. We have been lobbying the Treasury very vigorously, and I have had several communications with Stephen Timms, the Financial Secretary. Customs and Excise has recently introduced additional measures that have resulted in seizures. There are huge businesses involved, and we strongly believe that they are closely linked to paramilitary organisations. Huge resources are being syphoned off from the economy and directed into the coffers of such organisations. But we have been lobbying on this issue very strongly with Stephen Timms and the Treasury. They are very acutely aware of the situation, and some success has been achieved.

12.15 pm

I must highlight the plight of the petrol retailers, many of whom have been brought by Members to see me. We

have faithfully conveyed their views to the Chancellor. I have been working with the Minister of Finance and Personnel, Mr Durkan, in lobbying on the matter of aggregates, and we are very aware of their potential to do very significant damage to our economy.

A number of Members mentioned instability. As Dr McDonnell pointed out, a number of companies are delaying making major investment and employment decisions because we have not yet sorted out our problems. Business needs stability, and competition is intense for a limited number of mobile investment projects. We need to convince investors that Northern Ireland is good for business and that there is no longer any threat to their enterprises. Naturally, some investors are holding back, and I cannot blame them for delaying.

That is why I tell people to decide what they want and if they want peace and prosperity to do away with weapons and stop behaving like warlords, intimidating whole communities. People need to be aware that when they call for investment and the creation of jobs in TSN areas while continuing to insist on holding onto paramilitary structures and weapons, they stand little or no chance of attracting private capital. The warlords must make up their minds. They can continue to preside over continuing punishment beatings, growing hopelessness and dereliction, or they can acknowledge the great opportunity that awaits us all. We had to mobilise the entire political community and work extra hard to secure investments that were threatened by the disturbances surrounding Drumcree last summer. Other areas are also suffering. Tourism is operating at only one third of its potential, and it is very difficult to enhance performance unless issues such as Drumcree and the ripple effect throughout the community are sorted out.

We have the chance to establish a vibrant sustainable economy. We must not lose it or allow others to squander what is the best opportunity Northern Ireland has had since partition. Let us be under no illusions — investment today is mobile. It can be made anywhere in the world and there are increasingly fewer pieces of foreign investment with increasingly stiffer competition. India, China and the Far East are opening up as potential competitors with Northern Ireland.

Members made the point that the linkage between my Department and Dr Farren's will be crucial, and we recognise that — we have set up working parties between our Departments and we have had an away day. We recognise the point in 'Strategy 2010' that the degree to which we succeed will be directly linked to the degree to which we can match skill needs to the requirements of businesses, thus ensuring that a supply of labour is available. Members will also be aware that we launched the Back to Your Future campaign last week to attract back to Northern Ireland those who have had to leave our shores. This campaign is aimed at people who have gained experience, particularly those with three to five



years of experience. We urgently need them to come back, and we are trying to get them back through a web site, exhibitions at airports and seaports and by tracking people individually. We will offer them the opportunity to come back and take up positions here because we need their expertise very urgently, and that is a wonderful change in circumstances.

However, it would be naive to assume that this can happen in complete isolation from what is going on around us politically. It is accepted that Northern Ireland has been improving since the 1990s, as illustrated by its production. Nevertheless, we must recognise that the ceasefires and other events of the mid 1990s played their part.

Our job now must be to seize this opportunity to put in place the high-value-added jobs that many Members have referred to. People have been somewhat dismissive about call centres; we have to be very careful about what we are saying here, because "call centre" is a generic term. There are very great differences between one and another. Some of them are very sophisticated; some of them have potential for growth; and some of them develop their own products and start to resell them.

If the House genuinely wants to get investment into TSN areas, we must all recognise first that it is going to require the continuing use of selective financial assistance and, secondly, that we have to bring into TSN areas jobs that the residents of those areas will be able to take up. There is no point in putting a factory or a call centre or whatever in a particular TSN area and congratulating ourselves, if the people who live in the area are unable to work in it.

We are overlooking one important point, while placing too much focus on visits. What we must ask is this: are the people in those areas trained? Can they apply for these jobs with a reasonable expectation of being hired? Without a skilled resource in a TSN area, there is no point in establishing an industry there.

A number of Members have talked about the redistribution of resources. In some industries, companies — particularly those on the high-tech side of things — simply have to go to areas with a high population density, because that is where the workforce is. Young people want bright lights and urban facilities. Some of them simply will not move away from that. However, one of our Department's objectives under the Programme for Government is to ensure that investment packages such as the broadband telecommunications infrastructure are spread throughout the Province to try to put everybody on a level playing field. In those circumstances, it will be up to us to see that skill audits are carried out in local areas to ensure that people can apply for jobs with a reasonable expectation of getting one.

I can say emphatically that we have a wonderful platform from which to launch ourselves — if we are really serious. This generation will never get another opportunity like this.

These economic prospects are the best since partition. Opportunity knocks: I hope and pray that we have the will and the wit to seize it.

**Mr Gallagher:** This has been a wide-ranging debate, and I acknowledge that the Minister has been present for the duration. In my view today's amendment takes into account the two biggest issues facing this community in the immediate future.

The implications of the Chancellor's policies, particularly the aggregates tax, have the potential to drive much of the quarrying industry south of the border and therefore to result in more job losses here.

The advantages currently enjoyed by the Republic of Ireland's economy are crippling and strangling the economy all along the northern side of the border. We must all recognise the particular difficulties that we have at present. Let me reiterate the fact that the impact of both those policies is greatest closest to the border.

Most of us here will accept that these areas have traditionally experienced high levels of deprivation and unemployment. I noticed the Member for North Antrim, Ian Paisley Jnr, behaving in his usual form as if no one other than he knew anything. He rushed to dismiss the plight of the people in the border areas and attempted to rubbish the amendment, ignoring the plight that the quarrying industry is now trying to address.

I make no apology for speaking up on behalf of the people I represent in the border areas. They expect to be part of this new and inclusive society we are all attempting to build, and they are entitled to share with the rest of Northern Ireland in our improved economic prospects. I hope the Executive will take note of the amendment. I listened to the Minister's comments, and I hope that all Executive Members will continue to lobby the Chancellor about the adverse impact of his policies. It is important to do that and to follow up on the commitments given by both Governments in the single chapter they submitted for the new round of European funds. In it they made commitments to bring about a greater degree of economic co-operation and harmonisation between the two parts of the island, especially in the border areas, and we should continue to remind them of that.

We all want to achieve a successful economy, but we must first recognise the context in which our economy operates. By voting for the amendment, Members will be recognising and acknowledging that that context is a wider European economy. If Members cannot support the amendment, they ignore the fact that this is the case, and they ignore the plight of people in the quarrying industry whose future jobs are under threat. This is why I support the amendment.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Leslie):** I would like to thank all Members who have contributed to the debate

and to thank the Minister for his response. A number of useful points were made; I will not be able to answer them all, but I will choose those that I think are pertinent.

I would like to make some comments on the amendment. The idea that policies for promoting the economy should be linked to the wider European economy demonstrates a simple misunderstanding of the nature of that economy. I think Mr Paisley Jnr was right when he said that you cannot expect your European partners in a political project to be your partners in a business project. Nobody in the European Union has to, needs to, or will trade with somebody else in the European Union. Trading depends on price, quality, delivery and branding — the right product at the right price and in the right place. Perhaps someone will buy your product, but the fact that you are in the European Union is neither here nor there.

If someone wants to export to the European Union, he or she will have to produce to European Union standards. This applies to any market — you produce to the standards of the market you are trying to sell to. Look at Norway. Foreign export to European Union member countries constitutes a great deal more of Norway's gross domestic product than that of the United Kingdom, and Norway is not even a member of the European Union. Look at Japan's export performance in the 28 years since the United Kingdom joined the European Union. Japan has increased its rate of export to the European Union at a rate far higher than the United Kingdom increase. The increasingly important economy is the global economy.

**Mr Byrne:** Is the Member advocating that we pull out of the European Union? Is he also saying that we should reject the transfers we get from the European Union?

**Mr Leslie:** We pay a fortune for our transfers to the European Union. The United Kingdom pays £12 billion into Europe and gets about £6 billion out, so it is hardly good economics. What I am addressing is blind Euro-enthusiasm, of which, I think, there is far too much.

I would like to move to the Minister's contention that the Government cannot bring jobs to the people. The Government, however, do have to facilitate people's being able to get to jobs, and what we have here is another Euro-fallacy: the European Union is supposed to enable a member of one European country to move freely to a job in another European country, yet, funnily enough, it does not seem to work as well as it is meant to, not even at the legal level, never mind the practical level.

*12.30 pm*

That is the huge difference between the European Union and the United States. In the United States not only is there a free movement of labour, there is a positively ruthless movement of labour. People simply get up and go where the jobs are. We should not lose sight of that massive difference. One or two Members

mentioned the Assembly's relative lack of influence over economic matters. We have to accept that there is a measure of truth in this. It was also apparent to the electorate of the United States. It clearly understood that the Federal Reserve and not the President was responsible for the economic growth, and that contributed to the election result there.

On the subject of unemployment rates, the remarks made by some Members perturb and surprise me, given all the information available to the Assembly and the work being done in it. This is quite a simple piece of mathematics. If the rate at which people come onto the job market is greater than the rate at which jobs become available, clearly there is an imbalance and insufficient jobs. In fact, the current recruitment ratios accurately reflect the ratio between the communities. I accept that the long-term unemployed remain a problem. However, initiatives to address that are in train, with more to follow. I hope that they will be successful.

Mr McHugh said that the Robson indicators were still valid. What he is really saying is that they are still giving the answers he wants to hear. I do not regard those indicators as valid. A major review is taking place at the moment, and I look forward to its outcome and to the new census. We have to come up with a much more sophisticated system that is able to target deprived areas within affluent areas. That will give a different perspective on the subject.

Dr O'Hagan said that manufacturing had been subject to years of neglect, eroding our manufacturing base. I do not agree. If you look at the money that the IDB has thrown at manufacturing over the last 10 or 15 years, you could argue that, for an industry that was in fairly serious decline, it was used rather recklessly. That decline was well understood outside Northern Ireland, and it is a pity that it was not better understood here. We could perhaps have put money towards the developing economy rather sooner had we not been focusing so hard on businesses that turned out to be unsustainable.

**Ms Morrice:** Does the Member agree that products for which we have a worldwide reputation, such as Irish linen, should be promoted and developed?

**Mr Leslie:** We are able to sustain a brand for Irish linen that enables us to hold on to a share of the market. Unfortunately, linen can be manufactured to the same standards but at far less cost elsewhere. That is the essence of the problem. We have to be realistic about that. I fear that the mistake made there rather reflects the mistake being made in the amendment. You have to look much further afield than the European economy.

I did not think we would be able to get through the debate without hearing from "Team West Tyrone"; and so it was. While I appreciate the problems there, unfortunately in my constituency of North Antrim one area, Moyle, is in the unenviable position of vying with Strabane for the

place at the bottom of the unemployment tables. The highest unemployment levels swing between those two council areas. I sometimes think that TSN has been redefined in the Chamber to mean “Targeting Strabane’s Need”.

The one growth industry you could have in Moyle is tourism. Tourism is an industry that is very clearly directly related to the state of peace. Business has proved itself to be remarkably robust, despite the predations of terrorism over the last 30 years. It is quite incredible that Northern Ireland’s business base is so strong, given the difficulties it has had to endure. Tourism cannot be so robust. If we can achieve a peace that is believable, and demonstrably believable in terms of a considerable drop in the levels of violence and intimidation, then our tourism industry will grow, and we will be able to address difficulties in a number of peripheral areas and in the rural community.

We must accept that the size of the public sector in Northern Ireland has shielded us from the effects of the economic cycle. This was noticeable in the early 1990s, when not only did Northern Ireland escape the recession that occurred in the rest of the United Kingdom, but as Mr Wells correctly said, our economic revival began.

As the Minister has correctly said, we should not assume that we will be cycle proof in the future, and we must continue to develop business niches in which an economy such as this can prosper. I oppose the amendment, and I have pleasure in supporting the motion.

**Mr Speaker:** I wish to make a remark to the House, which in the nature of things does not apply particularly to those present, although I trust that the Members who are here, particularly the business managers, will convey it to those who are errant. A number of Members commented on the courtesy that the Minister did the House by being here throughout the debate. I echo that. It is a proper courtesy and one that we expect our Ministers to extend to the House. We are grateful to the Minister for doing so again on this occasion.

Some Members were very keen to put their own views and to ask questions of the Minister or the proposers of the amendment or substantive motion, but I regret to say that they were not here to hear the responses. That is not returning the courtesy in the way that the House ought to. This should be conveyed, not only to those who are errant today, but to others. This happens from time to time, and we should acknowledge that. I am grateful to the Minister.

**Mr McCartney:** On a point of order, Mr Speaker. It is the custom in the House of Commons, and a required courtesy, that a Member who has just spoken remain in the Chamber until the next Member has completed his address. However, there is no requirement for anyone to sit through an entire debate. Indeed, if that were the case, I doubt if the House of Commons could function.

**Mr Speaker:** I shall not comment on the functioning of the House of Commons, which frequently is less courteous than it might be. What I said was not a request that Members remain for the whole debate, even though the Minister quite properly did so. Some Members, in their remarks, were expecting, and properly expecting, the Minister to reply to questions raised, or that the proposer of the motion or the amendment would take note of their comments. However, they are not here to hear the Minister, nor the winding-up speeches from the mover of the amendment or of the substantive motion, and that is the discourtesy to which I refer — a discourtesy that is appreciated in the House of Commons and in other parliamentary assemblies.

12.45 pm

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 41; Noes 35.*

#### AYES

*Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, Seamus Close, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, David Ervine, John Fee, David Ford, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Joe Hendron, Billy Hutchinson, John Kelly, Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Francie Molloy, Jane Morrice, Mick Murphy, Sean Neeson, Mary Nelis, Danny O’Connor, Dara O’Hagan, Eamonn O’Neill, Sue Ramsey, Brid Rodgers, John Tierney.*

#### NOES

*Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Duncan Shipley Dalton, Ivan Davis, Boyd Douglas, Reg Empey, Sam Foster, Oliver Gibson, John Gorman, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, Robert McCartney, David McClarty, William McCrea, Alan McFarland, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mark Robinson, George Savage, Jim Shannon, Denis Watson, Jim Wells, Jim Wilson, Sammy Wilson.*

*Question accordingly agreed to.*

*Main question, as amended, put and agreed to.*

*Resolved:*

That this Assembly welcomes the recent announcement of a continuing decline in the rate of unemployment; and calls on the Minister of Enterprise, Trade and Investment and all Ministers whose Departments have an impact on economic performance to continue to develop policies which promote a competitive, dynamic and sustainable economy, taking account of the wider European economy.

*The sitting was suspended at 12.52 pm.*

*On resuming (Madam Deputy Speaker [Ms Morrice] in the Chair) —*

## ON-COURSE GAMBLING

2.00 pm

**Mr Bradley:** I beg to move

That this Assembly supports changes to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 and any other relevant statutory provisions to legalise Sunday on-course track betting in Northern Ireland and calls upon the Minister for Social Development to bring forward proposals to this effect.

First, I want to apologise for my cold; it is a hurdle, or a handicap, but I will have to live with it this afternoon.

Before presenting the motion, I want to remind Members that I placed a second motion with the Business Office on the same day as this motion, which is equally relevant to my overall proposal, and which will, I hope, be debated before the Christmas recess.

The second motion deals with important employment-related matters relevant to the question of Sunday working at racecourses, which cannot be legislated for in the motion now before the Assembly. The necessary legislation required to deliver the desired outcome of my overall proposal falls within the remit of two separate Ministers, namely the Minister for Social Development, Mr Morrow, and the Minister of Enterprise, Trade and Investment, Sir Reg Empey.

I am proposing the motion to the Assembly today in the interests of a variety of people living in Northern Ireland, particularly those living in rural communities, and in the interests of the management committees of the two local racecourses who are seeking nothing more than parity with their counterparts elsewhere in these islands.

Horse racing is more than a leisure activity for a spectator to enjoy. The industry involves diverse economic sectors, including agriculture, tourism, sport, catering, entertainment, trade and professionals. Consequently, its success has wide implications, as the livelihoods of many individuals, either entirely or in part, depend on it. These include many farmers who have diversified from non-profit making enterprises to the equine business; horse breeders who sell their horses to horse-owners and horse-owning syndicates; those who rely on farmers and employ vets and trainers; those who employ staff such as assistants and stable hands; and racecourses, which employ regular and ancillary staff to provide the services to the public.

Finally, there are the public who pay to avail of such services, and the small businesses who sell their goods outside racecourse premises either in food stalls or in local pubs, cafes, restaurants and shops. It is a huge economic field.

At present, Northern Ireland is the only region in the United Kingdom or Ireland where Sunday on-course betting is prohibited by law. Such betting has been available every year since January 1995 at over 60 Sunday race meetings held at racecourses located throughout the United Kingdom, from Musselburgh and Perth in Scotland to Salisbury in the south of England. Moreover, Sunday on-course betting is available every year at 60 Sunday race meetings held throughout the Republic of Ireland.

It is therefore understandable why the managers of our two racecourses are often quoted as seeking parity with their opposition elsewhere. Northern Ireland currently has 19 race meetings every year, including two very promising festivals. I refer to the Down Royal, a two-day event in November, and the May time two-day event at Downpatrick. Imagine the economic potential for locals in Northern Ireland if these events could be extended to three-day, week-end festivals of racing.

The lack of development of the horse racing industry in Northern Ireland appears to arise from the Government's lack of support for the industry — which contributes to Northern Ireland's being economically disadvantaged in the bloodstock and horse-breeding world — and from the absence of rates concessions on racecourse buildings.

In the Republic of Ireland the horse racing industry and surrounding industries are thriving. The continuous growth appears to arise from the Irish Government's positive approach to such industries. They recognise the particular contribution to the overall economy of the Republic of Ireland made by Irish racehorses. There is worldwide demand for them. Countries such as Australia, Japan and others in the Far East have identified Irish racehorses as a means to assist and improve their competitiveness in the lucrative worldwide racehorse market. The Irish Government continue to recognise the horse racing industry's contribution to the Republic's economy.

Earlier in the year their finance Minister announced that it was the Irish Government's intention to make all the taxes collected on the IR£500 million wagered in the Republic's betting shops available to the Republic's horse racing authority. Similarly, the British Turf Club has recognised the importance of establishing a board to protect and promote the industry in Great Britain. It is only proper that Northern Ireland's horse racing industry is given an opportunity to fulfil its potential.

I kindly request the Assembly to support the introduction of legislative measures to assist in attaining this goal. A good starting point would be the Department of Health and Social Service's consultation paper issued in 1997, which examined the existing legislation in Northern Ireland governing betting, gaming, lotteries and amusements. That paper led to an announcement in 1998 by the then Minister of Health and Social Services, Mr Tony Worthington MP, and the then Minister of State, Mr Adam Ingram MP, that it was the Government's intention to

relax the legislative controls on betting and gaming in Northern Ireland, including those relating to on-course betting on Sundays, together with 14 other recommendations to reform betting legislation.

The proposed changes were to boost Northern Ireland's economy overall. It may be appropriate at a future date for the Assembly to discuss all the recommendations made by Mr Adam Ingram MP and Mr Tony Worthington MP. However, at this stage I want to concentrate on one of the recommendations, which simply seeks to expedite the legislation on on-course betting on Sundays in Northern Ireland.

The fact that I am proposing only one of the many changes sought will make it relatively easy for the Minister to implement it, because it will take up very little of the limited legislative time available to the Assembly. Furthermore, I am very conscious that the Department for Social Development has many greatly needed changes to bring forward. Therefore, I simplified my motion to the basic proposal it now is.

Of the 15 recommendations made by the former Ministers, the intention to legalise Sunday on-course betting was, and remains — in my view, and in the view of many others — the most important. As the anticipated impact on the North's economy will be considerable, the development will be welcomed in Northern Ireland and abroad by those who earn their living from the horse racing industry and spectators who enjoy the sport. Such change is welcome.

Members are probably aware that plans are in place at Westminster to review the current gaming and betting laws and to bring them into line with Europe. It would be so easy for Members to say that we should wait until then when the desired changes will come about. I understand that completion and implementation of the report could be four or five years away. For that reason alone, the Assembly should not force the industry and those depending on it to suffer such an unnecessary delay. The implication of going without for a long period was best summed up in newspaper reports in mid-July, when one local racecourse manager calculated that a lengthy delay would result in the loss of approximately £20 million to the Northern Ireland economy.

I propose this motion on the assumption that the Assembly has legislative competence, pursuant to section 6 of the Northern Ireland Act 1998, to amend the Betting, Gaming, Lotteries & Amusements (Northern Ireland) Order 1985 as suggested, so that Sunday on-course betting in Northern Ireland is legalised.

**Madam Deputy Speaker:** Two amendments in respect of this motion have been selected. I will call Mr S Wilson and Mr B Hutchinson respectively to propose their amendments. At the end of the debate, I will call the proposers of the amendments to wind up. Before the winding-up speeches, I will invite the Minister to respond to the

debate. After the Minister's remarks, Mr B Hutchinson will wind up before Mr S Wilson. Finally, Mr Bradley will be called to wind-up the substantive motion.

**Mr S Wilson:** I beg to move the following amendment: Delete all after "supports" and add

"the decision of the Minister for Social Development not to give further consideration to a change in the law to allow on-course Sunday betting until he has considered the implications for Northern Ireland of the outcome of the current gambling review in Great Britain."

First, I want to deal with a couple of pertinent points from Mr Bradley's speech before explaining the reasons for this amendment. I understand the constituency interests that he has. I know that he, and probably other Members, have received a letter circulated by the Northern Ireland Course Bookmakers Association, pleading that on-course betting on a Sunday is a special case and should be introduced.

First, we have to understand that the plea that has come before the Assembly is on behalf of what can only be described as the narrow economic interests of the Course Bookmakers Association. The issue must be viewed in wider terms.

Secondly, I find the motion in Mr Bradley's name rather surprising, because the time to have spoken up for the inclusion of such a measure in the legislative programme would have been when we were discussing the Programme for Government. I took the trouble to look up the Official Report of the House on the Programme for Government. Mr Bradley did indeed speak in that full-day debate. I notice that he started by saying

"I welcome the Programme for Government".

So effusive was he in his speech that he welcomed the Programme for Government on no fewer than five occasions. Incidentally, he did not mention any legislation in respect of on-course gambling on a Sunday.

I wonder what has triggered this particular interest in the issue. Was it the missive that we received from those — I must emphasise it again in the House — who have a particular narrow economic interest in widening the gaming legislation to include on-course betting on a Sunday?

There are two reasons why I believe that the House ought to support the amendment that I have placed before it today. First, as the motion says, there is an ongoing review of gambling legislation in the whole of the United Kingdom, and the review body is to report to the Government in the summer of 2001. It is a wide-ranging review that takes into consideration

"the current state of the gambling industry and the ways in which it might change over the next ten years in light of economic pressures, the growth of e-commerce, technological developments and the wider leisure industry and international trends."

It is also very important, in Northern Ireland terms, to look at preventing gambling from being carried out in a

way that allows crime, disorder or public nuisance. There is a need to keep the industry free from infiltration by organised or serious crime and from money-laundering risks. I could go on. Anyone who wishes to see the terms of reference of that review can obtain the necessary information from the Department for Social Development or from the Library.

Nevertheless, there is an ongoing, wide-ranging review. Anyone looking at its remit is bound to see that legislative change will be required, and this House will want to look at that. It would be most unusual for us to revise the existing laws and then to find, in the light of the outcome of this review, that there is need for another revision.

**Mr McCartney:** Does the Member accept that any review of gambling in the UK as a whole will start off from the basis of accepting the status quo in the UK, which would include a provision in the rest of the UK for on-course betting on a Sunday?

2.15 pm

**Mr S Wilson:** The Member misses my point. Perhaps his interests cloud his view. We all come to the debate with our own particular interests.

Let me re-emphasise the point. When the outcome of the review in the United Kingdom becomes known, there may be a need to change the legislation. The Minister for Social Development is being asked to change the legislation on on-course betting in the knowledge that, in a year's time or less, further changes will be required. As Mr McCartney said, those changes may well be on top of the issue of on-course betting on a Sunday.

If we know that there is a wide-ranging review taking place that is likely to result in changes in the present legislation, why rush into making changes now? If there are to be changes, let Members see what those changes are likely to be and then let them decide whether those changes are acceptable. The Assembly can debate the issues at that stage and make a decision on that basis.

Proposed changes in legislation require not only the time of the House, but also time for scrutiny in Committees. Mr Bradley said that such a change would take up very little time. I do not know if that view is coloured by his interest in the matter. I would like to think — and I have heard it said by many Members — that the advantage of doing away with the direct rule Administration and having a local Administration is that it gives us the time and opportunity to scrutinise legislation. I do not know if it would take very little time or a great deal of time. However, it would require a slot in the legislative timetable and in the work of the Social Development Committee.

There is already a full timetable of Bills before the House. The difficulties of that timetable have been exacerbated because different Committees have requested extra time to look at over half of those Bills. There are some Bills that are not on the timetable, but Members

have given them priority. For example, I have not heard anyone from the Social Development Committee say that priority ought to be given to Sunday on-course gambling. However, I heard last week that members of that Committee wrote to the Minister for Social Development, because they had not yet been presented with the Housing Bill. That Bill has about 100 clauses, and it will go on top of the work that the Committee is presently carrying out on the Street Trading Bill.

If I had to choose between a Bill that represents and aims to cater for the narrow economic interests of the gaming industry and those engaged in on-course betting and one that deals with homelessness, disruptive tenants, houses in multiple occupation and the sale of housing association houses to their tenants, I know which I would give priority to, and I suspect that members of the Social Development Committee, by the indications they have made to the Minister, would endorse my view.

Most of Mr Bradley's speech was centred around the economic advantages to particular parts of Northern Ireland of allowing horse racing and betting to take place on a Sunday. I am sure that for some people that is an important aspect of the Assembly's work — and by some people I mean those who run racecourses and bookmakers. The Assembly and, indeed, the Executive produced a Programme for Government, which was endorsed by almost every party in the Assembly — although the party which gave the least support to it was my own. Yet we are now being told that this should be included.

I am not sure how quickly Mr Bradley believes that this should be introduced. For example, is it more important than a Housing Bill? Is it more important than the Street Trading Bill? Is it more important than the other 14 Bills that are already listed on the Assembly's official papers?

Given that there is an ongoing review of gambling legislation in Great Britain that will eventually have lessons and implications for Northern Ireland, and that we already have a full legislative programme, and there are many other priorities that Members are likely to endorse, I beg the Assembly to support the amendment which stands in my name.

**Mr B Hutchinson:** I beg to move the following amendment: In line 4, after "Northern Ireland", insert

"and to provide for gaming machine permits to be made available to turf accountants,".

Before I discuss my amendment I have a couple of confessions. I come from a long line of gamblers, so I have to declare an interest in this. My father was one of the first people to manage what used to be called "pitches" when they were legalised in Belfast in the early 1960s. I also attend regular meetings at Down Royal, so I have an interest in this.

I put forward my amendment, because I believed that PJ Bradley's motion was addressing only half of the

story. If we are going to move forward, we need to do so on the basis of the recommendations that were made in 1998 by Tony Worthington MP and Adam Ingram MP. We need to look at those proposals. They were not implemented as part of a gaming review in Great Britain — that came later — they were implemented following the introduction of the Lottery Bill. Anyone can now gamble in a garage or a shop by going in and buying a scratch card. There was only a certain amount of money that could be gambled in this society, and people decided that they would gamble it on the lottery or on scratch cards. This was a sweetener to try to offset the effect of the lottery, and we should look at it in that context. This is not just about on-course betting on a Sunday, it is about how we deal with betting shops throughout the United Kingdom.

One hundred and fifty jobs in the betting industry could go to the wall in Northern Ireland if we do not make these changes immediately. People are now spending their money on lottery tickets and other things. Betting shops in Great Britain were allowed to have two amusements with prizes (AWPs). These machines paid out a maximum prize of £10. The Treasury, in its wisdom, has now increased this to £15, because it wants to get a slice of the action. By allowing this increase the Treasury will be able to take some of that money back and recycle it throughout the Government. If I remember correctly, Tony Worthington recommended back in January 1998 that there could be two gaming machines in betting shops with prize money of £10 each.

Some people might not want to see gaming machines. As a member of Belfast City Council I have opposed gaming machines. I have opposed their being put near bus stops where children congregate on their way to and from school. However, we are talking here about betting shops and where betting takes place in a controlled environment and those who use them must be at least 18 years of age. Gam Care, which is a nationally respected charity for people with gambling problems, supports this and believes that that sort of environment is the best place for gambling to take place.

I hope that Members will remember that the relaxation of these laws was to counteract the effects of the lottery on bookmakers and their shops. I also want to say to the Member for South Down that this amendment is designed to complement his motion rather than to challenge it.

There are some issues that I want to raise regarding Mr Wilson's amendment. We should realise that the review that is taking place in Great Britain is about the technological changes that are going on. Last Sunday afternoon I was watching television, and Leeds United were playing Arsenal. I could have put on my digital television, accessed a company called Blue Square and placed a bet of whatever amount I wanted — as long as I had enough money in my bank account — that Leeds

United would beat Arsenal one nil. I did that, so I should have some money in my bank account by Friday.

I could also have chosen what was going to be number one in the UK chart by Christmas. I could have chosen Westlife. I could even have chosen Willie McCrea, but I realised that he probably would not reach that slot, because he is already number one with the Pope. That is probably enough for him, going by some of the newspaper reports.

My point is that one can gamble on just about anything. If people have access to a digital television, they can gamble on a Sunday on who is going to die in the next soap opera. People also have access to computers. Through the Internet, people can access William Hill, Coral or any other company and place a bet. However, those who calculate odds on those bets and pay out winnings could be somewhere in Saudi Arabia, not in the UK. They could be offshore, and, therefore, no money will go to the Government. That is what the betting review is about. It is not about whether Sunday racing is going to take place.

The hon Member for North Down made the point to Sammy Wilson that it is unlikely that they are going to change the status quo. In the UK race meetings are held on a Sunday, and because of that, 63 race meetings are no longer held during the week. Consequently, betting shops that open from Monday to Saturday have lost that income, and they want to get it back from gaming machines and on-course betting on a Sunday.

I want to emphasise that in changing the law there is no suggestion that betting shops in streets across the Province would be open on a Sunday. That is not what this is about. It is about gambling at a course — either Down Royal or Downpatrick.

As regards the income that comes from tourism, I remind Members that for every horse which comes to Northern Ireland to race — and there has been racing in Ulster for 316 years — four people come along with it. Each of those people needs food and drink and a bed for the night, because for most of them it has been a long journey, and they cannot travel back on the same day. I remind people of the amount of money that such tourism could bring in.

There was a race meeting held at Down Royal — I think that Mr Bradley referred to it earlier. I attended it. Some other Assembly Members attended and were given corporate hospitality. I notice that they are not here today. Some Presbyterian ministers and others might have phoned this morning and left messages for them, but they are absent.

2.30 pm

The meeting was held on Friday and Saturday and brought in 10,000 people — 3,000 on Friday and 7,000 on Saturday. If it had been held on Saturday and Sunday I have no doubt that the figure would have been closer

to 40,000. People would not have been at work, and they could have chosen whether to go to the meeting.

We need to focus on what this is about. It is not just about on-course betting on a Sunday; it is about allowing bookmakers to be competitive in the light of the other laws and legislation that have been introduced regarding the lottery. It should be looked at in the context of the significant growth of Internet and offshore tax-free betting, something that has been introduced in the last two years. If you have a digital television you can access it that way as well as through a computer.

This morning I heard the hon Member for North Down, Mr McCartney, along with others, talking about the smuggling of petrol back and forward across the border. We are continually hearing about the disadvantages facing industry along that border. One of the disadvantages is that the Irish Republic has reduced its tax from 10% to 5%, and betting shops in border towns are going to the wall. These are things we need to take into consideration.

Let us remember that all of these things are happening around us while we fail to bring forward legislation. Going back to Mr S Wilson's arguments about the legislative timetable, I always thought that that was the responsibility of the Business Committee, not an individual Minister. As a member of the Business Committee, I, along with his party's Whips, have criticised Departments for not bringing forward legislation. There have been weeks in this House when there has been no new legislation. I understand what Mr Wilson is saying, and I support him with regard to dealing with life-and-death issues — homelessness, for example. We need to bring those forward. However, we need to be realistic. There is other legislation that is not any less important, particularly for the tourist industry and for jobs — 150 jobs could be lost if this legislation is not brought forward.

The Minister for Social Development has this legislation sitting on his desk. He has made a reasonable point that he does not believe it should be brought forward — the same point made in Mr Wilson's amendment. The review in Great Britain has got nothing to do with on-course betting or gaming machines. There was a long-lasting consultation period when the views of the public, the bookmakers and others were sought. As a result of that consultation it was decided that there should be fourteen amendments, and both the Minister of State, Mr Adam Ingram, and the then Minister of Health and Social Services, Mr Tony Worthington, decided that those should be brought forward. Then we had devolution, and all of these amendments were put on the back burner until after the review. Unless the Minister brings forward this legislation we are in great danger of losing 150 jobs in the betting-shop industry. These are viable, well-paid jobs that we should be supporting.

Finally, with regard to the legislation covering people working on Sunday, the Minister of State, Mr Ingram,



has already put that forward, and it is in this package. Whether it is with the Minister for Social Development or with Sir Reg Empey is immaterial. It is there.

I ask the House to support my amendment and these 150 jobs. If we do not act quickly they will be lost.

**Madam Deputy Speaker:** Due to the number of Members wanting to contribute and the time needed at the end for the movers of the amendments and the motion, I ask that Members restrict their contributions to six minutes. I will give a warning when there are 30 seconds left.

**The Deputy Chairperson of the Committee for Social Development (Ms Gildernew):** Go raibh maith agat. I rise to support the motion which calls for the Minister for Social Development, Mr Maurice Morrow, to legislate to allow Sunday racing and on-site betting.

While I do not have a problem with the amendment in Mr Billy Hutchinson's name, or its content, I believe that that is a separate motion which could be brought forward in its own right. It is important to debate Sunday racing and on-site betting first.

Sunday racing has been in existence in the Twenty-six Counties since 1986. It started with a modest six fixtures, and there are now more than 50 Sunday meetings. Statistics provided by the Irish Horse Racing Authority show that Sundays have the highest attendance figures of all the days in the week, with more than 335,000 people attending Sunday fixtures in Ireland last year. An estimated 23,000 people are employed full-time in the Irish horse racing industry; exports of our thoroughbred horses are worth more than IR£100 million per annum, and 50,000 visitors travel to Ireland specifically to attend race meetings. Should we not capitalise on the potential for growth in this industry in the Six Counties as well?

Given the pressures in our lives, and the fact that many of us work on Saturdays, it is not surprising that leisure activities are in big demand on Sundays. Gaelic football is the biggest sport in Ireland. Clubs and parishes all over the country compete at every level in not only this sport, but hurling and camogie as well. These matches are occasions enjoyed by all the family, and the atmosphere at county and provincial championship games is fantastic, rivalled only by the all-Ireland finals themselves. These games have a huge following and are a great excuse for a weekend away. However, I wonder just how many of us could find time to go to matches if they all took place on a Saturday or a Friday afternoon.

Earlier this month we had the annual fixture at Down Royal, which was a great success, not just for the horse racing fraternity and the patrons who attended it, but also for the local hotels, bed and breakfasts, pubs and shops. Spectator facilities at both Down Royal and Downpatrick are excellent, as all profits are reinvested, yet these resources are used for a total of 19 days a year. If the racing industry staged only seven Sunday meetings a

year, it is reckoned that 47,000 people would attend, with 17,000 from outside the Six Counties. The estimated loss to the industry is around £8.5 million per annum, and this does not include ancillary industries which would also benefit.

Why should this industry be deprived of extra, much-needed income because of the Minister's and the DUP's failure to move into the twenty-first century with the rest of us? The fundamental bigotry of Maurice Morrow and Nigel Dodds before him is the only reason why this issue has been put on the long finger. The DUP is famous for saying "No". For many years its members have said this in councils all over the Six Counties: "No. You cannot go to the swimming pool on the day of rest, for we have closed the leisure centre. No. You cannot play with your ball, as it is a Sunday. You cannot play on the swings; we have chained them up to ensure that children do not enjoy themselves on the sabbath. No. We will not allow you to enjoy horse racing on a Sunday". Despite what the Minister says, that is the only reason why this legislation has not yet been introduced. The Six Counties is the last remaining area of the European racing industry that does not have Sunday racing, putting the industry here at a great disadvantage.

The wide-ranging review of gambling in England that Mr S Wilson referred to is not even likely to recommend changes to Sunday racing. Its remit is to concentrate on the impact of e-commerce, interactive television, worldwide media rights and offshore gambling, and could take five years between consultation and implementation. How much money will have been lost by the racing industry in that time? How much money will Maurice Morrow have lost the industry in that time? How much damage will he have done to our tourism industry? How many jobs could have been created?

Given that Sunday racing has also been extremely popular in England since it was introduced in 1995 — the number of fixtures has increased from 12 to 62 — I am surprised that the Minister, who has been keen on so-called parity legislation to date, is not willing to introduce this. The support for this issue today should prove to the racing industry that the Assembly will do all it can to update the legislation. Sinn Féin will be supporting the motion. Go raibh maith agat.

**Mr McCarthy:** We should ask the business managers to extend these debates. Six minutes is a very short time.

I am neither a betting man nor a horsey man, but I know a winner when I see one. If the horse breeding and horse racing industries had been properly supported by the Government, they would be winners. However, we have the opportunity to achieve that now.

Shortly after devolution, following representations from the horse racing fraternity I raised the subject with the previous Minister for Social Development. As a fervent supporter of devolution, I was disappointed by

the response that I got from the Minister, who was also a supporter of devolution. If the Good Friday Agreement had not been signed, we would still have had direct rule administered from London by cross-channel Ministers, and all the betting and gaming laws in Northern Ireland would have been modernised.

On 7 January 1998 the Health and Social Services Minister, Tony Worthington, issued a statement. It said

“The Government intend shortly to bring forward legislation to provide a number of modest relaxations in legislative controls on betting and gaming in Northern Ireland”.

The Minister goes on to say

“I would stress, however, that this is a limited relaxation of the law on Sunday betting. People can choose for themselves whether they wish to go to the racetrack to bet on a Sunday, or not”.

That statement shows the respect that the Minister had for everyone’s wishes. It was a genuine attempt to keep everyone in Northern Ireland happy — a difficult job at the best of times.

Mr Worthington’s decision followed 12 months of consultations. As the creation of a new Assembly was just around the corner, the Minister decided to leave the changes to local politicians. Unfortunately, the new Ministers were not prepared to go along with their predecessors and delayed the process. The excuse used was that a new review was taking place across the water. I thought that devolution meant that we could rule ourselves and make legislation for the people of Northern Ireland. Every citizen has rights. If people wish to bet on a horse on Sundays, it is their right to do that.

There would also be enormous loss of revenue for the business people who run racing facilities. Recreation is a necessity for everyone. People are able to attend almost any sporting fixture on a Sunday, and we should not deny them such a basic right. We should not deprive the racing industry of the custom of the visitors that we are trying to attract to Northern Ireland. Such discriminatory action is unjustified and must be put right.

I want to turn the discussion away from the question of whether individuals should or should not bet on a Sunday. Instead, I wish to examine the experiences of racetrack owners and workers and those of the owners of betting establishments and their staff. At present, people can watch races on a Sunday and can place bets on them using the Internet, their televisions or their mobile phones. Nothing that the Assembly does today will be able to stop people placing a bet.

The present law puts up an unfair — possibly illegal — barrier that prevents racetrack owners and gambling establishments from pursuing their business. The Assembly should change that. In the Republic of Ireland people can bet on a Sunday; in England they can bet on a Sunday; and they can bet using their phones and computers. However, in Northern Ireland, they cannot bet at a racetrack.

Given such damaging restrictions, Northern Irish businesses cannot compete.

2.45 pm

Let us consider the multimillion pound horse racing industry south of the border. European law dictates that we must not infringe on our businesses’ ability to operate and compete. The present law violates the right of businessmen, businesswomen and workers to seek to earn a living while existing in a common and unified market. I quote from an article in last Monday’s edition of ‘The Times’ which stated that

“The Down Royal has been raised from poverty, decay and stigma of being overlooked by the observation towers of the most notorious of jails. For decades this area had been farmed, feared, but not properly lived in. Now the Maze is empty and a community that dares to lift its head has its own race festival.”

This is excellent news. We have a duty to move forward together, and the Assembly should support the motion.

**Mr C Wilson:** The vast majority of people in Northern Ireland wish to retain the very special nature of the Ulster Sunday. For most, it is a day of rest or, if not, one of worship. Over the last five years, in particular, the unique nature of this day has been greatly eroded by the introduction of the Sunday opening of large shopping complexes and the seven-day opening of pubs. Now the latest intrusion is a motion to propose seven-day gambling at racecourse tracks.

What is driving the lobby that we witness today from the proponent of the motion? Reference has been made to the situation in other regions of the United Kingdom, and there seems to be a suggestion that we should follow suit. I read with interest the comments by Mr Ian Morrison, who has researched this matter and has suggested that shortly after the Government introduced legislation on the mainland to permit horse racing and on-course betting on the Lord’s Day, a large number of bookmakers took up that option. In a small number of months, however, many of them had decided that it was not worthwhile. There was not the demand that they had been led to —

**Mr P Robinson:** Will the Member give way?

**Mr C Wilson:** No, I am sorry, I will not.

The really sad aspect is that Mr Bradley has said publicly that it is his view that horse racing without betting is pointless — flat, boring and uninteresting were, I think, his exact words. This is not the view, I am sure, of all those who are involved in the sport of horse racing. It is a sad reflection on society in Northern Ireland, across the rest of the United Kingdom and in the Irish Republic that there is now a link between sport and practices such as gambling and the promotion of alcohol and tobacco on which it depends.

I appeal to Mr Bradley and to those in a position of authority in sporting bodies and areas related to sport to refuse to allow the promotion of alcohol, tobacco and

the culture of gambling and betting. Even if they do not care for themselves, their immediate kith and kin or their generation, I appeal to them to think of the young people and of the influence on them of these things that are detrimental to their well-being. Gambling is an increasing problem across the United Kingdom, particularly among young people. Those in a position of authority should take a lead on this issue. The Government's introduction of legislation to permit the national lottery was detrimental to our society and to our people across the United Kingdom — this is not the line we should be taking.

The only argument that I have heard in support of the motion from the other side of the House and from Mr Hutchinson related to the economic effect. I do not believe that this point was well-argued or that the economic impact was well-researched. There was a notional idea that it might be good for tourism.

I believe that we have a duty and a responsibility to give a lead. I will not be perturbed by whatever the review in the United Kingdom may show or by whatever proposals may come forward as a result. My guiding star shall always be that I want the best of British, but I will not follow sheep-like in simply endorsing their legislation. If there is any merit in people in Northern Ireland having control over their own affairs, it is that we can use an elected forum such as the Assembly to give a lead and set standards that other regions may decide are worth following.

The views expressed in support of the motion have looked only at the so-called economic benefits. In line with comments made by yourself, Madam Deputy Speaker, in relation to other matters, I suggest that people should consider what is best for family values and for families in Northern Ireland. Keep Sunday a special day — a day of recreation. We should not allow further erosion of our particular heritage and ethos and a strong cultural trend in Northern Ireland. The matter should be put to the people of Northern Ireland, and the resounding answer would undoubtedly be to keep Sunday special.

**Mr McCartney:** It is unfortunate that the time for speaking is limited to six minutes, as the motion gives rise to some of the most fundamental views of our political life in Northern Ireland. Unlike Mr B Hutchinson, I have no personal or family record of placing bets on or off racecourses on Sunday or any other day. I give my unequivocal support both to the motion and to Mr Hutchinson's amendment.

I am not just a Unionist, I am a pluralist. I believe that the fundamental nature of a democracy is that we must not use the institutions of the state to provide some sort of fire brigade or police force for delivering the moral, ethical or religious dictates of any religion. I fought against that in my criticism of successive Governments of the Republic of Ireland and their oppressive, Catholic theology in relation to social and economic matters.

Equally, I am not prepared for some dark Protestant cloud of sabbatarianism to descend upon the Assembly.

I will not rehearse the economic or, indeed, the tourism arguments for introducing the legislation. They have been well and fully stated by those who support the motion and relatively poorly negated by some of those who would oppose it.

I was saddened by the argument of Mr Sammy Wilson, whose intelligence and sense of humour I have always admired, that all of us, including myself, bring some narrow argument to the motion. I bring nothing to the debate except my experience as a senior member of the Bar in many licensing and other applications and a knowledge of the bookmaking and racing industry of which some others may be deprived. Therefore, any suggestion that I have any narrow interest as a punter or that I have been lobbied by anyone who has influenced my views is just nonsense. I did not receive the round robin to which the Member referred.

Sammy Wilson's arguments did not do him any credit. It is fallacious to argue that implementing this particular piece of legislation would in some way bar social matters of much greater importance, such as the Housing Bill, from being dealt with. That is nonsense. It is the setting up of an Aunt Sally; an argument that no one made and that can therefore be knocked down.

He made a second point about waiting for the review. We have already had a review. It was carried out by the relevant Ministers, and they made recommendations, including this one. It is nonsensical to have a law that prevents on-course betting in a society in which people can bet on anything — even two flies walking up the wall — on a Sunday.

The review in England is unlikely to suggest anything other than an extension of bookmaking and, perhaps, a more draconian control of off-course bookmaking through the Internet. Let us be clear as to the real purpose behind the opposition to the motion. It was perhaps most vividly — or luridly — exposed in the speech of Mr Cedric Wilson. I will not be betting; I will not be at the course. In a perfect world, if I had my way, there probably would not be any gambling. However, as a pluralist, I will defend to the last the right of those who wish to gamble to enjoy all the rights and privileges of a democratic society, provided that they do not harm or interfere with others. On that basis, I hope that the House will give its support to Mr Bradley's motion and Mr Hutchinson's amendment.

**Mr O'Neill:** Members have referred to the historic link between racing and the island of Ireland, and one Member suggested that Northern Ireland has had racing for 315 or 316 years. That is correct. We have two well-established race courses here — the Maze and Downpatrick — both of which have been remarkably successful and have shown a 30% growth in attendance

figures. That indicates the potential in ordinary, everyday racing. Racing is organised on an all-Ireland basis, and it would not be unreasonable to put the value of the racing industry as a whole at £1 billion. Three thousand people are employed in the industry. It is economically very significant. So far, no Member has seriously challenged those facts, and there is no point in my going over them. Many Members have spoken ably about them.

I would like to concentrate on the amendment. The problems with the amendment were highlighted by the Member for North Down (Mr McCartney). Initially, Mr Sammy Wilson introduced the amendment with great enthusiasm but, as he went on, he seemed to run out of steam.

Mr Wilson's argument had a certain transparency. He talked about the time needed for scrutiny in Committee and the difficulties for the Committee in determining priorities. Perhaps, he had forgotten that we did not receive the courtesy of a consultation from the previous Social Development Minister. He went off without consulting the Committee, and decided not to implement the legislation. Dismissing the Committee and its work in that way could be described as a discourtesy. However, it is much worse than that: the Minister was imposing his moral and religious views on everyone else, removing their freedom of conscience and freedom of choice.

3.00 pm

I say that because while Mr Wilson referred to the terms of reference, which are readily available, he failed to refer to them in depth. He did not explore the fact that the issues under examination are far removed from the subject of Sunday racing, which will not feature at all in the deliberations. It is the extension of course betting into shops, pubs and clubs to provide a greater liberalisation of the existing situation, which will be under consideration. This will not affect Sunday racing, as the Minister was attempting to suggest. The position was a tenacious one, which was taken because he wanted his views to have an impact on the rest of us.

There are other important issues on which I will comment. From my experience in the Down Council area, I am aware of the potential for the tourist promotion of Downpatrick racecourse. We have worked on this and we have seen the potential of the racecourse to increase the income of local businesses with overnight stays in the area.

If Sunday racing were to take place on our two racecourses, there would be a possible increase in visitors by around 17,000. Even more significant is the potential for a series of meetings between the two courses, which would create a complete weekend of racing, attracting an even greater number of participants and followers. Sunday race meetings would provide many options for the tourist industry. Many possibilities exist, and to fail to take on board this motion would be very wrong.

I have plenty more to say but I see that you have risen to your feet, Madam Deputy Speaker. I will simply conclude by saying that I support the motion.

**Mr P Robinson:** There have indeed been some Aunt Sallies dragged into this debate. Straw men have been set up and then knocked down. I am glad that my friendship with Mr McCartney is such that it will see us through a disagreement on this matter, but I do disagree. The issue of the Lord's Day observance is not one that I heard Mr S Wilson raise. It is not one that I heard Mr Dodds advance when it was first raised with him. Nor was it one that I heard Mr Morrow advance when, recently, he expressed views on and cast judgement on the issue. Nevertheless, the issue has been brought into this debate by Sinn Féin, which has told us of the glories of the GAA and camogie that happen every Sunday. There is no reason for introducing this issue.

As far as I know, there is no ban on horse racing in Northern Ireland on a Sunday. Horse racing, as a sport, can take place. The view, which seems to be endorsed by Mr Bradley, is that horse racing is not a sport unless you can bet on it. That seems to be the bottom line, and that throws into question how much of a sport horse racing is, when it is the winning or losing of money that is central to it.

I will also deal with the Aunt Sally brought in by Mr O'Neill, who suggested that there was discourtesy on the part of the previous Minister because he had not brought the issue before the Committee. That is absolute nonsense. The Minister goes to the Committee if he is going to make changes. He gets hundreds of letters every day and every week, but he does not go to the Committee to ask for its view on matters that he does not intend to change. Rather, he goes to the Committee if he does intend to effect change. The matter of prioritising the business of the Social Development Department is what is essential — it is the key issue in this debate.

The motion asks for legislative change, which requires legislative time, and that means Assembly time to see a Bill through from beginning to end. It means Committee time to scrutinise it properly, and it means legislative draftsmen's time. A Bill should not be started unless it can be finished. The Assembly has to prioritise its business, and if something new is to be inserted into the legislative programme, something else will have to be removed.

When the House debated the Programme for Government, the SDLP made no suggestions or proposals. No change was asked for; no amendment was put down, and there was no reference during the course of the debate to this vital change that it now seeks. It is a matter of prioritising business. I can recall nothing in the statement by Mr Dodds, or indeed in the statement by Mr Morrow, to suggest that there should never be changes to the betting law in Northern Ireland. From time to time there will be changes. If you intend to have

a comprehensive change in the betting law in Northern Ireland, let it be after all available expertise has been drawn from the review that is currently under way. One comprehensive piece of legislation is required rather than a piecemeal proposal.

**A Member:** Will the Member give way?

**Mr P Robinson:** I did not see the Member give way when he had his six minutes, and I am certainly not about to give way to him in mine. If he made an inadequate speech, he can kick himself afterwards.

The Member has come forward with one piece of legislation. The appropriate time to do that is when all information is available. The present Minister and his predecessor took the intelligent and rational approach of not determining the future until all evidence was available. I wish others would adopt that position before making pronouncements. When Mr Bradley comes to wind up, I wonder if he will explain to us this new motion on the issue of on-course betting. I think he now realises that if his proposals are accepted, he will have created problems. Presumably someone has contacted him and said "Look, what do you think you are doing? You are going to cause us difficulties."

He has another motion down in the Assembly asking the Minister of Enterprise, Trade and Investment to bring forward legislation on employment protection rights for these people he suggests should be working on Sundays. If you choose to go half-cocked at these issues without scrutinising them fully, these are exactly the kind of problems you will have.

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

**Mr P Robinson:** In conclusion, neither the present Minister nor his predecessor has said anything that has ruled out change. Change comes after proper analysis, when the review is complete and the Assembly has dealt with it in one comprehensive piece of legislation rather than by way of this piecemeal approach that has been proposed by the SDLP.

**Mr M Murphy:** Go raibh maith agat. I rise to support the motion. Horse racing is a major industry on the island of Ireland. The horse racing industry is worth IR£1 million per year to the Irish economy. The export of Irish thoroughbreds accounts for IR£100 million each year. Twenty-three thousand people are employed full-time in the industry. There are two racetracks in the Six Counties, Downpatrick, in my constituency, and Down Royal. The tracks have received substantial grants from the horse-racing fund administered by the Department of Agriculture. These grants are funded by an annual licence fee that is levied on bookmakers' shops and on on-course licensed bookmakers.

Racing is a 32-county sport, administered by the Irish Horse Racing Authority. There is no parity of esteem

regarding the two local tracks while their counterparts in the rest of Ireland have the privilege of Sunday racing. Downpatrick and Down Royal are deprived of much needed funding for the upkeep of their courses, which Sunday racing would provide. The local economy would also benefit from much needed finance. What do we say, while there are so many people in certain parts of our community opposed to Sunday opening? They are the "No" voters, the "No tamperers" in our society. No sport on a Sunday; no anything. You do as I say, not as I do.

However, if I want to go down Garvaghy Road on a Sunday — *[Interruption]*.

**Madam Deputy Speaker:** Order.

**Mr M Murphy:** — and protest, I will do so, but you are not to go to horse racing. My local track needs our support for Sunday racing. Its overheads are enormous. Sunday racing would provide much needed finance towards the survival of Downpatrick racecourse. It would also bring massive employment, tourism and much needed income into the local economy. I ask the House to support the motion.

**Mr Ervine:** Quite a number of very good points have been made, of which Mr McCartney's contribution was probably the most enlightening and responsible. That shows what the House is about — making law that is beneficial to society, so that its citizens may enjoy the interests they wish to pursue provided they do not harm others. Treating Sunday as a day of choice, rather than as a day of enforcement, would offer a degree of competition, and not just between racetracks in Northern Ireland and those on the island of Ireland. It would allow people to make up their minds about where they wish to go, when they wish to go and if they wish to go. They can choose to go horse racing; they can choose offshore betting on the Internet; or they can choose to go to church. They should not be precluded from doing any of those. In fact, dare I say it, I know people who, if they had the choice, would do all three. And as a minister of religion struggles with his economic difficulties, he might be pleased to see them in church rather than enforce some form of embargo that said "Because you go to Sunday racing you cannot come into my church."

One of the shining lights on the periphery of my constituency has been the Dundonald Icebowl. The joy and appreciation that our society has experienced in its hallowed halls —

**A Member:** On a Sunday.

**Mr Ervine:** And why not? Peter Robinson's rearguard defence of the Minister was quite commendable — *[Interruption]*.

Is that for me?

**Madam Deputy Speaker:** Order.

3.15 pm

**Mr Ervine:** Mr Robinson's rearguard action in defence of the Minister is commendable. However, regardless of how articulate and well-argued his position may be, we do not believe that that is the real reason why the Ministers, both the present one and his predecessor, have taken the decision that they have.

Why not allow the people of Northern Ireland to be treated as big boys and big girls? Why not allow us to decide? The legislation is not complex — as far as racing is concerned, it simply makes Sunday like every other day of the week. The DUP cannot do that. They offer us the belief that a legislative Assembly should not make legislation — or at least not too much of it — and not too much of it back to back. We might have to work extra hours, or perhaps an extra couple of days, and the Committees might have to work a little harder, but the public will have to wait. That applies to anything that society wants with which the DUP has any ideological difficulty — perhaps beating the kids in schools. What happens if we end up with a protest against a decision made by a DUP Minister — in this case outside a racetrack — and the protester a Free Presbyterian? We could not have that, could we? Effectively, that is what this is about.

Without question there are secular people in the DUP, and I recognise them and know who they are, but there is a core belief within the Democratic Unionist Party that does not allow society to make decisions based on the fact that people in it are big boys and big girls.

However, there is hope for the racing industry. The swings used to be locked on Sunday, and they are not now; similarly the pubs used to be closed on Sunday, but they are not now. In respect of the changing circumstances of a new society, it has lost every battle it has taken on. So there will be racing, and I advocate it, and you can bet there will be an illegal bookmaker, and then what are you going to do — get the RUC to go in and close it down?

**Madam Deputy Speaker:** Order.

**Ms Lewsley:** I support the motion for a number of reasons that have both a social and economic impact. Much could be done to bring Northern Ireland racecourses, in particular Down Royal in my constituency, into line with those in the Republic and across the water. This would increase tourism and promote the existing amenities in the surrounding areas.

First, there is the potential of an increase in positive publicity for the area. Traditionally there is much local interest in racing, and the press, radio and television stations give regular coverage to the sport. Many excellent local jockeys have gained international recognition. In recent years four Grand National winners and four Cheltenham Gold Cup winners have come from Northern Ireland.

Secondly, there are social aspects. Racing can move away from its previous negative image towards a more popular family-orientated leisure pursuit and as a result of this, could have a significant impact on the local economy. For example, many visitors to racetracks here come from England and all over Ireland. While events are taking place — especially two-day events — there will be an increase in the demand for hotel beds. For instance, during the recent two-day event at Down Royal, an estimated 2,800 beds were booked. The increase in bookings in local restaurants will also help to create more jobs in the hospitality industry, especially at off-peak times during the year.

Lisburn Borough Council jointly promoted this successful festival of racing at the beginning of November. There were over 10,000 out-of-town visitors, and the total spend on accommodation and food alone was in the region of £0.5 million. These figures exclude other activities like shopping, evening entertainment and visitors going to some of our tourist attractions. There is also the increase in trade for local shops and shopping centres. If families are encouraged to come along to race meetings, many will go shopping locally, with the knock-on effect of increased trade in the area.

Local industries related to the racecourse would also stand to gain from an increase in the demand for improvement of facilities and maintenance of the courses — electricians, painters, tack shops, farriers and so forth. The disadvantages that our racecourses operate under, in comparison to those in the Republic of Ireland and Great Britain, need to be addressed. Tax levied on betting in Northern Ireland amounts to £14.5 million per annum, but not one penny is returned to our racecourses, being spent instead on courses in England and Scotland.

Sunday racing and on-course betting could bring courses in Northern Ireland into line with competitors in the United Kingdom, the Republic of Ireland and Europe. Currently, approximately 20% of people who attend events in the South come from Northern Ireland. It is a family day out for many. People wishing to gamble on a Sunday can do so on the telephone, on the Internet, or through digital television, as Billy Hutchinson said.

This extension would not be unrealistic. There would only be a few meetings each year. We are not asking for the promotion of gambling, but rather the promotion of a huge industry and a family leisure pursuit. The cost to our economy if we choose to ignore this issue will be enormous. We need to maximise investment in the economy by bringing it into line with our neighbours. I support the motion.

**Mr J Kelly:** I support the motion, a LeasCheann Comhairle. When I was a young man, I knew of a renowned Unionist politician. He was a barrister, but he is not in this Assembly. Every year on the Twelfth of July he would park his car at the back of the city hall

and join the parade at Carlisle Circus. On the way back to the field, he would leave the parade at the city hall, take off his bowler hat and sash, get into his Jaguar and head for the Dundalk races. That was how he celebrated the Twelfth of July each year.

There is a fundamental puritanism which says that what you enjoy should be done furtively, in the dark, or behind a closed door. David Ervine is right. The Brylcreemed and pink-faced hypocrites of morality in this debate have no other argument than that of the whited sepulchre — white and shining on the outside, but rotten on the inside. Bob McCartney mentioned the dark cloud of Protestant puritanism that denies people the right to enjoy themselves. That was the way it was in the days I spoke of, and that is how it would have remained had we given up what they called a priest-ridden society for a Paisley-ridden society. The DUP wishes to make people live by a new puritanical dispensation by which its members do not abide in their private lives.

Horse racing is the sport of kings, enjoyed by most people who have an outgoing attitude to life. They are not afraid to enjoy themselves in public, not afraid to go to race meetings, either on a weekday or a Sunday, and are not afraid to bet on a horse race — *[Interruption]*.

Mr P Robinson is right. This debate is not about horse racing on a Sunday — it is about having a bet on a Sunday — *[Interruption]*.

**Madam Deputy Speaker:** Order.

**Mr J Kelly:** Your magic is working, Madam Deputy Speaker. The rabble has subsided.

I shall go on, a LeasCheann Comhairle. It is interesting that at the last Down Royal meeting the sponsors and those who promote racing at the course were delighted to invite the racing fraternity from all over England, Scotland, Wales and the Twenty-six Counties. They brought both horses and people of some renown to the meeting, the former group including Florida Pearl, Doran's Pride and Looks Like Trouble. The last horse mentioned, which won the Cheltenham Gold Cup last year, was foaled in south Armagh.

**Mr P Robinson:** Tell us about Shergar.

**Mr J Kelly:** If you have the time, I shall.

**Mr P Robinson:** Tell the police.

**Mr J Kelly:** No, I shall leave that to you.

Looks Like Trouble was foaled in south Armagh on a night when there was a great deal of British Army helicopter activity. People were trying to decide the name of the horse at the time, and the owner looked up and said "I think we shall call it 'Looks Like Trouble'." That remark reminds me of the people before me, who not only look for trouble, but also look like trouble. I support the motion.

**The Minister for Social Development (Mr Morrow):**

I have listened with interest to the comments made, some of them well-informed, some ill-informed. There were some good speeches, and some were read well. Some were not read so well, and some were misinformed. We have had the whole range today, and I suspect that it will all generate more heat than light. It is patently obvious that some of those who have spoken today have not done so from a knowledge, but that would be nothing new in an Assembly such as this.

Perhaps it would be helpful to Members if I tried to elucidate some of the confusion. There is no legislative impediment whatsoever to racing on a Sunday. Certain learned people in the Chamber seem to be ignoring that fact; perhaps they have forgotten it, or think it insufficiently important to state it. Sunday racing has been legal since August 1996, but racing interests do not consider it financially viable without betting facilities. Are we discussing a sport or a commercial industry here today? Some people seem to be talking about different things.

The motion is specifically directed at the provisions in article 48 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 prohibiting Sunday betting on racetracks. The Order also prevents Sunday betting in licensed bookmaking offices. I was not, of course, party to the considerations which led to the prohibition on Sunday betting, but I view it as an acknowledgement that, for many people in Northern Ireland, Sunday has special significance.

My predecessor as Minister for Social Development, Mr Dodds, decided earlier this year not to proceed with the package of betting and gaming changes announced by the previous Administration before the outcome of the current review of gambling law in Great Britain. The package included a change to allow on-course Sunday betting together with new employment protection rights for track-betting workers. The employment protection aspect now falls within the remit of the Minister of Higher and Further Education, Training and Employment.

I wish to make it very clear that I fully support Mr Dodds's decision, both generally and in relation to the specific issue of on-course Sunday betting.

3.30 pm

The amending legislation required to remove the prohibition would be subject to the full Assembly procedure for primary legislation, and would inevitably take time. It would be completely irresponsible to submit proposals for legislative changes on this issue to the Assembly at a time when a comprehensive review of gambling law is being undertaken in Great Britain, which is likely to have implications for Northern Ireland. To suggest using valuable Assembly time to pursue an issue of only limited interest to the people of Northern Ireland would clearly be considered by many to be an inefficient use of resources.

I have a wide range of ministerial responsibilities for the community at large. There are many pressing issues affecting a large number of vulnerable and needy people throughout Northern Ireland. At this time, my priorities remain the much-needed reform of legislation covering housing and street trading and, as Members know, the Child Support, Pensions and Social Security Act, which has now received Royal Assent.

The Housing Bill alone runs to more than 200 clauses and represents an intensive piece of work for my Department, the Social Development Committee and this Assembly. It will make important and much needed provisions for homelessness, antisocial behaviour, housing for travellers, housing in multiple occupation, the right for housing association tenants to buy their homes, and more targeted grants to enable us to tackle unfitness.

For these reasons, I cannot support the motion. I am confident that, having heard my reasons, Members will support the amendment and endorse my decision not to give further consideration to a change in the law until I have considered the implications for Northern Ireland of the current gambling review in Great Britain.

I will now deal with specific points raised by some Members. First, I want to make an important general point. I want everyone to listen to it, particularly those who support the changes. Not one individual has contacted my Department, either by phone or in writing, and said that it is time to change the legislation, other than those deemed to have a vested interest. Members may not want to hear that, but the thought prevails today that people only want to hear what they want to hear, and they are not that interested in anything that is contrary to their view.

**Mr McCartney:** Mr Morrow would be pretty expert in that.

**Mr Morrow:** Some others are very learned in it too. We cannot all be as articulate as Mr McCartney. That is the weakness that some of us have.

Mr Bradley mentioned a figure of some £20 million. I do not know where he got that figure, as he did not substantiate it in any way. He plucked it out of the air. He said that some £20 million would be lost to Northern Ireland as a result of not having on-track betting on Sundays. He will probably inform the House how he arrived at that figure in his winding-up speech.

Mr B Hutchinson said that some 150 jobs were in jeopardy. Again, he did not elaborate and it seems to be a figure pulled out of the sky. No doubt he will elaborate later.

Much has been said today about the impact on tourism. It is all very well for Members to stand up and wildly pluck figures out of the sky. They would be far more convincing if they could show where they get their figures from. For reasons best known to themselves, none of them decided to substantiate any of their figures. Of

all those who made the argument for the motion, no matter how articulate they might think they are, not one said that we had got our priorities wrong.

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

**Mr Morrow:** No. Not one of them suggested, either to me personally or on the Floor of this House, that the Department for Social Development's priorities were totally wrong, and that gambling legislation should take a higher priority than housing legislation. They did not have the courage, or they did not seem to want to do it.

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

**Mr Morrow:** I did not interrupt Mr McCartney when he was speaking.

**Madam Deputy Speaker:** Order.

**Mr Morrow:** Many people want to make a contribution now. Why did they not do so while they were speaking?

**Mr McCartney:** We only had six minutes.

**Mr Morrow:** Michelle Gildernew, of Sinn Féin/IRA no less, stands up and says quite clearly — *[Interruption]*.

**Mr J Kelly:** On a point of order. I asked this question before, Madam Deputy Speaker. Is it allowable that a Member of this Assembly should address a party other than by the name with which it has been designated in the list of the Assembly's political parties.

**Madam Deputy Speaker:** Members have been referring to each other in many different ways. As long those references do not fall into the category of unparliamentary language, they are allowable.

**Mr J Kelly:** Further to that point of order. Can we then refer to the DUP as the DUP/LVF or DUP/Orange Volunteers?

**Mr Morrow:** I was dealing with a point made by Michelle Gildernew of Sinn Féin/IRA before I was interrupted. She goes on to say that she is concerned about the impact this would have on the economy and the money that would be lost. Can you believe that, coming from Michelle Gildernew of Sinn Féin/IRA? She talks about the loss of revenue when the organisation that her party is inextricably linked with has caused 30 years of devastation, murder and terror. Millions upon millions of pounds have gone down the drain because of the actions of Sinn Féin/IRA — and she insists that she is concerned about the economy. She is not very convincing. She needs to try a little harder.

Mr McCarthy knows a winner when he sees one — that is undoubtedly why he is in the Alliance Party. He is not as good at picking a winner as he thinks he is since he has not convinced anyone, even though we listened to him very carefully.

I want to say to Mr McCarthy that there is no prohibition on betting on a Sunday.



**Mr McCarthy:** Not on-track betting.

**Mr Morrow:** You can place your bets — and it had been mentioned several times today that numerous facilities are available to you to place your bets.

Mr Ervine, the fountain of all knowledge, tells us that this has nothing to do with betting or not betting on a Sunday. It is something more sinister than that. He is the one individual who can look into everybody's soul and discern exactly what they are thinking. He is actually telling Members that what they are saying is not what they are thinking — they are far more devious than that. By the same logic, I would then have to say that what Mr Ervine says is not really what he is thinking. He must have a devious motive. Therefore, whatever he has said today is not genuine. He has another motive.

He is not interested in Sunday on-track betting. That is not his motive. He has not revealed his motive yet. Therefore, Mr Ervine, as you tar others, you shall be tarred. He will have to be called into question. Everytime he has something to say, we will have to discern that his motives are not right.

Mr B Hutchinson asked if the Minister could justify ignoring the employment and economic benefits for tourism in Northern Ireland as a result of Sunday on-track betting. I do not take lightly any proposal that would benefit industries or increase job opportunities in Northern Ireland. In this case, I take the view that other considerations far outweigh such benefits.

When the Programme for Government was announced, I did not hear any Member stand up in this Assembly and say that there should be a change in gambling legislation. I would have thought that all those who claim to be knowledgeable would have caught on to that point at the time, and not need hindsight. It should have been right at their fingertips to tell this and other Departments that our priorities were all wrong; that housing, street trading and child support legislation should not have priority over betting and gambling legislation. I think that they should have priority over gambling legislation. That is why Mr Nigel Dodds adopted those priorities, and that is why I support those priorities in the House today.

**Mr B Hutchinson:** The Minister did not address my amendment at all. He did not talk about gaming machines in bookmakers' shops. I understand what he said about the need to write the legislation. However, my understanding is that two of his advisers are dealing with the Street Trading Bill. That Bill is nearly finished, so why can they not tackle other legislation? They are not involved in other legislation that I know of, and they have never come before our Committee. I assume that they have been working on the Street Trading Bill and have now finished it. They could easily get on with preparing other pieces of legislation. In January 1998, both direct rule Ministers announced that they were ready to bring forward the legislation shortly. Therefore it must not need much preparation.

What the Minister said was reminiscent of those occasions when direct rule Ministers gave the weasel-concept of choice: only one thing can be chosen, so choose between these three — that is what we are being given. This is not about choice, or about which legislation comes first. The legislation needs to be prepared and brought before the House. As I said, these are not life-and-death issues. Everyone wants to see child support matters and the Housing Bill brought forward, but they are not ready yet. The legislation should be prepared and brought forward, because we have been crying out for it for long enough.

The hon Member for North Down, Mr McCartney, made a good case on my behalf. He got right to the core of the political argument. However, I am not sure that the Minister listened to what Mr McCartney said. If he had, he would understand that Mr McCartney's short six-minute speech summed this up very well.

This issue is not just about on-course betting on a Sunday. It is also about jobs in the industry. In GB, 10% of betting shops have lost their business because of the lottery. A 10% loss in Northern Ireland would equate to 150 lost jobs. I draw that figure directly from GB. If the lottery causes bookmakers to lose 10% then 150 jobs will be lost. That is why I brought forward this amendment. I want the Minister to bring forward legislation to allow two gaming machines in every betting shop. That would cover those losses and safeguard jobs. Members talked about family values. If 150 people lose their jobs, what use will family values be to their families? They will be on the dole and have no money. We need to focus on the real issues. It is about bread-and-butter issues and how people can make a living.

**Mr McCartney:** Did the hon Member hear anything in the speech of the relevant Minister that concerned the timing of the introduction of on-course betting, and was not a clear refutation of the principle of on-course betting on a Sunday?

**Mr B Hutchinson:** I agree with the hon Member for North Down. One of the most disappointing things is that the Minister has not made a case about any of those issues. The case that has been made is for keeping this legislation away from the Assembly. That is very unfortunate. The Minister should have argued the case that it should not be done. Although tourism was mentioned, he admitted at the end of his speech that he was not going to get into that argument.

3.45 pm

It is a valid argument, because it concerns how we can bring money into this society.

I refer back to the consultation that took place over a two-year period before 1998 between the public, proprietors of bookmakers' shops and owners. After consultation the opinion was that things should change. There has been no change to that view.

The review in Great Britain that has been mentioned is not about on-course betting but offshore betting. That is what we will be talking about — multimedia, interactive television, digital and all that brings.

The point was made earlier that the review is not saying that there should be no gambling on a Sunday. You can have horse racing without betting. I do not want to draw analogies, but you would not get the same kick from it. People go to the races to place bets and win, not just to look at horses. I will resist the temptation to draw an analogy with a supermodel.

As to how we move forward, the Minister needs to look at the legislation governing bookmakers' shops.

**Mr Ervine:** Mr McCartney tried to ask the Minister if he has a principled position. The Minister told us that he agreed with the previous Minister's decision, but he did not tell us why. Is this a principled decision by the Minister, or is it simply that there is no legislative capacity in the Programme for Government to take this legislation forward?

**Mr B Hutchinson:** With the exception of the DUP, most people in the House, accept that. It is a well-worn argument, and I would like to move on.

We need to introduce this legislation for gaming machines and for Sunday on-course gambling. Otherwise the industry will be curtailed and people will lose their jobs in bookmakers' shops.

**Mr S Wilson:** One is tempted to draw a number of racing analogies in winding up this debate. The bookie's whip has been applied as far as some parties are concerned today, and I have already pointed out that it is significant that the motion before the House coincides with pleas to certain Members from on-course bookmakers.

There has also been a certain amount of grandstanding today. While people have been putting down motions — *[Interruption]*.

**Mr Paisley Jnr:** Are you flogging a dead horse or are you on a beaten docket?

**Mr S Wilson:** I am flogging a dead horse, but I will come to that in a moment. Stop stealing my lines. I hope that my amendment is not a beaten docket, but the vote will decide on that.

There has been a certain amount of grandstanding today. Some Members, not all, have not taken this debate seriously and have used it as an excuse to attack the Minister for Social Development rather than further the case that has been put forward by Mr Bradley.

If Mr Bradley were really serious, or, indeed, if those Members who spoke so fervently were really fervent in favour of this legislation, why did they not bring forward a private Member's Bill to the House? Why did they not take the initiative rather than use this debate as an excuse to beat the Minister?

A number of people have jumped the gun — that really is a racing term, but I am sure that you get the idea. They have used arguments that neither the Minister nor I have advanced in the House. It is easy to set up fences that Members can subsequently knock down, or fail to jump.

The motion is not a Sunday issue. In the words of David Ervine, it is all about a puritanical dispensation. He had a field day today because he was given unbounded chances to use big words.

**Mr Ervine:** On a point of order, Madam Deputy Speaker. Hansard will show that I did not say "puritanical".

**Mr S Wilson:** I wrote it down. I got the "dispensation" part right and I am sure that "puritanical" was in front of it.

People have sought to put arguments and reasons into my mouth, and into the mouths of Members who have supported my amendment. I have not put forward such arguments. However, those people have failed, and that is important. It is easy for Members to put forward those arguments because it means that they do not have to address the questions I posed at the beginning of the debate.

Mr McCartney was first to mention a review, but other Members have raised it since. Any review is likely to add to the liberalisation of the gambling legislation. I suspect, given the terms of reference, that that is true. Particular measures will add to the liberalisation of the legislation. However, the legislation will require changes. Why not make all those changes at the same time, rather than bring in one piece of legislation and then another?

**Mr McCartney:** Does the Member appreciate that it may be four years before that question is addressed?

**Mr S Wilson:** I do not know the length of time that is likely to be involved — it may be three or four years. The direct rule Minister first mooted the issue before 1998 and made his announcement at the beginning of 1998. He did not feel that it was urgent, and he did not introduce it during direct rule.

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

**Mr S Wilson:** The House has choices to make. Billy Hutchinson is right — we did not debate the case for and against Sunday betting. That is what Members would do if they had the Bill in front of them. The Assembly has to decide what its priority for legislation is. The House should give priority to the programme that it has before it and to those matters that the Social Development Committee has raised. Legislation can be looked at then.

**Mr Bradley:** With regard to Mr Wilson's amendment, it was Mr McCartney who said that he admired Mr Wilson's sense of humour. However, Mr Wilson extended that too far when he said that my interest in the motion

was geographical and constituency-based. My nearest racecourse is at Dundalk, and Down Royal is not in South Down. Therefore, either I got my geography wrong or I missed canvassing in those two areas during the election.

I cannot support Mr Wilson's amendment. Either he was not here, did not hear or did not wish to hear my opening remarks, and I also draw that to the Minister's attention. I will quote from my opening remarks to illustrate where I got the figure of £20 million:

"It is my understanding that completion and implementation of the report could be four or five years away".

For that reason alone the Assembly could not force the industry, and those depending upon it, to suffer such an unnecessary delay. The implications of going without for a lengthy period was best summed up in newspaper reports in July when one local racecourse manager, whom I regard as a professional person, calculated that such a lengthy delay would result in an approximate loss of £20 million to the Northern Ireland economy. Mr S Wilson totally failed to recognise the benefits to the economy that are contained in the motion. This morning his Colleague Mr Paisley Jnr stressed the importance of a thriving rural community. My motion deals with that. Therefore I cannot support the amendment.

I am more reluctant to go against the second amendment in the name of Mr B Hutchinson. It does not directly relate to the content or substance of my proposal. I recognise that Ministers Worthington and Ingram favoured the introduction of gaming machines in betting offices, and I accept that if they were placed in betting offices they would be subject to rigid control. However, that is a totally different matter from the debate before us. We all know that the issue of gaming machines can be very contentious, regardless of location. I also know that if the words "gaming machine proposals" were added to my motion, it would pose an undue delay on the introduction of Sunday on-course betting. It would add to the Minister's workload, making my proposal more difficult to introduce in the desired time frame. I do not want the Minister to have any excuse to put off on-course betting, or to put it on hold. Therefore in the interests of expediency and my concern about the timing of the implementation, I have to vote against Mr Hutchinson's amendment.

I thank all the Members who participated in today's debate, especially those who spoke in favour of the motion. As I stated at the outset, I propose the motion in anticipation of the long-awaited boost that it would bring to Northern Ireland's economy. It appears that those who earn their livelihood from horse racing, as well as those who simply enjoy the sport, have patiently awaited new legislation on Sunday on-course betting in Northern Ireland.

The Minister said that no one contacted him. Did his advisers not draw his attention to the 1997 consultation

paper on Sunday on-course betting in Northern Ireland? The Department of Health and Social Services received over 2,500 responses from organisations, businesses and individuals from a wide range of perspectives including churches, bookmakers, district councils, youth organisations, local action groups and private citizens. Apparently 78% of those who responded were broadly content with the proposal to legalise on-course betting on Sundays in Northern Ireland, compared with 22% who were opposed. That is a ratio of approximately 4:1.

By supporting this motion Members will be supporting a variety of individuals and groups throughout Northern Ireland. In recent years millions of pounds have been invested at our two racecourses, Downpatrick and Down Royal. That level of investment has benefited local businesses as well as the wider economy of Northern Ireland. The racecourses and other businesses, however, have not fulfilled their economic potentials. This is partly due to existing legal restrictions such as on-course Sunday betting restrictions. The earliest possible implementation of the motion will allow such businesses to realise their potential and will help to boost the overall economy. If the relevant legislation can be guided through the House before next July, when the Irish racing programme is drawn up, it will facilitate the introduction, in 2002, of six or seven additional meetings per annum at the two local racecourses.

The motion does not seek to legalise Sunday horse racing, as the Minister and others have said. That activity is already legal in Northern Ireland. The motion seeks to legalise Sunday on-course betting in Northern Ireland, and that has been long awaited by those who earn their livelihood from horse breeding and horse racing, as well as those who enjoy the sport. I remind Members that the motion to be debated at a later date will deal with the protection necessary to safeguard the rights of employees who cannot work on Sunday for religious or family reasons.

In response to Mr P Robinson, I have to say that out of concern I did table the two motions at the same time, and I would have preferred them to be taken jointly as motion A and motion B. Unfortunately it did not happen that way.

I thank all Members who voiced their support for the motion and request that those who have reservations about it refrain from action that will deprive Northern Ireland's economy of any anticipated growth that the motion may facilitate.

4.00 pm

*Question put*, That the amendment in the name of Mr S Wilson be made.

*The Assembly divided: Ayes 27; Noes 49.*

AYES

Fraser Agnew, Billy Armstrong, Roy Beggs, Paul Berry, Esmond Birnie, Norman Boyd, Mervyn Carrick, Wilson Clyde, Robert Coulter, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Danny Kennedy, William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

NOES

Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, Seamus Close, John Dallat, Duncan Shipley Dalton, Ivan Davis, Arthur Doherty, Pat Doherty, David Ervine, John Fee, Tommy Gallagher, Michelle Gildernew, John Gorman, Carmel Hanna, Joe Hendron, Billy Hutchinson, John Kelly, James Leslie, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, Robert McCartney, David McClarty, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Alan McFarland, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, George Savage, John Tierney, Jim Wilson.

*Question accordingly negated.*

*Question, That the amendment in the name of Mr B Hutchinson be made, put and negated.*

*Main question put.*

*The Assembly divided: Ayes 48; Noes 28.*

AYES

Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, Seamus Close, John Dallat, Duncan Shipley Dalton, Ivan Davis, Arthur Doherty, Pat Doherty, David Ervine, John Fee, Tommy Gallagher, Michelle Gildernew, John Gorman, Carmel Hanna, Joe Hendron, Billy Hutchinson, John Kelly, James Leslie, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, Robert McCartney, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Alan McFarland, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, George Savage, John Tierney, Jim Wilson.

NOES

Fraser Agnew, Billy Armstrong, Roy Beggs, Paul Berry, Esmond Birnie, Norman Boyd, Mervyn Carrick, Wilson Clyde, Robert Coulter, Boyd Douglas, Oliver Gibson,

William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Danny Kennedy, David McClarty, William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

*Main Question accordingly agreed to.*

*Resolved:*

That this Assembly supports changes to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 and any other relevant statutory provisions to legalise Sunday on-course track betting in Northern Ireland and calls upon the Minister for Social Development to bring forward proposals to this effect.

*(Mr Deputy Speaker [Mr McClelland] in Chair)*

## **TERM-TIME WORKERS (EDUCATION): RETAINER PAYMENT**

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

That this Assembly supports the call for retainer payment to be made for term-time-only workers and commends the proposal of the Education Committee for the provision of funds from the education budget to pay the salary cost incurred.

In the past, some Members have been unhappy about the timing of this discussion in the Assembly. Negotiations between the unions and the joint negotiating committee are ongoing. Some have felt that, since the negotiations are not complete, it is wrong for the Assembly to reopen the issue. However, the motion was put to the Business Committee around two and a half months ago, and the timing is more to do with the Business Committee than with any particular event.

Nevertheless, the motion is particularly timely because we have reached a stage in the negotiations where the employers must consider the possibility of a total breakdown if there is not some movement. Secondly, the Department must realise that a satisfactory outcome to these negotiations cannot be reached unless additional money is made available.

There are two parts to the motion. First, there is a group of workers in the education industry who, because of the way contracts have been drawn up, are left in an untenable position over the holiday periods. The motion recommends a particular course of action. Secondly, if something is to be done about that, money must be made available.

I do not want to go through the well-rehearsed case of the hardships faced by term-time-only workers. Attempts have been made to paint these employees as people who are simply bringing in a second income to the household. Since some consider that just to be pin money, the conclusion reached is that this is not a big issue.

However, the vast majority of these workers are women and, for a high percentage of them, their income is the household's only one. Therefore, to be left for a long time without an income and without the ability to claim benefit is intolerable. The employment structure is totally chaotic. Among employees doing the same job, some are regarded as full-time workers, some are classed as part-time workers with payment during holiday periods, and others are part-time workers with no payment during holiday periods. They are all doing the same kind of work — sometimes in the same school — and that is untenable.

There is an equality issue involved because of the gender aspect and also because people are doing the same job within the same school, yet receiving different rates of pay.

The motion will command widespread support in the House. When the matter was debated before, Members saw the strength of the term-time-only workers' case, and they will give it a ringing endorsement today.

*4.30 pm*

This motion today is different, however, because it asks Members to go a bit further. This is where the difficulty is created. It not only asks for support for the case but also recognises that there are financial implications, which cannot be met within the existing schools budget. Therefore, if there is to be a satisfactory resolution, it requires additional money from the Department. I am sure that members of the Education Committee will rise and protest their innocence in this matter, but that particular issue has already been recognised by the Committee, which unanimously agreed that the Department should make the additional money available. We are talking about approximately £2 million to finance this scheme of retainer payments — half pay — for those who are term-time-only workers and who are currently not on retainers nor on the 52-week cycle.

It is, of course, the finance aspect which has caused difficulty. I am glad to see that the Minister is here today — perhaps we will get some answers from him. It is very easy for people in the Assembly to say that they support the case of term-time-only workers. The Minister did that. In fact, at the Northern Ireland Public Service Alliance conference on 3 March this year the Minister was photographed signing the petition. Let me remind the Minister what the petition said:

“We, the undersigned, strongly support the payment of a retainer fee to term-time employees in schools and colleges during periods of school holidays.”

On 3 March the Minister took the view that that was a great idea, and he gave it support. On 28 June the joint negotiating committee made an offer which did not contain any retainer payment. It simply said that they should take their income, which is presently allocated for nine months of the year, and spread it over 12 months. I want to come back to that issue in a moment, to see what it means for some of the people concerned. The Minister issued a press statement, encouraging the term-time staff to accept the payment offer. Therefore, from strongly supporting the retainer fee, we now find the Minister telling the staff to accept an arrangement which paid no retainer.

Of course, when I put it to the Minister in the House on 25 September he had changed his mind again, and he indicated that it would be inappropriate for him to comment on the issue. I suppose we can be thankful that

Minister is here today to tell us what his current position is. Is it the 3 March position, the 28 June position or the 25 September position, or is it some other position? Of course, promises from Sinn Féin, in this House or elsewhere — it does not matter whether those promises are to Mrs Hegarty in Londonderry, to the de Chastelain Commission, or, indeed, to the First Minister — are not worth the paper they are written on. The words spoken just disappear into the vapour. They are never followed up.

It is not just the Minister who seems to have this loss of memory. On 15 September the Education Committee wrote to the Minister indicating that it unanimously agreed that there was a need to take swift and decisive action and for the Department to make sufficient funding available to the education and library boards to pay retainer fees. It now seems that the two members of IRA/Sinn Féin on the Committee did not unanimously agree to this. They had a difficulty with this. I am sure that they will speak for themselves later.

I wanted this debate today in order to get some clarification from the Minister. I also wanted to give the House an opportunity to endorse the rightness of providing funding for people who could not in any way be described as well paid.

I want to look at the arguments that have been advanced for not paying a retainer fee. The joint negotiating committee has produced a booklet listing them. I find the first one very odd in light of the recent press release and the Northern Ireland Audit Office inquiry. It is that one cannot pay people for no extra work. If a retainer were to be paid to term-time-only workers, they would be getting additional money for no extra work done.

According to the Northern Ireland Audit Office, there are no such qualms when it comes to school principals. More than half of the principals surveyed by the Audit Office had no clear criterion on which they received a pay increase. The total value of the pay increase was £1.4 million, and in some cases the extra pay to individual principals was more than the yearly pay of term-time-only workers. Some principals got an increase of over £7,000. It is not right that in the education sector people can say that workers should not get extra money for doing nothing, while the people at the top of the education tree do — and in vast amounts.

The second thing is that this pay is not unusual, and these people are not the lowest paid in the education industry. The joint negotiating committee claims that some of them earn £7.00 an hour. I have a constituent who recently applied for a job as a school caretaker. His payment was going to be £4.86 per hour. Averaged out over 12 months, that would have become £3.49 per hour. As a school caretaker he would be earning less than the minimum wage, yet the argument is that these pay rates are not unusual.

Another argument put forward is that if a retainer fee were to be paid to people who are not working during the holidays, it would be a discouragement to the full-time staff who have to work over the holiday period. However, we are not asking for full pay over the holiday period for term-time-only workers. The retainer will be only half of what those who work over the holiday period — secretaries, technicians, or whatever — will be getting.

The next one — and I noted the wording used — is that if these people are paid then everyone else will want to catch up, and restoring differentials will create an enormous bill. However, the unions have not indicated that this will be the case. Even the joint negotiating committee's own document says that there might be a potential for additional spend, but it does not quantify it. It does not say that representations have been made by people who want differentials restored, but it simply throws it in as an argument.

There are some other arguments in the document, but none of them stands up to public scrutiny. It is untenable to maintain a situation in which different people are paid in different ways, where some people are left destitute over the holiday period, or where solutions are proposed that put people working in the education industry below the minimum wage. None of these situations is acceptable. The Minister may choose to ignore this, but he will have to account for the fact that he ignored the views of the Assembly. The Assembly should clearly signal to the Department of Education that people who are an essential part of the education industry are being badly and unjustly treated.

I would like to put this in context. The funds that the Minister proposes spending on the educational promotion of the Irish language would pay the retainer fees for those claiming them twice over. This Assembly should be sending a signal to the Minister of Education that it is wrong to treat these people this way. He should redress the situation by making resources available so that the joint negotiating committee can work out a solution.

**Mr Deputy Speaker:** A large number of Members have indicated that they wish to speak. Each will have seven minutes.

**The Chairperson of the Committee for Education (Mr Kennedy):** I welcome the opportunity to speak on the issues concerning the ongoing dispute. The Education Committee has shown an interest in this extremely difficult year-long dispute. The Committee has stated many times that it wishes to see a speedy and equitable resolution to the problems experienced by all involved. As Chairperson of the Education Committee, I want to concentrate my remarks on the Committee's role in this issue. Later my Ulster Unionist Colleague Ken Robinson will outline the party's position.

The Education Committee has written to the Minister urging him to take swift action to make the necessary funds available so as to ensure that no further financial burdens are being placed on school budgets already under severe pressure.

Members should be aware of the extremely complex background to this dispute, which involves term-time staff throughout the Province. The Education Committee has received several briefings on this. We understand that approximately 5,000 staff fall into the category of term-time employee. They include classroom assistants who work in special schools and in mainstream primary and secondary schools. School secretaries and technical staff are also involved. They are contracted to work only during school term, and they play a vital role in the provision of our education system.

In the past, such employees were entitled to receive benefits from the relevant Government Departments when they were not working and receiving wages from the education and library boards. Owing to changes in the social security regulations such employees have been deemed ineligible for those benefits and have accordingly suffered grave financial loss.

4.45 pm

That situation is complicated by the fact that some of the five education and library boards' term-time staff are paid for the full 12 months of the year. This has arisen for a variety of reasons, and the Education Committee seeks an assurance that such anomalies will be rectified as part of the ongoing negotiations. The Committee has heard presentations from both trade union representatives of the term-time-only staff and the management section of the education and library boards' joint negotiating council.

At constituency level, I have received numerous representations from term-time workers who find themselves involved in this long-running dispute. The Education Committee and I believe that a more flexible and innovative approach is required to address this issue. I urge the Minister, as well as making strenuous efforts to have this matter resolved quickly, to ensure that the necessary money be made available for whatever solution is found. We have written to the Minister asking for swift action to do this so that no further financial burdens are placed on existing school budgets. That is an important consideration, and I hope very much that he will address these points when he comes to speak in this significant debate.

**Ms Lewsley:** I support the motion. Many people here will realise that the issue of payment for term-time workers is not new. Indeed, it has been with us for the last 20 years. However, the situation has been exacerbated in recent years by the Government's tightening of social security regulations to exclude term-time workers from claiming benefits during school holidays. Term-time

workers include administrative staff, laboratory technicians, classroom assistants, school dinner staff and even cleaners.

The education and library boards did not deal with the problem of term-time workers; instead they swept the issue under the carpet, camouflaged by the fact that such workers could claim social security benefit during holidays. Since the changes in social security legislation, however, there has been significant hardship. As Sammy Wilson put it in his opening remarks, how can a person on a low income make financial provision to survive over the two weeks at Christmas, the two weeks at Easter and the eight weeks of the summer holiday?

Of these workers, 98% are women, and a high percentage head single-parent families. Many work part-time to facilitate their families because of the poor availability and expense of childcare. The hardship endured is totally unacceptable. Negotiations have been ongoing since April 2000, and we have seen the summer come and go without a resolution. We now have Christmas on our doorstep, still with no agreement. The circumstances of these employees have not changed over the last few years and still create hardship.

One of the biggest problems with this issue is the lack of consistency shown by the boards in dealing with the problem. There is an unacceptable, patchwork approach. Some boards have been involved in negotiations with term-time workers and unions, but I understand that one in particular refuses to talk to staff and unions while another has offered to spread payments for 10 months' work over 12 months. That would cause even more hardship for term-time workers, possibly taking their hourly rates to £3.49 — below the minimum wage.

Another board has offered a payment of £200. It is not clear if this is a one-off payment for this year only or if workers will receive this amount every year. I suspect that it is the former. Consider the emotional blackmail that many of these employees are put under and the gross demoralisation and demotivation among workers who are essential to making our schools function.

In our efforts to provide equality of opportunity for all, we must ensure that the plight of term-time workers is dealt with fairly and in accordance with the equality legislation.

**Mr Fee:** My Colleague has just put her finger on it. This is about equality, fair play, treating employees properly and social justice. The people we are talking about make the education system work. They allow boards of governors to govern, civil servants in education boards to serve, teachers to teach, and children to learn, and I cannot think of a more offensive way of treating them. They are being told "You will be retained throughout the summer, and you cannot claim any benefit support, though you will not be paid. You must be here next September, *in loco parentis*, to look after and protect our children, look after their welfare and make our

education system work, but we are not going to value your services.”

It is in that context, and the context of fair play and equality, that this debate should be continued. I ask the Minister to look at the motion carefully. It does not tie his hands, as previous motions have.

**Ms Lewsley:** I thank the Member for his intervention.

What is required is equality of treatment with other staff. These people need at least a 50% retainer during holiday periods. I am concerned that if the situation is allowed to continue, many of these workers, who are essential to the education sector, will look elsewhere for continuous employment. We need a Northern Ireland-wide policy. It is time for the Minister of Education to intervene by making the funds available and in future to ring-fence the money to provide funding for salaries. At present, money for term-time staff comes from school management budgets. Term-time staff, unlike teachers, have to compete with the need for equipment, books, and so on. We have also seen in recent weeks — Mr Wilson mentioned this — the pay increases that have been given to some head teachers. This is totally unfair and the situation needs to be redressed without further delay. I support this motion.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. As the Committee Chairman has said, we have some difficulty with the motion. In the Committee there was agreement, to a large extent, that there was a need for an amendment as a more flexible and appropriate response to the ongoing negotiations. The motion moved by Mr Wilson is inappropriate and untimely. By going forward together, the Committee should try to resolve the issue and not create difficulties. Perhaps Mr Wilson was not in attendance when the presentation was made on this issue.

We have great sympathy for these people's situation. This problem has gone on too long, given that it is so important for schools.

They are very hard-working, committed and responsible people. Therefore they need our praise and our support, particularly for morale, so that they will stay. We need people to stay in these jobs rather than have them leave because they are not being properly paid. They have to commit themselves to the job as a full-time job rather than a part-time job. Also, they are key people in the schools; they are key to the overall running of the school and especially to the children's education at primary school level.

While, to some extent, full-time teachers are being paid off, the number of term-time people is increasing. It should be the other way round. We need more permanent staff and less use of putting people into this part-time bracket. This problem has been allowed to go on for years and the education and library boards did not

try to deal with it although they had an opportunity to do so. The difficulty started when income support was removed. At least that was helping to alleviate difficulties during the holiday periods.

I could ask Mr Wilson to consider, as a way forward — and it is one of the flexible approaches that we are trying to get as far as options are concerned — to ask his own Minister, the Minister for Social Development, to reinstate income support for holiday periods. Ultimately, we are talking about which budget the money should come from. If we are arguing that money should come out of the present budget for children, should it be taken from the money for their books or their needs? Where should the money come from? These are particularly difficult arguments and we really do not want to get into them. We want the issue to be resolved. However, I could again point the finger at Minister who deals with social security. This is what joined-up government should be about.

The Department for Social Development has made considerable savings by putting pressure on people receiving incapacity benefit and other benefits to come off those benefits. Most people receiving benefits are in need of them. However, there have been massive savings so as to try and massage the figures so that things will look well at the next British Budget.

I want to see fair play and fair pay given to the term-time people in particular. This issue should not have been raised at Assembly level while negotiations are ongoing. For that reason, this motion is inappropriate and untimely. The Assembly's intervention could have been put off to another time. At the moment it amounts to interfering. From my recollection, the letter which was mentioned — and which was sent to the Minister — actually did not properly designate whose budget the money would come from.

If we try to go down the road that has been pointed out then the whole question is about implementation. How will it be enacted? There are particular difficulties with trying to enact what has been said in the motion. That is one of the problems, pointing again to the budget and who is going to end up paying. We certainly do not want to see children losing out.

I want to see this issue resolved as soon as possible for those involved. However, the substantive motion does not do this and it is inappropriate at this particular time. The Committee, including the Chairperson and the proposer, were happy to go forward with the amendment. We were all in support of that, and thus against the motion. To do the right thing we should — rather than getting into a controversial situation and causing difficulty — have been going forward with the most flexible and appropriate approach. What Mr S Wilson has proposed is not that, and I have great difficulties with it.



**Mrs E Bell:** This issue has been rumbling on for some months and years, and it is still being discussed.

5.00 pm

Those members of staff who are directly affected have been left in confusion and anguish. Therefore we must show our support for them today, with regard to both their working conditions and their need for proper salaries. I must take issue with Mr McHugh and say that I do not think that this will be seen as interference; rather it will be seen as support for their cause. As Members of the Assembly we should demonstrate that support.

No one has given them any assurance that their salaries, or even their posts sometimes, are safe. As Ms Lewsley pointed out, there have been many meetings between the unions and some of the boards, but most of them have ended in acrimony. As usual, money is the bottom line. There appears to be no money in the Department, none in the boards and certainly none in the schools themselves for allocation from their local management of schools budget. We cannot treat people in this way.

For some time now, term-time staff have been left to their own devices over the summer and other holiday times. Some of them have holiday work, but most claim benefits so that they can have a break from their demanding positions and look after families, et cetera. Remember that we are talking about school secretaries, supply teachers, classroom assistants and school meal attendants — people whom any school would be hard pushed to do without.

The Education Committee has met with all the interested parties. The Committee has talked to those directly affected. It has discussed, in detail, the nature and role of the Education Committee and how it can encourage a realistic solution for all. I have to declare an interest and say that I have two relatives who are directly affected by this, and I have heard some disappointing stories from them.

The necessary resources must come from the Department of Education. Perhaps the Executive's Programme for Government and the Budget could be examined. I do not think that the money can come from any other source, but, again, I hope that the negotiations will assess that.

Furthermore, as Ms Lewsley said, the money must be ring-fenced and directly focused on the payment of those salaries so that it does not go anywhere else, leaving us in the same position in the future. The problem has been around for some time. Staff who are classed as term-time workers have worked with commitment and loyalty. That record must not be forgotten. We cannot treat people so badly.

Following its discussions, the Committee hopes that a mutually acceptable and adequate solution can be reached during the current negotiations. I hope that this

debate will not restrict that goal in any way. It will be helpful for the Minister to know that he has the Assembly behind him when he talks to the unions and the term-time employees.

We must allow these negotiations to continue, and it is our wish that a speedy and equitable outcome be achieved. The decision must be made soon so that staff will not feel forced to take industrial action. That eventuality may be on the cards. We cannot treat people like that. Members of staff have been left in the dark for too long. They must be given some comfort and assurance that their posts are secure and that a consequential salary will be provided. I am concerned about the wording of the motion, because it talks about a retainer fee while the matter is still under negotiation.

In conclusion, I express the hope that the Minister and the Department will take on board the view of the Education Committee and the Assembly and, once a solution has been reached, allocate the necessary funds for salary costs. It is my desire that a decision be made soon so that there are no more holiday periods without income. I support the motion as a gesture of solidarity with the staff. The decision must be made as soon as possible. Would that not be a nice Christmas present for them?

**Mr Deputy Speaker:** Before calling the next Member, I want to remind Mr Wilson that he was allowed to speak for approximately 10 minutes without an ongoing private conversation in the background. He will please afford that same courtesy to others.

**Mr Douglas:** I support the motion, and I commend the Education Committee on its proposal that funds be made available from the education budget to pay the salary costs incurred by a retainer payment. I must refer to the excellent service provided by classroom assistants.

These are professional people who are committed in their support for the teaching staff and to the well-being and education of children. They are valued throughout Northern Ireland for their considerable input in the development of young children, who will be the adults of tomorrow.

Up until the summer of 1999, term-time employees were able to claim jobseeker's allowance. It meant that at least some form of income was available and that their national insurance credits were kept up to date. Unfortunately, after the new ruling by the Department of Health and Social Services came into practice, term-time employees who worked more than 16 hours per week were ineligible for such an allowance. As a result, as has been referred to, for a period of two months no payment is received at all and no credits are paid. Moreover, once back at work, they receive no salary until the middle of October.

In addition, I draw Members' attention to the fact that at Christmas and Easter classroom assistants receive no salary for two weeks. Therefore their income in January and April is also low.

The union that represents term-time employees has been negotiating with the education boards to get a retainer fee that would bring them back into line with other ancillary staff. I have been in contact with the Western Education and Library Board in my own area, and, to date, it has offered merely to divide the current income over 12 months. That would be most unsatisfactory because overall it reduces the monthly income and still does not solve the jobseeker's allowance issue. Reducing the agreed hourly rate in this way would devalue their status. The choice appears simple — either permit them to apply for the jobseeker's allowance or pay them a retainer fee.

In February of this year I asked the Minister of Education to advise what measures were being devised to end these short-term contracts. At that time he indicated that it was a matter between the term-time staff and their employing authorities. However, he assured me that the discussions were ongoing. Nine months later this important issue is no closer to being resolved.

This debate gives the Assembly the opportunity to see progress on this question and a resolution to this long-standing problem. It is inconceivable that trained people with appropriate qualifications who provide a dedicated and essential service to teachers and young people alike should not have their worth recognised and be lost to another profession.

To lose the people with these skills and experiences is extreme folly, the impact of which may not be fully known for years to come. However, that is clearly the way that this matter is heading, given that people are faced with no choice but to find alternative employment in other areas unless substantial action is taken.

Consequently I welcome this motion from the Deputy Chairperson of the Education Committee and support it wholeheartedly.

**Ms McWilliams:** There are a number of principles that I would like to raise, particularly as the Minister is with us today.

First of all, why is there such a variation between the boards in relation to this issue? Also, why do we allow in Northern Ireland such a lack of uniformity across the public sector? Workers doing the same job can have different conditions depending on where they are placed. As I understand it, in some board areas the conditions apply for 38 weeks and in others for 40 weeks. On average that leaves around nine weeks when no payment is received. That is the first issue — the variation in the number of weeks. Would it not be better if we applied

the same conditions to all workers across all boards and that that edict came from the Department?

Secondly, 1,000 of these workers currently receive their full entitlement and 4,000 do not. Why is that the case? I believe it is because of the expansion by employers of term-time contracts.

The issue of “can't pay”, “won't pay” and low pay will be raised. I think that we can pay. I have received a costing of between £2 million and £3 million — of course, a million pounds does make a substantial difference.

In this country, it makes economic sense to pay manual workers a decent level of pay throughout the year. Research shows that when that happens, the money is spent in Northern Ireland. However, if the level of pay among professional workers is increased, the money is spent outside Northern Ireland. Therefore, for economic reasons, never mind reasons of morale, it makes sense to pay that money to those people who are part of the school support structure. They are essential workers.

In recent weeks there have been annual prize givings in schools, and, like a number of other Members, I have been asked to address them. When making those addresses, we are conscious not to comment only on the input of the teachers, but to refer also to the school support staff. I know that because I made a telephone call this afternoon in response to a call from a school secretary. They are absolutely essential for the protection of children.

My child, who is in year eight, had missed the school bus and was stranded. He did not know who to go to, so he went back into the school and the secretary was still there. Very often the secretary is the only person still in the school at that time of the evening, long after others have gone.

Laboratory technicians are in a similar situation. This is not the first time that Members have commented on the conditions — not just the pay — of laboratory technicians. No doubt, there will soon be another motion on the variations in pay for manual and non-manual workers in this country. As Ms Lewsley says, it is no coincidence that well over 90% of those workers are female. It was once argued that those people work from their heads, but they work with their hands and they are working with their hearts. That is all demanded of their skill. However, they are told — particularly the classroom assistants, laboratory technicians and secretaries — that they will not be remunerated for a number of weeks, even though they probably burnt themselves out being part of the tool belt of the school throughout the year.

It is unfair that that message has to come from the school. I believe that the Department of Education can find the money for retainer payments. The Assembly should send out the strong message that our education system counts for something and that all those involved

in it should not suffer from low morale because of the conditions under which they are expected to work.

An important message has come from David Blunkett. He recently issued a press statement saying that he supports the issue in relation to teaching assistants. It would be incredible if that message came from London and a different message came from Belfast.

Estelle Morris from the School Standards Office released a report in which she said that

“a package of measures to improve the role of teaching assistants in the classroom”

should be introduced. She went on to recommend that package, one element of which we are talking about today.

Rather than there being differences among the various departmental boards in Northern Ireland, it is shocking to think that we may fall behind England, Scotland or Wales on this issue. Let us agree to lead the field and not be behind it.

**Mr K Robinson:** I declare an interest in the debate.

There are several points to be considered, but I will take up on what Ms McWilliams said about ancillary staff. A lot of those have recently come to schools because of the changes in schools and the curriculum, et cetera. However, there is a group of almost entirely female workers who have endured this problem for over 20 years — the school secretaries. It is their role that I will address.

Schools depend on the loyalty of all their staff, but it is the school secretary in particular who gives a school its positive public image. The secretary is the first point of contact on the telephone or when one enters the school. Sadly, in modern times, it is the school secretary who operates the security system that schools are forced to have.

If there is an unruly entry into the school, that person often arrives at the school office first, and some unpleasant experiences can occur. Therefore, the tact, patience and guile of the school secretary is vital to the public image of the school and its efficient day-to-day working.

5.15 pm

Their conditions of service have also changed. Once upon a time, they answered the telephone, gave out the dinner tickets, and that was it. Today, they are required to have adequate IT skills because all schools, including some smaller primary schools, are going onto the computerised local administration system for schools (CLASS). The daily role expected of schools from the ever expanding CLASS system is quite horrific, and the school secretary bears the burden of that.

Over the last 20 years, in my former role, I worked under three school secretaries, and I could not have operated efficiently without their confidentiality, loyalty, tact and humanity. The school secretary deals with the

child who has missed the bus, or with the child who has fallen. If the teacher is not sure whether the injury is serious, the school secretary has to telephone the pupil's home, without alarming the parent or, in many cases, the grandparent or the childminder. The school secretary has a tremendous social role as well as an educational one. The “Miss” in the office is known to every child in the school. They may not know who the principal is, but the child will always know the “Miss”. She gives out dinner tickets, sorts out school trip problems and deals with parents in very sensitive situations.

For the principal, the confidentiality of school secretaries is absolutely central to the smooth and efficient running of the school. They exercise interpersonal skills that are very hard to quantify, but without secretaries the schools would be much poorer places. For almost 20 years, the school secretary has not qualified for a retainer fee. To add insult to injury, the secretary has had to fill out the timesheets for those employees who were entitled to retainer fees. So we have been rubbing salt in the wound, to some degree.

For the last 20 years I have taken the earache, so today I am willing to transfer it to you. On many occasions, you have talked to us, in the context of many topics, about equality. This is an issue of equality. As my Colleague Sammy Wilson said —

**Mr Deputy Speaker:** Please address your remarks through the Deputy Speaker.

**Mr K Robinson:** We have a group of poorly paid workers who bring a particular expertise into the school, and that benefits the school population as a whole. There is a burning sense of injustice among school secretaries. I looked up some old newspaper headlines — “Insult added to secretary's injury”, “No retainers for the faithful”. It seems that their loyalty to the school is not being recognised. I and my party think that this injustice needs to be dealt with now. We have a local Administration, and this is an opportunity to bring its resources to bear on this problem. The case is nearing resolution. It should not be brought to an industrial tribunal, and I am sure that those affected do not wish to take industrial action. I ask the Minister to treat this issue seriously.

If money can be set aside in the budgets for other new education sectors, why can it not be used to address this long-standing problem for these long-serving workers? Given the political will, we have the solution. I am not in total agreement with Mr S Wilson's timing, but I am in total agreement with his sentiments.

**Mr Dallat:** I support the motion, although I feel uncomfortable with the term “retainer fee”. In a sense, it makes a statement that these workers are in some way less valuable than other employees in the education system. That is not in the interests of the people who matter most — the children. I have often spoken in the Chamber

about literacy and numeracy problems, and I will continue to do so until the problem is addressed. However, on a positive note I draw some comfort from the enormous contribution made by classroom assistants who give many children the first leg-up that they desperately need to avoid becoming the next generation of people who have problems with reading and writing.

Through my own experience as a teacher I have seen how much term workers mean to children, and I deeply regret that management does not value them more. In many cases they have been the springboard that has enabled teachers to raise standards and build relationships with parents. If management had appreciated the contribution made by term workers the many problems, which those management boards are accountable for, might not exist.

Term workers carry out a variety of jobs. They may work on a one-to-one basis with children with disabilities, and many do. What more honourable vocation could one have? Yet, they are classified as being almost a by-product of the education system — second class and not equal. Not only is it wrong, it is a fundamental flaw because it prevents the whole concept of equality and targeting social need becoming a reality for children and workers.

The term worker is often a critical resource, helping to provide many children with a healthy breakfast when they arrive at school. I recently saw that on a visit to schools in Belfast. What better way for a child — particularly if that child has special problems at home — to start the day than with a nutritious meal before going to the classroom? That is what is happening in many socially deprived areas of Northern Ireland, and I applaud it.

Term workers are involved in many other aspects of school life, for which they receive meagre pay. Much of their additional work is done on a voluntary basis with no recompense, yet they do not complain. They are a bit like the home helps. Very often, term workers are people who have made great sacrifices to gain qualifications and experience — but for what? Is it to be treated as second-class citizens and be devalued in what they do?

Last night, I had the pleasure and privilege to attend the annual awards of the Northern Ireland Playgroups Association in Templepatrick. I met some of those wonderful people who have devoted their lives to the care of our young people. Surely it is unjust — and it does not coincide with the aspirations enshrined in the Good Friday Agreement — to treat them unequally. Those who are holding up progress are doing no one any favours, not least the children.

This anomaly cannot be addressed adequately without a complete transformation of how management views children and the term workers who support them. The very expression “term worker” fails to recognise how critical they are to the well-being of schools. The

term may be more adequately applied to such seasonal activities as potato harvesting. However, children are not vegetables; they are human beings with distinct personalities and needs — and so are the workers who mould their lives.

I support the motion, but I am firmly convinced that much more has to be done if we are to seriously address the needs of our people and not least our children who benefit from the support they receive from the people we call term workers.

Let us give term workers equality. By doing so, we will strike out positively for children. They are our investment in the future, if we treat them properly. It means giving equal status to all those who are helping to mould their future. It is fundamentally wrong to deny some of those workers pay while simultaneously denying them benefits, and it must be put right. The issue has much to do with justice — there can be no “ifs” or “buts”. It has to be either right or wrong, and I believe it is right to treat people in the spirit of justice and fair play. That is what the Good Friday Agreement promised the people of Northern Ireland, and it cannot exclude any of them. This issue cannot wait any longer; it has got to be addressed and addressed now.

**Mr Poots:** I support the motion. It is a matter that particularly affects my area, Lagan Valley, as it is concentrated in the South Eastern Education and Library Board area. There are a number of anomalies in the system, and these have been accepted by the boards.

I would like to home in on the fact that staff signed contracts to do these jobs. They agreed to the terms before they took up the jobs. Let me state the position these people were in before they took up their contracts. Some were employed before schools had their own budgets and had been employed for many years. They were forced to accept these contracts or go on the dole. Others were unemployed and were told that if did not apply for a certain number of jobs they would lose their jobseeker’s allowance. Many workers were forced to take jobs and accept the contracts on offer.

We have a Minister of Education and a Minister of Health who claim to be socialists. Yesterday there was a confession that nurses were not being paid what they were entitled to. Previously we had a debate on biomedical research personnel not being paid what they are entitled to. Today we have term-time workers in schools not being paid what they are entitled to. These people want an imperialist Ireland rather than a socialist Ireland, and Sinn Féin Ministers’ policies are more akin to those of Sir Keith Joseph and Margaret Thatcher than to Trotsky’s and the people who envisaged equality for all, the old Communists.

We had pathetic nonsense from the Sinn Féin/IRA representative who asked if we wanted to take books from children to employ these people. Of course we do not. What we need represents less than 1% of the budget, yet

the Minister can pile money into Irish-language education and open schools for 12 children, when there is virtually no demand for those schools, and use education money to take the First Minister to court. We have the ridiculous situation in which Sinn Féin has raised \$4 million in the USA over the past three to four years but is not prepared to use that money for its court case. Instead it is to use money from the education budget — *[Interruption]*.

I do not care if Sinn Féin/IRA take the First Minister to court. It is not my concern. However, the fact that it is using money from the education budget is wrong.

It is wrong to employ people and not pay them adequately. One of my constituents, a laboratory technician, went into school during the summer to ensure that the tools were in good order and that the classroom was ready for the children coming back in September. He no longer does this because he is not being paid for it.

Take classroom assistants. Do we not recognise the worth of classroom assistants? If staff are demoralised they do not give as much as they could to the children. If you pay staff well, you respect them and their worth and you get the best out of them. Classroom assistants love their jobs. They enjoy working with children, and they do not want to give up their jobs just because they are driven to look for other sources of employment by the attitude of the Education Department. The Minister has had substantial time to do something about this and thus far he has chosen to do nothing. Some people say that this is not the right time for the motion. When will it be the right time? When is the Minister going to deliver? When will people be adequately paid for the work they do?

Many staff are not eligible for training. A Member mentioned earlier that some staff involved in computer work are not eligible for training. This issue must be addressed so that our children are served well. Our children are a tremendous resource, and the Education Minister does not appear to recognise their needs or the importance of the people who educate them to the highest standard.

5.30 pm

He seems to think that it is more important to take money out of the education budget to fight court cases. I think that that is very sad. I support the motion.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom labhairt i bhfabhar na n-oibrithe uilig inár scoileanna, agus go háirithe i bhfabhar na ndaoine sin nach bhfaigheann tuarastal i rith na laethanta saoire. Tá an t-ábhar seo faoi chaibidil faoi láthair agus guím rath agus bláth orthu sin uilig atá ag obair le réiteach a bhaint amach.

I want to speak in favour of improved salary arrangements for term-time employees. The question of how they should be paid is a long-standing and vexing issue. Who could argue for one minute that classroom

assistants, secretaries and laboratory technicians do not play a crucial and indispensable role in the education system? It has already been said that secretaries in particular play a central role in supporting principals in every aspect of school administration, consistently going beyond the call of duty on a daily and weekly basis. Both Ms Monica McWilliams and Mr Ken Robinson detailed the social skills that secretaries use on a regular basis.

The irony and the anomaly is that because of current arrangements for term-time workers, many school secretaries are forced to resign on financial grounds. Any school that has lost the services of a secretary between the end of June and the beginning of September knows how costly it is. Administration lacks continuity, staff morale is low and the general smooth running of the school is inconvenienced.

The primary 1 initiative, which began in 1995, provided all primary 1 classes with classroom assistants. That was an excellent, if overdue, initiative that benefited the delivery of education. It would be inconceivable to reflect on the situation prior to that for many of our teachers.

Other Members have highlighted relevant factors such as the equality dimension, social justice, treating workers properly, the fact that 98% — what a huge statistic — of employees affected are women, the question of entitlement to pensions, the anomalies and disparities between the five education and library boards, which are the employing authorities, and the financial hardships imposed on the workers affected, especially during the Christmas and summer periods.

In the earlier debate about gambling on Sundays, Sammy Wilson asked people to focus on the merit and substance of the issue and not to engage in Minister-bashing. I will leave that as it is, but suffice to say that Sammy is deploying double standards. Part of his motivation here is simple Minister-bashing. There is no doubt about that. Delicate negotiations are ongoing at present and Sammy should know that — *[Interruption]*.

**Mr Deputy Speaker:** Mr McElduff, please do not refer to Members by their first names.

**Mr McElduff:** OK.

Mr Wilson should know that. He would have a better understanding of the issue if he had bothered to remain in the Education Committee meeting on 16 November to hear a confidential briefing from some of the people involved in those negotiations. Mr Wilson has acknowledged that he initially submitted the motion 10 or 12 weeks ago. At the most recent Committee meeting, he invited other Committee members to intervene and stage-manage mutually acceptable amendments.

My closing remarks are in the context of the ongoing negotiations. I hope to see a speedy and fair resolution

that will ensure that all term-time employees are treated properly and with respect. Therefore I support the negotiations. All Ministers should play their part when the time is right — sooner rather than later. I envisage a favourable response that will improve terms and conditions for hard-pressed term-time employees. Go raibh maith agat.

**Mr Beggs:** I wish to concentrate on the changing circumstances that have caused the financial losses experienced by term-time workers. Her Majesty's Government have changed the benefits system, removing the school holiday benefit entitlement for term-time workers. Most of those people — caretakers, cooks, secretaries, classroom assistants, playground supervisors and patrolmen and women — signed their contracts in the knowledge that they were entitled to benefits during the school holidays. However, the Labour Government changed the criteria that had allowed workers to receive social security benefits during school holidays, giving them the money to feed their families and pay their bills. That will influence their decision on whether to take up a job. The Government changed the financial situation.

Most term-time workers are not highly paid. We must place a high value on their role in schools and reward them accordingly. They carry out an essential role in looking after our children and providing other support services in schools. The current situation is unjust. We cannot afford to lose such people's experience, guidance and knowledge. If we do not address the situation, many term-time workers will, undoubtedly, seek other employment.

It is within the Assembly's power to put right the wrong that the Government have done. The Assembly should rectify the inequality by agreeing additional payments to replace the money that these workers would have received previously. We must give proper value and respect to education workers.

**Mr Shannon:** This is an excellent proposal, and it comes at an opportune time. Today we have the chance to address the crucial issue of conditions for term-time staff. The issue has been discussed in all the council chambers, and the unions have lobbied hard and heavy on it. We all know the background. The 1,500 term-time staff contribute so much to the working of schools and to the teaching of our pupils. Term-time staff do their jobs as well as teachers who receive better pay. We should acknowledge the commitment of term-time staff.

The Education Committee has backed the request. The matter now rests with the Minister. Will he make the move? Will he put his money — taxpayers' money — where his mouth is? Will he ensure that term-time staff receive equal pay?

The education boards have not escaped their responsibilities. They tried to get out of their moral and statutory obligation. That attitude is unacceptable. No

school, large or small, can survive without term-time staff. They are an integral and important part of a school. It is crucial that their case be answered, for it is a justifiable case. The education boards have labour of the highest quality at the lowest price — good workers on the cheap. The education boards should respond to the requests made by term-time staff and ensure that their wages are upgraded and that they receive the equal pay they deserve.

Each holiday, term-time staff have to sign on. This year has been particularly difficult for them. Paperwork is off-putting for anyone, but it has been especially difficult this year. We should reflect on that; if they are not paid adequate wages, they will have to go through those problems again.

Sinn Féin Members have said that the Minister — their Minister — is paying off teachers and other staff. That clearly illustrates the fact that he is not in control either of his manifesto or of the manifesto for the education system that we would like to see delivered. We must retain teachers and make sure that the system gives adequate education to our children. The Education Minister is completely out of touch with the ordinary people of the Province, in his community and in ours; the Province is united on that. Together with the education and library boards, he has shown scant regard for term-time staff. I suggest that board members and the Minister go to schools and acquaint themselves with the work and the commitment of term-time staff.

Some Members have suggested that the motion is untimely — it is both timely and appropriate. It is right that the matter should be discussed here. It is nonsensical to say otherwise, and it does not reflect popular opinion. Staff have discussed the possibility of industrial action to address the issue. They have refrained from such action, although they have every justification for considering it.

Term-time staff carry out excellent clerical and teaching work in schools. Without their help, schools could not function properly. In my constituency, there are some 200 term-time staff. They are all committed to their job and to their vocation. If they were to withdraw their labour, the education system would fall apart. That could happen in many schools, but the staff do not want that; they want to negotiate.

We have all seen the paper on the issues that should be negotiated. It reflects badly on management that they were not prepared to pay a retainer and refused to negotiate. The term-time staff and the unions are still willing to consider an accommodation that will ensure that pupils receive their education. I understand that education and library board management has thrown out the unions' proposals. They are unable to negotiate correctly and honestly with the union staff, and that is an unpalatable and unsavoury reflection on them.

The education and library boards and the Minister must react positively to our proposal. The term-time staff deserve equality. They have earned their parity and should not be treated as second-class teachers or staff. The boards have quality labour at a low price, and they must acknowledge that fact.

**Mr Ervine:** The people who rely most on our help have been identified by Members from all parts of the House. Given the cultural and economic background from which the Minister emanates, those people might, perhaps, have hoped that there would be new opportunities for them. The Minister was someone who came from where they came from themselves, and he might understand their plight. I do not want to accuse the Minister wrongly — he is well able to defend himself — but it seems to me that in some cases we have a comedy show playing all day and every day in our Departments — ‘Yes, Minister’. For us, however, it is not a comedy. This Minister and others find it difficult to cope with the attitudes of departmental “experts”.

5.45 pm

The Minister must address this issue; it is an issue of inequality at a time when we are demanding equality. It is affecting those people who receive a paltry return, but it must also affect the morale of those they work with and move among. It is bound to affect the morale of the schools where we invest so much in the hope that our children will benefit.

I conclude by saying to the Minister that he must — not that he could, would, should or might, but that he must — address issues such as these. They run to the very core of an Assembly, because the economic circumstances of the day are fundamentally more important than many of the issues which we have the luxury of haggling about. Although he has around him experts who will all advise otherwise, it must be at the very core of what the Minister really believes. However, despite having been vested with the authority to make the decision, he is rolling over and listening to the experts rather than listening to what would have been his own advice just a short time ago.

I support the motion.

**The Minister of Education (Mr M McGuinness):** I welcome the opportunity to respond to the motion. I wish to make my position clear. As Minister of Education, I have encouraged those involved in the negotiations to reach a fair and acceptable resolution. It would be helpful if the Assembly were to adopt a similar approach. I have repeatedly said that I am sympathetic to the position of term-time staff.

Equality and social justice are concepts in which we in the Department of Education believe passionately. The present payment arrangement, under which some term-time staff receive no payment during the summer

months, is less than satisfactory. I have also said, and I say it again now, that the only way to have the matter resolved is through proper and meaningful negotiations, and there is an established negotiation forum for that purpose.

If the matter were simple it would have been resolved a long time ago. The reality is much more complex. For a start, the problem is not of the Education Department’s making. There have been no changes to the contracts of the term-time staff, but what has changed is that they are now ineligible for certain social security benefits during the summer vacation. This has come about through changes in social security benefit regulations and is, therefore, a problem which the Education Department has inherited.

The second point I want to make is that the education and library boards are engaged in a wide-reaching process of reviewing the terms and conditions of staff in what is known as single-table bargaining. The purpose of that is to remove the outmoded distinction between the so-called white-collar and blue-collar workers, to evaluate and set a fair rate for the job and to achieve a greater harmonisation of terms and conditions of employment.

Ms McWilliams asked a very pertinent question: why is there variation across the boards? I have also been asking this question. I know that people were employed at different times and under different schemes: one example is the initiative to put a classroom assistant in every primary 1 class, which my Department introduced some years ago. That does not explain the variations. I share the view expressed during this debate that the position needs to be rationalised. The need for such harmonisation is all too apparent when we look at just one of the groups of term-time workers, the classroom assistants. There are considerable variations — between boards and even within the same board — in the contracts under which they are engaged and the number of weeks per year for which they are employed. That is unsatisfactory, and I have encouraged the employing authorities to find some means to rationalise the position as soon as possible.

I do not intend to suggest or dictate how the present difficulty should be resolved. There is a negotiating mechanism for doing this, and those negotiations are ongoing. For this reason, I believe that the terms of this motion are inappropriate. However, I readily support the proposition — and I believe that the Education Committee would support it — that we need an innovative and flexible approach by all parties to the negotiations, namely management and unions.

I have said nothing so far about money. That is because the first priority is to get a settlement which is fair and reasonable in all circumstances. However, whatever settlement is reached will have financial implications, so I would like to speak briefly about this. The second part of this motion calls for funds to be made available

from the education budget. I readily accept this. Whatever settlement is reached will have to be paid for from the education budget. The employing authorities realise that, and that is why everyone involved should act responsibly because the outcome could have significant implications for the resources available for other parts of the education service.

Assembly Members will also wish to bear in mind that, as part of the process of setting a fair rate of pay, formal job evaluations are being undertaken, not just for these term-time workers but for other groups of staff employed by the education and library boards. The outcome of the job evaluations will be backdated, and that will again be a cost that has to be met within the overall funds available for education.

Some attention has been paid to the extra money which the Executive Committee have recommended should go into the education programme next year, especially the extra £20 million which is to go to schools. The Executive Committee made that allocation as a first step towards easing the current pressures on school budgets. My officials will shortly be discussing with the Education Committee exactly how that money should be distributed among schools. It is schools' money, and the objective is to ensure that every penny of it goes into the hands of schools as an addition to their local management of schools allocations.

It is not, unfortunately, free money that can be used for other purposes. Where will the money come from? At this point it is impossible to say, because we do not yet know what the costs will be, and in what financial year or years they will fall. We will not know that until a settlement is reached, but we can be sure of one thing — the education budget is already inadequate to meet the many pressures which we face.

We have to leave it to the negotiating parties to find an agreed outcome. They, in turn, have to take full account of the financial implications of any settlement. When the sums are known, we will consider, in conjunction with the education and library boards, how best the cost can be borne in order to minimise the impact on key services.

Sammy Wilson mentioned the figure of £2 million as the possible cost. That would relate to a particular outcome, namely retainer fees based at certain rates. The fact is that we do not know the cost, and we will not know until there is an agreed outcome. However, we recognise and accept that individual schools may need help to meet whatever costs there are. This will have to come from elsewhere in the education budget. We cannot say from where yet, but I can assure the Assembly that we will seek to help individual schools in order to minimise any disruption to children's education.

I welcome the Assembly's interest in this important matter. I share its wish to see the present difficulties

resolved as soon as humanly possible, and I call on both sides to the negotiations to show flexibility in this important matter.

I know that since this motion was tabled, the members of the Education Committee have probed this complex issue further. As Mr Danny Kennedy has explained, they now understand more fully the views of both sides on what would, or would not, be a suitable and workable outcome. In the light of that, Members of the House will need to consider very carefully whether this motion will help or hinder. We are all clear that we should not do anything at this very important juncture to make the process of negotiations more difficult than they already are. Go raibh maith agat.

**Mr S Wilson:** The House has been almost unanimous on this issue, with the only dissenting voices coming from IRA/Sinn Féin. I will deal with some of the points raised. First, the Chairman of the Education Committee had hoped to put forward an amendment, and even though it is not on the Order Paper, it has been referred to by Members, specifically those from Sinn Féin.

When the Education Committee discussed this, it was clear that Sinn Féin was opposed even to the amendment — I would be happy for the Chairperson to confirm this. I believe the exact wording of the amendment was that we would seek a “flexible and equitable” arrangement. The part of the amendment which Sinn Féin and the Minister of Education objected to was the fact that any arrangements put in place to deal with the financial hardship of term-time-only workers would have to be funded by the Department of Education. That was the bugbear in it, so it is not factually correct to say that the amendment would have been more appropriate as a cover for them today.

Secondly, reference was made to a presentation delivered to the Education Committee. The record will show that I was there, and that I put questions to those who made the presentation. Thirdly, I asked for clarification of the Minister's stance on this matter. Although he started by saying that he wished to make his position clear, I am still no clearer on whether the Minister will give the education and library boards funding for any new arrangements. He talked about looking for innovative and flexible approaches, and then added that the methods of funding will be considered with the education and library boards and the joint negotiating committee. The motion does not state that, and the joint negotiating committee made this quite clear to us. Unless there is a commitment to providing extra money for the boards to distribute to school budgets, it will be impossible to reach any agreement, because some schools have up to 25 term-time-only workers. If the financial burden of any negotiated settlement were placed upon such schools, it would be impossible for them to maintain the number of term-time workers or the level of services they provide.



A clear position has been presented to the Assembly. In spite of what we were told in the Committee, which is not for public consumption, the only matter on the table today is the request by term-time workers for a retainer fee. The approximate cost of the 50% retainer fee is £2 million, and this motion indicates that we support that claim by the unions and wish it to be financed. That is a clear-cut decision for the Assembly, and I ask the Assembly to make it.

*Question put and agreed to.*

*Resolved:*

That this Assembly supports the call for retainer payment to be made for term-time-only workers and commends the proposal of the Education Committee for the provision of funds from the education budget to pay the salary cost incurred.

*Motion made*

That the Assembly do now adjourn. — *[Mr Deputy Speaker]*

## SPECIAL EDUCATION NEEDS (BALLYMENA)

6.00 pm

**Mr Paisley Jnr:** I appreciate the House's taking the time to consider the special education needs in part of my constituency, Ballymena. Members across the House have indicated their support, and indeed Members of other parties from North Antrim have also expressed their support. Some have commitments elsewhere, and I appreciate that also.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

When the Minister of Education was appointed, he made great play of the fact that he was going to give what he described as "special emphasis for special needs in education." The Minister's talk has been cheap in debates on the matter, since his words have not been matched by special funding for special needs schools. Although he may be regarded as a hotshot — or a first shot — elsewhere, he has certainly missed the mark on this issue.

The Minister is good at sounding off and condemning attacks on certain schools, including schools in my constituency. Condemnation is right and proper. Although he has previously attempted to point the finger at me on this issue, he has been unable to because, unlike him, I condemn all attacks. I am not selective in condemning attacks in my community. It is unfortunate that his condemnation appears to lead to reprisals, such as in Ballyronan last night after certain comments he made at the weekend.

Instead of focusing on those narrow issues, the Minister should focus on genuine investment to meet the educational needs of young people, and he should focus on the special needs of pupils in my constituency. As I have already said, he promised to give special emphasis to this, but we have yet to see it.

My constituents have given me several case studies to do with special needs provision in my constituency. Those case studies amount to nothing less than a catalogue of shame for the Minister of Education. It is shameful because he has failed to invest proportionately in the Northern Board and in the special education needs in that area. His party is fond of using the word "discrimination" in the Chamber and elsewhere. It drips off its members' lips every day. If we removed that word from the English language — we would not have to take it out of the Irish language because the Minister does not speak Irish and neither do his Colleagues — the Members opposite would have no words left.

The Minister exercises a policy which, in financial terms, deliberately discriminates against the Northern Board area, and, therefore, deliberately discriminates

against special needs education there. This in turn has an adverse impact on special needs education in Ballymena.

If the Minister were to put less energy into meaningless and selective statements about North Antrim schools and more energy into combating the special education deficit of children in need, the situation would be better. As we have heard in previous debates, the Minister is prepared to commit millions of pounds of resources to other education sectors. If those same resources were applied to special needs education, a lot of problems would be answered, not questioned.

It is clear from what I have said previously in the House, and from the line that my party has taken, that we have absolutely no confidence in this Minister. Thousands of schoolchildren in North Antrim have demonstrated publicly that they have no confidence in his ability to meet the educational needs — particularly the special educational needs — of young people in Ballymena.

The one area where we see deprivation associated with his active discrimination is in the Ballymena special education sector. Here, the most vulnerable in society have been virtually set upon by the inaction of the Minister, who exemplifies a policy of “no action” to those young people. During the summer and at the beginning of this year’s autumn term, I carried out a study of special educational needs in my constituency and the facilities and funding for them. I was particularly horrified at what I found in Ballymena, and I shall explain some of that picture today.

A brand new, state-of-the-art primary school was recently opened in Ballykeel, which is in Ballymena. It serves a large working-class area, and it is only right that that area should have such fabulous primary school facilities. I visited the school and was taken round an extensive, purpose-built moderate learning difficulties (MLD) unit. It is at the centre of the school, and in theory it permits the mainstreaming of special-needs children and the selection and targeting of help for them during their time at the school. I quite deliberately say “in theory,” because the practice is far from adequate. The blame for the failure in delivering this service rests entirely with the Minister’s Department.

A North Eastern Education and Library Board (NEELB) report says

“one of the effects of the outworking of the code of practice has been to delay the throughput of children with statements at an early age.”

That has prevented provision, and children already statemented are therefore being denied adequate provision because of a logjam in the statementing process. This is not only a board issue, but also a departmental one. In the same report, the board says that these factors explain why the unit in Ballykeel has not been opened and is not operating as originally envisaged by the board.

This logjam in the statementing process has a devastating impact on young people with special educational needs, on parents who want the best for their children, and on schools, which try to provide what is best for the children with very limited resources. Cash is quite clearly not being made available to them.

When I walked around the MLD unit of that fabulous primary school, I was gravely saddened to see numerous unopened boxes of equipment and books in a brand new, freshly painted building. Instead of thriving with young people with special needs, eager to learn and with the full support and active encouragement of parents and teachers, the lights were off in that unit. The facilities were not open to them, since the Minister’s Department has not, to date, provided the money for that unit to operate. I understand that some of the equipment cost as much as £60,000 to provide, yet it is not being used.

As a result of the Department’s failure to work the code of practice properly and allocate resources fairly to this needy school, there is more ministerially-driven waste of the scarce resources available to the Department while the Minister pays lip-service to special educational needs without delivering the actual provision. The ministerial attitude is one of waste, and that is disgraceful because of the devastating impact it has on the lives of vulnerable young children whose desperate special needs are not being met.

If the Department would decide what its policy on special needs provision is, then we could get somewhere with such a debate. The Minister does not have a specific policy on special education needs and is not prepared to back any particular policy with resources. That is why we have the sort of mess that I saw in Ballykeel. The Minister has to do something about that. It is no use him wearing National Society for the Prevention of Cruelty to Children (NSPCC) badges and paying lip-service to concepts. He has to add up the money, make the resources available and deliver the service.

According to my information from the Department and the NEELB, the Department generally supports mainstream integration of special needs pupils with statements, yet it builds separate MLD units and schools. What is the policy? Is it to have separate units or to mainstream and integrate those children? The Minister has to make up his mind.

I have met parents who are being betrayed and emotionally blackmailed by this policy of darkness — the policy in the shadowlands. The parents do not really know where the Minister wants to take their children. They appreciate the general and specific benefits derived from the concept of mainstream integration, but they know that their children have special requirements and need special assistance to meet their immediate needs and to target attention towards them.

The Department will come to this debate and argue that it cannot have a specific policy for the provision of these MLD units, because there is not the need in Ballymena. The fact is that the statistics on need are not accurate and have been jaundiced, because, as I said earlier, statementing is being delayed. If you delay statementing of young people with special needs, the provision is not provided downstream. That is exactly what has happened in Ballymena. I will read from the report again:

“The outworking”

— or the non-working —

“of the code of practice has [delayed] the throughput of children with statements at an early age.”

It goes on to say

“There has been an increase in the number of statements, but at the same time there has not been an increase in the provision of places for those young people.”

and

“[there has been] an increase of 64% in pupils being supported in mainstream schools.”

We have the ludicrous situation where young people are supposedly not able to qualify for statementing, and yet schools are saying that they have had a 64% increase in these types of children, but that they do not have the statements. That all goes back to the outworking of the code of contract not working properly and delaying the whole delivery of the statementing process.

One family told me of an eight-month delay in the statementing process. That fails all the targets that the boards and the Department set for the statementing of children — fails them by months, not by days. When they did get the statement, it was inaccurate. They had to go back into the entire process again, which delayed things even further. If we have that mess, that catalogue of shame, operating in the Department we will have further problems downstream, as exemplified by the story about Ballykeel.

I have several constituents whose children are waiting for statements and have not yet got them. Worse than that, some are contesting what has been delivered. These are not one-off cases — there are at least six cases in one school. The more you dig into this, the more of these cases raise their heads. These parents are vulnerable. They want the best for their children and believe that if they go along with the schools they will get the best.

6.15 pm

They then realise that the schools are not getting the provision or the resources from the Department that are necessary to provide what is best for their children. I call on the Minister tonight to stop funding failure and mediocrity, and to start rewarding and funding the men and women of tomorrow no matter what their ability is.

That message has to go out loud and clear. The Minister should climb down from his perch and start sending resources to the North Eastern Education and Library Board area instead of paying lip-service to the allocation of resources.

In the Ballymena area the parent:teacher ratio is at its highest and overcrowding is at its highest. I am glad that schools have not permitted these dual problems to affect their standards. Standards and results are also very high, but they are so in spite of the policy that the Minister pursues. It is about time that these North Antrim schools got the resources that they deserve. The Minister's policy can be characterised as one of funding failure and of ignoring success. The schools in my constituency are successful despite the robbery that characterises his Department's policy.

The headmaster of Ballymena Academy, Mr Peter Martin, writing in the ‘Ballymena Guardian’ on 1 November, made a very interesting statement about the whole process of the allocation of funds to schools. I will read it into the record of the House, because it is appropriate. He said

“Equality of opportunity does not mean directing all pupils, irrespective of individual talents, along the same path. Provision must be such that pupils can be directed appropriately according to their aptitudes and interests in order to give them an equal opportunity to enjoy success. Whatever the solution, it is important that in seeking change what is successful in the present system is retained and the adequate resources are provided to make improvements where they are most needed.”

Obviously that does not just deal specifically with special education needs. That statement deals with a number of issues that are before the Department. However, when the principles enunciated by the headmaster of Ballymena Academy are applied to the issue of special needs, we see that he has really hit the nail on the head. Mr Martin is correct in his analysis. Provision must be targeted, and nowhere can this be more clearly exemplified than in the policy addressing special educational needs in the Ballymena area. These children and their parents must have, as Mr Martin said, equal opportunities.

I am not asking for special rights — I underline that — and neither are the parents of these children, but they are demanding equal rights. I believe that the Minister is guilty of pumping money into Irish-language schools, for which demand is low, when we have an area in Northern Ireland that is failing children with real learning needs, and who crave an education, not a cultural experience. I encourage the Department to direct resources at the delivery of education and not at the delivery of a cultural experience. There is a vital difference.

There have been some notable experiences in Italy from which lessons could be learnt. Not everything is directly applicable to the situation in Northern Ireland, but there are some interesting case studies in the Italian

experience. Class sizes are similar, and there is the same level of assistance, but they have special care provision for special needs kids and for low achievers.

Northern Ireland needs a system that takes a number of key points into consideration to address the individual special needs of these children. First of all, where a special education needs child is able to cope, he or she should be integrated into the mainstream.

Secondly, every teacher should be a special-needs teacher, irrespective of the class they teach, so that they can cope with the children in their class. Thirdly, where the child cannot cope with mainstreaming they will be targeted with special help in an on-site moderate learning difficulty unit, which will not preclude integration at a later stage.

Such is the case at Ballykeel Primary School. The school was designed for that eventuality and was based on that model. However, when push came to shove, the money was not available to provide the resources needed to run the facility that was built. I am not talking about some Portakabin. I am talking about a multi-million pound unit, which requires teachers to staff it, and yet the necessary resources have been denied to it.

It is unfortunate that the model as provided at Ballykeel Primary School is not being utilised for the full advantage of pupils. Why is that? The answer is simple. The Minister has robbed the North Eastern Education and Library Board of adequate resources to do the job in question.

The Minister has already been judged and found wanting in other areas. He will be judged again on how he treats children who are the most vulnerable and who have special needs. I say to him tonight: stop the discrimination; stop the policy of waste; stop the deprivation; start funding success; start facilitating special needs; and start helping those who have the greatest needs.

I am afraid that no one on this side of the House will hold their breath for the Minister to rectify this great wrong. I believe that Ballymena's special-needs children have had their case aired, and they will call on this Assembly, through their parents and representatives, to do its duty and deliver an adequate policy that addresses their special education needs.

**Mr Kane:** I support the motion proposed by my Colleague. It is clear that the Minister has failed the constituency. He has failed the weakest in the community, and he appears to have no intention of assisting special needs schoolchildren. Until the Minister clears up the confusion over his special needs policy all of Northern Ireland will suffer.

Will the Minister say if he is for integrated mainstreaming or for special, separate units? No one seems to know what he stands for because he has not given any official attention to this area. It is about time that he

started working as a Minister, instead of trying to condemn the elected representatives for the area in question.

Many constituents have asked me to seek clarification on this crucial issue. How can parents work for the betterment of their children, in co-operation with schools, if the Minister actively robs the North Eastern Education and Library Board of the cash needed to put in place a policy that addresses special needs education. I support the motion.

**The Minister of Education (Mr M McGuinness):**

Go raibh maith agat, a LeasCheann Comhairle. I accept that Mr Ian Paisley Jnr has a genuine concern about children with special educational needs in the Ballymena area and, indeed, the entire North Antrim area. I commend that. It is admirable. However, I do not think it is admirable for Members to come into the House and, in effect, use the plight of children with special educational needs to pour forth bile, vitriol and hatred. I think you are a sad case, and I think you need to grow up, step out of your father's shadow and recognise that there is more to life than coming here and using children with special educational needs for your own political end.

**Mr Deputy Speaker:** Please address your remarks to the Chair.

**Mr M McGuinness:** It is wrong for someone to come into the House and use the issue of children with genuine special educational needs for political ends. That is what we heard. The issue is being used by the Member to launch a political attack on me and on the good and decent people in my Department who work very hard for all children with special educational needs, irrespective of which community they come from.

The Member referred to the situation in North Antrim. He is obviously annoyed that on several occasions recently I have made it clear that that is the responsibility of elected representatives for the North Antrim area, which was afflicted by school burnings throughout the summer, to speak out against it. Many of the children who go to those schools have learning difficulties — some have severe learning difficulties, others have moderate learning difficulties — and those children are also affected.

I have yet to hear any Member from Mr Paisley's party launch a vitriolic attack in the House against people who burn down schools in the middle of the night. The Member should reflect on that and recognise that it is incumbent on all elected representatives to do everything in their power and use their influence to get such activities stopped. He referred to the burning of an Orange Hall in the Cookstown area last night. I have made a statement about that, and I repeat my view that such burnings are absolutely despicable and deplorable — just as despicable and deplorable as the burning of Bunscoil Dhál Riada in Dunloy a few days ago. The sooner that we show consistency in confronting people

who believe that a cause can be served by that type of activity, the sooner we will fulfil the expectation of the electors who put us here — the expectation that we will be positive and constructive and build a new future for all our people.

In preparation for the debate, my officials made inquiries of the North Eastern Education and Library Board about special education provision in the Ballymena area and any perceived difficulties. Obviously, it would be much better if people communicated with me, the Minister of Education, about problems in their area. That is how we should do business. In fact, some of Mr Paisley's Colleagues do communicate regularly with me about a variety of educational issues. I commend them for that; they are representing their constituents, and whenever I get correspondence from them I do my level best to treat them with the equality and respect that they deserve as representatives of their electorate.

I have been informed that on 5 October 1995 the North Eastern Board published a development proposal to establish a two-class special education unit for pupils with moderate learning difficulties at Ballykeel Primary School—the school that Ian Paisley Jnr mentioned. The intention was to have Key Stage 1 and 2 classes in the unit and include accommodation for them in the new school that was being planned. The proposal was made because of a shortage of places for primary school-age pupils with moderate learning difficulties at Dunfane Special School, which was the only provision for children with those types of learning difficulties in the area. At that time, there were 17 such pupils on the waiting list for places in Dunfane. There were no objections to the proposal, which was subsequently approved, and appropriate accommodation for the unit's two classes was included in the plans for the new school.

The new school building was completed in November 1998, but the special education unit has not been opened. In recent years, the board has attempted to retain more primary school-age pupils with moderate learning difficulties in mainstream classes in primary schools, and that has relieved the pressure on places for that age group at Dunfane and other schools. The board has met a delegation of parents who wish their children to attend the unit in Ballykeel, although the board is not persuaded that the particular learning needs of those children would be best met in the moderate learning difficulties unit.

6.30 pm

The board also believes that there are insufficient numbers of children with moderate learning difficulties to warrant the provision of a unit at Ballykeel. At present, the unit accommodation and teaching resources

are being used by two part-time remedial teachers. It is proper that the resources not be allowed to stand idle when they can serve the needs of the school. The board is unaware of any significant dissatisfaction among the parents of those children retained in mainstream classes, and it will consider alternative placements for any children whose parents so wish.

The board has been examining the possibility of setting up a unit at Ballykeel for children with other types of learning difficulties, but as yet has been unable to identify one for which there would be sufficient demand. However, since the issue has been raised with me, I will ask my officials to write to the North Eastern Education and Library Board asking it to review its special educational needs provision in the Ballymena area — particularly its provision for children with moderate learning difficulties. I will also ask the board to report to me on what plans it has to use the unit accommodation at the school to make provision for the area.

The total funding for special educational needs is £50 million per year. Funding is allocated on the basis of total pupil numbers per board area. There is no question of discrimination against the North Eastern Education and Library Board or any other board.

There are timescales built in to the statutory statementing process to permit the fullest possible involvement of the parents and the compilation of the requisite advice from all relevant sources. It is important to point that out.

The provision of teachers for the unit at Ballykeel is a matter for the North Eastern Education and Library Board in accordance with identified need. The board is not persuaded that there is such a need. The policy on placement of children is that all children with statements should be placed in mainstream classes, provided that that best meets their needs and does not prejudice the efficient education of other children or the efficient use of resources.

The statementing process set out in the special educational needs code of practice is 18 weeks long. I cannot comment on individual cases, but if parents have a complaint about the statementing process, they have recourse to the independent Special Educational Needs Tribunal. Placements must meet the needs of children.

Some of the utterances that we heard today were shameful. They were an attack not just on me but also on the good and decent people in the Department of Education who consistently work very hard for all children, irrespective of creed. Go raibh maith agat.

*Adjourned at 6.33 pm.*



## NORTHERN IRELAND ASSEMBLY

Monday 4 December 2000

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

*Members observed two minutes' silence.*

### ASSEMBLY: RESIGNATION OF MEMBER (MR HUME)

**Mr Speaker:** I must inform the Assembly that I have received a letter from Mr John Hume, a Member for Foyle, resigning his seat in the Assembly. Accordingly, and as required by the Northern Ireland Act 1998, I have written to the Chief Electoral Officer to inform him of the vacancy in the Assembly's membership.

### STATUTORY INSTRUMENTS: ASSEMBLY RESOLUTION PROCEDURES

**Mr Speaker:** During the debate on the Social Security and Child Support regulations on 27 November 2000 the Chairman of the Social Development Committee, Mr Fred Cobain, requested a ruling on whether it is proper to introduce, in a single statutory rule, provisions which are subject to the negative resolution procedure alongside provisions subject to confirmatory procedures. In particular, Mr Cobain cited a ruling in 1950 by the Speaker of the House of Commons at Westminster. In respect of the ruling by the Westminster Speaker on 15 November 1950, the situation was significantly different because, as a result of a drafting oversight, an attempt was being made to annul regulations that had already been approved. The statutory instrument in question contained two regulations which had already been approved in draft — the affirmative resolution procedure — and two regulations which were to be subject to the negative resolution procedure.

The situation raised by Mr Cobain is of a different order. None of the provisions contained in the Social Security and Child Support regulations have previously been subject to procedures in the Assembly. The Member's concern was that both confirmatory and negative resolution procedures are required for different aspects of these regulations. While it is not desirable that regulations contain

a series of provisions which are subject to differing resolution procedures, it is not improper for a Department to lay down such an instrument, the lower approval requirement being subsumed in the more stringent requirement. It would, however, be improper to combine, in one set of regulations, provisions that are not subject to parliamentary procedures along with provisions that are subject to affirmative, confirmatory or negative resolution procedures.

I hope that the House is assisted with this guidance.

## AGRICULTURE: NORTH/SOUTH MINISTERIAL COUNCIL SECTORAL MEETING

**Mr Speaker:** I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement on the North/South Ministerial Council agriculture sectoral meeting held on 17 November 2000.

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I would like to report to the Assembly on the meeting of the North/South Ministerial Council (NSMC) in sectoral format, in Greenmount College of Agriculture and Horticulture, County Antrim, on Friday 17 November 2000. The Minister of the Environment, Mr Foster, and I attended the meeting. The Government of the Republic of Ireland were represented by Mr Joe Walsh TD, Minister for Agriculture, Food and Rural Development. This report has been approved by Mr Foster and is also made on his behalf.

This was the second meeting of the Council in its agriculture sectoral format, and it dealt with issues relating to enhanced co-operation on agriculture matters. The Council received a report which set out the current position on progressing further collaboration in the area of animal and plant health, research and development. The Council noted the high level of existing co-operation and agreed the approach taken by the two Agriculture Departments in identifying those areas with the greatest potential for further research, collaboration and co-operation.

The Council also approved a proposed timetable for future work, as well as endorsing proposals to formalise liaison arrangements at an official level on animal health matters. It agreed the establishment of a strategic steering group that would co-ordinate animal health policy on the island. The group would replace existing arrangements.

To support the strategic steering group, policy working groups would also be set up to consider animal health policy issues that apply to the whole island. Working groups will be created to explore eight different areas, including bovine tuberculosis and brucellosis, animal welfare, and disease surveillance. These groups would be stood down, or new ones formed as requested. The Council also requested the steering group to prepare an initial report on animal health on the island of Ireland for the next agriculture sectoral meeting, with a view to the development of joint strategies for the improvement of animal health on both sides of the border by March 2002.

The Council noted that progress has been made on the pig meat processing study and that the study was now being brought to a conclusion. It is anticipated that a report will be available to the Council at its next meeting. The Council also noted that the reconstituted steering committee on cross-border rural development

had held its first meeting on 29 September 2000. The steering committee's proposed programme of work was endorsed.

Membership of the committee comprises officials from the rural development divisions of the two Departments of Agriculture, representatives from the Special EU Programmes Body, officials from the Council's joint secretariat and, where appropriate, officials from other Departments and agencies.

Noting the progress made, the Council asked the steering committee to draw up a shortlist of priority issues relevant to the needs of rural communities on which joint demonstrations or pilot models of cross-border actions could be engaged, or identified for priority action; to exchange information on experience and best practice on rural development in both jurisdictions; and to provide a progress report to its next meeting in this sectoral format.

On the issue of less favoured area payments, the Council noted the high level of interaction between the two Departments of Agriculture during the respective negotiations with the EU Commission. In particular, the Council noted the provision for an adequate safety net to protect farmers who may be detrimentally affected under the new arrangements. The Council agreed that such co-operation should be maintained during the implementation of the schemes.

The Council discussed the forthcoming World Trade Organisation (WTO) round, EU enlargement, and the review of the common agricultural policy in the context of Agenda 2000. Ministers agreed that these were extremely important issues for the future of the agriculture industries on the whole island of Ireland and recognised the need for close co-operation to ensure that any outcomes impacted fairly on the agrisectors on both sides of the border and avoided trade distortions between the North and the South.

Ministers further agreed to liaise closely on these issues as the negotiations progressed with the objective of ensuring that the outcome has the least adverse effect on the farming sectors in both parts of the island.

The Council also agreed final recommendations for the budgets of the six implementation bodies for the period 2001-03, as approved by both Finance Ministers. The Council noted that the budgets would now go forward as part of the estimates processes, North and South, for approval by the Assembly and the Dáil respectively.

The Council considered and approved the programme proposals for the URBAN II initiative and noted that these proposals would be submitted to the European Commission as a basis for negotiation and agreement.

I would also like to cover two items that do not fall within my responsibilities but were dealt with in the course of the NSMC agriculture sectoral meeting on 17



November. The Minister of Finance and Personnel touched on these briefly in his statement last week.

First, following approval by the Executive, the NSMC agreed final recommendations for the budgets of the six North/South implementation bodies. Details of the proposed budgets for each body are set out in the table attached to the communiqué. The contributions from North and South will go forward for approval by the Assembly and the Dáil respectively as part of the respective budgets and estimates. Thus the Executive agreed the Northern contributions that will be recommended to the Assembly as part of the revised Budget, which Mr Durkan will introduce later this month. In total the recommendation for expenditure by the bodies in 2001 amounts to £48.8 million. Of this total, the Northern contribution amounts to £11.3 million. The amounts proposed make provision for the continuation and development of the important work of the bodies.

Secondly, the Executive had agreed on 16 November that the URBAN II programme proposals for Northern Ireland should be submitted to the NSMC, and that was concluded at the NSMC sectoral meeting on 17 November. The Council agreed that those proposals should be submitted to the European Commission as a basis for negotiation over the next five months.

The Council agreed that its next meeting in sectoral format would take place in the South in February 2001. The text of the communiqué that was issued following the meeting was agreed. A copy of the communiqué has been placed in the Assembly Library.

**The Deputy Chairperson of the Agriculture and Rural Development Committee (Mr Savage):** I welcome the comments made by the Minister, but I would like to draw to her attention paragraph 2 of her statement:

“The Council noted the high level of existing co-operation and agreed the approach taken by the two Agriculture Departments in identifying those areas with the greatest potential for further research.”

Northern Ireland has a high level of traceability with regard to BSE, as well as good testing strategies. Do we have to sit back and wait for others to catch up, or can we go ahead? What is the situation in Northern Ireland? Our traceability record is second to none, and I know that many other countries lag far behind.

**Ms Rodgers:** I take it that Mr Savage is referring to the proposals for obtaining low incidence status and a relaxation of the beef ban. I agree that our traceability system is second to none and will form part of a very strong case when we are in a position to go to Europe with the possibility of a successful relaxation of the ban.

As I said in the House last week, my judgement is that it would be foolish to proceed with this case in Europe at the moment. Even today, discussions are ongoing about how further controls and restrictions can be brought in. There is a sense of panic about BSE in

Europe. One has only to read our own national press, or indeed the European press, to see that. Given that situation, I know that if I were to proceed immediately with those proposals, people would not listen to us.

10.45 am

The hearing would be based on the panic and emotions that have been aroused in Europe. We will get only one shot at this, and advice from the EU Commissioner for Health and Consumer Protection, Mr Byrne, and other Ministers in Europe indicates that this is the wrong time for us to go, so I have decided that I would rather wait a while and get it right than go now and get it wrong.

**Mr McGrady:** I would like to compliment the Minister on a very comprehensive report on some exciting prospects for the future of agriculture on the island of Ireland. I would like to ask her about provision to set up strategic steering groups for bovine TB and brucellosis. Is she aware that there is great concern among the farming communities at the considerable spread of bovine TB and brucellosis, especially in the south and east of County Down? Has she any information regarding the surveys that took place in County Offaly on this disease eradication programme? Further — and I know this is a delicate area environmentally — has she considered, or would she consider, the introduction of a legislative arrangement for licensing individual badger culls or closing certain badger setts, because the farming community is convinced that the spread of bovine TB is directly related to the number of badgers that have proliferated in the North of Ireland, particularly on the east coast?

**Ms Rodgers:** I am not sure that I have any information on the situation in County Offaly, but I will certainly look into it and discuss it with my counterpart in the South. I am aware of the concerns about the role that badgers may play in the spread of brucellosis. As the Member has said, there is a worrying increase in the disease, especially in some border counties. There is evidence to suggest that the badger may play a more significant role in the spread of TB than was previously thought. In 1994 a survey suggested that there may be 38,000 badgers in Northern Ireland with a higher sett density than is the case in GB. Work is currently being undertaken in GB to evaluate the effectiveness of different badger control strategies. We in Northern Ireland will take cognisance of any measures that flow from that work in progress.

**Mr Paisley Jnr:** I note that £11.3 million is the Northern contribution to the running of these bodies; the Minister revealed that in her statement. Does she accept that her Department could make better use of these resources, particularly on the implementation of the vision group findings when it finally reports in 2001? Does she not agree that this money would be better

allocated directly to the Department than to the operation of these bodies? Has she seen or studied the Better Regulation Task Force report? I refer in particular to regulation 1:

“... to ensure that European Commission (EU) Directives properly reflect the interests of British farmers and are practical and enforceable.”

Does she believe that the regulations that she is pursuing meet that strategy?

**Ms Rodgers:** Mr Paisley Jnr has queried the £11.3 million that is being spent on the North/South implementation bodies. The North/South implementation bodies' roles are to provide services which are beneficial to the people of this island, North and South. The body for which I have responsibility, the Foyle, Carlingford and Irish Lights Commission (FCILC), will benefit from the enhancement of co-operation on the loughs, tourism and the development of aquaculture. The £11.3 million that the Member mentions, which is the Northern Ireland contribution, is out of a total budget of £6 billion. I believe that my Department's contribution to the FCILC is £1.45 billion. That money is well spent on services which will benefit people, North and South. In Northern Ireland we apply regulations set down by Europe. If we do not apply those regulations, we stand to be penalised. Is the Member asking that we not apply the European regulations? It is not clear.

**Mr Paisley Jnr:** We should not implement regulations that are a waste of resources. Does the Minister not agree?

**Ms Rodgers:** Is the Member asking us not to apply these regulations?

**Mr Speaker:** Order. It is not appropriate for Members to to and fro in this manner. If Mr Paisley Jnr would like to clarify the question, I will then call on the Minister to speak.

**Mr Paisley Jnr:** I appreciate that, Mr Speaker, and I appreciate the Minister's giving way. There was no lack of clarity in my question; there was a lack of certainty in the answer. The issue is that the task force is a British Government report. Does the Minister agree that no EU regulation should be applied to British farmers here in Northern Ireland that is not practical or enforceable? There are certain things that the Minister has announced today which do not meet that test of being practical and enforceable.

**Ms Rodgers:** The regulations will apply to British and Irish farmers in Northern Ireland. We do not over-implement any of the regulations. We implement the regulations as set down. In all instances we do our best to make it as simple as possible for farmers to understand the regulations and to comply with them. We assist them in every way possible, and we will continue to do that.

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. I welcome the statement on the implementation bodies and the fact that we can now move forward. It is good value for money, considering what it can

do, and has the possibility of doing, compared to the British Government policies imposed on our farmers down the years.

I would like some assurance that more will be done, particularly in south Armagh, about brucellosis and its cross-border connection. It poses a major threat to the South, an area which is currently clear of brucellosis. However, it may not remain clear because on our side of the border large parts of Armagh are badly affected. Furthermore, there does not appear to be enough money at present to counteract it.

In relation to BSE, are we putting forward the possibility of marketing our food in Europe in the light of the situation that we currently face? Is the message being put forward by the Department that our food is clear and safe? We do not want to be guilty by association, by keeping quiet and not pushing our case.

**Ms Rodgers:** There is a worrying increase of brucellosis in Northern Ireland, particularly in the border counties. We are concentrating more testing than usual on south Armagh because of the increase there.

With regard to marketing the safety of our beef in Europe, there should be no doubt about the work I have done, and will continue to do, to get the message across to Europe and elsewhere about the high standard of controls in Northern Ireland. The discussions in Europe will bring that out very clearly as people talk about meat-and-bone meal and so forth. It will become clear that we have had those controls in place for some time.

We have some money for marketing, and we will use it. Marketing is an important part of our strategy. The beef quality initiative is also in place.

I have already received some money from the recent allocations round to kick-start that, which will ensure that the quality of our beef is improved. That will help our marketing position. When the time is right the ban will eventually be relaxed. We are working on all fronts, and I assure the Member that everything will be done to ensure that we will be ready to hit the ground running.

**Mr Ford:** I thank the Minister for her statement, which seems to reflect some practical work on co-operation to which none but the most recalcitrant Unionist could object. It will certainly prove to be in the interests of the industry, North and South.

Concerning the strategic steering group on animal health, the Minister detailed three areas for work, while referring to exploring eight different areas. Can she tell us about the other five? In particular, can she indicate the priorities, because it is difficult to prioritise eight different matters simultaneously? Is nothing being done about plant health within that work, for example, or brown rot in potatoes?

In relation to the steering committee for cross-border rural development, the Minister's statement did not include

the prospect of greater consultation with Northern Ireland interest groups, which seem to have been left out, given the plethora of agencies and Departments which will be included in the consultation. Can the Minister assure us that the increasing consultation and co-operation North/South will not rule out these groups?

Finally, when the Minister refers to EU enlargement and the World Trade Organisation, she mentions seeking the "least adverse effect on the farming sectors". Can she please be a little more upbeat and tell us that she is seeking the best outcome, not the least worst?

**Ms Rodgers:** When I am asked four, five or six questions at one time I find it difficult to follow all of them. I will do my best. If I do not answer them all, perhaps the Member will bear with me.

**Mr Speaker:** That is the prerogative of the person who is answering, is it not?

**Ms Rodgers:** Thank you very much, Mr Speaker. I could more easily take the questions one at a time.

The first question was in relation to animal diseases. The Member is quite right. Animal disease is not a respecter of political boundaries. It is important that we take measures to deal with diseases on both sides of the border. The steering group will co-ordinate policy and review the activities of the working groups; it will be the prime advisory group to the Ministerial Council.

Initial working groups have been established to cover eight different policy areas. These are: the import and export of live animals and their products; bovine TB and brucellosis; transmissible spongiform encephalopathy; veterinary medicines; zoonoses and exotic or new diseases; animal welfare; animal health schemes; and disease surveillance. Working groups will be stood down and new groups formed as necessary. Clearly, I expect that the priorities will be discussed and decided by the working groups at any given time.

I am not aware of any brown rot in potatoes in the Republic at the moment, but contingency plans are being examined should that situation arise. As a result of the current enhanced co-operation, that issue will be dealt with.

In relation to the world trade organisation, the new round is widely expected to involve further reductions in domestic agriculture supports and improvements in market access by the lowering of import tariffs. Reduction is expected in export subsidisation, both in quantities of subsidised exports and in the value of export subsidies. That is a vital issue, which I was keen to discuss with my Southern counterpart at the north/south ministerial council.

At present, domestic agriculture support is classified in three ways. It can be trade-distorting, which is being in the amber box; it can be long trade-distorting, which is being in the green box; or it can be potentially trade-distorting, which is being in the blue box.

11.00 am

Most common agricultural policy direct payments are in the blue box. Under the General Agreement on Tariffs and Trade in the Uruguay round, "green box" and "blue box" support are exempt from reduction commitments. However, in the new round, undoubtedly the USA and others will target "blue box" measures. The USA is looking for two categories only — exempt and non-exempt.

It is important that the EU negotiating position, which we have already agreed will look at the multifunctionality of agriculture as opposed to just one aspect of it, will take on board the vital interests of Northern Ireland farmers. There is a convergence of interests between us on the island of Ireland, and a divergence between the interests of farmers in Ireland and those on the other side of the water. We will look for the best outcome, but we have to recognise that there will not be agreement between the Governments of these islands on how to go forward.

My responsibility, as the Minister of Agriculture for the people of Northern Ireland, will be to ensure that in my discussions with Nick Brown and the Ministers across the water, and with Joe Walsh in the South, our interests are not forgotten and will be taken on board. That is what I intend to do, and that is why I will have talks with Nick Brown and Joe Walsh in the near future.

**Mr Leslie:** A line in the Minister's statement caught my eye, as it did the eye of Mr Ford. In the context of EU enlargement, it refers to ensuring

"the least adverse affect on the farming sectors in both parts of the island."

I welcome the realism that that statement contains. Has the Minister any thoughts at this stage on which sectors of the farming industry will be least adversely affected? Is she implying that they will all be adversely affected by enlargement, or does she believe that there will be winners and losers as enlargement evolves?

**Ms Rodgers:** Given what I have already said about what pressures there will be for change within the World Trade Organisation, and the move away from direct subsidies, it is clear that there will be particular pressures on sections of our farming community that have depended on direct subsidies. Many of those are in the less favoured areas and the regions that need help.

The multifunctionality of agriculture will be to the forefront in the European negotiations. It is difficult to state categorically, but clearly the sectors which are most dependent on direct subsidies will be those most affected by any changes. I am anxious that our voice should be heard in order to protect that section of the farming community.

**Mr Bradley:** I also welcome the Minister's statement and in particular the reference to the endorsement of proposals to formalise liaison arrangements at official level

on animal health matters. I have no doubt that the Minister played a key role in promoting the liaison arrangements. I also note that the Minister had discussions with her counterpart in the South, Mr Joe Walsh, on the pig industry. What have the Government done to support the pig industry? What has happened to the proposed pig restructuring scheme?

**Ms Rodgers:** As well as the pig welfare compensation scheme last year, I have worked hard to try to help an industry which I recognise has been in severe difficulty.

First, I have examined all suggestions to help the sector financially: for example, in relation to the proposal to pay a subsidy to cover the UK's higher feed costs. In this context I met with Commissioner Fischler early in the year; however, the Commission rejected my proposal. As the Member is probably aware, we have also examined all indirect ways of helping, for example, by having the Spongiform Encephalopathy Advisory Committee review the ban on meat and bone meal in pig rations.

Secondly, we would like to have the labelling provisions on pig meat reviewed in order to avoid misleading claims as to national origin. We have also written to public procurement bodies to promote the use of home produce. I am pleased to report that, after many months of negotiation, the European Commission has confirmed that it is content with the outgoers element of the pig restructuring scheme. Some details still need to be sorted out, but Nick Brown is expected to make an announcement later today.

The scheme, including the ongoers, is expected to receive formal clearance by the Commission later this month. We hope to be in a position to open the ongoers' phase in January 2001. This will be very good news for the most hard-pressed sector — the pig industry.

**Mr Kane:** Will a farm quality assurance scheme, equal to the rigorous scheme which exists in Northern Ireland, be developed in the Republic of Ireland as a result of liaison between the two Departments? That has serious implications.

**Ms Rodgers:** The farm quality assurance scheme is a commercial matter to be dealt with by bodies with commercial interests. It is not, strictly speaking, a matter for the Departments.

**Mr Hussey:** I am sure that the Minister will agree that the Republic has a lot of catching up to do in improving animal health on both sides of the border. First, what time limit has the Republic set itself for raising animal health standards on this side of the border?

Secondly, on the issue of less favoured area payments, there is mention of a welcome provision of an adequate safety net to protect farmers who may be detrimentally affected under the new arrangements. This will involve a tremendous amount of forward planning. Can the

Minister indicate or estimate how many farmers will be deemed to have been detrimentally affected?

Finally, the first part of the statement dealing with the URBAN II community initiative programme proposals for Northern Ireland says

“the Council ... noted that these proposals would be submitted to the European Commission”.

Later, however, the words “the Council agreed” appear. Can the Minister confirm that these proposals will be forwarded to the European Commission, irrespective of whether the North/South Ministerial Council agrees to them, and that this is a matter for Northern Ireland? While support for the proposals would be welcome, they can be submitted without agreement.

**Ms Rodgers:** The first part of the question relates to when the Republic of Ireland will play catch-up. That is a matter for the Government of the Republic. Those matters are currently being discussed in conjunction with the Agriculture Council. Member states will deal with them, as set out by the Council.

At present, it is very difficult for me to forecast the impact of the less favoured area payments and the safety-net arrangements. The safety net will lessen the impact significantly. Under the original decision, against which we fought with success, there would have been many losers and few big winners. Under the current arrangements, more than 50% of farmers will lose less than £500, perhaps even less than £100, per year.

I will obtain the exact figures for the Member. As for the proposals on the URBAN II initiative, those were indeed agreed at the North/South Ministerial Council, but the Member will be aware that everything that is agreed there will subsequently be put to both the Dáil and the Assembly for their agreement. Those are some of the checks and balances that were introduced at the time of the agreement to assure people that nothing would be done without their consent.

**Mr Dallat:** I also welcome the Minister's statement. Will she elaborate on the role of the cross-border steering committee on rural development? What areas will it deal with in its programme of work?

**Ms Rodgers:** The steering committee on cross-border rural development was established following ministerial discussions at the Anglo-Irish Intergovernmental Conference in 1991. The purpose of that steering group was to act as a formal discussion forum and to encourage and oversee projects on cross-border rural development.

The revised terms of reference for the steering group agreed at the North/South Ministerial Council on 26 June reflect the revised role proposed by the Council. Those terms of reference are: to promote maximum co-operation in the implementation of rural development and EU programmes; to exchange information on experience and best practice of rural development in both jurisdictions

and to examine the scope for a common approach to the feasibility of developing cross-border area-based strategies and rural development research. As the rural development programme 2000-06 unfolds, it is likely that the following areas will have potential for cross-border co-operation: INTERREG III, Peace II, LEADER+, the Common Chapter of the Structural Funds Plan and the exchange of information on experience and best practice.

**Mr Poots:** I noted in a previous answer to one of my Colleagues that the Minister referred to “British and Irish farmers in Northern Ireland”. Perhaps she could give us a breakdown; my understanding is that they are all British subjects.

The document says that a report on best practice is being prepared. Was there any discussion on worst practice? In particular, I would like to refer the Minister to the EU directive on the spread of sewage sludge on agricultural land. The Irish Government have not met the obligations laid down by this directive. Bearing in mind the fact that the Environment Minister was in attendance, did the Northern Ireland delegation voice concern that the Irish Republic is spreading sewage sludge containing heavy metals on agricultural land and that this could enter the water systems?

**Ms Rodgers:** With regard to British and Irish subjects, we now have an agreement that allows people to be what they feel themselves to be, not what others tell them they are. Some farmers consider themselves British; that is their right, which I totally uphold. Others consider themselves Irish; equally, I uphold their right to think of themselves as such.

The answer to Mr Poots’s question is that the matter of sewage sludge was not raised or discussed at our last meeting. However, all those matters can be discussed as our officials continue to meet in the new context of enhanced co-operation.

## TRANSPORT

**Mr Speaker:** I have received notice from the Minister for Regional Development that he wishes to make a statement about a recent meeting with his Scottish counterpart on transport.

**The Minister for Regional Development (Mr Campbell):** I am grateful for the opportunity to make a statement on my recent visit to Scotland. I am conscious that comments have been made in the Assembly to the effect that DUP Ministers have not yet met their ministerial counterparts from England, Scotland and Wales. Rather than respond at that time, I thought it was more important to schedule such meetings, as was always my intention, and to report to the Assembly subsequently.

*11.15 am*

On 28 and 29 November I visited Edinburgh to learn about the Scottish approach to public transport, roads, water and sewerage services. I had an opportunity to meet Sarah Boyack, the Minister for Transport in the Scottish Executive, thus enabling me to fulfil a long-standing commitment given by my predecessor Peter Robinson to meet Sarah Boyack in February of this year — a meeting that had to be postponed because of the suspension of the devolved arrangements.

During the visit I had discussions with senior transport officials. I met the convenor of Edinburgh City Council’s transport committee and saw at first hand the traffic management and bus priority measures in the city. I also met senior officials from the Scottish Executive responsible for water and sewerage services and the Water Industry Commissioner for Scotland, Alan Sutherland, who acts as the regulator for the industry.

This was a very useful visit. I was able to examine the arrangements for providing water and sewerage services in Scotland through three publicly owned water authorities and the approach to meeting the funding needs of these services, the methods of direct charging used and the provision for economic and consumer regulation.

Like the Water Service, the water industry in Scotland needs significant investment over the next 15 to 20 years. I was extremely interested to hear how the Scottish Executive and the independent regulator planned to address the funding need through a combination of charges and efficiency targets for the three public water authorities. I was particularly interested to learn how the Executive plans to reconcile its social obligations to lower-income customers and customers in rural areas with the need to increase charges.

The discussions on transport ranged widely — from the approach being adopted in Scotland to achieve a sustainable, effective and integrated transport system, to

the current thinking on tolls, road-user charging and work-place parking levies, to the intention to introduce free off-peak bus travel for senior citizens and the disabled, and to the measures being taken to lever in private sector investment for roads and public transport. There was also discussion about the scope for improving transport links between Scotland and Northern Ireland and improvements to the roads to the main Scottish ports serving Northern Ireland.

During the visit to Edinburgh Council I saw the work that has been undertaken to improve bus services, to develop cycle routes and to give greater priority to buses and pedestrians. I also had a briefing on the development of proposals to introduce congestion charging in the city, with the resources raised being earmarked to improve public transport.

All in all, this very constructive visit strengthened the existing good relationships between my officials and their counterparts in Scotland, created further contacts at a political level and opened up new opportunities to exchange experiences and expertise to the benefit of both Administrations.

In the near future the Scottish experience will be helpful to a number of my departmental actions contained in the draft Programme for Government. As Members will be aware, the Department for Regional Development is undertaking two major change processes — ‘Roads Service: Delivery Excellence’ and ‘Water Service: Moving Forward’. The processes involve a wide-ranging review of the policy and financial context within which both agencies operate and aim to improve the efficiency and value for money with which roads, water and sewerage services are delivered. The Scottish experience is of direct relevance to both these processes and will inform our approach. The Transport (Scotland) Bill that emanated from the Transport White Paper ‘Travel Choices for Scotland’ will be of invaluable assistance as our Transport Bill progresses.

The Scottish experience of concessionary fares will inform our approach to introducing free fares on public transport for older people. I hope our progress will be more significant and rapid than Scottish progress has been. The Scottish approach to delivering its strategic roads review will help inform our strategic planning approach to the key transport corridors in Northern Ireland, details of which will be laid out in ‘Regional Development Strategy’ and its daughter document ‘Regional Transportation Strategy’.

The Scottish approach to modernising railways, through the rail modernisation fund and the rail passenger partnership, will inform our approach to consolidating the rail network over the next three years while advancing our thinking on public/private partnerships. Members may also be interested to note that I had a most useful visit to Chiltern Railways the week prior to my Scottish

visit, as part of my effort to ensure that we learn from best practice elsewhere.

Subject to diary commitments, I intend to arrange similar visits to my counterpart in Wales, Sue Essex, and my counterpart in the Department for the Environment, Transport and the Regions, Lord Macdonald. I was due to meet with Lord Macdonald on 14 September, immediately prior to the third UK Local Authority Chairs of Transport conference in Manchester, only to be thwarted by the Minister’s need to deal with the fuel price crisis.

Likewise, I intend to meet with my counterparts in the Republic of Ireland, Mary O’Rourke and Noel Dempsey, to discuss transportation matters of mutual interest to Northern Ireland and the Republic of Ireland. I will inform the Assembly following any such ministerial meetings.

**The Chairperson of the Regional Development Committee (Mr A Maginness):** I thank the Minister for his statement. I also congratulate him on his series of, albeit belated, meetings with other Ministers and bodies with responsibility for transport, water, and so on. I am sure that the House welcomes this progressive step.

Given that he has met Scottish Ministers and has plans to meet others, how soon will he meet with Mary O’Rourke and Noel Dempsey to discuss mutual transportation interests between the North and the South?

Moreover, in relation to the Minister’s Edinburgh visit, the Belfast area has five miles of bus lanes compared to 15 miles of Greenways in Edinburgh. Does he have any plans to extend the bus lanes in the Belfast area to help combat congestion and improve public transport, which is at a critical juncture, with many members of the public constantly complaining about it?

**Mr Campbell:** I thank the Chairman of the Regional Development Committee for his questions. First, I will deal with the issue of the belated meeting with Sarah Boyack.

I do not understand the accusation. Arrangements had been made for my predecessor to meet Sarah Boyack. The meeting would have gone ahead had the devolved arrangements not been suspended in February, which neither my predecessor nor I can be held responsible for. The meeting with Lord Macdonald was scheduled to take place within six weeks of my becoming Minister, and I was present to meet him. Unfortunately, he could not meet me because of the fuel crisis that occurred on the day of my visit. The meeting with Sarah Boyack was rearranged for as soon as was practicable; it took place last week. I hope, therefore, that I have dealt with the allegation of belatedness by showing I am more than anxious to meet with my counterparts.

Mr A Maginness asked about the timescale of my meetings and about my willingness to meet with my counterparts in the Republic of Ireland. I intend to meet them as soon as is possible and practicable. Diary com-

mitments permitting, I would like to have those meetings, and also the meetings with Sue Essex and with Lord Macdonald, as soon as possible.

I take the Member's point about bus lanes. From the Edinburgh meeting it is clear that what would equate to quality bus corridors in Belfast have been successfully in place in Edinburgh for some time. I hope to draw on the success that Edinburgh has had with those bus corridors. The hon Member has quoted some figures, but it should be borne in mind that Edinburgh's population and transport system are larger than those of Belfast. Members should therefore not be of the opinion that Belfast should be exactly in line, mile for mile, with Edinburgh as regards quality bus routes. However, the principle is there, and I want to ensure as quickly as possible that Belfast commuters get the advantages of successful quality bus corridors that Edinburgh commuters have enjoyed for some time.

**The Deputy Chairperson of the Regional Development Committee (Mr McFarland):** I am most encouraged to see that the Minister — à la Sinn Féin — is happy to engage in bilateral discussions with Ministers from the Republic of Ireland, despite his refusal to take part in the North/South Ministerial Council. However, I understand that his Department is withholding co-operation from the British-Irish Council sectoral study on transport, even though his Department is the lead body in the United Kingdom on the study. Will he explain the DUP's hypocrisy in holding back the proper functioning of the British-Irish Council, the key strand three east/west body which cements together all parts of the United Kingdom?

**Mr Campbell:** I thank the Member for his question, despite the inaccurate information behind it. I have no difficulty whatsoever with consultation and the development of good relationships with other jurisdictions. I have not had any difficulty with it in the past, do not have any difficulty now and will not have a difficulty in the future. Mr McFarland correctly said that the DUP is not prepared to go along with the North/South Ministerial Council. However, he raised an issue relating to the British-Irish Council. I have made it very clear to the First Minister and the Deputy First Minister, both publicly in the Chamber and privately, that I am willing to attend the British-Irish Council if nominated to take the lead in respect of that responsibility. I repeat that willingness today. I do not understand the attempted criticism of my party. It appears to be politically inspired. We are more than willing, and have repeatedly demonstrated our willingness, to take part in genuine co-operative relationships with Ministers of the Republic of Ireland and with the relevant Ministers in the United Kingdom.

**Mr R Hutchinson:** I thank the Minister for his statement. Did he discuss improvements to the A75 Stranraer-Carlisle road with his Scottish counterpart? Such improvements would greatly assist those travelling

from Larne via Cairnryan or Stranraer on their onward journeys to Carlisle or beyond.

**Mr Campbell:** Immediate transport links on either side of the ferry connection were raised. When I spoke to Sarah Boyack, the Scottish Transport Minister, I was concerned with the A75 in particular. There have been many representations and some criticisms over the years regarding the lack of overtaking facilities on the link on the Scottish side. We raised that issue, and I made it clear to Ms Boyack that I would support her in the upgrading of that link. I cannot indicate whether there will be an imminent upgrading. Ms Boyack is aware of the feelings of Northern Ireland commuters.

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. Has the Scottish experience any relevance to the large amounts of money pressed for here for railways versus roads? People living in rural parts of the Six Counties have no choice but to use cars. Will our budget for roads lose out accordingly?

11.30 am

In relation to the Minister's own adherence to best practice, does the fact that he does not attend the North/South Ministerial Council have a detrimental effect on his ability to carry out his functions relative to his counterparts in the South?

**Mr Campbell:** I am at something of a loss to ascertain the question to which I must respond. However, if there is political criticism of the attitude shown by myself and my party towards the North/South Ministerial Council, I accept it happily. I have made it clear in response to other questions that I am more than happy to bring about and participate in genuine co-operative arrangements between both Northern Ireland and the Irish Republic, and Northern Ireland and Scotland, England and Wales. I do not see how best practice in any way conflicts with my readiness to join in such arrangements with any part of these islands.

**Mr Bradley:** I welcome the Minister's intention to meet Mary O'Rourke and Noel Dempsey, but I should like to give a word of advice to his chauffeur about the dangerous stretch of road between Loughbrickland and Newry, on which he should drive carefully when travelling South to meet them.

Are there any specific measures in place in Scotland that the Minister might consider implementing to alleviate difficulties here? Was the problem of cryptosporidium discussed during his visit?

**Mr Campbell:** I thank the Member for his question and note his comments about the Loughbrickland stretch of road. On a previous visit of mine to Newry and Mourne District Council, public representatives made their views clear to me on that issue. I am hopeful that we shall be able to secure sufficient funds to complete that road scheme and others.

The issue of cryptosporidium was raised, and I was pleased to hear from the Scottish commissioner about his efficiency programme for the Scottish water authorities. I see considerable merit in working with him to promote consumer interests in Scotland and Northern Ireland. Contact has been initiated between officials from Scotland and Northern Ireland, and they will continue. If issues of considerable benefit arise from the Scottish experience — as I am sure they will — I shall be happy to consider their implementation in Northern Ireland. I shall also make the Member, and others in the House, aware of their nature.

**Mr Paisley Jnr:** I welcome the Minister's statement and the answers he has given thus far. It is essential that Members cross to Scotland to discuss improvements to roads which will enable us to get to Rangers games much more quickly, and I welcome that development.

Does the Minister agree that his meeting with his Scottish counterpart was able to take place without the unnecessary and expensive apparatus normally associated with meetings of the North/South Ministerial Council and the British-Irish Council? Let us congratulate him on his prudence with departmental resources in that regard. Can he assure us that such good and sensible co-operation will continue? Has there been any indication from the First Minister or the Deputy First Minister of support for this approach to such meetings?

**Mr Campbell:** I shall reserve comment on the first part of the question about crossing to certain football matches — perhaps until the end of the season, when we shall know if it is worthwhile.

I shall leave the subject of prudence shown in the funding of such visits for others to judge.

The Deputy First Minister made several critical comments in the House on 16 October 2000 about not meeting ministerial counterparts. I have had no correspondence or communication from the First Minister or Deputy First Minister, either since they were informed of the meeting or subsequent to it.

**Mr J Kelly:** Go raibh maith agat, a Cheann Comhairle. It is interesting that the Minister can meet his counterparts from England, Scotland, Wales and the Republic but finds it difficult to meet his own Executive here. It is also interesting that some Members can talk about Rangers matches and make no reference to the photographs that appeared in yesterday's newspapers. Those photographs showed Rangers footballers meeting those who have been or who are terrorists, including Mr Stone.

The Minister said that he had discussed the Scottish strategic roads review. The most strategically important road, for those of us living west of the Bann, is the road from Belfast to places west of the Bann and Derry city. And there is the Toome bypass. Has the Minister learned anything from his Scottish experience that would compel him to give us a starting date for the Toome bypass?

**Mr Campbell:** I will endeavour to respond to each of the issues raised. The Member said something that was either a question or a comment about my willingness to meet my counterparts from England, Scotland, Wales and the Republic of Ireland and my unwillingness to meet certain individuals in the Executive Committee. I shall make my position clear: if any of the counterparts whom I have met, and am willing to meet, had been guilty of terrorist offences or fronting a fully armed terrorist army, I would not have been willing — and would not be willing — to meet them. To do so would be to give them a veneer of respectability. I have not done that and I will not do that.

The Member also raised the extraneous issue of a newspaper photograph relating to a football match. I imagine that players in football teams, particularly successful football teams, meet hundreds of people and pose for photographs. Players who come from the Netherlands or elsewhere in mainland Europe will be unaware of the background of individuals with whom they are asked to pose. That is a matter for others to comment on.

I repeat what I have said on several occasions, in the Chamber and publicly, on the Toome bypass. I hope to proceed with the Toome bypass and other schemes as quickly as is practicable. To do that, I need resources and funding for the Department for Regional Development. Without that funding, how can I begin, let alone complete, such major road projects? I intend to complete those projects, but I need the resources.

**Mr Byrne:** Like other Members, I thank the Minister for giving us an update on the meeting with his Scottish counterpart. The road haulage industry in Northern Ireland has long wanted co-operation between the Minister here and the relevant Scottish Minister on the A75, as so much of our road haulage traffic goes through Larne. It has been a difficult issue for a long time. I welcome the Minister's willingness to meet his counterparts from the Republic. Those of us who live in border areas want to see meaningful co-operation on transport.

How does the Minister envisage that his bilateral arrangements will work, given that the Office of the First Minister and the Deputy First Minister has identified transport as a priority issue? How does he hope to resolve that issue?

**Mr Campbell:** The Member makes a valid point about border areas. In many circumstances where there is a land border between two countries — whether it is in the Nordic countries, the Iberian peninsula, or North America — it makes practical sense to co-operate in the construction and alignment of roads between one country and the adjoining jurisdiction. In that sense I am fully committed to that type of co-operation and co-ordination.

However, the Member raised the issue of transport, and the previous statement of the First Minister and the Deputy First Minister. I hope that he and others will



understand and recognise that the legal responsibility for transportation issues falls within the remit of the Department for Regional Development. It is that Department which implements policy and puts strategic road networks in place. It remains the responsibility of that Department, and I hope the hon Member and the other hon Members will recognise that reality. I intend to further develop and deepen transportation links with the Republic of Ireland, and with Scotland, England and Wales.

**Mr Beggs:** The Minister said that there had been discussion about the scope for improving transport links between Scotland and Northern Ireland. Was there any discussion about the imminent movement of Stena Sealink from Belfast to Larne, which would undoubtedly speed up the journey time between Northern Ireland and Scotland by ferry, and about the implications of such a move on roads? Were any concerns expressed by his Scottish counterpart about the need to upgrade the Larne-Belfast road when that move takes place?

**Mr Campbell:** Any alteration to Stena Sealink operations is a matter for that company and the respective ports. The Member could not expect me to comment in detail on those discussions.

I have had discussions with the Larne and Belfast ports, and the issue was mentioned briefly during the meeting I had last week with Sarah Boyack. However, its importance is not underestimated. In the next few months the Department hopes to see developments about the implementation of the Stena decision. If the Regional Development Department could take any decisions about the upgrading of roads in order to facilitate smoother and quicker transportation between Northern Ireland and Scotland, I would be happy to examine them.

**Mr Hussey:** Like Mr Paisley Jnr, who commented on the speed of transport to Glasgow, I welcome the fact that that issue is being addressed — even for myself, who might be travelling on to Leeds.

**Mr Speaker:** I may be forced to ask all Members to declare an interest with regard to that.

**Mr Hussey:** I welcome the meeting with Southern Ministers. The Minister will understand the great difficulties concerning the A5/N2 route, which I suspect he might use rather than going down the road through Loughbrickland. I want assurance that that route will be discussed on the occasion of a meeting with Ministers from the Republic of Ireland.

Reference has been made to the rail modernisation fund. We have great difficulty accessing that fund. Are there any plans for the Department to seek direct access to the rail modernisation fund? The Minister discussed with Scottish Ministers the methods of direct charging being used for water. Is there a suggestion that the Northern Ireland Department is seeking to introduce water charges?

11.45 am

**Mr Campbell:** The Member talked about transportation links with Glasgow and then Leeds. However, I hope that he does not travel via that route because it will take him considerably longer. The Member raised a number of issues, and I will try to deal with each of them.

As I understand it, we cannot access money through the rail modernisation fund, but we are examining any way in which leverage can be applied to enable us to receive additional funding and resources for Northern Ireland Railways. Each of them will be examined closely, particularly in the context of the consolidation option put forward by the railway task force, and contained in the transportation strategy, to ensure that Northern Ireland Railways is not only consolidated but developed. Public/private partnerships are being examined to see whether it is possible to lever in additional funds from that source. I hope that some progress will be possible.

The Member also asked about the A5 and the N2. The route I take will depend on where I start from. If I were to start from Londonderry, I would go by the A5. If I were to start from my office in the Department, I would probably take the route that Mr Bradley referred to, to enable me to see the nature of the road linkage, particularly on this side of the border. That will undoubtedly feature in our discussions, as will the other main linkages between Northern Ireland and the Republic.

The Member also mentioned the issue of water. On a number of occasions I have referred to the significant 30-year underinvestment in Northern Ireland's water infrastructure. I have said to the Committee for Regional Development that every possible way of raising additional funds must be looked at imaginatively. Any avenue that has not been previously accessed, but is now being considered, will not be accessed until I have spoken to the Committee for Regional Development, to which the hon Member belongs, nor will anything be done without my coming before the Assembly. The short answer is no.

## ADOPTION (INTERCOUNTRY ASPECTS) BILL

### Second Stage

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A Cheann Comhairle. Molaim go n-aontaítear an Dara Céim den Bhille (Gnéithe Idirthíortha) Uchtaithe.

Is é príomhchuspóir an Bhille seo ná an Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption a chur i bhfeidhm anseo. Dhaingnigh tríocha tír san iomlán an Coinbhinsiún. Shínigh Rialtais na hÉireann agus na Breataine é ach níor dhaingnigh siad go fóill é. Sa Bhreatain Mhór cuimsíonn an Adoption (Intercountry Aspects) Act 1999 an reachtaíocht leis an Choinbhinsiún a chur i bhfeidhm. Tá an Deisceart ag déanamh machnaimh san am i láthair ar reachtaíocht a thabhairt ar aghaidh a chuirfidh ar a chumas an daingniú a bhaint amach.

Tá cuspóirí Choinbhinsiún na Háige díreach. Is é an chéad chuspóir ná comhaí a bhunú a chinnteoidh nach dtarlóidh uchtuithe idirthíortha ach amháin nuair a rachas siad chun leasa na bpáistí i gceist. Sa dara cás, is é is aidhm don Choinbhinsiún ná córas comhoibrithe a bhunú idir na stáit a shínigh an Coinbhinsiún le cinntiú go gcomhlíonfar na comhaí a leagtar síos ann. Aidhm eile is ea go dtabharfar aitheantas trasna iomlán stáit an Choinbhinsiúin do na huchtuithe a rinneadh de réir an Choinbhinsiúin.

Sna blianta deireanacha mhéadaigh ar an tsuim i bpáistí ón choigrích a uchtú. Níl an líon mór, ach tá sé ag ardú leis. Sa bhliain 1996 fuair ár ngníomhaireachtaí uchtaithe dhá iarratas ó dhaoine ag iarraidh cead páiste ón choigrích a uchtú. Sa bhliain 1999 ba 25 líon na n-iarratas; 28 an líon chun dáta i mbliana. Ní suarach iad na buntáistí a thig le páiste ón choigrích a fháil ó bheith á uchtú ag teaghlach anseo. Agus ní féidir áibhéil a dhéanamh ar áthas pearsanta agus sásamh lánúineacha gan chlann a fhéadann baile maith a thairiscint do pháiste ón choigrích. Is léir go bhféadann mórbhuntaistí a theacht as an uchtú idirthíortha, ach tá sé riachtanach a chinntiú go gcosnaíonn na socrúite atá idir tíortha leas páistí agus go ndaingnítear cearta tuismitheoirí breithe nó cúramóirí eile i dtír dhúchais an pháiste.

Le haird a dhíriú ar fhorálacha an Bhille, leagtar iad seo amach sa Mheabhrán Míithe agus Airgeadais. Ní dhéanfaidh mé ach breac-chuntas ginearálta ar na príomhghnéithe agus ar na hathruithe a chuirfidh an reachtaíocht úr i bhfeidhm.

Ba chóir domh a aibhsiú nach mbaineann an Bille le huchtuithe intíre, mar a déarfá, nuair a bhíonn cónaí ar na huchtaitheoirí ionchais agus ar an pháiste anseo.

Baineann sé le huchtuithe idirthíortha amháin nuair is de náisiúntachtaí éagsúla iad na huchtaitheoirí agus an páiste.

Tugann an Bille aghaidh ar thrí eochair-réimse. Ar dtús, cuireann sé ar chumas mo Roinne rialacháin a dhéanamh ag cur an Choinbhinsiúin i bhfeidhm anseo. Tá téacs ábhartha an Choinbhinsiúin leagtha amach i sceideal an Bhille. Tugann airteagail an Choinbhinsiúin aghaidh ar réimse leathan saincheisteanna. Orthu seo tá ceanglais ar thíortha an Choinbhinsiúin a chinntiú, i ndiaidh machnamh ar an pháiste a shocrú ina tír dhúchais, gurb é an t-uchtú idirthíortha a b'fhearr a rachadh chun sochair don pháiste. Ar cheanglais eile tá an fhreagracht ar thíortha an Choinbhinsiúin a chinntiú gur tugadh gach toiliú riachtanach, lena n-áirítear toiliú thuismitheoirí an pháiste nuair is iomchuí, gur tugadh sin mar ba cheart. Caithfidh toilithe a thabhairt go saor agus chan mar gheall ar dhíolaíocht. Caithfidh mianta agus barúlacha an pháiste a chur san áireamh — ag cuimhneamh ar aois agus tuiscint an pháiste. Cuirtear an chumhacht ar fáil sna rialacháin coir a dhéanamh de neamhchomhlíonadh na rialachán.

Cuirfear na rialacháin uilig a chuireann an Coinbhinsiún i bhfeidhm faoi chomairliúchán agus cuirfear faoi bhráid Choiste Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí an Tionóil iad.

Baineann an dara heochair-réimse a gclúdaíonn an Bille é le soláthar údaráis láir, a bheas bunaithe i mo Roinnse.

Bheadh an t-údarás láir ina phointe teagmhála d'uchtuithe idirthíortha. Go bunúsach, chuirfeadh seo na socrúite riaracháin reatha ar bhonn reachtúil. De réir na socrúite seo, chuirfí tuairiscí a rinne gníomhaireachtaí uchtaithe i gcásanna idirthíortha ar oiriúnacht uchtaitheoirí ionchais chuig an Roinn. Dhéanfaí iad seo a scrúdú agus chuirfí chuig an Roinn Sláinte i Sasana iad a ghníomhódh mar lárionad do gach comhfhreagras le tíortha iasachta i gcásanna uchtaithe idirthíortha.

Baineann an tríú heochair-réimse a gclúdaíonn an Bille é le sraith leasuithe ar an Adoption (NI) Order 1987 atá riachtanach le leas páistí a chosaint agus leis an Choinbhinsiún a chur i bhfeidhm.

Tabharfaidh na leasuithe seo aitheantas láithreach d'uchtuithe Coinbhinsiúin a rinneadh ar an choigrích amhail is dá mba anseo a rinneadh iad, faoi réir comhaí áirithe a cheadódh iarratais ar an Ardchúirt lena neamhniú. Ceanglóidh leasú breise ar iontaobhais sláinte agus seirbhísí sóisialta cuid dá seirbhísí uchtaithe a dhéanamh den uchtú idirthíortha. Lena chois sin, tá dhá leasú an-tábhachtacha ar Ordú 1987 a chruthóidh coireanna. Coir a ba ea do dhuine páiste a thabhairt isteach go hAlbain, sa Bhreatain Bheag, Sasana nó anseo le huchtú mura gcomhlíonfaí critéir áirithe. Leagfar na critéir seo amach i rialacháin agus is é a gcuspóir ár gcosaint ar ghluaiseacht cheilte páistí le huchtú.

Chruthófar coir bhreise a chiallóidh go mbeidh sé neamhdhleathach ag duine ar bith seachas gníomhaireacht uchtaithe oiriúnacht uchtaitheoirí ionchais a mheasúnú.

Críochnóidh mé m'fhocail tosaigh ag rá go gcreidim go diongbháilte go gcuideoidh an Bille go mór le leas páistí atá bainteach le huchtú idirthíortha. Mar atá luaite agam cheana, níl an líon mór. Mar sin féin, caithfidh a chinntiú go mbíonn caighdeáin arda agus comhaí córa ann le páistí a chosaint agus nach bhfaightear uchtuithe idirthíortha go mícheart. Tá an Bille go hiomlán de réir phrionsabail an UN Convention on the Rights of the Child. Cuirfidh sé ar ár gcumas ár mbeart a dhéanamh in éineacht le tíortha eile ag caomhnú caighdeáin arda chosaint na bpáistí.

I beg to move

That the Second Stage of the Adoption (Intercountry Aspects) Bill (NIA 8/00) be agreed.

The primary purpose of the Bill is to give effect to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. Thirty countries have ratified the Convention. The British and Irish Governments have signed but not yet ratified it. In Great Britain, legislation to give effect to the Convention is contained in the Adoption (Intercountry Aspects) Act 1999. The South is giving consideration to bringing forward legislation that will enable it to proceed to ratification.

The objectives of the Hague Convention are straightforward. The first objective is to establish safeguards that will ensure that intercountry adoptions take place only where it is in the best interests of the children. The Convention also aims to establish co-operation between the states that are party to it, to ensure that the safeguards set out in it are respected. A further aim is to secure the recognition across all Convention states of adoptions made in accordance with the Convention.

In recent years there has been increased interest in the adoption of children from abroad. The numbers are not high, but they are rising. In 1996 our adoption agencies received only two applications from people seeking approval to adopt a child from abroad. In 1999 the number of applications was 25. The number for this year to date is 28.

The benefits that a child from abroad can obtain through adoption by a family here can be substantial. Equally, the personal happiness and fulfilment of childless couples who are able to provide a good home for a child from abroad cannot be overestimated. Intercountry adoption can yield enormous benefits, but it is necessary to ensure that arrangements between countries protect the welfare of children and secure the rights of birth parents or other carers in the child's country of origin.

The provisions of the Bill are set out in detail in the Explanatory and Financial Memorandum. I will outline

the main features of the new legislation and the changes that it will bring about. The Bill is not concerned with domestic adoptions, where both the prospective adopters and the child live here. It is concerned with intercountry adoptions, where the adopters and child are of different nationalities.

The Bill addresses three key areas. First, it enables the Department of Health, Social Services and Public Safety to make regulations giving effect to the Convention in Northern Ireland. The relevant text of the Convention is set out in the schedule to the Bill. It addresses a wide range of issues. It requires Convention countries to consider a placement for the child in the state of origin and ensure that intercountry adoption is in the best interests of the child.

Convention countries are responsible for ensuring that necessary consents have been properly given, including the child's parents' consent, where necessary. Consents must be freely given and not induced by payment. Consideration must also have been given to the child's wishes and opinions, having regard to the child's age and understanding.

Power is provided to create offences in relation to non-compliance with the regulations. All the regulations giving effect to the Convention will be subject to consultation and will be laid before the Health, Social Services and Public Safety Committee and the Assembly.

Secondly, the Bill provides for a central authority, based in the Department of Health, Social Services and Public Safety, to act as a liaison point for intercountry adoptions. Essentially, that would put existing administrative arrangements on a statutory footing. Under such arrangements, reports on the suitability of prospective adopters in intercountry cases, carried out by adoption agencies, would be passed to the Department. They would then be checked and passed to the Department of Health in England, which would act as the focal point for all correspondence with foreign countries in intercountry adoption cases.

12.00

The Bill also includes a series of amendments to the Adoption (Northern Ireland) Order 1987 that are required to protect the welfare of children and give effect to the Convention. The amendments will allow Convention adoptions made abroad to be recognised automatically as though they had been made here, subject to certain safeguards that will allow applications to the High Court for annulment. A further amendment will require health and social services trusts to include intercountry adoption as part of their adoption services.

Also included are two important amendments to the Adoption (Northern Ireland) Order 1987 that will create offences. It will be an offence for anyone to bring a child into England, Scotland, Wales or this country for

the purpose of adoption unless certain criteria are met. Those criteria will be set out in regulations, and the objective is to safeguard against covert movement of children for adoption. The Bill will also render it illegal for anyone, other than an adoption agency, to assess the suitability of prospective adopters.

The Bill will make a valuable contribution to the welfare of children involved in intercountry adoption. The numbers involved are small, but we must ensure that high standards and proper safeguards are in place to protect children and ensure that intercountry adoptions are not improperly obtained. The Bill is fully in accord with the principles of the United Nations Convention on the Rights of the Child and will enable us to play our part, alongside other countries, in upholding high standards for the protection of children.

**The Chairperson of the Health, Social Services and Public Safety Committee (Dr Hendron):** I welcome the Adoption (Intercountry Aspects) Bill, and I know that Committee members look forward to the Committee Stage. I will keep my comments brief, because it is important that the Committee be given the opportunity to consider the Bill in detail.

As the Minister said, the Bill will implement in Northern Ireland the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. That will be done mainly through the introduction of regulation-making powers, enabling the Department to set minimum standards relating to the process of intercountry adoption, in the best interests of the children concerned.

The Health, Social Services and Public Safety Committee held consultations on the policy aims in the Bill. We received almost 30 responses from health and social services councils, boards, trusts, and voluntary and professional bodies. The vast majority of responses welcomed the Bill. It ensures that the best interests of the children are paramount, clarifies the process, and places existing arrangements on a statutory basis, allowing only registered adoption societies to be involved. The respondents raised other important issues, which Committee members will consider in detail in Committee. We will come back with amendments at Consideration Stage, if necessary.

**Rev Robert Coulter:** I welcome the continued progress of the Bill, which will bring regulations into line with the rest of the United Kingdom. The Bill will ensure that adoption of the kind mentioned in the Bill takes place only when it is in the best interests of the child. It is good that safeguards will be put in place. Can the Minister explain what arrangements will be made to ensure that central authorities co-operate effectively with each other in these matters?

**Mr Berry:** I am glad that this matter has been brought before the House today. I give the Bill a cautious welcome,

although I have some concerns, which I hope the Department will address.

First, the Bill will create two new offences. Principally, it will make it an offence for anyone other than an adoption agency to assess the suitability of prospective adopters of children from overseas. It is nice to know that civil servants from the Department love to look after their own interests by criminalising everyone but themselves.

Part of the problem is that there is no corresponding penalty upon such agencies when they make a mistake and, worse, when they become infected by political correctness. That is when we all discover that these people are really a law unto themselves. Irrespective of what other legislation says on this point, there ought to be some reference to appeal provisions when adopters are treated either wrongly or unfairly. Instead of thinking only of making criminals, they should balance that by considering their own faults as well.

I welcome, however, the exclusion mentioned in clause 12, page 7. Another area that concerns me is the excessive emphasis on individualism. The Department and its draftsmen do not appear to have thought through the crucial point that is made on page 9 — namely, that

“the child, for the full and harmonious development of his or her personality, should grow up in a family environment”.

Those drafting this legislation did not give enough credence to this point made in the Convention.

I trust, however, that the issues that I have raised will be addressed. As the Chairman of the Health, Social Services and Public Safety Committee has said, we look forward to the Committee Stage.

**Mr J Kelly:** Go raibh maith agat, a Cheann Comhairle. We generally welcome the Second Stage of the Bill. It implements the Hague Convention, which ensures that the best interests of children are paramount. That must be welcomed wholeheartedly.

There are concerns, however. Our concerns are that there should be more consultation with interested groups, such as the Children’s Law Centre. There is also need for clarification on the issue of the consent of the birth parents, in particular in relation to children who have been abandoned. Will the Bill preclude adoption in such cases?

I am also concerned about the issue of home study charges, because this may preclude people of limited means. The impact of the Bill on equality of opportunity under section 75 of the Northern Ireland Act 1998 should, therefore, be reconsidered.

Having said that, a Cheann Comhairle, I reiterate that we welcome the Second Stage of the Bill, and reserve further comment.

**Ms McWilliams:** It came to my attention that this legislation is the result of a private Member's Bill at Westminster, introduced by a Liberal Democrat Member. I therefore take some heart that private Members' Bills can result in such important legislation. No doubt we all look forward to that happening here eventually.

The role of the Government in this is critical. When I was conducting some background work, I visited the Family Care Society, which had recently attended a conference on intercountry adoption. It noted that in the first year after the fall of Ceausescu in Romania some 7,000 children had disappeared from that country; it had been plundered for children. That was at a time when there were no regulations on intercountry adoption. Clearly, we have had to learn a great deal from that, because many of those children are now growing up in Britain, Northern Ireland and the Republic of Ireland.

I also gathered information from a report by the Health Committee at Westminster entitled 'The Welfare of Former British Child Migrants'. It pointed up the disastrous effect that migration to Australia and New Zealand had on children from Northern Ireland and Britain. Between 7,000 and 10,000 children were sent from Britain and Northern Ireland, some 500 from Northern Ireland.

We learn from a recent report by the Health Committee at Westminster that in the initial years, when children are growing up, the fact that they have been adopted does not have terrible implications for them. However, as they turn into adolescents and adults they desperately seek information. That information was not available to those children. We are now trying to put information in place about where they came from, why they were sent for adoption and how they can maintain contact with their birth parents. The absence of regulations and information has left a devastating trail of damage.

It is right that we ratify the 1993 Hague Convention. It never ceases to amaze me how many times Governments sign conventions and then do not ratify or enforce them. It is good to see a private Member's Bill seeking to ensure that this part of the Hague Convention will consequently be ratified.

Intercountry adoption began as a humanitarian act after the first and second world wars. Many people put themselves forward to adopt on an intercountry basis because the children were orphaned. Traditionally, intercountry adoption in Britain has mainly been through Indian and Pakistani families maintaining links with the home countries. Today there are very different reasons.

I am very concerned about a trade in children and in particular the consequent scant regard for children's rights. The potential is there for trafficking, and it has clearly been the case that with money can buy children from the less well off, particularly in Eastern European countries. This legislation should ensure that children

adopted from overseas receive the same standard of care as those adopted in our own country.

In Britain, between 4% and 14% of children in care are put forward for adoption. However, in Northern Ireland the percentage is only 2%, lower than any local authority in England. The Government review of adoption refers to those children who are currently in care and argues that Northern Ireland needs to raise its adoption rate to 10%. Why am I referring to our home adoptions? Currently only 60 to 80 children in Northern Ireland are being put up for adoption, and there are resource implications because of this legislation.

In 'Community Care', Ruth Winchester states:

"There is little doubt that the services provided to deal with inter-country adoption applications diverts efforts that would otherwise be spent on recruiting and assessing adopters for children in the UK. The vast majority of inter-country adopters would also make excellent adopters of children here, and in that respect they are a loss to children in this country."

The resource implication is that more and more time will be taken up if, as the Minister reports, there are now 25 to 30 cases per year, up from a small base of two per year as recently as 1996. If resources are being diverted to conducting detailed and rigorous reports on intercountry adoptions, are they eating into the resources for local adoptions? That case has been made by organisations that deal with local adoptions. I hope that it will not be at the expense of local child-care services and that we will not be taking money from children in care, who need these reports to be thorough and rigorous. We have regulations about local adoptions.

12.15 pm

Follow-up services also need to be put in place. If the central authority is in England, to what extent are resources being put aside in Northern Ireland to — as the Rev Robert Coulter pointed out — not only liaise with that authority but also deal with pre-adoption information, the database needed for tracing details and the post-counselling and post-adoption services that are required? How much of that will take place locally? What will be the relationship between our authority, the central authority and local non-Government organisations?

I refer in particular to the work done by the Family Care Society, which gives post-adoption support for the child, the adoptive family and the birth family. Who gives that support when it is an intercountry adoption? I am glad to hear that the consent principle has been taken as strongly as it has. It is undoubtedly the case that years later, people realise the implications of what has happened and need a great deal of counselling. The counselling provided to support former Australian child migrants and their extended families is a case in point. I would like to see the Bill addressing the required support for all those involved in intercountry adoptions. There are implications when you take a child out of its birth country.

Ethnic identity has been flagged up and a child's identity throughout its adult life. If the number of children coming into a country such as Northern Ireland is due to increase, a great deal of support must be made available.

The best interests of the child should be at the heart of intercountry adoptions. That has not been the case to date. I am glad that offences are now stipulated in this legislation. Private agencies have entered this field, clearly because money is involved. Those who have a great deal of money have spent that money on finding individuals and agencies which have set themselves up to do nothing except this kind of trade. Industry, business and trade are now regulated in a global market, and trading in children must be regulated in the same way, not just in the United States but also in Britain and Northern Ireland.

It is important that countries adhere strictly to these regulations. The Hague Convention was supposed to be practised in principle, but the regulations were so wide open, there were so many loopholes, that people could bypass them. Following these regulations should involve no profit. People have been bypassing the current regulations by charging inflated fees; this should not be allowed, nor should expenses for the production of reports by private agencies.

Arrangements should cover a comprehensive range of aftercare services in the receiving country. The Committee will look at how the Bill speaks to aftercare services and the support that should be available. If anything has been learned from the Australian and New Zealand experience, it is that years and years of trauma will follow, and a great deal of counselling and therapy will be required if those services are not available.

**Mr Fee:** If the purpose of this Bill — as explained in the Explanatory and Financial Memorandum — is to implement the provisions of the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, then it is failing miserably. I ask the Minister and the Health, Social Services and Public Safety Committee to look carefully at some of the provisions of the Bill.

I see three immediate and glaring problems. First, article 35 of the Hague Convention says

“The competent authorities of the Contracting States shall act expeditiously in the process of adoption.”

The Convention also says

“A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.”

That is a very laudable suggestion and objective.

Clause 2(1) of the Adoption (Intercountry Aspects) Bill says

“The functions of the Central Authority named in the Convention, shall be discharged in relation to Northern Ireland by the Department.”

The Department of Health, Social Services and Public Safety will be the central authority to discharge responsibilities in relation to intercountry adoption. However, clause 7, by its amendment of the Adoption (Northern Ireland) Order 1987 delegates that authority to the 19 health and social services trusts across Northern Ireland. Therefore we will have 19 authorities dealing with an average of 25 to 30 intercountry adoptions every year. I do not know how that can possibly fulfil the requirement of article 35 of the Hague Convention, which states that these adoptions should be “expeditiously” dealt with.

Current experience shows that it takes months, if not years, for an overseas adoption. These adoptions are more complicated, more costly and more emotionally fraught than domestic adoptions. This Bill will not relieve those pressures in any way.

Ms McWilliams referred to the trade in children. I am also concerned about the costs of these adoptions. The Convention says that only costs and expenses — including reasonable professional fees of persons involved in the adoption — may be charged or paid. In my experience, this is the only service provided by health and social services trusts where every penny of administration costs, including mileage, light, heat, power and paper, is calculated. Those charges are passed on to the potential adoptees by the health trusts. That is over and above any specialist counselling they may employ or legal expenses that result from the adoption procedures, both in other countries and in this jurisdiction.

Finally, article 17 of the Convention says that an adoption may go ahead if

“it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorized to enter and reside permanently in the receiving State.”

In our circumstances, the Home Office must have given prior approval to the entry of the child, presumably by way of an entry visa, and to permanent residency. That particular area of intercountry adoption has been fraught for years. There is no clear relationship between the Department here and the Home Office officials who deal with the applications for entry and permanent residency. Unless that relationship is sorted out, we will continue to provide a very poor service for quite a small number of people who are paying quite a lot of money for the benefit of establishing a good home environment for themselves and a safe home environment for these children.

**Ms Lewsley:** I broadly welcome this Bill. It is commendable that its purpose is to prevent the sale or abduction of, or trafficking in, children. While I agree with the tenet of the Bill, and that there is a focus on the needs and rights of the child, I must press that the child's interests be of paramount importance in all regards and in all aspects of the legislation.

I have reservations on several issues, some of which have already been mentioned. What is the relationship between the Department of Health, Social Services and Public Safety here and the central authority in England, as stated in clause 2? There is concern that unless the role of the Department of Health is clearly defined, prospective adoptive parents here could find themselves caught between the Northern Ireland authorities and those in England.

How does the Department intend to ensure that the safeguards outlined in clauses 4 and 5 are implemented? That needs to be clarified. Are those roles to be taken on by current domestic adoption agencies? Will there be additional resources to cover the costs?

There is also concern regarding the charges for overseas home studies, as mentioned by John Kelly. One problem is the difference in charges between one trust board and another. There is potential for inequalities in the service, depending on which trust board area prospective adoptive parents live in. This in turn could have a negative effect on people on lower incomes.

John Kelly mentioned abandoned children whose parents can be neither found nor contacted. Will those children come under the protection of the adoption agencies? If so, will they have similar opportunities to be considered for intercountry adoption?

I question what precise measures will be taken to ensure that there is no improper financial gain in connection with intercountry adoption. Like many other procedures, it could be open to abuse. While I have the greatest respect for prospective adoptive parents — and they must also be protected — we need to safeguard the rights of the children and their natural parents. Is there any provision for these children to have access to information about their origins, should they wish it? Perhaps the Minister should also consider ways of providing a general evaluation report on the service.

Overall, I welcome the Bill, because it provides the opportunity to regulate adoptions from abroad and, as Ms McWilliams stated, those adoptions overseas from Northern Ireland. My main concern, however, is the possibility of an increase in the bureaucratic process which would significantly increase the cost of adopting a child from abroad. There is also medical costs and the cost of essential post-placement support. Where will the funding come from?

The importance of the Bill is to place the arrangements for intercountry adoption on a statutory basis. That in itself must be seen as a positive step.

**Ms de Brún:** A Cheann Comhairle. Gabhaim buíochas le Teachtaí as ucht a suime sa Bhille. Thóg Teachtaí roinnt ceisteanna agus luaigh siad pointí suimiúla. Féachfaidh mé le plé leis an iomlán acu.

I thank Members for their interest in the Bill. Several questions were raised, and interesting points were made. I will try to deal with all of them.

Ms McWilliams asked to what extent resources were being put aside, for example, for post-counselling services. The Bill does not imply that there will be more intercountry adoptions, although clearly the number is rising. The number is still small, but if there is a substantial rise, we will need to consider more resources for counselling.

There were questions from the Rev Robert Coulter and John Fee about arrangements to ensure that central authorities co-operate. Arrangements already exist to ensure a high level of co-operation between my Department and the Department of Health. The Bill will build on this.

*12.30 pm*

John Fee spoke about delegation. It is very clear that this is not a delegation of central authority. Rather, we are allowing trusts to carry out some of the essential work which they are best placed to do — namely, information gathering and other specific functions. The central authority will remain in the Department.

Ms McWilliams asked if intercountry adoption would prejudice the adoption of local children by taking resources away from the adoption services here. Clearly, those working here must see this as part and parcel of their work. However, most of those applying to adopt a child are childless couples who have a clear view about the type of child they wish to adopt. The preferences of childless couples vary, but in general prospective adopters are looking for a child who has been voluntarily placed for adoption. Usually, those seeking intercountry adoption are looking for a newborn child or a child without health problems or a difficult family history, and so on. Very few children born here who become available for adoption fall into the categories most sought by prospective adopters.

It is true that fewer than 3% of children cared for by social services are adopted. However, the social services inspectorate is currently carrying out a review of our adoption services and we will be looking at ways to make adoption a more realistic option for children in care. It is right that we facilitate intercountry adoptions. At the same time we must ensure that the welfare of children put up for adoption here is guaranteed.

Ms Lewsley, among others, asked what additional resources would be made available. The Bill will not have significant resource implications because central authority functions are already carried out in the Department, and trusts already carry out work on intercountry adoption cases by assessing the suitability of prospective adopters.

Ms McWilliams asked whether other Convention countries would adhere to the legislative requirements.

The purpose of the Convention is to ensure that high standards are maintained, and the operation of the Convention will be subject to review. We were also asked to be alert to difficulties in the framing of regulations to ensure their effectiveness, and we have done so. The regulations will be subject to consultation and will be laid before both the Assembly and the Health, Social Services and Public Safety Committee.

Mr Fee asked what would be done in order to expedite these points. A project has been established to review the legal and social work processes and timescales relating to the adoption of children. This report is expected in September 2001.

Ms McWilliams also queried the relationship between voluntary agencies and trusts. Both trusts and voluntary adoption societies will be able to process intercountry adoptions. Voluntary agencies will have to be registered to conduct intercountry adoptions. They will be able to apply for registration under the legislation.

Ms Lewsley asked what measures are to be taken to prevent improper financial gain. The Convention makes it clear that any state which signs the Convention must ensure that there is financial propriety at all times.

Mr Berry asked about what he perceives as too much political correctness. Adoption agencies here have a statutory duty to ensure that people who apply to adopt are, in every respect, suitable to care for a child. Agencies are committed to doing this in a sensitive way, and, where necessary, they help prospective adopters to assess their needs and those of the children to ensure that they are compatible. It is unfair to suggest that officials are self-serving or that this work is carried out in a way which benefits anyone other than the children.

Mr Berry asked why there is no penalty on agencies. Decisions relating to adoption are ultimately the responsibility of the courts. The question of mistakes made by adoption agencies is a difficult one, but all agencies here work to high ethical standards, which are maintained by the way in which the regulations are implemented.

A number of questions related to the need for the consent of both parents. The Hague Convention contains extensive provisions on the issue of consent. Consent must not be induced by payment — it must be given freely. The Convention includes provision for counselling to be given, as necessary, to those whose consent is required. Specific provision is also made for cases in which it is not possible to obtain parental consent. For example, where children have been abandoned, the Convention recognises that consent cannot remain a requirement. I can tell John Kelly that this applies in all cases.

On the question of whether there should have been more consultation on the Bill, there was consultation on adoption in 1996. The safeguards set out in the Convention were welcomed by boards, trusts and others.

The consultation that was carried out by the Health, Social Services and Public Safety Committee also indicated similar widespread support, and Dr Hendron kindly informed us of that this morning.

In response to John Kelly's question about whether arrangements should be made to clarify charges, trusts have discretion on charges for carrying out work on adoptions, including intercountry adoptions. During implementation, any inconsistencies in charges between trusts in board areas will be addressed. Although trusts have discretion, any charges must reflect the expenses which have been reasonably incurred in connection with an adoption.

I hope that I have fully covered the questions raised and the points made in this useful debate. My officials will also study the Hansard report of the debate, and if any question has not been dealt with, I will respond in writing.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Adoption (Intercountry Aspects) Bill (NIA 8/00) be agreed.



## WEIGHTS AND MEASURES (AMENDMENT) BILL

### Final Stage

#### The Minister of Enterprise, Trade and Investment (Sir Reg Empey): I beg to move

That the Weights and Measures (Amendment) Bill (NIA 8/99) do now pass.

I will summarise the main provision and effects of the Bill. The Bill proposes three specific amendments to the Weights and Measures (Northern Ireland) Order 1981, all of which deal with the verification of weighing and measuring equipment in use for trade. Verification is the examination and testing of weighing and measuring equipment before it is allowed to be used for trade transactions. The equipment includes such items as butchers' scales and petrol pumps. Currently a qualified weights and measures inspector carries out this examination. The three proposed measures which are of a deregulatory nature are as follows.

First, self-verification of weighing or measuring equipment will permit approved manufacturers, installers and repairers to conduct their own testing in order pass as fit for use for trade and to stamp weighing and measuring equipment. Secondly, testing by official European economic area testers will allow an inspector of weights and measures to accept test reports from third-party testers established in the European economic area as part of the process of the verification of equipment. Thirdly, applying the prescribed stamp prior to testing the equipment will enable those manufacturers of weighing or measuring equipment who are approved verifiers to incorporate the stamp to be applied to the equipment into the manufacturing process.

These measures have the potential to reduce burdens on business without diminishing the level of consumer protection currently available in this area. The measures will have the potential to increase flexibility, as the verification process will no longer be restricted to weights and measures inspectors. The changes will increase choice and competition, as new players will have the opportunity of coming into the market. Reduced costs will also result, as manufacturers will be able to incorporate these processes into their systems.

At the same time, the proposed self-verification process retains current consumer protection by ensuring that equipment will meet the same prescribed requirements as an inspector would currently apply when verifying equipment. The requirements for testing are not altered and consequently will not facilitate the use of inaccurate equipment for trade.

Competent persons will conduct testing and verification of the equipment. The specified requirement for approved verifiers and the ongoing surveillance of their quality

systems by weights and measures inspectors will ensure confidence in the integrity of these processes and of the officers charged with them.

In its scrutiny of the Bill, the Enterprise, Trade and Investment Committee was satisfied that there are sufficient safeguards to protect consumers from malpractice. In agreeing the provisions, Members will ensure that parity is maintained between the legislative provisions on weights and measures in Great Britain and those in Northern Ireland. I am also pleased to see a European dimension to the proposals insofar as they will allow equipment manufactured and self-verified in other European Community countries to be used in the United Kingdom.

There is, therefore, a free trade element to the proposals, which, as Minister of Enterprise, Trade and Investment, I naturally welcome.

Finally, I would like to take this opportunity to thank Members for their contributions. I am particularly grateful to the chairman and members of the Enterprise, Trade and Investment Committee, who carried out detailed, clause-by-clause scrutiny of the Bill. I would also like to thank the Committee for affording my officials and me the opportunity to give evidence to it during that scrutiny process.

**Mr Wells:** When this measure first appeared before the House I was in the Chamber and a rather scurrilous journalist alleged that I was wearing a wig. I assure the House that every follicle, every lock, every strand is my own and that there is not a David Ervine frantically trying to get out. It is all mine. However, the weights and measures people are welcome to come and check, just in case.

12.45 pm

This is a non-contentious Bill. The Enterprise, Trade and Investment Committee examined it in considerable detail, and we are happy that it brings Northern Ireland into line with the rest of the United Kingdom and with European legislation. We were concerned that consumers should continue to have confidence in the product they were buying. Was it correctly measured? Could they have faith in what they were being given? We are content that this Bill will in no way endanger that and that the consumer can indeed have confidence.

I suspect that we need to have that confidence in Northern Ireland in particular because many incoming goods may not originate from the most legitimate of sources. For instance, if weights and measures personnel were to inspect Jonesborough market or Nutt's Corner market on a Sunday afternoon and implement this legislation effectively, one or two people would be found wanting.

Apart from that, we are more than happy that this is a non-contentious issue and we congratulate the Minister and the Department for bringing it forward and for its

speedy implementation. I am confident that this will be the third Bill that the Assembly has managed to pass to Royal Assent stage in a short time period.

**Sir Reg Empey:** I want to confirm the point made by the Member for South Down (Mr Wells) about consumers having confidence. This is a key issue that a number of Members raised during the passage of the Bill. The Department is satisfied that the necessary protections are in place.

The Member raised wider questions. It is our intention to bring forward legislation in the next session to address a range of issues such as rogue traders and other matters that are more “weighty” in nature — dare I use the expression?

I want to confirm to the Member that we are satisfied that the interests of consumers will be protected by this measure and that inspectors will continue to have the right to have surveillance over equipment. If any malpractice is detected, the option of prosecution remains available to us.

*Question put and agreed to.*

*Resolved:*

That the Weights and Measures (Amendment) Bill (NIA Bill 8/99) do now pass.

## FAMILY LAW BILL

### Committee Stage (Period Extension)

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

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 27 April 2001 in relation to the Committee Stage of the Family Law Bill (NIA 4/00).

The motion stands in the name of the Chairperson of the Finance and Personnel Committee. The Chairperson is unavoidably engaged elsewhere and has asked me to move this motion on his behalf. It has the approval of the Committee.

The Committee Stage of the Family Law Bill notionally started on 7 November, but at that time the Committee was still dealing with the Ground Rents Bill and, furthermore, had had two additional Bills placed before it — namely the Government Resources and Accounts Bill and the Defective Premises (Landlords’ Liability) Bill. Following consultation with the Minister, it was agreed that priority must be given to the Government Resources and Accounts Bill with a view to finishing it by the end of January because it must be in law, with Royal Assent, by the end of the financial year. That Bill, therefore, is the Committee’s first priority, and it will demand all our efforts over the next four to six weeks. It will be followed by the Defective Premises (Landlords’ Liability) Bill. We can only start on the Family Law Bill after we have completed these two other Bills.

Under the terms of Standing Order 48, and partly in response to remarks that were made in the Chamber during the Second Stage debate, the Health, Social Services and Public Safety Committee agreed to consider clauses 1 to 3 of the Family Law Bill, and we will be grateful for its input. However, that Committee also has a certain amount of legislation in front of it. Therefore, it will take some time for both Committees to give the Bill proper consideration. We felt that it was prudent to apply for the maximum extension available. We would like to complete the Bill before then but in view of the outlined schedule and the interference of the Christmas and Easter recesses it would require a considerable effort to complete it by the date sought.

I ask Members to support the motion.

**The Minister of Finance and Personnel (Mr Durkan):** I note the Deputy Chairperson’s concerns. I recognise that the Committee shares those concerns about the Family Law Bill and about other legislation that is causing congestion. The Committee for Finance and Personnel is not alone in that, as the Deputy Chairperson said.

The timetable for the remaining Assembly stages of the Family Law Bill will be tight if the Committee Stage

is extended to 27 April 2001. Nonetheless, I hope that the Bill can complete its passage in this session. On that basis, I am content with the course of action set out in the motion.

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Friday 27 April 2001 in relation to the Committee Stage of the Family Law Bill (NIA 4/00).

*The sitting was suspended at 12.52 pm.*

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

## Oral Answers to Questions

2.30 pm

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### North/South Ministerial Council: Nominations

1. **Mr Dodds** asked the Office of the First Minister and the Deputy First Minister what arrangements are in place to make nominations to the North/South Ministerial Council. (AQO 388/00)

**The First Minister (Mr Trimble):** Section 52(1) of the Northern Ireland Act 1998 states

“The First Minister and the deputy First Minister acting jointly shall make such nominations of Ministers and junior Ministers ... as they consider necessary to ensure —

- (a) such cross-community participation in the North-South Ministerial Council as is required by the Belfast Agreement”.

In making such nominations, the First Minister and Deputy First Minister jointly decide on the nomination of at least one Unionist and one Nationalist Minister, or junior Ministers. The nomination forms, indicating the names, date and agenda of the meeting, are signed by the First Minister and Deputy First Minister. These details are notified to the Executive and to the Assembly in advance of the meetings, and the Ministers who participate in the North/South Ministerial Council subsequently report to the Assembly and the Executive.

**Mr Dodds:** In the light of the current arrangements, are the First Minister and Deputy First Minister aware of how the present farce is being viewed outside the House? The First Minister is being forced to defend himself in court as two Ministers sue him, and the Deputy First Minister is being named as a witness in support of the two Sinn Féin Ministers. Does the First Minister recall his statement of 1 November 2000, in which he said that he had taken the least possible measures? Is it not now time that he took the best possible measures, which would be for him to join with us in seeking to have Sinn Féin/IRA excluded from Government for failing to decommission? As regards the nomination arrangements, can the First Minister condemn the misuse of public money by Sinn Féin Ministers in legal shenanigans? Will he confirm that he will not authorise the spending of any public money on

similar legal action, either on his own behalf or on behalf of the Deputy First Minister?

**The First Minister:** I am disappointed that the Member does not realise that there is public interest in having a precise ascertainment of the law on this matter. It is for the benefit of us all to know exactly what the law is on this issue. It is clear, especially in view of some DUP comments this morning, that members of his party are gradually repositioning themselves as they insist on making comments indicating how ready and eager they are to interact with their counterparts in Dublin.

**Mr Kennedy:** Does the First Minister agree that the non-nomination of Sinn Féin Ministers to the North/South Ministerial Council is clearly appropriate because of their failure to honour their obligations of 6 May 2000? Does he agree that it is disgraceful that taxpayers' money is being used to contest this issue in the courts, particularly when there are priorities in education and health?

**The First Minister:** I appreciate the Member's frustration. However, I repeat my response to the earlier question. It is in the public interest that the law be made clear on this matter, and I look forward to seeing the law clarified. In view of the ongoing legal proceedings, the Member might very well comment on the non-nomination of Sinn Féin Members, but I could not possibly add to that.

**Mr C Murphy:** Is the First Minister aware that his damaging behaviour towards the North/South institutions is likely to have a knock-on effect on all the institutions? If one institution is not functioning properly — as is currently the case with the North/South institution — that is likely to have a knock-on effect on the other institutions. Perhaps that is his intention, so that his exit strategy might be fulfilled with the suspension of all the institutions. Can he inform the House who is paying for his defence in the case currently going through the courts?

**The First Minister:** As I said to other Members, it would be inappropriate for me to go into details on matters which will be considered by the court in the very near future. No doubt the Member will agree that the whole agreement hangs together and that there are reciprocal obligations that affect all participants. All of us need to reflect on that.

## Hate Crime

2. **Mr Ford** asked the Office of the First Minister and the Deputy First Minister to detail what action is being taken to reduce incidents of hate crime in Northern Ireland. (AQO 407/00)

**The Deputy First Minister (Mr Mallon):** I thank the Assemblyman for his question. First, I should like — without taking issue with him — to call his attention to the term “hate crime”. Perhaps we are letting those who

indulge in such crimes off too lightly by not calling them by their correct names — racially motivated or sectarian crimes. Whatever words we use, I assure the Member that we deplore and condemn such actions as a manifestation of the underlying problem of community division.

As I said in my reply to Mr Ford during Question Time two weeks ago, the Programme for Government contains a considerable number of actions designed to address community divisions on a wide range of fronts. These include a proposal to implement cross-departmental policies to tackle racial inequality, involving targeted support for ethnic minority groups and projects within a strategic framework for the period 2001-03.

Responsibility for tackling crime, including the offence of stirring up racial or sectarian hatred or fear, is a reserved matter. However, tackling racism and sectarianism is as much about changing attitudes as about dealing with crime. The actions in the Programme for Government demonstrate our commitment to eradicating racism and sectarianism to create the pluralist, inclusive society we all wish to see in Northern Ireland. However, those are, by definition, longer-term than we should wish, and I ask, especially on this question, that none of us representing political opinion in the North of Ireland in any way contributes to the climate of sectarianism, racism or hate which exists in so many parts of the community.

**Mr Ford:** Perhaps I shall have to answer the Minister's question as part of my supplementary. Certainly, for us in this corner, when we talk about “hate crimes”, it is clear that there is still a major problem with sectarianism, an example being last night's disgraceful attack on Harryville parochial house. Racism has affected the Chinese community in recent weeks, and there is no doubt that homophobia is in many areas not far below the surface, an area of hate crimes —

**Mr Speaker:** I urge the Member to put his question.

**Mr Ford:** I felt that the Minister deserved an answer, but I certainly shall. Will he —

**Mr Speaker:** It is not for the Member, but for the Minister, to give answers.

**Mr Ford:** I wish you had told him before he asked me.

On that point, while accepting that the Minister has given a more detailed response than a fortnight ago — for which I am grateful — does he not agree that there must be a very strong commitment, expressed not in a year but in a week, across all Government Departments to improve community relations? Does he also agree that there is a need for the Executive to raise the necessity of hate crime legislation with the Secretary of State? While it is a reserved matter, it must be seen to affect us, and we must react to it.

**The Deputy First Minister:** I thank the Member for his questions and, indeed, his answers. The person with the solution to the problems of hatred, division and racism in Northern Ireland is a very lucky individual indeed, and the party to which he belongs is very lucky. There are many facets to this question which we have seen in our own communities on a daily basis for 30 years. We have seen hatred not only between communities but within communities, streets, families and houses, and between ethnic groups.

Can there be anything as appalling as people coming to this country, North or South, for whatever reason — in many cases to get away from the bigotry and hatred they had to live with at home — only to be assaulted, as has happened to members of this city's Chinese community?

Yes, we are acting in response to this and these actions are itemised in the Programme for Government. We can suggest to the Secretary of State ways in which the issue may be approached within his reserved powers. However, ultimately it is not going to be so simple — it is not just a question of law and order. I do not want to evade the subject, but it is not simply a question of getting law and enforcing it. Rather, it is a matter of changing mindsets and getting people to act humanely towards each other.

**Mr Dallat:** Will the Deputy First Minister join me in deploring the view recently expressed by the DUP Mayor of Belfast that attacks on members of the Chinese community are not racially motivated? Can he assure us that the Assembly will continue to fund ethnic minority organisations in Northern Ireland?

**The Deputy First Minister:** Like the Member, I utterly deplore attacks on members of the Chinese community, regardless of the motivation. In contrast to the Belfast Lord Mayor, I believe that there are racist elements in our society and that almost certainly racism was a motivation for these attacks.

In the present financial year the community relations unit of the Office of the First Minister and the Deputy First Minister is providing £135,000 in core funding to ethnic minority groups. This money will be used to provide salaries and support costs for the Chinese Welfare Association and the multicultural resource centre. The draft Budget statement includes a provision of £300,000 for the funding of ethnic minority voluntary organisations by the equality and social needs division of the Office of the First Minister and the Deputy First Minister. This will include £250,000 for core funding and £50,000 for innovative projects. I repeat that this problem will not be solved by throwing money, law or power at it. It will be solved when we as a community begin to respect each other in every way.

**Rev Dr Ian Paisley:** Is the Minister not concerned about the recent report on the many so-called paramilitary

attacks on individuals? Is it not a serious situation when such a report has to be issued and that action is not taken on the matter because of the political implications? What is he going to do? Is he going to make representations to the Secretary of State about this? Ordinary people are very concerned about aspects of that report.

**The Deputy First Minister:** I thank the Assemblyman for his question which, I assume, relates to the Knox Report. I have looked at the report and have had some work done on it. Like every other form of abuse or hatred in Northern Ireland, I find it revolting. A completely communal approach will be needed to solve these matters.

I ask the Assemblyman if there is not something wrong with our questioning today. Why should we propose to ask the Secretary of State to have something done about the hatred, bigotry and violence in our community? Is that not antipathetic to the political process? Are we, or are we not, reaching a stage where we can, as a devolved body, stand on our own feet and deal with these problems in society, which are not confined to one side of our community? We all share those concerns and we share the desire to end such attitudes and violence.

2.45 pm

## Research on New TSN

3. **Ms Lewsley** asked the Office of the First Minister and the Deputy First Minister what research on New Targeting Social Need it has commissioned or put out to tender since September 2000. (AQO 437/00)

**The First Minister:** Since September 2000 there have been seven New Targeting Social Need (TSN) research projects commissioned or put out to tender. The projects are designed to cover a range of New TSN issues, including poverty, targeting of resources, barriers to accessing services and disadvantaged areas.

The following projects were put out to tender and commissioned: a review of poverty indicators; the potential of New TSN to influence community differentials; skewing of resources for New TSN; and barriers to accessing services. Three projects were commissioned without being put out to tender, as the proposals were submitted by academic researchers as part of our wider community relations research strategy. They were: the impact of so-called chill factors on community behaviour in disadvantaged areas; minority ethnic communities' educational needs and expectations; and differences in accessing further and higher education in relation to social and community background.

**Ms Lewsley:** Can the First Minister outline the moneys available for research on equality, particularly New TSN, for the coming year?

**The First Minister:** To be effective, our work on New TSN, as in any policy area, must be informed by accurate data and research findings. Investment in research can help us to ensure that we are directing our efforts and resources appropriately and to monitor effectiveness.

In the draft Budget, £100,000 in each of the next three years has been allocated for equality and New TSN research. This resource is for research which will be conditioned and managed by the Office of the First Minister and the Deputy First Minister and will be relevant to core or crosscutting elements of the policy. Research commissioned by the Office of the First Minister and the Deputy First Minister is separate from research which other Departments may commission to meet their own New TSN research needs. We carefully considered our research needs and believe that the resources which I have mentioned are sufficient for current needs.

**Mr McClarty:** Will the First Minister advise the Assembly how the equality unit selects consultants to undertake research on New TSN?

**The First Minister:** Generally, research is put out to open tender, in line with Government Purchasing Agency procedures. This means that about three to six companies on the Government Purchasing Agency's framework list of competent suppliers are invited to submit tenders for the work. The exceptions to this are where academics or others submit research proposals for consideration or where small pieces of research, generally costing less than £10,000, are required.

Single tenders may occasionally be commissioned under certain conditions, for example, where there is a pressing need for information and a particular researcher has an established track record in the area. The Government Purchasing Agency's framework list contains suppliers with a UK and Europe-wide presence. This list is constructed following advertisement and assessment of the applicants by an evaluation panel drawn from a wide range of Departments.

### **First and Deputy First Ministers: Meetings with Local Authorities**

4. **Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to detail the local authorities they plan to meet and the subjects they will discuss with them. (AQO 394/00)

**The Deputy First Minister:** I thank the Member for the question. While we have attended many functions at which members of local councils were present, there have not been, for obvious reasons, any formal meetings. However, a wide range of Ministers has had extensive contacts with councils on subjects that fall within their responsibilities.

The First Minister and I have been to functions and meetings at which members of councils were present. Last week we were at a very valuable function in Armagh with many members of the council. I have personally attended at least two functions in Fermanagh attended by members of Fermanagh District Council. The Minister of the Environment, who has responsibility for local government, has hosted a reception for mayors, chairmen and chief executives of all 26 district councils. He is currently working through this programme of group meetings with representatives of councils. Beyond this, contacts with local councils and officials of Departments are, of course, extensive and frequent.

**Mr Paisley Jnr:** One could read into that answer a total disregard for local authorities. Can the Minister inform the House if he has had any discussions with councillors or with local authorities about the possibility of postponing next year's local government elections? Does he agree that any postponement of the elections would be a travesty of the democratic process and that it would be perceived by many as the First Minister and the Deputy First Minister running away from another South Antrim? Will he now give the House a commitment that they will insist that no such postponement will take place?

**The Deputy First Minister:** I thank the Member for his question. May I suggest to him in a rather stuffy way that we should look at the facts? Section 11 of the Electoral Law Act (Northern Ireland) 1962, as amended by the Electoral Law (Northern Ireland) Order 1972, states that there will be local authority elections every four years. The Local Elections (Northern Ireland) Order 1985 states that the election day referred to in the 1962 Act will be on the third Wednesday of May. Therefore the next local authority elections are due to be held on the third Wednesday of May 2001, unless the Secretary of State decides otherwise.

**A Member:** Why ask the question?

**Mr Speaker:** Order.

**The Deputy First Minister:** As the Assemblyman knows, any decision of that nature rests with the Secretary of State. I repeat that those elections are scheduled for May 2001. I am not aware of any plans to change the date. Any change would require the Secretary of State to seek parliamentary approval, and there are a number of Members who would be present to give an informed view when that parliamentary approval might be sought, if such circumstances arose.

### **Transportation (North/South Ministerial Council)**

5. **Mr A Maginness** asked the Office of the First Minister and the Deputy First Minister to outline how it

is intended to progress Northern Ireland's transportation responsibilities within the North/South Ministerial Council. (AQO 438/00)

**The First Minister:** It is proposed to hold a North/South Ministerial Council transport sectoral meeting on 19 December. That meeting will probably be held back to back with a British-Irish Council sectoral meeting, also on transport. The North/South Ministerial Council meeting will address areas of co-operation on strategic transport planning and road and rail safety which would be beneficial to the entire community in Northern Ireland. The Deputy First Minister and I have written to the Minister for Regional Development to see if he is willing to attend the North/South Ministerial Council meeting.

**Mr A Maginness:** Can the First Minister assure me and other Members that if, as usual, the present Minister for Regional Development absents himself from North/South Ministerial Council meetings, the Executive, in order to safeguard the vital interests of Northern Ireland, and Ireland as a whole, will take action to remedy his absence?

**The First Minister:** One of the delightful aspects of the present situation is that we do not know who will be the Minister for Regional Development on 19 December. As we know, the DUP is so concerned about maintaining continuity of responsibility that it proposes to revolve Ministers at dates which we do not know. Nonetheless, I assure the Member that the Deputy First Minister and I are determined to ensure that both the North/South Ministerial Council and the British-Irish Council will go ahead — and, of course, they interlock on transport matters.

**Mrs Nelis:** Go raibh maith agat, a Cheann Comhairle. How does the First Minister intend to progress health and education responsibilities in the light of his refusal to nominate Ministers to cross-border ministerial meetings?

**The First Minister:** The question that I am answering relates to transport.

**The Deputy Chairperson of the Regional Development Committee (Mr McFarland):** Will the First Minister advise the Assembly if the Administration has expressed a view on the nomination of the Minister for Regional Development, or indeed the Minister for Social Development, concerning attendance of British-Irish Council meetings?

**The First Minister:** We are familiar with the stated public position of the DUP. However, as I observed earlier, listening to its Members this morning, it is clear that the DUP is trying to reposition itself on these matters. We thought it desirable, therefore, to write to the party to find out what its current policy is.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker.

**Mr Speaker:** I do not usually take points of order during questions. I will take the Member's point at the end of Question Time.

**Rev Dr Ian Paisley:** Thank you.

### Brussels Office for Northern Ireland

6. **Mr Neeson** asked the Office of the First Minister and the Deputy First Minister when the new Northern Ireland office in Brussels will open. (AQO 408/00)

**The Deputy First Minister:** I thank the Assemblyman for the question.

Work on the office has been proceeding since the summer, and it is expected that it will open in early March 2001. Procedures for staffing the office are progressing and will be completed early in the new year.

The office will provide a focal point for developing and advancing the Executive's policies in Europe. It will facilitate Ministers and their officials in building contacts at the heart of Europe, so that we receive early warning of policy developments and can lobby in pursuit of our interests. It will provide a base for Ministers and officials from which they can operate when in Brussels.

The staff of the office will be appointed by the Northern Ireland Executive and will be members of the UK permanent representation, thus giving them access to meetings and to a level of information that they would not otherwise have. At the same time, the separate premises will provide a focal point for Northern Ireland in Brussels, helping us to develop a distinct and positive profile within the EU.

**Mr Neeson:** The premises in Brussels were identified some time ago. Can the Minister explain the unacceptable delay in establishing the office, bearing in mind that the National Assembly for Wales and the Scottish Parliament have had facilities there for some time?

**The Deputy First Minister:** I share the Member's frustration with the delay. The lease on the office premises adjacent to the European Parliament in Brussels was signed earlier this year, but progress in setting up the office was delayed by the suspension of devolution. On the restoration of devolution, work on the office resumed. We had hoped that it would be open earlier than March, but the need for consultation with a wide range of interests caused some delay. The Member is absolutely right about the delay.

The work of fitting out the office must meet all Government procurement requirements and all security and health and safety requirements. We have also been concerned to ensure that the layout and facilities of the office meet the requirements of the Executive — in particular, facilities for seminars, meetings and receptions. Space will also be needed for visiting Ministers and officials, as well as for the resident staff of the office.

The design of the premises has now been approved, and a contract will shortly be signed with the managing agents. Work on fitting out the premises will begin this month and will be completed by March, by which time staff will be in place. I hope that it will be finished, and I repeat that I share the Member's frustration about the delay.

**Mr Bradley:** I welcome the opening of the office in March. It will be a good day for the Assembly when we have an office in Brussels. How will the office of the Executive in Brussels assist in the promotion of Northern Ireland in Europe?

**The Deputy First Minister:** It can do so in several ways. First, it can give us a separate and unique identity in Brussels, without taking away any of the political clout available through the UK permanent representation. That is important because people in the EU regard the Northern Ireland situation as unique.

Planning for a European marketing campaign involving the First Minister, Sir Reg Empey and myself in early 2001 is at an initial stage. In those circumstances the office in Brussels would help to facilitate the promotion of the Executive's policies in key areas such as agriculture, structural funds and inward investment. The office will also provide an opportunity to showcase Northern Ireland products and services, and to boost trade and tourism in particular.

Crucially, the office will give us a full-time voice at the heart of Europe, which will be able to help us only if we put our message across properly. The Executive must get straight to the heart of Brussels and the European Union without any further delay.

3.00 pm

**The Chairperson of the Committee of the Centre (Mr Poots):** Can the Deputy First Minister outline what contact there has been with the Northern Ireland Centre in Europe (NICE) about the creation of a one-stop shop? Also, will the office be for the use of Assembly Members, or only for Executive use?

**The Deputy First Minister:** I thank the Member for his question. There are two parts to it. The First Minister and the Deputy First Minister are expecting confirmation from NICE on its ongoing position. It is hoped that that will happen very quickly. NICE has been in consultation with the Department of Finance and Personnel regarding funding for a relationship with the district councils and the presentation of a wider view, taking district councils into account. Formalisation with the First Minister and the Deputy First Minister has not yet taken place.

**Mr Speaker:** I ask the Deputy First Minister to bring his answer to a close.

**The Deputy First Minister:** There will be an office in the new building for all those who seriously, and collectively, want to sell the produce of Northern Ireland.

**Mr Speaker:** In an earlier supplementary question, a Member mentioned a statement by another Member who holds the office of Lord Mayor of Belfast. It is normal practice when a Member is named and some response is made that that Member is given an opportunity to respond. The Member in question has asked for that opportunity.

**Mr S Wilson:** I appreciate the opportunity to reply to a most selective and despicable attack by the SDLP in the House. Over the past six months I have had extensive contact with the Chinese community in Belfast. Indeed, I have many further engagements lined up with them. I count many people in the Chinese community as my personal friends. I therefore find it particularly hurtful that this selective attack has been made.

**Mr Speaker:** I ask the Member to be brief in his response.

**Mr S Wilson:** The issue that the Member referred to was a response to attacks that were made in one week across the community. That week seven pensioners were attacked in their homes, four women were attacked late at night in service stations or shops, and four attacks were made on members of the Chinese community. I stated that those attacks reflected the general decline in the community. I said that all crime was to be condemned and that it was wrong to simply attach a particular reason to that crime when there had been no police, court or any other evidence, and when that kind of reason only sought to stir up racial hatred in the city.

**Mr Speaker:** The Member has had a reasonable opportunity to set the record straight.

Two points have been raised, by Dr Paisley and Mr Trimble.

**Rev Dr Ian Paisley:** Was it in order for the First Minister to refer in the House to a letter which he had received from a Minister without giving the contents of that letter, and completely hiding from the House that he had had a full reply? Rather than give a reply to that letter, he tried to put a gloss on something that the DUP was doing. The First Minister need not shake his head.

**Mr Speaker:** Order. The question is whether the matter is in order. It is in order for Members to quote less than a full letter — that is clear. That what is said may not be helpful, acceptable or congenial is not a matter of order. However, the Member has made his point.

**The First Minister:** I have two points to make in relation to points of order.

It is not in order for people to make allegations that are not accurate. I did not quote any letter; I merely stated that I had written to make an enquiry. It appears from the comments that have been made that there may have been a reply to that letter. I will read it with interest when it reaches me.



My original point of order, Mr Speaker, was that I would welcome a detailed ruling from you — which might not be appropriate off the cuff — as to when it is appropriate for Members to make personal statements. Many attacks are made on Members. I can recall many occasions when those in the Member's corner of the Chamber attacked me. I have not sought an opportunity to make a personal statement, but it would help Members if you, Mr Speaker, were to give detailed consideration to the circumstances in which personal statements are appropriate so that we might all make them when we are attacked.

**Mr Speaker:** Order. I am happy to oblige the First Minister. I must advise Members that making unparliamentary comments from a sedentary position is no more acceptable than making them from a standing position.

We have come to the end of questions to the First Minister and the Deputy First Minister, and, I trust, to those matters which have arisen from them.

## CULTURE, ARTS AND LEISURE

*Question 1 was withdrawn.*

### Sports Grounds: Safety

2. **Mr J Wilson** asked the Minister of Culture, Arts and Leisure to detail what assistance is being offered to football clubs to improve health and safety standards at their grounds. (AQO 424/00)

11. **Mr McGrady** asked the Minister of Culture, Arts and Leisure to make a statement on safety at sports grounds in Northern Ireland. (AQO 393/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I will take questions 2 and 11 together.

Under the safe sports ground scheme, funding of almost £3 million has been allocated to improve health and safety at sports grounds, of which £1.825 million has been allocated to soccer. A total of £250,000 has been earmarked for safety management. That will be spread across football, GAA and rugby.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

**Mr J Wilson:** Does the Minister agree that football clubs here have over many years made a massive contribution towards normalising society and that whatever disruptions were visited upon them, they persevered with their fixture lists? Does he recognise that small clubs and the large clubs have contributed equally? Will he assure the House that all football clubs are eligible to apply for funding under the scheme?

**Mr McGimpsey:** I agree with the remarks in the first part of the question. Football is, in my view, part of our heritage and our legacy, and it has made an enormous

contribution over 25 years when society here was, to an extent, in chaos. The risks to spectators' health and safety are directly related to crowd size, so clubs in the Premier and First Divisions are the only ones which are eligible to apply for funding. More significant risks are attached to health and safety at games where those clubs are playing. It is estimated that we need around £25 million to upgrade all existing stadiums, and to date we have managed to amass £5 million from a variety of sources. Prioritisation is required and we will look at the worse cases first.

**Mr McGrady:** I welcome the Minister's announcement on funding for safety in sports grounds, but will he ensure that the funding to provide proper health and safety in sports grounds will be recurrent for the years after the two-year period? How long will it be before the recommendations of the Taylor Report are put into effect for Gaelic, rugby and soccer primary pitches in Northern Ireland?

When such recommendations are introduced, will they be accompanied by the essential financial arrangements and resources to make them effective? Will the Minister bring forward legislation as soon as possible for health and safety at sports grounds in Northern Ireland?

**Mr McGimpsey:** This year we have a recurrent health and safety funding budget of £3 million. Much of this has been allocated through the Agenda for Government, with a stipulation that it be spent in this financial year. However, we have so far secured £1.5 million for year 2. We do not know what the football foundation funding will be for year 3, but we are assured of a minimum of £800,000.

This is not the end of the story, and we recognise that the problem is ongoing. This point is linked to Mr J Wilson's earlier question. The Taylor Report provides most of the spur for our plans. If the health and safety conditions of the Taylor Report were to be applied now, we would have to close virtually every ground in Northern Ireland. That is a major reason for proceeding with this.

The Taylor Report will require legislation, and the Department will bring forward legislation in due course. I cannot give a specific timescale, but we recognise that this must happen sooner rather than later.

**Mr Boyd:** Will the Minister clarify why only some Irish League clubs have received recent funding, while other applicants have been declined, even though their grounds are in a very poor state?

**Mr McGimpsey:** As I indicated earlier, only Premier and First Division football clubs and Derry City are eligible for funding. Derry City is part of the League of Ireland. Criteria are laid down for the available funding. So far we have announced funding for clubs in category A and category B. Category B includes First Division

soccer clubs and secondary county GAA clubs. Premier Division teams, main county GAA clubs and rugby clubs are classified as category A. The funding will be administered by the Sports Council.

The Sports Council has made a series of awards, but only to clubs that applied for funding and received nothing from this tranche. The first club was Crusaders, which stated in its application that work could not begin until summer 2001. One of the criteria under the Agenda for Government was that the money should be used in this financial year. In addition, Crusaders had no partnership funding, nor the prospect of receiving any. I could award a maximum of 85% funding with a requirement that it fund the remaining 15%; unfortunately, Crusaders does not have that 15% at present.

We are aware of the needs of Crusaders, and it was from Seaview that I announced the scheme, in the company of the chairman, Jim Semple. Portadown was also unsuccessful; it could not provide the 15% partnership funding. In addition, it did not consult with the Environmental Health Agency in Craigavon, and we have no clear indications of the improvements it wishes to make. However, Portadown received almost £21,000 under the urgent works scheme, which is the minor scheme.

Most clubs that applied were successful. Unfortunately, Crusaders and Portadown were not successful at the time. However, the Sports Council will actively work with them, through its technical support team, to ensure that they meet the criteria and obtain the support that they badly need.

**Mr Shannon:** Can the Minister confirm that clubs that have not qualified for assistance this year will qualify in the second tranche? When will the second tranche become available? Which First Division clubs qualify for this financial assistance, and does it also apply to clubs that want to carry out new building work?

3.15 pm

**Mr McGimpsey:** When the new financial year opens in April 2001 the Sports Council will be in a position to look at another round of applications.

A list of the clubs in receipt of money has been published. I have already dealt with Crusaders and Portadown, but a series of First Division clubs will also be eligible. However, I should point out that First Division clubs are not currently eligible for major works but will receive 85% on programme 2 funding, which is for urgent first-aid works. They are also eligible for safety management funding.

### Responsibility for Libraries

3. **Mrs E Bell** asked the Minister of Culture, Arts and Leisure to make a statement on the transfer of

responsibility for the libraries from the education and library boards to his Department. (AQO 412/00)

**Mr McGimpsey:** The education and library boards continue to have a statutory duty to provide library services. Following devolution, policy development and financial support for the public library service transferred from the former Department of Education for Northern Ireland to my Department. Since taking over policy responsibility for the public library service I have announced that a new library will be built for Strabane as part of the Strabane 2000 initiative. A new library in Portadown is due to be completed by the end of this year, and I will shortly release resources to widen access to library services and enable boards to carry out essential health, safety and security work at some public libraries.

**Mrs E Bell:** I welcome the Minister's statement. Libraries should be a priority within the Minister's Department because they have been the Cinderellas of the education and library boards for far too long, though perhaps for justifiable reasons. Many libraries — not least my own — need urgent attention to bring them up to safe and proper standards. Will the Minister seriously consider a private finance initiative (PFI) in this area?

**Mr McGimpsey:** The South Eastern Education and Library Board is currently pursuing the PFI route for the provision of a new library in Lisburn, and the outline business case is currently being agreed. Prior to that, the Department provided support to purchase the site in Linenhall Street, Lisburn. There has been movement forward because of PFI, and it is important to explore that route. If PFI can be made successful in Lisburn, it can be made successful everywhere. If it cannot be made successful in Lisburn, the sooner we know that, the better. We can then revert to traditional routes for funding.

Regarding other provisions, the Member mentioned her own area within the South Eastern Education and Library Board. Bangor and Ards, as well as Lisburn, are listed as requiring new libraries. The Lisburn library will cost £3.8 million, and the costs of those in Bangor and Ards range from £2.5 million to £3.8 million. There is, therefore, a substantial capital requirement in the board area, and the way forward at the minute is PFI. I remind the Member that I have secured an additional £700,000 for library capital development next year as the result of a spending review, which we all recognise is seriously inadequate.

**Mr Davis:** I congratulate the Minister on securing an extra £700,000 for public libraries through the October monitoring round. Lisburn has been waiting for a new library for 25 years, and year after year we were told it was a number one priority. With all due respect, I fail to understand how Portadown and Strabane moved ahead of us.

**Mr McGimpsey:** I am not aware of the background, certainly not over 25 years. We are where we are, and I

have what I have inherited this situation from the Department. As I indicated to Mrs Bell, three capital-spend libraries are regarded as priorities in the board area — Lisburn, Bangor and Ards.

Lisburn is the furthest ahead in terms of PFI, and my understanding is that Ards and Bangor have not secured their sites. So far as Strabane is concerned, the initiative has been launched. That is a different board area, and the funding for that is, as I said, historical. I cannot comment further on Lisburn, except to say that we are actively pursuing this and we see it as a matter of urgency, not least because of the representations in the past from Mr Davis, Mr Close and others.

### Leisure Centres: Rates for Disabled People

4. **Mr McMenemy** asked the Minister of Culture, Arts and Leisure if he will consider introducing concessionary rates for disabled people using leisure centres.

(AQO 443/00)

**Mr McGimpsey:** Responsibility for leisure centre provision lies with district councils. Each district council has a statutory obligation under the Recreation and Youth Service (Northern Ireland) Order 1986 to secure provision of adequate facilities for recreational, social, physical and cultural activities for its area. The determination of pricing policies for leisure centre admission, including any decision to introduce concessionary rates for people with a disability, lies with district councils and it is therefore a matter for them to consider as to how best to respond to local need, including the needs of the disabled.

**Mr McMenemy:** I acknowledge that there are council areas in Northern Ireland which cater for the disabled by having reduced charges for leisure facilities. My council — Strabane — has a gold card scheme which enables athletes to use the facilities at no charge. Disabled athletes can also avail of this service. However, disabled people who are not into sport would only require access to the swimming pool, sauna and so forth as a leisure and pastime —

**Madam Deputy Speaker:** Will the Member please refer to the question.

**Mr McMenemy:** I would like to see a special fund to help councils offer concessionary rates to disabled people, without passing the cost on to ratepayers because the majority of leisure centres are run at a loss.

**Madam Deputy Speaker:** What is the question?

**Mr McMenemy:** Could the Minister set up a task force and a special fund to subsidise leisure facilities for disabled people?

**Mr McGimpsey:** Under the Agenda for Government I have already announced the *ADAPT 21* initiative to

provide audits on a pilot basis for a range of sporting and cultural venues, including leisure centres, to assess what needs to be done to make these venues accessible for the disabled. There will be a small grants scheme. The scheme will be expanded in due course. In addition, in keeping with the Programme for Government, we are encouraging greater participation in sport by disabled persons by promoting equal opportunity, developing youth programmes and opportunities for increasing participation in sports and leisure. We are in the process of forming a working group to draw up a template for cultural and leisure provision within each district council area to permit an audit of existing provisions and to identify gaps in the service, including the needs of those persons who are disabled.

**Mr Savage:** The Minister will know that many disabled people have very low incomes, and we must hope that district councils, as the representative authority, will take account of this in setting their pricing policies. However, I am sure the Minister will accept that he has a role in encouraging people to use leisure centres. What efforts is he making to do that?

**Mr McGimpsey:** As I indicated to Mr McMenemy — *[Interruption]*

Does the Member want me to give way?

**Mr P Robinson:** I was asking the Minister to lead by example.

**Mr McGimpsey:** Oh, I see. It is Castlereagh Council coming in. — *[Interruption]*

**Madam Deputy Speaker:** Order.

**Mr McGimpsey:** As I indicated in my answer to Mr McMenemy, we have formed a working group to draw up a template for cultural and leisure provision within each district council area. This important point is well made we have taken it on board.

Participation and the widening of access are key elements in the provision of leisure services. Integration of those who suffer a disability is another. Mainstreaming those who have a disability is an important element that we take seriously. In addition, the Sports Council for Northern Ireland is committed to providing equality of opportunity for those who suffer social disadvantage for any reason, including disability, and through the distribution of lottery funds it can now afford a higher priority to projects that provide opportunities for people with disabilities.

**Mr S Wilson:** I understand the Department's reluctance to become involved in providing funding for concessionary entrance fees for disabled people attending community centres, and I think that local councils ought to take that on board themselves, but given the fact that many leisure facilities that were built in the 1970s and early 1980s were not built with the standards of access for the disabled that exist today, will the Minister give a

commitment that whatever capital works are required to make leisure facilities more accessible to the disabled, funding will be made available to local councils to help with such projects?

**Mr McGimpsey:** Mr S Wilson will, of course, understand that I am unable to give such a commitment at this time. A working group is currently drawing up a template for provision in each district council area. Furthermore, the Member is well aware that under the Recreation and Youth Service (Northern Ireland) Order 1986 each district council has a statutory obligation to make that provision. We are there to lend our support, but I cannot give commitments for capital projects. However, under ADAPT Northern Ireland and the Agenda for Government, we have announced work and progress in programmes along those lines.

### Minister: Meeting with Sports Council CEO

5. **Mr Paisley Jnr** asked the Minister of Culture, Arts and Leisure to outline his plans to meet with the chief executive officer of the Sports Council for Northern Ireland and what subjects will be on the agenda for discussion.

(AQO 391/00)

**Mr McGimpsey:** My officials and I meet the chief executive of the Sports Council on a regular basis to discuss a broad range of topics. These include the safe sports ground scheme, the development of a soccer strategy for Northern Ireland, motorcycling, a national stadium for Northern Ireland, disability sport and ice hockey — to name but a few. I have plans to meet the chairman and the chief executive over the course of the next few weeks to discuss budgets and related matters.

**Mr Paisley Jnr:** With regard to motorcycle racing, has any progress been made concerning the feasibility study to develop motor sport, both on-road and on-track, here? What resources will the Minister be able to commit to the development of this excellent sport?

**Mr McGimpsey:** In respect of motorcycling, a road-racing task force has been set up and is charged with reviewing all aspects of road racing. Careful consideration will be given to the task force's findings, which we expect to be in receipt of on 14 December 2000. In addition, £20,000 has been made available to appoint consultants to look at existing short circuits and to consider the need and scope for a Grand Prix circuit in Northern Ireland. Once we have worked out what needs to be done and what is feasible with the representatives of motor sport, such as the Motor Cycle Union of Ireland, we can then address resources. However, this cannot be done until I can estimate what the sport requires or believes is necessary for them.

**Mr McClarty:** The Minister will recall the broad welcome he received when he announced the establishment of his football task force.

Does he agree that an ambitious youth development programme is the real key for guaranteeing the long-term success of football? Will he assure the House that youth development will be a priority of the task force?

3.30 pm

**Mr McGimpsey:** The soccer strategy was first announced on 16 August, and on 20 October plans were unveiled to develop the strategy. An advisory panel has been established with a wide range of expertise and experience. Consultants are being engaged to take views on the difficulties facing the game and a conference and workshop will be held in the new year which will bring together key interests to debate the issues and to identify ideas for action.

Before the end of the current season in May 2001 the process will produce a draft strategy document to be issued for wide consultation. The process will not only look at the state of senior league soccer but will consider all aspects of the game, including grassroots and youth development, club links with the community and with schools, girls' and women's soccer, facilities and resources. It is meant to be a wide-ranging review and it is intended to produce a strategy and vision for soccer in Northern Ireland to take us many years into the future. We are keen to see full consultation with all sectors of the game.

### Sectarianism in Sport

6. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure why measures to tackle sectarianism in sport were not included in the Draft Programme for Government.

(AQO 409/00)

**Mr McGimpsey:** Although not specifically mentioned in the Programme for Government, the issue of sectarianism in sport is included under the safe sports grounds scheme, which is referred to in section 2.4.2. It is a condition of grant under this scheme that successful applicants will be required to formulate an equity statement for inclusion in the organisation's constitution memorandum and articles of association, highlighting practical measures on how family disability and sectarian issues will be addressed.

**Mr McCarthy:** I must express disappointment. Do the Minister and his Executive not feel that sectarianism in sport merits taking legislative action where necessary? We are all aware of the difficulties at sports fields. Could the Minister not introduce some means of dealing with this as soon as possible?

**Mr McGimpsey:** Sectarianism is not confined to sport; it is a problem in society in general. Unfortunately, sport reflects the society in which it is played. Many things are not specifically mentioned in the Programme for Government, but there are ongoing programmes concerned with matters such as sectarianism in sport. It is something that we take extremely seriously. As regards football — and the

Member has asked similar questions about football — I had a meeting on 22 August with the Irish Football Association (IFA) and the Sports Council specifically to look at soccer. Sectarianism is by no means confined to soccer. The IFA is fully committed to anti-sectarianism and has formulated a policy which includes, for example, a compulsory community relations module, a handbook for coaches, referees and players, outreach to primary schools, strong community relations messages and support for clubs, organisations and cross-community football projects.

Sectarianism is not ignored simply because it is not contained in the Programme for Government. Everything cannot be included, but sectarianism is one of several matters that the Government are tackling on an ongoing basis.

**The Deputy Chairperson of the Culture, Arts and Leisure Committee (Mrs Nelis):** Go raibh maith agat, a LeasCheann Comhairle. Is the financial assistance that is being offered for health and safety contingent on clubs' eradicating sectarianism?

**Mr McGimpsey:** Anyone taking up financial assistance, for example, on the safe sports grounds scheme is also required to take up the safety management scheme. The scheme includes support for training stewards and ensuring that there is no sectarian chanting in grounds. Training for staff and stewards in crowd management and dealing with sectarianism are among the areas for which funding is available.

**Dr Adamson:** Given that commitment to equality will be demanded from sports clubs applying for assistance under the safe sports grounds scheme, how will clubs affiliated to the Gaelic Athletic Association, which has sectarianism written into its rules, qualify? Go raibh maith agat.

**Mr McGimpsey:** I have already dealt extensively with the issue of moneys available for the safe sports grounds scheme. I believe that the Member is referring to rule 21, which I would very much like to see deleted. That matter is being addressed, and I have had discussions with the GAA authorities. As with other issues facing our society, progress can be made. I have no reason to believe that rule 21 is written in stone, but I could be wrong. Sport reflects society. We seek to change not only sport, but society as a whole. The GAA authorities are well aware of the difficulties that rule 21 poses.

## AGRICULTURE AND RURAL DEVELOPMENT

### Farmers: Subsidy Payments

1. **Ms Lewsley** asked the Minister of Agriculture and Rural Development to outline her plans to improve the system for making subsidy payments to farmers.

(AQO 416/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I am acutely aware of the problems caused by the endless bureaucracy that arises from conforming to EU regulations. The Department and the farmer have a role to play in ensuring prompt payment. The payments are worth over £150 million a year. Delayed payments can cause hardship to an already hard-pressed farming community. Prompt payment and clear information is important, particularly in current circumstances.

Several improvements have already been made. For example, claim forms have been simplified and more reprinted individual claim data have been included. Claim forms that can be scanned, reducing the manual keying-in of data, have also been introduced and are being used more extensively.

In the coming year the Department will introduce a number of other initiatives to improve the service to producers. The facility to make direct payments into bank accounts will be made available during 2001. My officials are also preparing, for publication during 2001, a detailed protocol that will provide a comprehensive and clear explanation to farmers of how their subsidy claims will be handled, what they can expect from the Department, and what the Department will expect from them. Provision will be made for consultation on the protocol before it is finalised.

**Ms Lewsley:** Is the Department meeting the targets, published last June, for the delivery of subsidy payments? How does its record compare with the rest of the UK and the Republic of Ireland?

**Ms Rodgers:** I have taken a close interest in the recent difficulties, which resulted from teething problems with two computer programs. One deals with suckler cow producers and large herds — about 200 cases — and the second deals with the Agenda 2000 reduction in suckler cow quotas. The most recent problem occurred when we introduced a scanner that created further difficulties by not taking up the continuation sheets. We have sorted that out and the 200 cases have been dealt with. I am satisfied that those problems have been fully resolved and have not caused my Department to miss payment targets.

Under European Commission legislation, which applies to all member states, advanced premiums for the various year 2000 schemes could commence on 16 October. In Northern Ireland cheques were issued from 20 October — the earliest possible day to comply with the accounting arrangements for the drawing down of European funds. Payments have been issued in accordance with the timetable which I published on 12 October.

A significant number of claims have been paid well ahead of this timetable. To date, 84% of suckler cow claims received before 30 October have been processed for advance payment, as have 82% of beef special premium

claims, 73% of slaughter premium claims, and 98% of first and second advance payments of 2,000 annual sheep premium claims.

This performance compares favourably with payments in Great Britain. Direct comparisons with the Republic of Ireland are misleading and difficult. Its targets are less comprehensive; its administration arrangements are different; and in some cases, such as with the suckler cow premiums, the scheme closes much earlier to give a head start in making the payments.

**Rev Dr Ian Paisley:** The Minister will be aware of the difficulty of getting money into farmers' pockets. When her officials met my Committee last Friday I brought to their attention a resolution on the pig industry. Can she assure the House that she will study this document carefully and that if there is a way of getting money directly to the pig producers, she will follow that route?

**Ms Rodgers:** I am not sure if Dr Paisley is aware that Nick Brown today announced the Pig Industry Restructuring Scheme, which I am pleased to confirm will now go ahead. As the Member is aware, I have made very strong representations to Nick Brown, on foot of which he has made representations to the commissioner.

The outgoers scheme, which enables those who want to leave the industry to receive compensation, is open from today, as announced by the House of Commons. It is hoped that the ongoers scheme will begin at the start of January. It will enable those who want to remain in the industry to restructure. Dr Paisley will be very pleased to hear that news, as will everyone in the hard-pressed pig sector.

## LEADER+

2. **Mr McMenamin** asked the Minister of Agriculture and Rural Development to outline the key elements of the LEADER+ programme recently submitted to Brussels. (AQO 442/00)

**Ms Rodgers:** LEADER+ will have three main areas of activity, called actions. The first of these is support for rural development strategies implemented by local action groups, which will account for some 85% of the LEADER+ budget. The second is co-operation to support joint projects between different rural areas with special provision to encourage co-operation projects between Northern Ireland and the Republic of Ireland. The third is networking to share expertise and best practice between rural areas. The local action groups in Northern Ireland and the Republic of Ireland will be encouraged to develop closer networking links and to hold meetings more regularly to facilitate networking on a cross-border basis.

In addition, networking on an east/west basis between Great Britain and Ireland will also be encouraged. LEADER+ in Northern Ireland will have a primary focus

on microbusiness development and job creation. It will therefore help to increase private sector involvement in the rural development programme. Actions can take account of environmental, social and community-based requirements. Detailed proposals at local level will not be known until local action groups have submitted their plans to the Department. I will arrange for copies of the programme to be placed in the Assembly Library. A copy can also be downloaded from the Department's web site.

**Mr McMenamin:** The LEADER programme was established by the European Commission. Its overall objective was to assist broadly based local rural groups, capable of implementing medium- to long-term plans for development of their areas. Were the rural groups consulted on the new LEADER+ programme?

3.45 pm

**Ms Rodgers:** I can confirm that rural community groups have been involved throughout the consultation process for LEADER+, which ran from March to October this year. The process began on 8 March 2000, when the Department issued a major consultation document. In June I invited prospective local action groups to submit summaries of their proposals for strategies in their areas so that the Department could consider how the aims and objectives of, and criteria for, LEADER+ should be drafted to avoid excluding good proposals made by local groups. As a final stage of consultation, a draft of the programme was issued for public comment on 2 October, with the deadline of 13 October for responses. The final version of the programme was then prepared, taking into account the comments of the Assembly Committee and public responses to consultations.

## Rivers Agency

4. **Mr Beggs** asked the Minister of Agriculture and Rural Development to detail the Budget allocation to the Rivers Agency; and if she will make a statement. (AQO 427/00)

**Ms Rodgers:** The Rivers Agency has a total budget of £21.1 million in the current financial year. Of this, approximately £9.6 million is allocated to staff and running costs; £8.6 million to capital works projects to alleviate flooding risks; and £2.9 million to the maintenance of watercourses. The figure for capital projects represents an increase of some £3 million over the previous year. That increase is being applied to securing an acceleration in the programme of capital works so that flood alleviation schemes on the agency's prioritised list will be carried out earlier than would otherwise be possible.

**Mr Beggs:** In areas such as my constituency of East Antrim, there has been a marked increase in flooding with associated pressures on engineers. The Rivers Agency has been carrying out the vital job of establishing the causes of flooding and recommending a solution. Does

the Minister agree that to enable early and accurate assessment of flooding, it is essential that resources be redirected to areas where there are such pressures?

**Ms Rodgers:** The agency's capital budget baseline has been increased by £3 million per annum and is subject to the Assembly's ratification of future budget proposals. It is my intention to maintain this increased level of funding in future years. Like the Member, I am aware of the difficulties in his constituency. I know that they have been severe, and I know that the Rivers Agency has worked very hard to deal with the immediate problems.

As for schemes to alleviate the long-term problem, they will take time. There is a statutory obligation on us to go through impact assessment and all that that requires, and we must also prioritise on the basis of independent criteria. However, we will do our best despite those delaying factors.

### European Agriculture Conference

5. **Mr Dallat** asked the Minister of Agriculture and Rural Development to confirm that there are plans to bring a major European agriculture conference to Northern Ireland; and if she will make a statement. (AQO 441/00)

**Ms Rodgers:** I am very pleased to confirm to the Assembly that the National Farmers' Union has announced that the annual conference of the Confederation of European Agriculture is to take place in Belfast in September 2001. This is a major and highly prestigious event which will bring some 700 delegates, and perhaps a further 300 or so people in supporting roles, to Northern Ireland. I am greatly looking forward to my role in preparing and organising the conference, together with the National Farmers' Union, the Belfast Events Company and the Northern Ireland Tourist Board. Those who attend the conference and visit this part of the world, many no doubt for the first time, will go away with a very favourable impression of Northern Ireland and will have enjoyed a successful conference.

**Mr Dallat:** This is indeed a shot in the arm for Belfast and for the whole of Northern Ireland. Does the Minister agree that it is a clear statement that agriculture is still alive and well in Northern Ireland, as indeed is tourism?

**Ms Rodgers:** I agree enthusiastically with the Member's comments. As well as the obvious economic benefit of having 1,000 visitors staying in Belfast for the best part of a week, and the boost that that can give to the city's business, there are the wider benefits of visitors seeing for themselves all that Northern Ireland has to offer and carrying that message back to their homes and their colleagues throughout Europe. I hope that the agenda for the conference will be drawn up flexibly enough to allow delegates to see something of rural Northern Ireland and its farming practices as well as the city of Belfast.

### Farm Retirement

6. **Mr O'Neill** asked the Minister of Agriculture and Rural Development to detail when she expects the independent study into farm retirement to be completed; and if she will make a statement.

(AQO 434/00)

**Ms Rodgers:** My officials have invited bids from organisations with the necessary expertise to carry out the study, which will also cover a new entrant scheme. I would like to see the study completed before the end of February, when the vision group is due to report. I announced an independent study because there is considerable pressure from farming and other interests to introduce an early retirement scheme.

On the other hand, the evidence for the effectiveness of such schemes is mixed, and the vision group did not recommend one in its 'Emerging Themes' paper. Given the different views, I decided that I should seek an independent assessment.

**Mr O'Neill:** I look forward to the end of February with interest and enthusiasm. If the study comes down in favour of an early retirement scheme, will the Minister undertake to introduce one?

**Ms Rodgers:** If the report comes down in favour of an early retirement scheme, I certainly will have to give it serious consideration. However, I cannot pre-empt the outcome of the study. We will also have to be aware of the cost implications, and I will discuss this with the Executive and members of the Agriculture and Rural Development Committee. Such schemes, as Members will be aware, do not come cheaply, and on the basis of a lump sum scheme covering 750 farmers, the cost, over three years, would be £30 million.

In all probability this would mean committing all the unallocated modulation and match funding money for the years concerned. The annual sums would be less under an annuity scheme but would involve a commitment of up to 15 years, depending on how long the scheme was to operate. Clearly, it would cost a lot of money. I do not want to pre-empt anything. I do not want to pre-empt the fact that I might even have to go with my begging bowl to the Executive and to the Minister, Mr Durkan, in particular. I have initiated the study because I want to make an informed decision on what is the best way forward for the restructuring of the agriculture industry.

**Mr Ford:** I welcome the fact that the Minister appears to have a slightly more open mind than, perhaps, her officials have had in the past on the issue of retirement. Can she give us an assurance that she will have a completely open mind on restructuring and on the need to support new entrants to agriculture and put the emphasis on that rather than on the retirement aspect, which is somewhat more negative?

**Ms Rodgers:** I assure the Member that I always have an open mind on all issues.

I will have to give serious consideration to the new entrant scheme. I also have to be aware of the cost implications, and I will discuss this with the Executive Committee and the Agriculture and Rural Development Committee.

A new entrant scheme on its own would undoubtedly be less costly than an early retirement scheme, but to introduce the two together would involve committing all the unallocated modulation and match funding for the years concerned. As I have said, I do not want to pre-empt the study's findings. I have a completely open mind, I always have had, and I am not afraid to change my mind. If I get good ideas from anyone across the Floor, or from the Agriculture Committee, I will take them on board. If they are feasible, reasonable and affordable, I will go with them.

### Farmers: Extensification Counts

7. **Mr McHugh** asked the Minister of Agriculture and Rural Development if she will undertake to improve the dissemination of information between her Department and farmers in relation to extensification counts.

(AQO 410/00)

**Ms Rodgers:** Comprehensive information about the extensification payment scheme and stocking density reference dates and requirements is provided by the Department to producers. Before the scheme was introduced at the start of this year, a letter was issued to all farmers who had claimed under the previous extensification payment scheme, advising them of the forthcoming changes. In February 2000 this was followed up with guidance notes. The six census dates for the scheme year are announced in the press, and notification is also issued to individual applicants.

Details of the livestock units found on each holding are issued to producers after each census date. The Department is able to calculate and advise producers of their overall average stocking density because of the availability of data from the animal and public health information system, which is not available in other regions. The accuracy of the stocking density information provided to producers is thoroughly tested and checked before being issued. Farmers are encouraged to contact the Department if they have a query about the information. To date, fewer than 180 from over 22,000 applicants for the extensification payment scheme 2000 have done so. My officials aim to provide the best possible information to producers and maintain close contacts with the farming industry to ensure that systems are improved where possible.

**Mr McHugh:** A LeasCheann Comhairle. Given the IT facilities and so forth available to the Department, the

time lapse experienced by those 180 people should not happen. The Department has figures about the position of farmers, yet it can take up to six weeks for information to filter through. That could be significantly tightened up if the available IT facilities were used. Can the Minister look at ways of shortening that timescale so that complaints are not received from as many as 180 people?

**Ms Rodgers:** My Department's officials are constantly looking at ways to provide a better service but as I have said, 180 out of 22,000 is not a staggering number of people querying the information they have received. We would like total perfection, and we are doing our best. It is not a bad record, and if the Member, or any other Member, has suggestions about how we could improve it, I will certainly take them on board. However, additional resources are currently being allocated to IT to improve our effectiveness. I have to compliment my officials because their role is not always an easy one. It has to be remembered that this is a two-way process. The farming community must also play its part in helping the Department.

**Mr Byrne:** I note the Minister's answer, and I appreciate that it is difficult for farmers to keep up to date with information about new schemes. Can the Minister tell the House how the Department of Agriculture and Rural Development system compares with that of the Ministry of Agriculture, Fisheries and Food in London and with that of the Department of Agriculture, Food and Rural Development in Dublin?

**Ms Rodgers:** I am pleased to inform the Member that because my Department has a computerised database, producers in Northern Ireland are not required to make declarations of their bovine animals on each census date. My Department does the calculations and producers receive up-to-date information about their average stocking density levels. Producers in England have to declare the total number of their bovine livestock units on each census date. The information is collated, and producers are notified of their average stocking density at the next census date.

The Republic of Ireland does not have an operational database. Producers, therefore, are required to make declarations on each census date. To sum up, in this instance we are ahead of the posse.

### Young Farmers

8. **Mr J Wilson** asked the Minister of Agriculture and Rural Development to detail the measures she is taking to encourage young farmers to remain in the industry. (AQO 431/00)

**Ms Rodgers:** My Department already provides comprehensive support services to help stimulate the development of a competitive and forward-looking industry. For young people wishing to entry the industry, the Department



of Agriculture and Rural Development colleges provide a wide range of high-quality courses that enable them to develop their potential while obtaining the necessary expertise to improve business performance. On completion of the course, the young people are encouraged to retain contact with the college, to avail of ongoing college services and to keep in touch with their fellow students.

4.00 pm

**Mr J Wilson:** The average age of a farmer in Northern Ireland is approximately 55 years. Does the Minister agree that the most meaningful action she could take to allow young farmers to enter and remain in the industry would be to introduce an early retirement scheme? I appreciate that she has addressed this question in a different form in response to an earlier supplementary question, but I would be happy if she would return to it.

**Ms Rodgers:** As I have already said, I have an open mind and I am examining every area. I accept the Member's point that because of the difficulties in the industry there is a fear that young people may not be encouraged to take jobs in farming. Young people are perhaps not being given the same chance because older employees remain in the industry for too long. I am looking at all those issues. I realise that the industry must be restructured. I am awaiting the report of the vision group and also the report of the study that I instigated into early retirement. I widened the latter to enable us to think about the position of new entrants. I will be in a better position to make a decision when I have all the information to hand.

### Beef Quality: Additional Allocation

9. **Mr McCarthy** asked the Minister of Agriculture and Rural Development if she will detail how she proposes to spend the additional allocation of £300,000 for beef quality announced by the Minister of Finance and Personnel on 20 November. (AQO 401/00)

**Ms Rodgers:** The £300,000 announced on 20 November is supplementary to the £2 million per year proposed for the improvement of beef quality under the Programme for Government. The additional allocation will allow work to begin on quality improvement earlier than was anticipated. The details of the beef quality programme are still under development. I wish to consult the industry, and I will seek the views of the Agriculture and Rural Development Committee before finalising the programme. It will also be necessary to take account of EU state aid rules.

However, the options being considered include: first, improving the quality characteristics of replacement heifers from a suckler herd; secondly, improving the quality measures and technical information available on pedigree sires; thirdly, encouraging commercial calf producers to purchase bulls with good performance records; and finally, ensuring the effective adoption of best management

practice and modern technology in the beef production sector. I hope that the final programme will cover all these elements. I intend to introduce the full programme as early in 2001 as possible.

**Mr McCarthy:** Does the Minister agree that there are two other important issues to consider? The first is the improvement of livestock quality, especially beef from the dairy herd, and the second is the promotion of Northern Ireland beef on the basis of high-quality production based on natural grass and traceability. Does the Minister agree that her Department needs to take further action on both these issues?

**Ms Rodgers:** Although improving the quality of beef is an issue, I assure the House that my Department and its advisers also work closely with the dairy sector to make improvements. As the Member is aware, Greenmount College offers courses for farmers who want to improve their milk outputs. We are working constantly on those matters.

### Beef Regime: National Envelope Payments

10. **Mr Douglas** asked the Minister of Agriculture and Rural Development to detail her plans for the national envelope payments within the beef regime for the year 2001; and if she will make a statement. (AQO 395/00)

**Ms Rodgers:** I have not yet decided how I will allocate the increased funds for the beef national envelope in 2001. For 2001, the available funds for Northern Ireland will increase from £2.6 million to £5.2 million. My officials are consulting with the interested organisations on how they want to see the money spent. Before making my final decision I will seek the views of the Agriculture and Rural Development Committee, and I hope to be in a position to do this very soon.

**Mr Douglas:** Given that the Livestock and Meat Commission reports that the quality of beef cattle presented at meat plants has declined, how will the Minister target national envelope payments to encourage improvements in finished beef cattle and, indeed, in the cattle-breeding herd on the maternal side of the equation? I realise that she partly answered this question in her last response.

**Ms Rodgers:** I should not like to pre-empt my final decision; I have not yet consulted with the Agriculture and Rural Development Committee. I wish to give the Committee an opportunity to consider my suggestions and return its views to me for final adjustment before making any specific proposal or recommendation.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

### Natural Resource Rural Tourism Programme

11. **Mr Savage** asked the Minister of Agriculture and Rural Development if there is to be a process of

consultation prior to the initiation of the natural resource rural tourism programme targeted at disadvantaged areas by December 2001, referred to in section 5.4.1 of the Programme for Government. (AQO 426/00)

**Ms Rodgers:** Madam Deputy Speaker — *[Laughter]* Excuse me — there has been a change of guard. I beg your pardon, Mr Deputy Speaker. I did not think you had had a sex change. I was about to say that we are getting through the questions very quickly today.

My Department has developed the natural resource rural tourism programme within the Peace II negotiations as part of the next rural development programme, which will run from 2001 to 2006. It is hoped that natural resource rural tourism will help to make up for some of the tourism infrastructure which would have developed over the past 30 years had it not been for the conflict. It is my intention to consult widely on all aspects of the programme, including aims, target areas, possible activities and delivery mechanisms. The consultation is likely to take place early in 2001.

**Mr Savage:** Will the programme be on time?

**Ms Rodgers:** I certainly hope so.

**Mr Hussey:** On a point of order, Mr Deputy Speaker. Following my point of order at the end of Question Time last week under Standing Orders 19(5) and 19(6), I should like to point out that we are in contravention of 19(6).

Moreover, I want to ascertain whether Ms Morrice, the Deputy Speaker who was previously in the Chair, who gave a commitment that she would forward my concern to the Business Committee, has done so and when I shall receive a reply.

**Mr Deputy Speaker:** The matter was discussed at the Business Committee, which came to the conclusion that there had been adequate time for questions.

## BONDED LABOUR

**Mr McGrady:** I beg to move

That this Assembly is appalled by the United Nations estimate that some 20 million people are living in slavery around the world under the bonded-labour system; expresses its concern over the repeated failures of Governments such as those of Pakistan, India and Nepal to take adequate measures to eradicate the use of bonded labour in their countries; calls on the British and Irish Governments to work with their European Union partners to sponsor a resolution at the next United Nations Commission on Human Rights condemning this practice; and urges the International Labour Organisation to ensure at its conference in June 2001 that independent and comprehensive surveys of the extent of bonded labour are carried out in countries where it persists.

The motion is probably the first to come before the Assembly on an international issue. I am rather pleased by that because while Assembly Members deal in great detail with our enormous problems in Northern Ireland, as elected representatives we have a common concern for the problems endemic in today's world.

As individual Members, all of us are imbued with a sense of addressing human rights issues in the Third World and elsewhere. Those could include religious intolerance in east Timor and the Indian subcontinent, or the inequitable distribution of resources on the African subcontinent, which has led to the establishment of undue control by autocratic regimes and domination through individual citizens' governance. In turn, these create, and are associated with, gross poverty and malnutrition. Bonded slavery is another issue that should demand our attention and requires political action. It represents the denial of freedom of individuals, and their control and domination by others.

Article 4 of the Universal Declaration of Human Rights states:

"No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

Notwithstanding that, there are an estimated 27 million slaves in the world today — more than twice the number taken from Africa during 400 years of the transatlantic slave trade. Today's slaves are not bought and sold in the public auctions we see in romantic films about slavery. Their owners do not even hold legal title to them. Yet they are just as trapped, controlled and brutalised as the slaves we refer to in history.

One researcher has said:

"slavery is identified by an element of ownership or control over another's life. It includes coercion and restriction of movement."

Last year, in Hull, Archbishop Desmond Tutu said:

"Slavery is hidden ... Generally, people would not believe that it is possible under modern conditions. They would say 'No, I think you are making it all up, because it is just too incredible.' "

Lest anyone be in any doubt, let me say that slavery does exist today in many forms.

The word “slavery” covers a variety of human rights violations. In addition to “traditional” slavery and the slave trade, those abuses include: the sale of children; child prostitution; child pornography; the exploitation of child labour; the sexual mutilation of female children; the use of children in armed conflicts; debt bondage; the traffic of persons; the sale of human organs; the exploitation of prostitution; and many other practices, particularly under apartheid regimes or former colonial countries.

Bonded labour is one form of that slavery. Persons become bonded labourers simply by taking, or being tricked into taking, loans for as little as the cost of medicine for a sick child. They are then forced into working for little or no pay — often seven days a week — to repay that loan. The value of their work is invariably greater than the original sum borrowed. Unfortunately, in many cases the debt passes down through generations — from father to son, from mother to daughter. They receive basic food and shelter as so-called “payment” for their work. Little if any of it goes towards paying off the loan. They are all trapped in that terrible situation.

It is compounded by the fact that many women marry men who are attached to the bonded contract. Their worth is taken into account and they become part of the slave system. It is common to hear of women who are not bonded slaves yet who, because of their spouses’ situations, are sexually exploited by the landlords to whom the debts are owed.

4.15 pm

Bonded labour is a form of enslavement. It is ancient and modern. In the Indian subcontinent it took root in the caste system, and it continues to flourish in feudal farming relationships. Following the abolition of slavery, debt bondage was used as a method of colonial labour recruitment for the supply of labour to plantations in Africa, the Caribbean, and South-East Asia.

Today, although slavery is illegal in most countries, it is in fact expanding through a combination of mass migration from poverty, the global demand for sources of cheap, expendable domestic labour, and the fact that many of those enslaved are unaware of their basic human worldwide rights. Poverty and the willingness of people to exploit others are the main reasons for the existence of bonded labour. When people have no land or are without the benefit of education, the need for cash to support their family forces them to sell their labour in times of emergency, such as when a family member needs medical help.

People end up pledging their labour, or even selling some of their children into slavery, in return for being able to pay off their debt. Today, a bonded labourer in India can be enslaved for a paltry £8 to £10 a day, and he will generate enormous profits per year for the bondholder. Slaves are thought to generate an annual profit of

some £8 billion to £9 billion for their slaveholders, the so-called bond holders.

Many of those enslaved are usually unaware that they have any legal right to freedom. They are unable to take action to defend their rights because of the threat of violence. They may be bound by a sense of misplaced duty or by ignorance, and they become almost mentally conditioned to the concept and acceptability of slavery.

Bonded labour is particularly common in India, Pakistan, Nepal, Brazil and the Caribbean. In Brazil many thousands of unemployed men are tricked into bonded labour by promises of well-paid work. Verbal contracts are made and they are loaded onto trucks and transported thousands of miles away to work on estates in isolated areas, usually around the Amazon catchment area. These workers incur debt because they are charged for the cost of their tools, their accommodation and their transport. The food and drink they must buy are available only from the site, and therefore from the company shops, at highly inflated prices.

The men have their identity papers and work permits confiscated on arrival at the sites (which are, in fact, military camps surrounded by armed guards) preventing any hope — if there were the will and the ability — to escape. Since no one can work in Brazil without a work permit, the workers are loath to leave the site without any means of supporting their families.

The Brazilian Government have attempted to curb the practice by setting up a single mobile team to investigate complaints across the entire Amazon basin. Raids have been carried out on estates where bonded labourers are held; workers have been released, and some estates have been compulsorily purchased. But this small bureaucratic process fails totally to punish the estate owners who benefit from the bonded labour.

Research in the 1990s found that in Nepal between 70,000 and 100,000 Tharu — the indigenous people of the western region of Nepal — were being exploited in bonded labour. During the 1960s many Tharu were displaced from land which had not been legally registered. With little access to education or credit, and with wages as low as 13 rupees (about 15 pence) per day, many were forced to take loans and become bonded labourers. People ended up working 12 to 14 hours a day for little or no income on land that they had previously owned. That is the great tragedy of Nepal.

All forms of bonded labour are prohibited in India, yet bonded labour is widespread throughout the Indian subcontinent, as I am sure you, Mr Deputy Speaker, are aware from personal experience. Despite the existence of legislation designed to abolish bonded labour, it is estimated that 10 million people are trapped in debt bondage. The majority of these come from the Dalit (the untouchables) or the Adivashi (the indigenous communities) — the caste system. In the states of Orissa and Andhra

Pradesh, one in every five labourers is bonded. Twenty per cent are bonded in that so-called modern country.

In November 1999 the human rights organisation Volunteers for Social Justice identified dozens of people being held as bonded labourers in the state of Punjab. The organisation filed a number of test cases from two villages with the local district magistrates. The cases involved 11 women who took loans ranging from as little as £35 to £150 and were working as bonded labourers to pay off those loans.

The landlords responded to these cases by threatening the women and putting them on a "hit list". Unfortunately the police took no action and gave them no protection whatsoever. The magistrate to whom the original complaints were made, and who initiated an investigation into the use of bonded labour, was transferred from his post and out of the area. So there is Government complicity in acts of bonded labour. As from 17 January 2000, no prosecutions have been initiated against the landlords, either for their illegal use of bonded labour or for their threats and intimidation against those who took cases to the proper authorities in a court of law.

We must always be mindful of the prevalence of bonded labour throughout the world and that many products in Great Britain and Ireland, North and South, may be tainted by that slave labour. Many products such as cocoa, steel, cotton and rugs involve bonded labour somewhere along the production line.

In 1998 the International Labour Organisation decided to focus its attention on principles known as "core labour standards", which were designed to protect fundamental rights at work. These standards seek principally to eliminate bonded labour, as well as child labour and discrimination in employment, while ensuring respect for the right of freedom of association and for the right of collective bargaining.

It is important that the Executive, on behalf of the people of Northern Ireland, and this Assembly, elected by the people of Northern Ireland, focus on the international issue of bonded slavery. I hope that they will work with the British Government, the Irish Government and their European Union partners to sponsor a resolution at the next United Nations Commission on Human Rights session which would condemn this practice.

We should also urge the International Labour Organisation to ensure at its conference in June 2001 that independent and comprehensive surveys are carried out into the extent of bonded labour in those countries where it persists and that monitoring systems are established to record the number of freed bonded labourers and the numbers convicted for enslaving people in this manner. In that way we may get some measure of the progress that is being made — however minuscule. We would then know the dynamics of the process and what could be done to encourage and develop it. It is

important that the International Labour Organisation ensure that all Governments allow independent assessments of the extent of bonded labour in their countries. All those involved in developing and enforcing laws on bonded labour must be properly trained in the fields of detection, investigation and prosecution.

There is enough worldwide evidence to demonstrate that slavery and like practices are vast and widespread. One figure tells its own grim story: as we speak, 100 million children are being exploited for their labour, according to recent estimates by the International Labour Organisation. It is important, therefore, that all Governments, including our own, act collectively to eliminate slavery and bonded labour. This Assembly and its Executive could play a central role on this major human rights issue.

I have tabled a similar motion in the House of Commons and it has already commanded the respect and support of a cross-community grouping there. I commend Third World organisations that have brought this matter to a world stage. Organisations such as Trócaire and Anti-Slavery International have actively campaigned for many years, without great support, to have bonded slavery eliminated.

I hope that this motion will receive cross-party support in the Assembly today, that it will be picked up by the Executive and that these motions will be carried forward nationally and internationally, not simply as placebos for conscience but as an active means of eradicating this horrible scourge that our so-called civilisation has tolerated for so long.

**Mr Deputy Speaker:** Mr McGrady, who knows me well enough to know what my views are, will now take other Members' views.

**Mr Shannon:** People in Northern Ireland are renowned for their generosity. An American gentleman visiting here today said that he was impressed with how the people from Northern Ireland are forever putting their hands into their pockets financially. We do not mind helping charities, and we do not mind physically helping people who are in need. We have a commitment at both a financial and a physical level. That is why I am glad to have the opportunity to support this motion. It also gives the Assembly an opportunity to put on record its support for this motion.

We are all aware of the bonded labour system and slavery. Many of us are aware that people in Third World countries are trying to survive on very meagre wages. We are aware of some of the issues put forward by Mr McGrady, which are serious and concern us all as elected representatives, even though we live in Northern Ireland. We have concern for those who live in the Third World.

I wish to speak on a slightly different issue — fair trade. Perhaps the proposer will take it on board in his winding-up speech. We have probably all been

circularised by War on Want on the need for substantial and suitable wages for those people who produce goods that we enjoy every day, and we should take that on board. When you had your cup of coffee or tea today, did you ask yourself where it came from? You probably did not because you have enough things on your mind, but the reality is that the person who produced that coffee or tea is receiving a very meagre price for their product. We pay for it, but those people do not receive the money that they should.

I once put down a question concerning this issue:

“To ask the Assembly Commission what plans it has to introduce the War on Want ‘Fair Trade’ campaign within Parliament Buildings or to encourage Members and staff to lend support to the campaign.”

The Assembly Commission only replied last week, saying that it has

“just received a report [and] will be asking Mount Charles to develop proposals which promote the War on Want Fair Trade campaign with regard to the purchasing of products sold in Parliament Buildings.”

As an Assembly, we have started to move in that direction. And that can lead places, with the support of the Members and staff here. We ask people for their support.

As stated in the motion, there are Governments in Third World countries such as India, Pakistan and Nepal — and many others, as Mr McGrady said — which have failed to address this issue despite repeated requests to do so. Other countries, in South America, Africa and the Far East, also have bonded labour and slavery. It is called “bonded labour”, but it is slavery, with little or no respite for those caught up in it. Members are aware of the fair trade policies that councils throughout Northern Ireland and the rest of the United Kingdom have supported. Elected representatives and public bodies have pledged to support the fair trade campaign.

4.30 pm

We can have a tangible effect on Third World poverty. However, we must ensure that the money goes to the people who create the products, often in return for very small sums. There are approximately 10 million small-scale farmers who produce tea and coffee but who live in absolute poverty. Those small-scale farmers and producers do not receive a fair price for their products — just 10 pence out of every pound paid for their products goes to the farmers who grow the coffee beans and the tea leaves.

Governments in the countries in which those products are grown have made no effort to help those caught in the poverty trap. Rather, they encourage the unscrupulous middlemen who control the prices. It is the poor farmers who lose out on the money for their crops. If prices are bad or there is overproduction in a particular year, more often than not it is the farmers — the producers — who

have to carry the can. They live in the worst conditions: inadequate housing; no clean water; and little or no health care or education for their children. They live in absolute poverty.

The House of Commons has adopted fair trade practice. The Assembly has an opportunity to move along that road. Many people want the profits from the sales of tea, coffee and other products to be given directly to the original producers. At its conference in June 2001 the International Labour Organisation should ensure that bad practice and direct exploitation are halted. The Governments of the countries concerned must react to the opinions of those who buy the product and the opinions of their own people.

This weekend the Government made a magnanimous statement, writing off some Third World debt. That was a significant step by the United Kingdom Government towards helping Third World countries. The United Kingdom Government can take such a significant step, but it is equally important that the Governments of Third World countries in which the exploitation, bonded labour and slavery take place also make a commitment. They cannot and should not ignore the plight of their own citizens.

**Mrs Nelis:** Go raibh maith agat, a LeasCheann Comhairle. Debt bondage is already outlawed under article 1 of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. However, global economic forces dictate how economies in developing countries operate. We are appalled by the fact that such forces cause almost 44 million people to live as slaves, but we should not be surprised. Multinational companies demand cheap labour because of their obsession with profit. That obsession determines the fate of millions of children, women and men in so-called democracies. Using unpaid forced labour constitutes an excellent way to bolster economic profit. Governments in the First and Third Worlds support such companies and allow them to maintain cheap production costs in order to improve their competitiveness in the global market.

In countries such as Pakistan, India and Nepal families have little choice but to send their children into bonded labour or into armies or to sell their daughters as sex workers.

Human rights abusers act with impunity despite laws intended to abolish slavery. Government officials abuse their power to limit the judiciary and the press. Many Western Governments, including the British Government, sell arms to military forces and groups — arms used to enforce the abuses surrounding the issue of bonded labour.

A case in point is that of Iqbal Masih, who was gunned down outside his grandmother’s house in Pakistan. The 13 year old had been bound out to a local carpet maker at the age of four. He worked 12 hours a day tying knots

at a carpet loom to pay off his father's debt of \$12. When he was 10 he escaped and joined the Bonded Labour Liberation Front, a human rights organisation founded in 1988 to put pressure on the Government of Pakistan to enforce existing laws prohibiting child and bonded labour.

Over the next few years Iqbal helped to free some 3,000 children from bonded labour before he was murdered. His murder demands that all right-thinking people put an end to this terrible abuse. Children like Iqbal — modern-day slaves — are trapped in a system that forces them to work to pay off loans incurred by their families for basic necessities such as food and medical needs. They work unconditionally for their entire lives.

India alone has some 44 million child workers under 13 years of age, both bonded and illegal, in the carpet-making industry. The children make products that many of us in the Western World use — silk, leather, matches, glass, gemstones, salt, soccer balls, sports clothes and fireworks.

Nike, the huge sporting company, is one of the greatest exploiters of child slavery. We should remember that when we are buying our Christmas presents of trainers, football boots, footballs and sporting clothes. Those who manufacture these products are the disposable people in a global market of fat-cat industrialists. There are also examples of bonded labour much closer to home than India and Pakistan. The plight of domestic servants employed by people working at the World Bank was highlighted last month on television. Also, children are working as nannies and domestic servants in the homes of the rich in England, Ireland and Europe.

Globalisation provides ever more opportunities to exploit people for profit. While we are on the issue of the rights of workers, we should also look at the wages paid to our disadvantaged communities in the North and the welfare-to-work schemes which lock our young people into conditions resembling slavery.

This is a well-intended motion, and I thank Mr McGrady for tabling it. However, we need to concentrate our efforts on what we can do to influence and change this deplorable situation. We must examine how we can support and promote fair trade here. More importantly, we need to be clear on the reasons for child slavery. Are our aims for economic development really so different here in the North, or anywhere else in Europe?

We need to highlight the work of Anti-Slavery International, global exchange movements and LASCO, an organisation that helps street children in Brazil. We need to eradicate the old forms of slavery and tackle the development of new forms of slavery, including the trafficking of people, and the related practices of debt bondages, forced prostitution and forced labour. These are all violations of the most basic human rights. Anti-Slavery International makes some specific recommendations which are included in Mr McGrady's motion. The

key themes, which have been mentioned by Jim Shannon, are to support fair trade, to examine the sourcing of goods for the Assembly, and to examine how the Department of Finance and Personnel and the Department of Enterprise, Trade and Investment use the public purse. I support the motion.

**Mr Neeson:** I welcome the opportunity to participate in the debate today, and I thank Mr McGrady for bringing this matter to the attention of the Assembly. This is not the first Third World issue that we have dealt with, and it reflects very well on the Assembly that we are indeed dealing with it.

In the motion Mr McGrady points out the problems of bonded or forced labour in Pakistan, India and Nepal. Incidents include child labour in Asia, which in India alone are currently estimated at between 115 million and 150 million.

We also have the problem of the indigenous population of Latin America, and Mr McGrady spoke about Brazil. Immigrants are coming into Western Europe and the United States, and they are now arriving on our doorstep in the Republic of Ireland, looking for some worthwhile employment, and we all know the problems that they face. Prison labour in China is another major issue that must be recognised.

The problem is not a new one but it is getting worse, and there have been major attempts to deal with it. Some measures are already in existence: the International Convention of 1926, which outlawed slavery, and the supplementary UN Convention on the abolition of slavery in 1962; the UN Declaration of Human Rights, which we as a body fully support; the UN Convention on the Rights of the Child, on which we as an Assembly have been working actively for some time. We also have the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises, which have been adopted by many countries but so far have not been adopted by the United Kingdom; the International Labour Organisation (ILO) Tripartite Declaration of Principles on multinational enterprises and social policy; the ILO Convention Number 29, which has an explicit ban on debt labour; and the ILO Convention Number 182, which eliminated child labour but which, unfortunately, has not been adopted by the United Kingdom. There is also the ILO's 1998 Declaration on Fundamental Principles and Rights at Work.

Attempts have been made to address this problem. Is working through the United Nations alone an appropriate way forward? Would it not be more appropriate to raise these issues with the World Trade Organisation rather than just with the United Nations? We should also advocate applying these criteria to the actions of the World Bank and the International Monetary Fund. Recently various international protests have taken place over world trade and world debt. On the question of

world debt, I was particularly pleased over the weekend when John Prescott fully supported Jubilee 2000, which is aimed at cutting all world debt and which the Assembly has already been associated with.

The use of bonded and slave labour throughout the world also has an impact on the Northern Ireland economy. We can already see a serious decline in traditional industries, particularly textiles, because of production overseas by bonded and slave labour. This matter has much wider implications than those suggested in the motion, which I welcome and support. I suggest that we recommend to the First Minister and the Deputy First Minister that it would be worth their while approaching the World Trade Organisation as well as the United Nations in an effort to have this matter dealt with.

4.45 pm

**Ms Lewsley:** I would like to focus on the issue of child bonded labour. The International Labour Organisation defines exploitative child labour as

“work that deprives children of their childhood and their dignity; which hampers their access to education and the acquisition of skills; and which is performed under conditions which are harmful to their health and their development.”

Poverty and inequality create the conditions in which exploitation flourishes. While many of us would like to think that slavery was abolished almost 200 years ago, it still exists in many countries, albeit by another name — exploitation. Under the UN Convention on the Rights of the Child, signatory states are obliged to promote child development and protect the rights of children in the community and family. A child is entitled to an adequate standard of living; physical and mental health; social security; education; and freedom from the dangers of sale, trafficking, sexual abuse and the illicit use of drugs. States are committed to protecting children from economic exploitation and work that may be harmful to their education, health and well-being.

Despite this, as my Colleague Mr McGrady said, many families in Third World countries are forced to send their children to work to help pay off loans subject to exorbitant rates of interest or to make them contribute in other ways towards the family's income. Abuses faced by children in the community and the family range from ill-treatment in institutions to violence in families and from trafficking to child bonded labour — a system by which children are born or sold into virtual slavery to pay off family debt.

Children can often be seen working in dangerous and unhealthy environments such as factories, mines, brick kilns and brothels. Some are shackled to their machines to prevent escape, and others are beaten or raped by their employers. Even though many countries such as India have anti-slavery legislation, this abuse persists because the law is not enforced.

Rich landlords and employers can persuade the local police and magistrates to turn a blind eye to these illegal practices. Often a lack of education means that children and their families are unaware of their rights and are therefore forced to work for a pittance in appalling conditions. Employers prefer to use children for cheap labour because they are more docile than adult workers and can be forced to work in hazardous conditions. Many children are abandoned and forced to live on the streets, trying to eke out a living through slave labour or prostitution. They often fall foul of the law and suffer torture, ill-treatment and abuse at the hands of the police and state authorities.

There are no easy solutions to this issue. While we abhor the idea of child labour, many families are dependent for survival on the small income their children bring in, so effectively it would be disastrous to stop children working. We need to know what can be done to alleviate the poverty that necessitates children being forced into unsavoury work. Many organisations such as the International Labour Organisation, Oxfam and Save the Children are actively working to limit the type of work children do and to improve working conditions and reduce working hours so that children can continue their education. It is necessary to stamp out the illegal practices of many employers and to close brothels specialising in the use of child prostitutes. But this is a drop in the ocean, given that there are an estimated 120 million working children in the world, and possibly as many as 250 million. Punitive measures have proved unworkable and are difficult to enforce. In addition, the resultant increase in financial poverty would exacerbate the situation of the children and their families.

In the short term organisations and Governments throughout the world need to work to eradicate extreme forms of child exploitation and alleviate the plight of those who are suffering the most terrible degradation. An effective rehabilitation strategy is intrinsic to this work to avoid worsening the situation and driving many into further poverty, or even onto the streets, thus making them more vulnerable to exploitation, which would only perpetuate the problem.

Realistic time frames must be set and agreed with the countries involved to enable the regulation of working conditions for children. Age limits also need to be set to make it illegal for young children to be forced into work. Social and economic measures will have to be taken to tackle the root causes of poverty to enable the Governments concerned to deal with the illicit trade of children.

It is our duty to call on the British and Irish Governments and the European Union to demand of the United Nations Commission on Human Rights that Governments in India, Pakistan, Nepal and South America enforce the eradication of child labour. I support the motion.

**Ms Morrice:** I voice the support of the Women's Coalition, which joins all others in favour of the motion, and I commend Mr McGrady for bringing the matter to the Assembly. The House must look outward, as well as inward, and address these serious issues, which affect the rest of the world.

I have listened intently to what has been said this afternoon and Mr McGrady's point that this scourge on society in the Third World is very important. Mr Shannon raised the issue of ensuring that fair trade runs hand in hand with this. I hope that in his winding-up speech Mr McGrady will consider this and the importance of recognising the different ways in which we can help to stop this type of exploitation. It can be done on an individual basis by buying produce that is fairly traded or by calling on the United Nations and other bodies to act immediately to end the practice of bonded labour.

Education is also a major issue because bonded labour is often linked to illiteracy and the problems of people in Third World countries on the Indian subcontinent and in Africa and Latin America. People there are not aware of their rights and are, therefore, unable to take action to defend those rights. Even in Northern Ireland, a so-called educated society, there are many people who are not aware of their rights. Therefore, in Third World countries, and particularly in rural and isolated communities, it is vital to help to educate people to understand and to stand up for their rights.

We have described the problems associated with bonded labour and how they occur. For example, if there is a family event which has cultural and religious importance, such as a christening or a wedding, the head of the family will borrow money, usually from a landlord, and will sign a bond to work to repay that debt. Often people do not understand what they are signing. There are examples of people signing for their four-year-old children to work 12 hours a day to pay off a £12 debt. "Intolerable" is not even an appropriate word. It is an atrocious practice. It is a form of slavery and pure exploitation and it is the most vulnerable people who find themselves in these situations.

Mr McGrady raised the problems facing women and children. Landlords can sexually exploit women who become tied to these schemes. People get stuck, and they have nowhere to go. It happens mostly in isolated rural communities among people who are desperate and have very low self-esteem.

Education is one important way out. We must look at lack of education and the need to fill that educational gap. Putting children into labour at an early age denies them an education so this practice feeds on itself. The more children who are used in this way, the less educated they are and, as a result, the more they become tied into this practice.

There is also a need for us in Western society to educate our children and ourselves. As Mary Nelis said, at Christmas the children want Nike. These products are considered to be something they need and want. They do not realise that children can be exploited through the making of many of these products. It is very important that our society is educated about such matters.

Anti-Slavery International has been urging the UN Commission to focus on several points. First, UN states should ratify the international instruments which prohibit the use of bonded labour and develop specific legislation to define and outlaw the offence of debt bondage, if they have not already done so. It is an unlawful activity, and something should be done about it. Secondly, states should be encouraged to carry out detailed regional surveys to help identify and rehabilitate bonded labourers. Thirdly, states should ensure that those responsible for keeping individuals in debt bondage are charged and prosecuted in accordance with domestic legislation. Finally, the United Nations High Commissioner for Human Rights should become the focal point for both the co-ordination of activities and the dissemination of information in the UN system on the suppression of contemporary forms of slavery. This should help to ensure that slavery issues, such as bonded labour, are mainstreamed throughout the UN system.

This is the development of civil society. Civil society groups need resources to develop and to be able to stand up for human rights on a global scale. It is an issue that affects the most vulnerable people in the chain. Most people think that slavery was abolished 200 years ago. There are no chains attached to the ankles and necks of the men, women and children who work in these terrible conditions. But there are chains. They may be invisible, but they are just as intolerable.

I support the motion.

**Dr Hendron:** I wish to congratulate Mr McGrady for bringing this important motion before the Assembly. Certainly, other issues have been debated in the House in relation to the Third World. Nevertheless, this is a very important one.

5.00 pm

About two years ago I was among a group invited to North Korea by Trócaire to make an assessment of the famine there and the terrible poverty and suffering. North Korea has a large degree of slavery and bonded labour. It was to be seen everywhere. In recent times there have been changes in that country because of its developing friendship with South Korea.

As a young lad I used to hear my grandfather talking about the "farmer's boy", about whom many jokes were told. These were young boys from big families who had to wander off to other parts of the country for what was supposed to be employment. The term "farmer's boy"



meant that they slept in a shed and were given food and clothes. They had to pay that off by working some 12 hours a day. It is not so long since that practice existed in Ireland, both North and South.

Mr McGrady said that he has also put this motion forward to the House of Commons. I am very pleased to hear that there is already great support for it there. I am sure that he will, either directly or through the Executive, put the motion to the Scottish and Welsh legislatures, so that these islands, including the Republic of Ireland, can speak with one voice.

Article 4 of the Universal Declaration of Human Rights states:

“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

There are at least 27 million slaves in the world today. That is more than twice the number of people taken from Africa during the 400-year transatlantic slave drive. Slaves today are not bought and sold at public auctions, nor do their owners hold legal title to them. Many people, as Mr McGrady said, get into debt at a time of family crisis. They end up pledging their labour, or even selling a child into slavery, in return for having their debts paid off. This does not happen only in India, Pakistan, South America or Mexico. We hear of street children who are taken away, sometimes murdered, sometimes brought into slave labour.

I am aware of the International Labour Organisation conference in June 2001. I know that organisations such as Trócaire are encouraging the principles that all Governments should allow independent assessment of the extent of bonded labour in their own countries, and that all those involved in developing and enforcing laws on bonded labour should be properly trained.

Mr McGrady's purpose is to put pressure, through this Assembly, the House of Commons and other parts of these islands, on the European Union to sponsor a resolution at the United Nations for their High Commissioner for Human Rights to condemn the practice of bonded labour.

**Mr McGrady:** I thank all those who have participated in the debate. They obviously have a deep knowledge of all aspects of the problem of bonded labour. Their detailed knowledge indicates a concern to try, in some way, to light that proverbial candle. We in this Assembly must spread some light, an ever-increasing incandescence, throughout the rest of Europe and the world. That may sound presumptuous, but I am convinced that we have a voice on the world stage. In many other areas we have shown the ability to influence world opinion and there is no reason why, from this small beginning today, all the parties united together cannot carry this forward onto the larger stage and with greater effectiveness. I very much appreciate the contributions, which showed a great depth of knowledge not only about bonded labour but

also of the ramifications which created it and result from it. They are myriad, stretching over continents.

I thank Mr Shannon for his participation and for drawing attention to other diverse aspects of bonded labour, the effects of fair trade, which were also referred to by Ms Morrice. He referred to the plight of small farmers who are deprived of a reasonable income for many of their products, which we enjoy at little cost in relation to our level of income. They are suffering as a result of our luxury lifestyles. He also rightly referred to the horrendous consequences of world debt, created by the exploitation of the native habitats, cultures and tribes to the point of extinction, simply to obtain greater profits for the multinationals.

That leads me to what Mrs Nelis said about multinationals and their responsibility for many of the problems that have been imposed on numerous communities throughout the world. There is the exploitation of their natural resources, the destruction of their natural way of life and of their harmony with nature. These communities are at one with nature, while we are destroying the goose that lays the golden egg for our current luxurious standard of living. Mrs Nelis went on to talk about the responsibilities of multinationals. Those responsibilities are evident in many of our luxuries, as well as in the cheap labour practices adopted by multinationals in the manufacture of many commonplace products that we use on a daily basis.

The Member referred to the ramifications of this tragedy — the sale of arms, the murders of young children and many other facets of international trade. She is absolutely right. Action is required — not words. She made the point that we need to take action here as well as abroad. We cannot, and must not, allow ourselves to be hypocritical in our approach to this problem. We must take the appropriate actions here that are on a par with the exploitation taking place abroad.

Mr Neeson made a valuable contribution in relation to how we perceive and treat immigrants. He drew a parallel between the disregard we can sometimes have for those of other cultures that come among us — that, in a sense, can explain but not forgive the cold approach we sometimes have — and the lack of concern for our fellow human beings in many other areas. As he said, it is a matter of international social policy, and I agree that such a policy does not currently exist. Token gestures are being made in different directions at different times, but there is no international thrust across the social strata that create these problems — not only bonded labour but also others that I have referred to. I also agree with Mr Neeson that the issue should be promoted not only on the floor of the United Nations but also at the World Trade Organisation.

My Colleague Patricia Lewsley gave a detailed definition of the horrible aspects of child abuse — the poor factory

conditions, the long hours and the arduous and hazardous conditions under which these young people have to work from an early age. She mentioned rehabilitation; once this issue has been addressed, it cannot be let go. These people must be taken out of their bonded labour and put into rehabilitation to prevent them falling into the same trap all over again. Rehabilitation equals prevention, and prevention is much better than cure. That is a very important point.

Ms Jane Morrice touched on the question of the international aspects of fair trading. If the general public or any Assembly Member were to examine the details of what is happening in some countries and the activities of the multinationals (funded by the World Bank) they would be absolutely horrified to see the consequences on indigenous peoples and customs.

Education is important and must be discussed because people are unaware of their rights. Ms Morrice emphasised the need for education in this and other areas. She stated that those working under a bonded slavery system with its associated horrors should be educated, but people in Western society should also be educated as to how they create and contribute towards bonded labour. I agree that a great deal of research and action will have to be taken to explain, propagandise and get the message across that we can no longer tolerate such conditions.

Dr Hendron spoke of his experiences in North Korea. I know that he was shocked by the conditions he found there. For a long time North Korea was hidden behind an information curtain from which little emerged. I remember Germans standing on the international zone between North and South Korea. The international forces told me that in winter soldiers from the North Korean army foraged in the countryside for basic food, looking for rough grazing and berries to sustain them. If these were the sort of conditions the army had to endure, what of the ordinary people? I agree that you can cast

your eye over international scenes, you can tut-tut and pooh-pooh, but forget what has happened in your own community.

He referred to the common practice of the “farmer’s boy”. I am too young to remember that, but I am sure that he does. *[Laughter]* I have heard of it and read about it in the history books. Unless society is careful, it can perpetrate such injustices, because if something is a custom, it is not noticed or criticised officially.

I agree that this debate and the action that we hope will result must be broadcast throughout Europe. We must begin with Westminster, the Scottish Parliament, the Welsh Assembly and Dáil Éireann as a way of spearheading a concerted and universal — or at least Western European — thrust to address these issues.

*5.15 pm*

Once again I thank the Members for their participation. They all indicated support for the motion, and I have not heard any voice in opposition. I thank them for their wealth of knowledge and their eloquence.

*Question put and agreed to.*

*Resolved:*

That this Assembly is appalled by the United Nations estimate that some 20 million people are living in slavery around the world under the bonded-labour system; expresses its concern over the repeated failures of Governments such as those of Pakistan, India and Nepal to take adequate measures to eradicate the use of bonded labour in their countries; calls on the British and Irish Governments to work with their European Union partners to sponsor a resolution at the next United Nations Commission on Human Rights condemning this practice; and urges the International Labour Organisation to ensure at its conference in June 2001 that independent and comprehensive surveys of the extent of bonded labour are carried out in countries where it persists.

*Adjourned at 5.16 pm.*

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# NORTHERN IRELAND ASSEMBLY

Tuesday 5 December 2000

*The Assembly met at 10.30 am (Mr Deputy Speaker  
[Sir John Gorman] in the Chair).*

*Members observed two minutes' silence.*

## ASSEMBLY PAPERS: ROYAL MAIL STRIKE

**Mr Hussey:** On a point of order, Mr Deputy Speaker. I am sure that Members, including yourself, will realise that there is great difficulty in receiving Order Papers and Committee papers at present. Are there any plans to ensure that Members will receive their papers at home on time?

**Mr Deputy Speaker:** I am informed by the Clerk that the Royal Mail strike is not helping. There is considerable difficulty in getting papers to Members' homes as early as we would like. I shall certainly take up the matter because I appreciate the difficulty, especially for Members who live as far away as yourself.

## AGRICULTURE INDUSTRY

**Mr Deputy Speaker:** I call Mr Savage to move the motion.

**Rev Dr Ian Paisley:** On a point of order, Mr Deputy Speaker. I submitted an amendment to the motion. I have received no word from the Speaker's Office of its being rejected, and I contend that it is perfectly in order. We are here for an important debate on agriculture. The motion before the House clearly states that the Department of Agriculture and Rural Development should take a more proactive role in furthering the interests of the agriculture industry. I wanted to add certain things that the Department could do while taking a proactive role. The Speaker's Office should have some respect for Back-Benchers. We should be told.

Mr Deputy Speaker, I was also amazed that you did not even know that the amendment had been rejected. We should at least have some procedure whereby the Speaker informs the appropriate people when he is not accepting an amendment.

We have plenty of time today, but we shall not be able to table an amendment that would highlight two or three issues that even the Ulster Farmers' Union and other agriculture organisations have been raising.

**Mr Deputy Speaker:** You were kind enough to tell me your concerns about the amendment. I have made some enquiries in the past few seconds and found that the Speaker — as is within his powers — has chosen two amendments, but yours is not one of them. I do not know what the explanation for that is, but I hope that during the debate you will be able to make the points that you would have made in your amendment.

**Rev Dr Ian Paisley:** Further to that point of order, Sir. To which Standing Order does the Speaker refer?

**Mr Deputy Speaker:** I shall return to that matter in due course.

**Mr Savage:** I beg to move

That this Assembly recognises the difficulties facing the agricultural industry and the importance of the agricultural sector to the Northern Ireland economy and asks that the Department of Agriculture and Rural Development take a more proactive role in furthering the interests of the agricultural industry.

We are meeting at a time of crisis. Although that is hardly an unusual statement in this place, the crisis to which I refer is not a political one. It is the crisis that has ravaged Northern Ireland agriculture over the past decade. The depth and seriousness of the depression in agriculture is sometimes hard to comprehend. It is almost biblical in proportion. The disaster seems almost endless: BSE, the pig crisis, bad weather and consequent bad harvests, the crash in farmgate prices and farm incomes, and the chronic debt levels in farming.

I wish to emphasise from the outset that what I wish to say is meant to be constructive. Negativity, criticisms and blame-apportionment will not solve the crisis. We have had too much of that in this place already. It is time to put that behind us and behave as responsible people whose duty now must be to save one of Northern Ireland's key industries. I tabled the motion on behalf of the Ulster Unionist Party to help chart a way forward that will help Northern Ireland's agriculture industry not merely survive, but thrive.

Northern Ireland farmers owe approximately £490 million to the banks. That figure does not even include what they owe to the animal feed manufacturers. Normally, that seemingly enormous level of debt would not be a problem, as it equals only 5% of the total capital asset value of Northern Ireland's farms, which stands at £10.63 billion. Debt and debt servicing have become a problem because of the collapse of farm incomes. How can farmers service debts when they are losing money?

The figures speak for themselves. Of Northern Ireland farmers, 46% earn less than zero. Only 10% earn over £10,000 a year. Year after year, decline in farm incomes makes for depressing reading. In the past four years, they have fallen by 23%, 15%, 25% and 54% respectively. That means that farm income today stands at only 22% of its 1995 level.

Pig and poultry farmers lose an average of £20,100 a year. The Department of Agriculture and Rural Development estimates that not a single agriculture sector will break even in the present year — all will lose money.

The situation is twice as bad here as in the rest of the United Kingdom because of last year's chronic harvest. Farm incomes stand at slightly more than 20% of the 1995 levels, whereas the UK figure is 40%.

It is important that the Assembly express its sympathy to the farming industry. However, we must do much more than that. Assembly Members must act. They must be seen to act, and they must act now.

Agriculture remains a key sector of Northern Ireland's economy. Some 59,251 people are directly employed on farms. Another 19,490 work in food processing, 4,560 in animal feed and 1,100 in sales. The total number employed in the agrifood industry is 84,401. That compares to only 31,840 jobs in construction. Even manufacturing has only 20,000 more employees than agriculture. As a significant employer, agriculture must be the Assembly's major and pressing concern. However, there have been more than 5,000 job losses in the sector in the past five years.

Two interrelated problems co-exist at the heart of the agriculture sector — drastically declining farm incomes and debt servicing. The scale of the problem calls for a major broad-based and sector-wide structural reform of the entire agriculture industry, and not merely piecemeal

measures that tinker with minor details on the margins of the problem.

To begin with, it is a question of attitude. We must see a "can-do" attitude develop quickly, both in the Departments of State and in the Assembly. The whole point of devolution is empowerment. It is not good enough to poodle along with the failed policies of direct rule. A whole raft of proactive, imaginative and new policies are needed to make a real difference and to tackle one of the greatest economic crises to hit the Province. Making a difference is what the Assembly should be all about. I propose action, and action now. Agriculture needs what amounts to a new deal, just as that great President, Roosevelt, introduced a new deal to tackle America's economic ills during the Great Depression. Therefore, we must develop new policies fit for this hour of crisis.

I have always believed that sensible people learn from the good practice of others. Existing methods for agriculture have been demonstrably ineffective. Now is the time for new initiatives. There is much that we can learn from our European partners. Structures exist in Denmark and France that, if implemented here, could go a long way towards alleviating and even resolving our present crisis. For example, Danish agricultural law, of which I have a copy here, could, in a new and imaginative way, resolve the problem of farmers' assets being locked up in land, farm stock and buildings. The release of those assets would perform two important functions. First, it would provide an exit strategy for older farmers who want to retire. Secondly, it would provide a mechanism for new entrants who seek a farming career.

The Danish law stipulates that farmers do not simply pass their farms on to a son or a family member. Instead, the farm must be sold either to a son at 85% of the market value or to a stranger at the full market price if the son does not want to farm. That money then becomes a farmer's retirement lump sum. It enables the farmer to retire with dignity after a lifetime of hard work. It can be used to service a retirement pension or be passed on to some of his children. By that method, the capital asset value, which is locked up and untouchable in our country unless the farmer sells up, is released. It ceases to be dead money and becomes economically active money. It is an imaginative and constructive way to ease up the movement of capital. Moreover, there are all sorts of spin-offs from it in the banking, insurance, pension and other service sectors, and it enables new blood to enter the farming sector, bringing with it new methods, new ideas and innovations.

In Denmark, the son or the buyer funds his purchase from three sources: establishment savings accounts, state guaranteed loans, and borrowing. There is a much better lending climate for farmers in the Danish banking system. Establishment savings accounts permit a new entrant to save up to almost £11,000 a year in order to establish himself as a farmer, with one third rated as tax-free.

Beyond that, he can borrow a further 12% of the purchase price through a state guaranteed loan — typically up to £115,000. The key point is that that is a loan, not a grant. It must be repaid.

10.45 am

As a loan, it does not infringe European Union Agenda 2000 competition regulations, as it does not constitute unfair competition or state aid. I have a copy of the regulations here, and they are quite specific that that is permitted.

As part of the Agenda 2000 reforms, regulations governing agriculture have been greatly simplified into what EU Agriculture Commissioner, Franz Fischler, calls “a simple and coherent framework.”

Aids for investment in farms are permitted up to 40% of eligible expenses, and up to 50% in less favoured areas. A raft of aids is also permitted in the 40% and 50% objective areas specifically to set up young farmers. Therefore the Danish scheme is perfectly within, and consistent with, the European guidelines, as one would expect it to be and, indeed, as it would have to be.

Repayments by the farmer are subsidised in the first years — interest-free in the first four years, with a 75% reduction in the second four-year period, and thereafter on a gradually reducing sliding scale until the farmer has paid off the full amount. That is the equivalent of front-loading a mortgage, which is already a common financial device in this country. Such a loan structure would not be unknown to our banks.

Therefore, there is no reason why that scheme, or a local form of it, could not be introduced in Northern Ireland. All we need is the will to implement it. I have had a copy the Danish agricultural law translated. We could use that legislative framework to draw up our own legislation, adapting it where necessary to reflect local circumstances.

The better lending climate in Danish banks is largely due to two factors. First, the banks have confidence that the Government know where they are going with a well-thought-out policy. Banking is about confidence. Secondly, the young farmer who applies for a loan comes armed with an impressive 10-year business plan, designed at his college of agriculture and written specifically for the farm that he wishes to buy. He also comes armed with a practically-based and business-orientated agriculture qualification — the so-called green certificate.

The Danish scheme is not unique on the continent. France has a similar scheme called young farmer installation loans. Again, there are low-interest rates in the first years of repayment, and the five big French banks underwrite the whole system.

**Mr Deputy Speaker:** Order. There are about four conversations going on. This is an important debate, and

I strongly recommend that Members should have their conversations outside the Chamber.

**Mr Savage:** In France, the loans are used to buy out all the inheritors who have an interest in the property. The borrowing limit is higher than it is in Denmark — as much as £150,000. However, the principle is the same — it is a loan and not a grant, and it is administered by the big banks and the financial institutions. That France and Denmark have similar schemes is more evidence that such schemes are widely accepted in the European Union.

Should the Assembly adopt a similar scheme, it would be opportune to open up negotiations at the earliest possible moment with our major banks and financial institutions in order to have them on board from the outset. The financial mechanisms would be better administered by private enterprise, or by a partnership that involves private enterprise and the Northern Ireland Executive, than by the creation of some clumsy state institution such as a land bank. We do not want to create any more “big government” or yet another quango.

To reduce interest rate repayments, especially in the early years of repayment, and to extend the duration of loans to periods more consistent with the working lives of farmers — typically, 20 years, roughly the same as for the average house mortgage — are simple fiscal mechanisms that would ease the cash-flow problems of many farmers.

If rescheduling of debt is to be the World Bank’s recommended course of action for Third-World countries, surely the same measure of tolerance needs to be extended to our own agriculture sector, even for reasons of self-interest. We cannot afford to permit the agriculture sector to crash. If we do, the knock-on effect on other sectors will be enormous. It will have a serious impact on the service sector of the economy. Many jobs in the service sector rely on the agriculture and manufacturing sectors.

The mechanisms and changes that I propose would have profound consequences for restructuring the farming sector. I have tried to outline the ways forward, and to flesh out those plans with some detail and worked examples. If adopted in broad principle by the Assembly, the proposals would need to be worked out in operational detail in a constructive and co-operative way.

I welcome the ongoing talks with the Department of Agriculture and Rural Development. By putting agriculture on a new footing, we can help to lift that critical sector of the economy out of deepening recession and into profitability and a well grounded success.

**Mr Deputy Speaker:** The debate is scheduled to last two hours this morning and an hour after lunch. I shall allow seven minutes for each Member who wishes to speak, 30 minutes for the Minister to respond and 10 minutes for Mr Savage’s winding-up speech.

**The Chairperson of the Agriculture and Rural Development Committee (Rev Dr Ian Paisley):** I regret that none of the amendments tabled by Back-Benchers were accepted by the Speaker. I shall take up that matter with him. The debate is limited in time, and it would have been good to have extra time for those Members who wished to table amendments. That would not have diminished the motion but strengthened it. I agree with Mr Savage. His proposals need to be considered.

Our farmers need to be defended against Europe. Too often, Ministers, the Department and others say that they can do nothing because Europe does not allow it. However, 'Environmental Regulations and Farmers', a document published by a quango — the Better Regulation Task Force — set up by the British Government, makes it clear that a stand must be taken against Europe. One of its proposals is that we need

“to ensure that European Commission (EC) directives properly reflect the interests of British farmers and are practical and enforceable.”

That body has discovered that agriculture Directives do not express the best interests of farmers in the United Kingdom, especially in Northern Ireland. The task force also recommends that

“as a general rule, the UK should not implement EC directives ahead of other Member States.”

Will the Minister assure us that none of those orders from Europe will be implemented here until they are implemented in the other member states of the EU? Why should we hang ourselves with a rope manufactured by the French and Germans, and why should we hang the farming community? If the Minister wants to be proactive, she should take a firm stand along the lines of that document.

The Minister needs to face up to the terrible threat that will develop as BSE spreads on the continent. Some time ago, I said that the continent would get what we were passing through, but people laughed. All the signs are that BSE will be a threat throughout Europe. Meat from countries in the European Union whose beef is not up to the standards of the beef produced by our farmers must be banned from our country. Why should meat that does not meet the standards demanded of our farmers come into the country? The Minister should take a firm stand on that. France is already violating the law on that matter. However, I do not want anyone to misrepresent what I say: I am not saying that we should ban all meat from the continent, merely that we should ban all meat that is not up to the standards that our farmers have to meet. That is reasonable.

I welcome the banning of meat-and-bone meal. At the last session of the European Parliament, there was great opposition to that ban, and it has been introduced only because European countries have been forced to agree to it by the spread of BSE. I remember when the European Parliament wanted us to kill off as many cattle

as we could, but this time I did not hear a single Member from any European country talking about slaughtering cattle. It seems that there are different rules for the farming community in the United Kingdom, which includes the farmers in Northern Ireland.

We also need a farm restructuring scheme. I hope that the Minister will spend a few minutes on the crisis in the pig industry during her allocated 30 minutes. The money that has been offered to farmers who have left the pig industry is not substantial — £200 for a sow is by no means adequate compensation and will not help farmers much. However, I suppose that it is something, and we must welcome it. None the less, at present, we have only a promise from the United Kingdom Minister of Agriculture, Fisheries and Food, on which he has not yet delivered. He has not delivered on his second promise to those who are still involved in the pig industry. We should be clear about those two situations. There must be a farm restructuring scheme. We must encourage new entrants into farming or the industry will perish, and there must be compensation for those currently involved in farming who want to get out.

I welcome the material on the Danish scheme; such schemes should be carefully studied. I would also like the Minister to comment on the report that was submitted to the Strasbourg Parliament last month. The introduction of a single enhanced environment scheme is essential. The Minister and the Department should be proactive about that.

I support the motion, although I regret that the amendments to it were not permitted. I do not believe that the mover would have opposed them.

**Mr Bradley:** When I first saw the motion I was tempted to table an amendment to include words such as “inherit”. I also wondered about the use of the word “more”. Having said that, I support the motion in principle.

It is a reminder — and Mr Savage used the word repeatedly — of the crisis that agriculture was and is still in. It is the same crisis that first surfaced in the mid-1990s. It was the responsibility of other Ministers then, but we have now inherited that responsibility.

*11.00 am*

In fairness to everyone, when we got the Assembly up and running, that nightmare was taken on board immediately. When recovery looked almost impossible — and perhaps to some it still does — the different groupings rolled up their sleeves and took it seriously. We adopted a proactive approach. I refer to both the Minister's and the Department's proactive role to date, as well as to the Agriculture Committee. There has also been support from external bodies such as the Ulster Farmers' Union and the Northern Ireland Agricultural Producers' Association. Everyone who wanted the

Assembly to get up and running made genuine efforts to take an in-depth look at where we were.

The SDLP recently held its conference in Newcastle, where there was an item on the agenda on a proactive agriculture programme. I am not giving away any party secrets when I say that the item was placed on the agenda by none other than the Minister of Agriculture and Rural Development. It was her thinking and her intentions that brought about that proactive programme. The word “proactive” is not completely new, but it recognises that the situation still has to be addressed.

Agriculture is our largest industry, and it must be saved for a multitude of reasons. A proactive role is the only way forward. It is not simply a Northern Ireland problem, but, as the Chairperson of the Agriculture and Rural Development Committee said, it is also a European problem, although those countries deal with it in different ways, and some do not deal with it at all. Who should deal with it? Again, I suppose we have to start with the Minister and officials from the Department of Agriculture and Rural Development and the Agricultural and Rural Development Committee. Other Ministers could slot in to assist the industry, such as the Minister of the Environment, Mr Foster.

Many farmers would benefit from having their building sites approved for sale, as they can fetch around £40,000 to £45,000 if they are in the right location. That money could prove a lifeline to many farmers; it could save their farms. The problem is that those sites are often in an environmentally sensitive area or in an area of outstanding natural beauty. Those are beautiful environmental titles, but they still prevent farmers from selling the sites. Some consideration should be given to that matter, and Mr Foster did express a degree of sympathy with my views. He recognised that the lifeline to which I refer could be given to some farmers.

Other Departments such as the Department of Enterprise, Trade and Investment could also help, as could the Department for Regional Development. Rural proofing is inbuilt in all Departments now, which most Members welcome. We could perhaps expand on rural proofing and make it even more rural-conscious, with each Department being more proactive in rural matters to assist the economy.

Nick Brown and his team in Westminster have a role to play. I often wonder whether they know where Northern Ireland is and how seriously they take the Northern Ireland issue. However, recently we have been led to believe that they are taking the matter seriously, and we can challenge that. The Council of Ministers in Europe also has a role to play. Last, but by no means least, the farmers themselves have a proactive role to play.

During the Committee’s in-depth research into debt and all aspects of the crisis, millions of words were said and recorded, and some stick out in my memory —

“quality produce”, “good husbandry” and “selective breeding”. Those fit into the proactive role that everyone will have to play. I make no apology for including the farmer. The surviving farmer is the willing farmer, the farmer who is willing to adopt a proactive role. Farmers are still crying out for help, and they have expressed their willingness to join us to promote and save the industry.

I support the motion.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. First, I would like to say that seven minutes is not long enough to deliver the speech that I had in mind, but I will make an attempt. I support this very timely motion, particularly as it comes in a week in which we face the onslaught of BSE repercussions from mainland Europe due to the situation that it now finds itself in. There are a number of reasons why farmers find themselves in this debt situation — BSE, market failure, and the state of sterling and the euro are all part of it. Some people would not like to admit that there is market failure, but there has to be a quality product before there will be a market.

People in shops and supermarkets up and down the country are in the business of selling quality food because they know they have a ready market week on week. Farmers are not in that position, and have not been for years. That started, as far as we are concerned, because the British Government were never prepared to take responsibility for their part in the BSE situation and the fact that meat-and-bone meal was allowed to be put into cattle food without being properly processed. They should have taken responsibility for that, but they did not. Neither did they compensate farmers accordingly. Since then, our markets have been lost, and farmers have had to suffer the effects of the European ban and increased costs as a result of regulations. We have been anchored to the very high incidence of BSE in the main part of England, leaving out Scotland and part of Wales. The Government have anchored us with them for a very long time. We could have gone into new markets long ago if it had not been for the British insisting that we stay part of the so-called GB. In this area we have, and always have had, a very low incidence of BSE, and we should have entered those markets long ago. We are now locked in yet again, probably for several years, as a result of the difficulties emanating from Europe.

The British Government and ourselves have to look to the future, for there will be a future after BSE. We should be saying that there is a future for farmers if they have quality produce and if they tap those markets in years to come. We need to work towards that, but our Programme for Government does not prepare us for that. There is nothing there to bring new people into the industry or let people leave it in a dignified way. Payments will be made to those in marketing and those who want to leave farming, but there is nothing to encourage people into the industry, which is wrong.

That has to be addressed — if not now, in future years. There should be some type of retirement scheme — tailored, perhaps, so that it is not as expensive as the Minister mentioned. It should be tailored to suit our needs. That would be a proactive move. We also need an environmental scheme, for which the farm organisations have pushed strongly, and I believe that that can be done.

We have witnessed £15 million being taken away with the Sub-Programme for Agriculture and Rural Development (SPARD) scheme, under which, as farmers know, grants were paid out during the last few years. That was taken away, but we were never told where it went. If we look at other areas, such as the South and France, and their commitment to the farmers and to what they see as farming in the future, we see that they all expect to have a food farming industry in years to come. That does not seem to be coming across from our Governments; they point to training as being the way out. However, that would encourage people to move away from farming altogether and away from the countryside, which is not what we are trying to do.

In relation to the payment system here, farmers need localised payments to be paid out properly and on time. That is not happening. The Minister told us yesterday that 180 complaints was a very small number, but if all the complaints that go to the farm organisations were to go to the Department of Agriculture and Rural Development daily, staff there would get very little work done. What is the format for payments to farmers in relation to the suckler cow payments? Is someone who submitted an application form in October being paid before a person who submitted a form in July? That seems to be the case at the moment. Those are small issues, but they are important to local farmers.

**Mr Ford:** I do not propose to list a detailed catalogue of the existing problems in the agriculture industry. If we did not know them already, the mover has set them down in the motion. However, I would like to add my voice to the comments made by Dr Paisley. The motion, although acceptable, is much weaker than it might have been. It could have been considerably improved by amendment. An amendment to the motion would have beefed it up and added more detail to it. My amendment would have been slightly better than Dr Paisley's, but that is the way the world goes.

I would like to highlight some specific areas in which the Minister needs to act in the near future. Undoubtedly, deep within the bowels of Dundonald House, her officials are looking into the issues raised by the Better Regulation Task Force — the Haskins report, in other words — which principally applied to England but which clearly has lessons for the whole of the UK. I ask the Minister, in her response, to tell us where Northern Ireland stands in regards to Lord Haskins's recommendations and how she proposes to deal with them.

The first and most obvious problem, which Dr Paisley has already highlighted, is that the Haskins report has left no room for doubt that EU Directives, when applied in the UK, are being gold-plated. I have no problem with the concept of seeking to achieve the highest possible standards, but I want to see such standards being implemented across Europe. I do not simply wish to see British farmers producing top-quality goods while others get the markets because their produce is cheaper. That benefits neither farmers nor consumers.

Let us ensure that the issue of gold-plating is taken on board and, insofar as the Department of Agriculture and Rural Development has a separate role from the Ministry of Agriculture, Fisheries and Food (MAFF), let us ask the Minister to do something about it. A full impact assessment of the implementation of new regulations is needed. That has not happened in the past and if it is not done in the future it will continue to weaken our domestic industry.

The issue of proper compensation for animal welfare measures needs to be addressed. We can make a case for saying that high standards of animal welfare are beneficial to the image of our industry and our consumers, but only if it means that people get the benefit of a higher standard of product. When supermarket chains import chickens from Thailand because they can get them for half a penny a kilo less than chickens produced to a higher standard at home, we clearly have a problem. We need to demand that it be dealt with.

The Haskins report highlighted a huge problem on the issue of record-keeping and bureaucracy, and there must be a way to address those issues. Again, it is part of the joined-up government issue that our Executive have talked so much about, but which is clearly not a feature of life across the UK in general. If we are to have joined-up government, let us see Government agencies, or even separate sectors within the Department of Agriculture and Rural Development, start to share information and reduce the number of times that farmers must fill in the same form.

Let us make greater use of the Internet for the small but increasing number of farmers capable of using it in order to reduce their pen and paper exercises, which no one looks forward to after a long day working outside. If people can enter information on the computer once, and not have to enter it six times using pen and ink, that surely would be beneficial.

I am sure that even Dr Paisley would agree with me on one example of gold-plating. The standard UK integrated administration and control system (IACS) form requires 18 pages but the Irish form deals with the same information needed to satisfy the EU Directive in two pages. I am sure that we could all agree on that regardless of our party. I see that Dr Paisley is smiling and Mr



McHugh is nodding, so perhaps we have established a consensus on that cross-border issue.

A secondary issue is that complaints need to be dealt with, as Mr McHugh highlighted yesterday and today. It is long past the time that a proper ombudsman scheme be set up so that the Department of Agriculture and Rural Development would no longer act — as MAFF does — as judge and jury in its own cases. Whatever people say about the amount of formal complaints that get through, there is a huge level of dissatisfaction among farmers about the way that those issues are dealt with. In Scotland, there is already an ombudsman scheme in place. I could go through the detail of the three stages, but I suspect that, given the time that I have, I had better not attempt to do so. In Wales, there is an agreement in the new partnership Government, and consultation is taking place as to how exactly that will operate.

11.15 am

I have the consultation document, although I shall not read the Welsh language version. The schemes mentioned in the Welsh document that could be considered by an ombudsman include arable area payments, beef special premiums, suckler cow premiums, extensification payments, sheep annual premiums and hill livestock compensatory allowances (HLCAs), as well as Tir Mynydd, the replacement for the HLCA.

Such matters must account for a huge proportion of dissatisfaction among farmers because of the extremely fine detail involved in our bureaucratic procedures. The people who must fill in the forms spend sleepless nights wondering whether they have completed them correctly. Some people risk losing large sums of grant money as a result of relatively minor mistakes in the paperwork. If Scotland and Wales can do something about bureaucracy, we should also do something.

I welcome the fact that the Minister appears to have moved away from the bureaucratic opposition in the four UK Agriculture Departments and is considering a new entrant or restructuring scheme. Such a scheme would help to build a viable industry in Northern Ireland for future generations, who, at present, are reluctant to consider a farming career.

As the Minister said, it is not so long ago that, as a result of a vote in the Agriculture Committee of the National Assembly for Wales, Mr Carwyn Jones, the Minister for Rural Affairs, was forced to change his position and ask his officials to draw up a scheme. When the Minister submits her impartial report on the schemes she can be assured that the Agriculture and Rural Development Committee is likely to maintain its belief in the need for a retirement scheme that will lead to restructuring and give new entrants confidence about the future. We should try to encourage such confidence.

**Mr Douglas:** We have heard about the problems faced by the agriculture industry in the Province, so I shall not address them at great length. However, I must draw the House's attention to low — in some cases non-existent — incomes. The problems are due to many factors; we have no control over some of them, but we do have responsibility for others.

Of the factors that are beyond our control, the most important is the strength of sterling and the weakness of the euro. That affects export and import trade. Imported goods are produced in conditions that are not as regulated as ours and are not produced to the same high standards of welfare that apply to Northern Ireland produce. A prime example is the importation of meat from pigs that are housed in stalls, where they are tethered. That practice is outlawed in Northern Ireland, but our farmers are not compensated for that. The regulation and expense faced by our producers do not apply in neighbouring European countries. That is grossly unfair. The pig industry has been decimated, and farmers throughout the country are disappointed that the rescue scheme announced earlier this year has not yet appeared.

Arable sector prices have been very poor in the past year. Despite that, the arable payments timetable has been put back another month. That is within the remit of Department of Agriculture and Rural Development, and should not have happened. In the beef sector, prices are constantly decreasing. There is still no low-incidence BSE status, which is imperative for the Northern Ireland beef industry. That matter must be pursued vigorously. We often hear that the problem with helping our producers is that any grants would be construed as state aid. However, such measures are within our remit and would not breach the regulations.

We could reopen the enhancement section of our Environmentally Sensitive Area (ESA) scheme and ensure that enhancements are included when the countryside management scheme eventually opens. That would provide jobs and diversification for farmers and related industries. Many nurseries have produced quickthorns; local engineers can produce the gates; local builders can repair the buildings. All those measures would provide a boost for the farmers and the rural economy that would enhance the countryside and tourism.

We should also ensure that rural development measures are directed at farmers and that moneys taken through modulation are put back into farmers' businesses. The money should be spent in the rural communities, which would support small industries and businesses. An expanded pollution control scheme, of which all farmers can avail themselves, is needed. At present, farmers do not have the finance to use such facilities, and struggle to survive. That would help the industry and would also cut pollution and enhance the environment. We must be proactive, not reactive — use the carrot, not the stick. Over the years, that method has been shown to work best.

Although there has been discussion about a retirement scheme — and that may have its merits — I urge the Department of Agriculture and Rural Development to investigate the possibility of helping young farmers at the other end of the chain. The Minister must investigate the systems of our European neighbours, many of which offer low-cost loans or interest relief schemes to young farmers who have agricultural qualifications and a good business plan. We recently missed the opportunity to offer a milk quota to the young farmers.

We must cut red tape in the Department and ensure that money goes directly to those who need it. Dr Paisley referred to a document from the Better Regulation Task Force, which was set up to make recommendations to the Government on how the environment can be protected without placing a burden on the farming community. I agree with many of its recommendations. The UK should not implement EC Directives ahead of other member states. The Ministry of Agriculture, Fisheries and Food should re-examine ways to compensate farmers — especially small farmers — for the additional costs imposed by certain UK welfare regulations. The UK Government should resist demands for further animal welfare regulations and should lobby to raise standards in other EU member states to match those that currently obtain in the UK.

Dr Paisley's document also suggests an increase in the level of grants to improve slurry storage systems. That is important and would improve the environment. We need to ensure that information on grants and best practice in slurry disposal is effectively publicised.

The demand for record-keeping by farmers should be reduced. The various statutory authorities should co-ordinate their visits to farms where possible, with a view to saving farmers' time and money.

The Ministry of Agriculture, Fisheries and Food should take on board those points and those of my Colleagues, as they are mostly items that can be administered by our own Department of Agriculture and Rural Development, and that can only impact for the good of agriculture in Northern Ireland. In the past, agriculture has been able to change with the times. Now is a time of change. Agriculture can change for the future, but that level of change must be such that we can reinvest and survive in rural areas.

**Mr Deputy Speaker:** To return to the matter of the amendments, Rev Dr Paisley and Mr Ford will find some interesting information in Standing Order 15(3).

**Rev Dr Ian Paisley:** Surely the Speaker's Office should tell a Member who puts down an amendment whether it is to be accepted or not. That would be done in Westminster, where there is far more business than there is here.

We are dealing with a vital topic of discussion, and each person's time is limited to seven minutes. We are at an hour of crisis in the agriculture industry. Something is

wrong about the whole industry, and we need to take steps to alter it.

**Mr Deputy Speaker:** The Business Committee should address the two points made by the Member. In fairness to the Speaker, I should point out that he had two people searching for the Member and myself to inform us of the situation. Efforts were made but they were not successful.

**Mr Leslie:** This is our third debate on the agriculture industry's problems. It seems to me that those problems have not been alleviated during all that time but have probably worsened.

The problems are best summed up by a 70-year-old farmer in my own constituency who thought that he had retired two years ago before realising that he would have to continue to work. He said to me that sheep used to keep him, but now he keeps sheep. That sums up the problems fairly well.

At their core lies the policy of malign neglect by MAFF. That Ministry well knows that market forces will sort out the industry ruthlessly. That is what is happening at the moment.

It is shocking how Mr Nick Brown, the current Agriculture Minister, listens kindly and expresses great sympathy to the farmers but does not seem to ever address the root of the problem. The Ministry needs to start by spelling out the truth. I note that our own Minister has moved in that direction, and I commend her for that. When Ms Rodgers answered a question in the House yesterday she acknowledged difficulties that will affect businesses, dependent on production subsidies, as a result of European Union enlargement.

We need to be aware that, whereas in England the tenant farming system has had the effect of stopping levels of agriculture debt getting too high because the farmer has no equity in the land to set against the debt, that is not the situation here. That needs to be taken into account when one is trying to negotiate packages that apply to the whole of the UK. We have to be aware that the problem is far worse in Northern Ireland than in England.

I fully support and practise the eating of our own produce. I cannot understand why anyone would want to eat imported meat, but that is another matter. However, we cannot eat all our own produce. We need to get back into the export markets. Even if we could get over the problem of BSE and the export ban, the situation would still be difficult on price grounds because of the strength of sterling. That is entirely a matter of market forces; the Government cannot influence it, although they could soften the blow by pulling down some of the agrimonetary compensation.

Realistically we are competing against other producers. In the case of beef, we compete against Australia and Argentina, and in the case of lamb we compete against

New Zealand. Those countries manage to get their product to our market at a lower cost than we can.

EU enlargement is relevant, although the situation has nothing to do with EU enlargement — it has to do with improved production by eastern European countries. Those countries are now in the same position as Australia, New Zealand and Argentina in that they can attempt to sell their product to our market provided that they meet the relevant criteria, which would not be difficult. Even if enlargement does not take place, if those countries improve their production, a further problem will arise with increased competition in the foodstuffs market.

11.30 am

We must take all those factors into account, and it is likely that the effect of market forces will force a fall in production from our industry.

We have some £160 million of production subsidies coming into our industry. The Minister should go to Brussels and point out that the problem is pretty much the same throughout Europe. She should say that subsidy should be redirected, as was attempted under parts of Agenda 2000. That has been started in a small way, but it should be much greater and more concerted in order to redirect subsidies towards lowering production. Money should also be spent on environmental improvement projects. By doing that, she would draw the rural development part of her brief into play.

I shall give a simple example. At the moment, the river system is, to a large extent, an industrial sewer for agricultural produce. The run-off from slurry, for example, contributes heavily to the contamination of the river system. Therefore, we do not have anything like the fish stocks that we could have, and we do not have that alternative source of activity in the countryside.

In Denmark, the problem is dealt with by using a system of anaerobic digesters, which is effectively a method of industrialising the storage, reprocessing and recycling of slurry. The Danes are able to do that in a way that, first, is more efficient for the land and, secondly, causes almost no environmental damage — certainly much less than our own systems causes. Those more radical measures must be addressed. I am afraid that that involves the people in the industry and the Department all being much more brutally realistic about where the industry is going. It is clear to me that it is going to go in that direction, whether we do anything about it or not. Therefore, we had better move in the direction in which the market is moving. Mrs Thatcher once said:

“You can’t buck the market.”

That very much applies to the state of the agriculture industry.

An accurate parallel can be drawn with the textile industry. Northern Ireland found itself with an industry that had already moved out of the rest of the UK. The

textile industry targeted by the IDB as a way to get investment into Northern Ireland and to preserve jobs. I do not criticise it in that respect. Where the IDB has got it right is that in the past two years it has effectively changed its policy. It has said that it is moving on and that the industrial base has to be moved more towards the new economy. It has not rushed in with more subsidies for problem areas in the textile industry.

**Mr McGrady:** I compliment Mr Savage for introducing the motion. It enables us, once again, to address the sequential problems faced by the farming industry and to seek a solution. The words “more proactive” should not be taken as criticism of the activities of the Minister of Agriculture and Rural Development and her Department. I do not think that that was the mover of the motion’s intention. However, if it was, the motion takes no account of initiatives such as the interdepartmental vision group set up by the Minister; the emphasis on the primacy of rural development and rural sustenance; and the detailed negotiations to try to get a breakthrough in the BSE crisis, vis-à-vis Northern Ireland and the European market. Last, but not least, there has been the huge and unparalleled 9.6% increase in the agriculture budget in this year’s Estimates — an increase regarded by the Ulster Farmers’ Union as a major breakthrough.

I do not believe that criticism was intended in the motion, but the wording may have indicated a lack of activity. In fact, the proactivity has been remarkable.

I forgot to mention that arable agrimonetary programme, to the tune of £700,000, has also been implemented. That again is very welcome.

Most of the contributions to the debate have addressed the terrible problems that affect the farming industry. All sectors of the industry have suffered a sequence of almost deadly body blows. As other Members have said, problems include the strength of sterling, the weakening of international markets and the loss of some of our traditional markets, from which it will be difficult to recover.

It is easy to examine the problems but difficult to suggest solutions. Each cost incurred in the food chain is another bite along the way, but farmers are not getting a fair wage from that price structure. We must adopt new mechanisms to ensure that the farmgate price is a greater proportion of the price we pay for produce across the counter. A farmer, like any other industrial worker or manufacturer, is entitled to a decent wage, and we must address this issue on that basis. That is particularly so, given that the cost of our electricity, fuel and transport is rapidly increasing because we are peripheral to the markets of north-western Europe and beyond.

Greater emphasis must be put on producing quality goods rather than on quantity. Some subsidy structures tend to support quantity rather than quality. However, in this day and age, it is quality that penetrates a market, not quality. The overemphasis on diversification as a

panacea for farming ills is ill conceived and based on misplaced faith. Diversification can address a limited number of farmers' problems, but that is not a blanket solution to the problem in rural communities.

We are now in a period of virtual trade war in Europe, with countries banning other countries' beef amid fears of a further spread of BSE. It now appears that the United Kingdom is looking for a pan-European eradication programme in response to BSE. That will not increase the chances of success for our Minister and her Department as they try to penetrate the ban on account of our special circumstances. Our produce would have been quite marketable if only the crisis had not erupted once again.

As the Minister said in her report yesterday, the application for the removal of the BSE ban is on short-term hold at the moment. She was criticised for that, but farmers' unions agree totally with the position that she has taken. They recognise that it is not the best time to make such an application and that, until the dust settles in this trade war, there is little point in trying to get a special deal for Northern Ireland's beef.

Other Members touched on the matter of subsidy payments and the structures that would enable such payments to be made more rapidly and effectively than at present. The Minister dealt with that in response to a question, and I hope that that will resolve the problem.

One of the problems in farming, which if we put our hand on our hearts we will admit to, is the need for massive restructuring. Mr Savage, who moved the motion, and other Members have hinted at a possible means of restructuring. I fear that part of Mr Savage's suggestion could give rise to a financiers' and bankers' paradise, but perhaps that could be restricted.

Farming incomes must be addressed as a matter of a social concern, separate from the question of farm production. We must treat farmers as the custodians of our countryside and give them the funding that they need to sustain our rural environment, not only for themselves but for us.

I am convinced of two particular requirements: the need to address the matter properly and the need for a structured social concern for the farmer, his family and the protection of the environment, which will give him a new source of income and support the countryside.

**Mr Paisley Jnr:** I welcome this debate, and I congratulate the Deputy Chairperson of the Committee for Agriculture and Rural Development for moving the motion. I can identify with many of the comments that have been made across the Chamber by Members from a number of parties. The notable exception is Sinn Féin, which seems to be stuck in an all-Ireland time warp. That is not the answer to our problems. We need to get our heads out of that sandpit and look at our problems and at the practical measures that can be taken.

The debate comes at a crucial time. It is unfortunate that the Speaker took such a very narrow interpretation of Standing Order 15(3). A much fuller debate on the amendments that my party and the Alliance Party sought to put down would have been helpful. None the less, that is his ruling, and it will be raised in another place. Our party would have liked to amend the motion to give it more teeth because we must show the leadership that is required and give direction both to the industry and to the Department.

In spite of its best intentions, the Department will, by and large, ignore this debate. That is what Governments do. Governments listen to debates but essentially ignore them unless they are given firm direction and precise proposals, and in the absence of such precise proposals, which the amendments to the motion would have made, the Minister will be able to agree with many of the sentiments that are expressed in the Chamber while continuing with her Department's policies.

The policies that she has pursued have not resolved the crisis within the industry, and her Department has to be face up to that. That is not a personal criticism; it is a reality, and that is why this debate is helpful. The industry and the Department must pull up their socks so that the industry can move in a new direction.

If the Department has difficulties in furthering the proposals, perhaps it is about time that the Agriculture and Rural Development Committee introduced a Bill to address those issues. I have already mentioned that to the Chairperson and the Deputy Chairperson. If the Department cannot or will not address them, we should introduce a Bill that contains the Members' proposals on restructuring and other matters. We shall then see the colour of the Department's money, and also the colour of party money. Will people put their money where their mouth is on those important matters?

Analysis is all well and good, and most commendable, but the industry in Northern Ireland requires a prescription. Because there is a crisis, we cannot allow the Department to continue with the policies that it has adopted. Everyone has said so. Even Members from the Minister's party have accepted that there is a crisis. Therefore, we need a prescription, and it is essential that we prescribe in a helpful manner.

My party would like the Department to take three specific actions immediately. First, the import and sale of farm beef should be banned until our competitors are producing to the same rigorous standards as local producers. I noted that Mr Leslie enjoys eating Ulster produce and adheres strictly to an Ulster diet. I commend him and any other such discerning Member for that. I hope that Mount Charles ensures that it uses Ulster products in the Basement Restaurant, and I suggest that we ensure that our schools and colleges buy Ulster produce.

That is essential to ensure that our produce be given every possible assistance.

The introduction of a farm restructuring scheme is also essential, as is the introduction of a single enhanced environment scheme. Several Members have referred to the task force report on European regulation. It is critical that that form a significant part of Government thinking in Northern Ireland. Such measures, taken together, would give the industry hope for a brighter future, and we should make every effort to give the industry that hope.

11.45 am

All our past efforts to tackle BSE have been in vain. We could not have done more, but the BSE storm that now rages across Europe means that all the efforts we made to ensure that our produce was the safest and most scrutinised have been in vain because we shall not achieve low-incidence BSE status this year, and possibly not next year either.

However, the Department has to look at other measures. To be masters of our farming destiny, we must take some control over shaping the industry in the next five to 10 years. Only by embarking on a strategic farm restructuring scheme that will address farming debt, farm retirement, farm size, new entrants, production and strategy shall we become the masters. If we slavishly implement a regulation-based industry, the crisis will only deepen. I appeal to the Minister to address the problem and not the symptoms.

We recently had a Budget that was hailed as a farmers' Budget, but it gave a false impression. A figure of £6 million goes directly to in-house Department of Agriculture and Rural Development schemes, and £5 million goes towards training, education and employment. An argument could be made that the Minister's colleague, Dr Farren, should fork out some money for education and training if there is to be genuine cross-cutting by the Government. That way, more money could go into farming schemes.

Fishermen received absolutely nothing from the Budget. They have been sunk as a result of it. Their crisis continues.

I welcome what the Minister said yesterday about pig restructuring. However, will the Minister tell us about the small print, and what it will mean in pounds and pence for the farming community?

Finally, much has been said about rural proofing. Although I welcome the concept of rural proofing, it is rather vague. I hope that the Minister will tell us about the "whens", "hows" and "whos" of rural proofing. Perhaps we should move from rural proofing to farmer proofing, because that is the real issue. We wish to see rural development programmes that are farmer proof.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion and welcome the opportunity to debate it.

Mr Leslie stated that this is the third time we have debated agriculture, yet agriculture continues to be in decline. There is an unprecedented flight from the land. Traditional farmers travel from rural areas to Belfast to do labouring work as bricklayers, plasterers and carpenters because they cannot survive on the land from which they used to be able to make a living. As Mr Leslie said, sheep used to keep them and now they keep sheep.

The decline in farming has been in the offing for a long time. The BSE crisis points to the problem of concentrating on beef production alone. It has left farmers in a very weak position. Whatever happens in future with BSE, a culture is growing among young people of not eating meat, and for as long as the threat and fear of BSE continues, that growing anti-beef culture will become more prevalent in the younger population.

Ian Paisley Jnr is quite wrong when he says that farming does not have an all-Ireland dimension. I am making not a political point but the rational economic point that we live on one island and if we are looking for a market of five million people as opposed to one of one and a half million we must sell our produce to other parts of the island.

It is interesting that in the rest of Ireland one of the ways in which farmers have been able to earn an alternative income is by going into organic farming. In various areas in the west of Ireland FÁS has initiated schemes to enable farmers to learn about organic farming. Moreover, looking at the all-Ireland dimension, the rest of Ireland — the Free State or the Twenty-six Counties if one likes — at the last count was importing around £280 million of foodstuffs per year from England, Scotland, Wales and mainland Europe. It imports produce such as carrots and parsnips from Holland and other parts of the continent, as well as potatoes from Cyprus and elsewhere. A previously untried opening exists for farming to diversify.

The Minister should encourage farmers to find other means of generating income by using land that they do not traditionally use in this part of Ireland because of a dependence on beef production. The Minister should encourage that and give incentives to farmers to make better use of their land. Afforestation also needs to be looked at, especially on mountain farms. Grants are available, and those alternatives should be examined.

The planning issue arises again and again. Farmers are not trying to spot the landscape with unregulated dwellings. However, building houses is one way in which farmers can earn an income from land that is otherwise useless. House building can help farmers to survive on the land in the short term. The Minister should take up the issue with the Department of the Environment, look at in a structured way and, together with the Department of the Environment and the farmers, see where such planning applications could be granted.

The farming community should be encouraged to look at tourism and be given incentives to become involved with it. Tourism is one area that has a future in this part of Ireland. One can get involved without spending a great deal of money, yet it can provide an income and bring people to this part of Ireland who have stayed away in the past.

There has been a flight from the land. It is frightening in many ways to see those people who have no other way to earn an income, who are attached to the land, having to leave their farms to travel in the morning to places like Belfast, Lisburn and elsewhere to work on a building site. It is heart-rending in many ways for people to find themselves in that situation. I support the motion and I ask the Minister to be proactive in helping the farming community and the agriculture sector.

**Mr Armstrong:** I welcome the opportunity to speak on this important subject. Agriculture is the backbone of Northern Ireland industry. It has been one of Northern Ireland's principal industries for generations. Will Members stand idly by and allow our heritage to diminish? Our farming industry, and all that it represents, is slipping away from us through a lack of effort and financial support.

The report of the Better Regulation Task Force — 'Environmental Regulations and Farmers' — released on 15 November 2000, recognised the speed at which the United Kingdom Government implemented EU regulations compared with other EU countries. The United Kingdom Government has not been backward in coming forward to implement regulations at immense cost to our farmers.

Every sector in agriculture is in decline. I do not have to inform the Assembly of the facts and figures of each depressing commodity. We think of the pig farmers — those who have left the industry, and those who have struggled on. We think of the beef farmer and his harrowing life as a result of the ongoing BSE crisis. We think of the poultry farmer who finds it more difficult to squeeze out a profit and the dairy farmer who was treated undemocratically during the distribution of the additional milk quota. They all provide cause for concern.

Regrettably, we must realise that, at present, farming communities are heavily dependent on grant aid. Therefore, the Government must make payments on time to assist with cash flow difficulties and to minimise bank overdrafts and associated charges. They must apply for all agri-funding that may become available via the EU. Every effort must also be made to minimise the administration costs of agriculture grants and schemes.

All too often, financial aids for the agriculture industry are only "pain relievers". Real treatment is needed to improve the situation of Northern Ireland farmers. Measures are needed to put a real bottom in the agriculture industry. That would create a sound foundation for revival in the

sector that would make the industry more profitable and provide a decent income for the farmer and his family.

The Government should engage in ongoing research instead of waiting for crisis situations, such as the present one, to arise. A vision group has been set up — I ask the Minister whether there is the need for such a group? Most farmers have a vision of the future. Why not ask them? Some people wonder what departmental officials have been doing while they have been using up any extra financial help received. Does the Minister have so little faith in the Agriculture and Rural Development Committee, the Ulster Farmers' Union, NIAPA and her departmental officials that a separate vision group is necessary? It is just more expense.

We should encourage our young people to become more involved in the agriculture industry. That would create a more viable industry that would contribute to the economic well-being and culture of Northern Ireland.

In January, I proposed to the Minister the implementation of a farm regeneration scheme that would encourage young people into farming and agriculture and would take the elderly farmer into retirement. The young farmer and the father, or farm owner, would form a partnership for five years. The Department of Agriculture and Rural Development, and the EU, would fund the farm for the first few years. During that time, negotiations would begin for the farmer's son or daughter to take over the farm with the help of low-interest loans from European banks. It would not be necessary to transfer the farm at its full market value. At the end of the take-over period, ownership would transfer to the young farmer. The older farmer would retire on the money that he received, and he could let the young person get on with the task of running the farm. If that scheme were implemented, we would have new generations of farmers for a new millennium, full of enthusiasm and new ideas for a brighter agriculture industry for Northern Ireland.

Unfortunately, the reply that I received from the Minister supported my belief that the Department is negative when it comes to changing policies or pursuing new ideas for the betterment of Northern Ireland farmers. Departmental officials are unwilling to rock the boat. A vision group has been introduced that thinks along similar lines as those officials. Similarly, the Minister and the Department are not listening to the Agriculture Committee or farmers, nor are they introducing new ideas.

12.00

**Mr Dallat:** I support the motion, but I cannot resist saying that it would have been nice if more Members had attended for the debate. I understand that they are involved in other important aspects of Assembly work, but I cannot help thinking that had the motion been on flags we would have had a packed House.

I welcome the debate and wish to contribute positively to it, but at this stage it is clear to me that crisis management is not the answer to our problems. While recognising the need to support and maintain the industry in the short term, we need a long-term strategy to enable farmers and the industry as a whole to survive and thrive. We must enable farmers to manage those changes that are beyond our control and turn them to their advantage.

As the Programme for Government clearly shows, local Ministers responding to local needs can make a difference — and are doing so. The commitment to the rural proofing of Government policies — already referred to several times — and to the setting up of an Executive working group to oversee its implementation are proof of the importance that the Executive place on maintaining a vibrant rural community. That should be welcomed by all in the House.

Tackling inequality in our society has been, and must continue to be, a priority for the Assembly. I welcome the decision to allocate the additional milk quota progressively to those who would benefit most — the smaller farmers. No one can doubt the hardship farming families face. Therefore, I welcome any measure to improve the way that farmers relate to Government, especially the Minister's decision to prepare a protocol, for publication during 2001, that will provide a comprehensive and clear explanation to farmers of how their subsidy claims will be handled. I also welcome yesterday's announcement on the pig industry restructuring scheme and congratulate the Minister on her successful lobbying.

Some things are beyond our control. For example, the Assembly cannot do anything about the strength of sterling except to highlight its impact on the agriculture industry. The United Kingdom opt-out from the euro is hitting our farmers harder than most. The SDLP has never believed in the opt-out, and today I call on the British Government to face down the Conservative Euro-sceptics and bring the United Kingdom into the euro as soon as possible.

Where we have the power to act, we should do our best, as I believe we are. The Assembly has a part to play in enabling change and supporting the industry through that change. We need to be responsible in our approach. The agriculture industry's problems are our collective problems, so let us remember that it does not exist in isolation. Agriculture and rural development are integral parts of the rural community, and when we speak of agriculture we must speak of a holistic approach to the special needs of rural dwellers.

Government Departments must develop joined-up government that involves planning, the environment, agriculture, rural tourism and all the support services that a rural community needs to survive. Rural dwellers in general must understand that the plight of the farmer

is also their plight. Business people in rural towns know only too well, and to their cost, that when the agriculture industry is in trouble the entire rural economy is in crisis. Unfortunately, that is not always fully appreciated by everyone, and it must be understood.

I repeat that we have, for the first time, our own Agriculture Minister. She has shown a willingness to listen to farmers and understand the current crisis. She has gone to the ends of the earth to tell our story, and she deserves our support. Farmers expect us to sing from the same hymn sheet. They will not thank us for making their plight an excuse for political point-scoring. They expect us to approach their difficulties with maturity and responsibility, and I hope that we shall. There has been an indication in the Assembly this morning that we shall do so.

Let the message go out from the Assembly that all parties are united in their determination to stand by the farming industry in its hour of need. Do not let this debate be a one-day wonder, with speeches written for the sound bites and then filed away to be dusted down later, perhaps at the time of an election.

Let the work continue day and daily. That is how the Minister deals with the problem, and we can do no better than support her — not only in the interests of the farmers, but of everyone in rural communities. As I have said, the crisis is affecting everyone, not only the farmers.

**Mr Kane:** I welcome this debate. The Assembly could not fail to recognise the difficulties facing agriculture, nor, indeed, its importance to the economy. However, the farmers wonder if the Department of Agriculture and Rural Development has yet realised that. In the space of one year, there are 2,500 fewer farmers, 7% fewer lamb producers and inestimably fewer pig producers. How do we begin to estimate the impact on the rural economy?

The House must be mindful of the source of funding for rural development modulation. Many farmers must wonder when there is to be a return on the moneys taken from their premiums. Rural development policies now appear to have to satisfy the interests of more than the farmer. Rural development, once heralded as the second pillar of agriculture, is now perceived to have undergone a change of emphasis. Rural development and agriculture have to some extent diverged, with little overlap, and agriculture is the loser.

Changes in funding for agriculture seem to be limited to scant funding for some of the vision group's recommendations. Other aspects of indirect funding for the industry, such as IT literacy, would be both welcome and valuable in a vibrant economic agricultural environment. To offer such training skills and technology upgrading, while disregarding the plight of the industry, is like issuing new lamps to miners after the pits have closed.

With regard to targeting social need (TSN), the state of farming throughout the length and breadth of this Province dictates that if that novel catchphrase is to mean anything, there must be an acceptance of the social and, more importantly, economic needs of the farming community. Are pig farmers no longer part of that society? It seems not, since they are still waiting for assistance. Are the beef and sheep farmers included less in the social make-up, since they seem to have been abandoned as prey to the processors? Are the dairy farmers, with their valueless Holstein bull calves, any less worthy of being targeted? How much in need must the farmer be for him to be targeted as being in need of the Department's assistance?

What is increasingly at play here is a Department with a singular role of implementing European policies, with no regard for the regional requirements of the industry that it is supposed to serve. The common agricultural policy (CAP) is supposed to be the bible of agriculture, its policies absolute. Given that, and disregarding the fact that agriculture may never recover as a consequence, can someone explain why we require a Department of Agriculture? If the Department's function is to enforce EU policy without question, while the rest of Europe cherry-picks the rules, and our industry continues to crumble as a result, it is nothing more than an exercise in job creation.

Farmers are in no mood to accept a continued denial of their needs or of the burden of demands placed upon them as acceptable practice simply because some Eurocrat says so. I support the motion.

**Mr Hussey:** In supporting my Colleague, I want at the outset to emphasise the Ulster Unionist Party's commitment to Northern Ireland's farmers.

**Rev Dr Ian Paisley:** On a point of order, Sir. There was something wrong with the Clocks when the Member was speaking. When he finished, both clocks read around eight minutes.

**Mr Deputy Speaker:** My clock showed that the Member did not use his full time.

**Rev Dr Ian Paisley:** That is correct. When the Member looked up and saw eight minutes on the clock, that put him off his stride.

**Mr Deputy Speaker:** We shall start at zero this time and see how it goes.

**Rev Dr Ian Paisley:** However, the clock should be right, and it was wrong. Even the Clerk laughed to me. He smiled over to me when I was looking at the clock, for he knew that it was wrong. The Member should have been told that the clock was wrong and that he still had time to speak. That is a fair point, and it needs to be accepted by the Chair.

**Mr Deputy Speaker:** It is a fair point. Does Mr Kane want another couple of minutes?

**Mr Kane:** No, thank you.

**Mr Deputy Speaker:** Very well. Thank you, Dr Paisley, for drawing the matter to my attention.

**Mr Hussey:** Indeed, I noticed that myself. If it goes to eight, I will not mind.

I support my Colleague Mr Savage's motion. I wish to emphasise the Ulster Unionist Party's commitment to Northern Ireland's farmers — a commitment that I am sure every party in the Assembly has. The scale and scope of the crisis — I use that word again — in agriculture require the sort of initiative and imaginative new measures to which Mr Savage referred.

As far as I am concerned, the most devastating statistic quoted was that 46% of Northern Ireland farmers have an income of less than zero. Nearly half of our farmers are not only earning nothing, but losing substantial amounts of money. Mr Savage said that debts are owed to the banks and to the feed suppliers, and Mr Douglas referred to the underlying causes.

This is an important debate. Although I am not a farmer, I realise that people in the farming community will be watching us closely today. Mr Dallat is correct. We are not only talking about farmers; we are talking about the entire rural economy. When the farmers sneeze, the rural businesses catch a bad dose of flu. We do not know yet if we are prepared for that.

The most recent statistical survey by the Department of Agriculture and Rural Development showed the obvious: farm incomes are at their lowest level for 20 years. The Assembly recognises that farmers are hard-working people, and it would be wrong for us not to address that state of affairs.

No matter how sophisticated our economy becomes, and no matter how many high-tech industries are attracted to our shores, I cannot see any economy thriving that does not jealously protect its primary means of food production. Here, I am in agreement with Dr Paisley. It is time that the rest of Europe was forced to catch up with the animal health and welfare standards that exist in this part of the United Kingdom.

The Haskins report has highlighted the problems that need to be addressed. Mr Leslie mentioned the expansion of the EU and the increase of competition. It is fair that those countries that enter the EU should attain the same standards of animal health and welfare that we have. It was interesting to hear from Mr Savage that as many as 84,000 are employed in the agrifood sector, much fewer than the number employed in the manufacturing sector.

*12.15 pm*

To some extent, the true size of the agrifood sector has been disguised and obscured by the way in which official statistics are presented. In section 2, pages 10 and 11 of the document 'Labour Market Bulletin', issued by



the Department of Higher and Further Education, Training and Employment, only four broad economic sectors are categorised: manufacturing, construction, services and other. "Other" is described as including agriculture, forestry, mining, quarrying, electricity, gas and water supply. However, "other", which is deemed to include agriculture, covers only 20,750 jobs — a total of 3.3% of the workforce. That clearly cannot be the case if agriculture is included. The Department of Agriculture and Rural Development's figures are specific and, to my knowledge, accurate. Table 2.14 on page 19 of the latest Department of Agriculture and Rural Development document, 'Statistical Review of Northern Ireland Agriculture 1999', shows that 59,251 people are employed on farms. Of those, 37,609 are full-time workers, 7,034 are farmers' wives — and nobody in the House should dare state that farmers' wives do not work on farms — and 14,608 are part-time or casual employees.

The discrepancy between the total of 59,251 in the Department of Agriculture and Rural Development's figures — 9% of the workforce — and the total of fewer than 20,750 in the Department of Higher and Further Education, Training and Employment figures cannot be explained by hiding the food production figures in the manufacturing total. Food production employs 19,490. In any case, it is known that 59,000-plus are employed on farms, and that is supposed to be included in the Department of Higher and Further Education, Training and Employment's figures. There is clearly a discrepancy, and I would like the two Ministers involved to sort it out, or at least explain it. Mr Ford referred to joined-up government — perhaps we could all use the same statistics.

The method of gathering statistics may have much to do with remote and unaccountable Government under direct rule. We now have an opportunity to address the democratic deficit. As Mr Bradley said, the UK Government have much to answer for. At the very least, we should expect a uniform statistical base from which to work. I am worried that the gathering of Government statistics has, to some degree, disguised the extent of the agriculture problem and the relative importance of the agrifood sector in the economy.

Mr Savage's reference to a new deal for farmers is timely. The scale and imagination of his adaptation of Danish agriculture law and the French agriculture system to Northern Ireland's situation is required. Perhaps the Minister would care to investigate that further with Mr Savage, the Ulster Unionist's agriculture team and others.

I regret that there was no opportunity to put down amendments during the debate.

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

**Mr Hussey:** If I may conclude — there was a wee bit of disruption at the beginning, Mr Deputy Speaker.

In order to save the livelihoods of our farmers, agriculture reform and the restructuring required to assist

the new deal should be at the heart of the Executive's and the Assembly's agendas.

**Mr Byrne:** Again, as someone who represents a rural constituency, I am aware of the farming sector's current plight, and I support Mr Savage's motion. When I first read it, I was concerned that there might have been some implicit criticism of the Minister. It is fair to say that Minister Rodgers has given a strong lead while trying to represent farmers' concerns and the problems that they currently face in Northern Ireland.

It is true that this is the biggest crisis in farming since the 1930s. I have never heard of farming families experiencing so many economic difficulties.

It is a human tragedy that impacts on us all. Many provincial towns depend largely on the economic activity generated by farming and, as a result, are currently experiencing local recessions.

The Northern Ireland regional economy is more dependent on the agrisector than is any other UK region. In fact, until the BSE crisis, we consumed only 20% of our total beef production. We depend largely on an export market. I say to the Euro-sceptics that Northern Ireland agriculture has done extremely well out of the European Economic Community since 1973. I remember when we joined in 1973. Dr Sicco Mansholt was the Agriculture Commissioner at the time. The farming community in Northern Ireland greatly benefited from the higher guaranteed prices that were on offer.

Unfortunately, the volume production objective of the European Community's agriculture policy probably created the current difficulties that we now experience. When we had high guaranteed prices, the objective of everyone in farming was to increase production and we reached a point where there was overproduction in the European Community.

We are now reassessing what the future objectives should be for agriculture, given that there is likely to be European Union expansion to the east, and also because of current food safety difficulties. Overproduction led to practices that did not enhance the image of beef production.

Agenda 2000 has offered a chance to reappraise the entire objectives of farming, and a greater balance must be struck between volume production and quality production. I totally agree with my Colleague, Mr McGrady. We must get into value-added quality production. We have nine meat plants in Northern Ireland, but we all remember when their output was simply what I call "boxed beef". We were quite happy for them to export it to the rest of Europe and to the Middle East, because the meat processors enjoyed a massive export grant at that time.

That no longer exists. However, Northern Ireland does have natural advantages in the production of beef and milk, and those need to be exploited in the future. That is why it is important that a long-term strategic

review of our agriculture industry be conducted. The Minister is to be commended for setting up an agriculture vision group to examine that.

I agree with my Colleagues that short-term financial difficulties cause the greatest problem for our pig, sheep and beef farmers. We are all aware of pig producers who are selling pigs at less than what it cost to produce them. That is causing great financial hardship and a debt crisis in our farming communities. It is well documented that the Northern Ireland farming sector currently has debts of £500 million.

The Minister and her Department are limited in what they can do. We have been in a highly regulated market for a long time. We greatly enjoyed it when there were high guaranteed prices. We cannot really go along with a pure free-market system, because the free-market world prices are much less than, for example, the higher guaranteed prices that we currently get for milk. Our milk prices are about 25% less now than what they were four years ago, but at least the milk farmer is getting a cheque.

The people whom I feel really sorry for are the pig and beef farmers, because they no longer receive a guaranteed price. They are suffering the reality of depressed markets. We thought that we were beginning to see some light at the end of the tunnel in relation to our BSE-free status, and the Minister was lobbying strongly for it. The crisis hitting continental Europe that Dr Paisley mentioned is now causing massive alarm and great difficulty, especially for our beef exporters.

It is important that the Assembly address the crisis in a mature and sensible manner. I have not had as much representation on any other issue in the past two years than I have had from farming families on this one. Farmers' wives have telephoned me late at night to tell me about their husbands' plights. In one case, a farmer's wife told me that she was so worried about her husband that she feared for his life. I also know of a pig farmer in Castlederg who, 12 months ago, was experiencing a £2,000 a week loss in his pig production. He was so heavily involved that he could not get out. That is the difficulty faced by many people currently involved in farming.

**Rev Dr William McCrea:** No one can overstate the seriousness of the situation faced by a vast portion of our population. Coming from a rural community and a farming background, I know much of the pain and the anguish that is suffered, not only by the farmers but by their families. Many of the farmers' wives and children have been going through much of the pain along with the farming husband. Farming is in crisis. The rural community and rural economy is being affected by that crisis, and the shops in rural towns are being gravely hurt. The Assembly, and the Minister in particular, needs to look carefully at the situation and do something to alleviate the suffering.

Members may read from carefully prepared scripts — some well, some badly — but reality is greater than any script. People are having to endure an intolerable burden, and it is wrong that they should be allowed to continue to do so. They get more into debt every day and with it comes hopelessness. The community is wondering what hope the Minister and the Assembly can give it.

There have been meetings with countless delegations and a multiplicity of words spoken about the dilemma. However, it appears that the picture is getting darker and darker. Promises are made, but those neither pay the bills, nor settle the account with the bank.

Naturally, people look for a scapegoat. On many occasions I have heard departmental officials say "Minister, you cannot". Will there ever come a day when an official can say "Minister, you can"? It appears that the Ministers "cannot" because Europe will not allow them.

Some members of the Minister of Agriculture and Rural Development's party, the SDLP, have been great in their praise for the European Community. They should go down on to the farms; there is little to praise the European Community for there. Many of the regulations that are putting the farmers into debt — and almost into mental homes — are made by the European Community.

It appears that the rest of Europe may drive a coach and horses through the regulations, yet they are considered the good Europeans. However, those in Britain are looked upon as the bad Europeans, yet they read the small print carefully.

Previous Ministers have said that if the rest of Europe does that, they will have to be penalised, but we shall not act illegally in the face of any legislation that comes from Europe.

*12.30 pm*

Meanwhile, we have farmers going bankrupt while the rest of Europe does not adhere to the regulations, which they are a party in making. Intolerable burdens are being placed on the farmer who does not have the money and who is being driven deeper into despair.

I recently met with the Minister and the pig farmers. The question is: do pig farmers have a future? The Minister will say that she cannot answer that. I spoke to pig farmers a few nights ago. They were told by one of the leading processing groups that things will be great in the new year. They are dangling a carrot in front of farmers' eyes and giving them hope that the tide will turn. The sad reality is that that processor may not even be in the Province in the new year. That is how we deal with situations in the Province.

Europe was no friend to the beef farmer. I hope that the SDLP can tell us what a good friend Europe was to it, but let it be remembered that it was the European countries that tried to ride on the back of the BSE crisis in trying to take the markets away from the Ulster

farmer. Yet the Ulster farmer's beef was second to none. Europe was willing to use the pain and anguish that many farmers were going through.

We have heard buzzwords such as "diversify" — diversify into what? Do we suggest that all farmers can be tourist-driven and that they all open up their houses as bed-and-breakfasts? It is so easy to say "diversify", but the Department owes it to the community to tell people where, how, and into what they should diversify.

What hope has any young person who enters the farming industry? Young people have to be attracted into the industry and retained, but there has to be a properly funded restructuring scheme. It is no good to use the buzzwords "restructuring scheme" — farmers need to know what that means, how it will be done, and how they will be paid. How will we get the elderly farmer to retire with a proper payment, and encourage young people into the industry? Those are the problems — the Assembly and the Minister must come up with the answers.

*The sitting was suspended at 12.33 pm.*

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

*2.00 pm*

**Mr Poots:** The Minister of Agriculture and Rural Development's role is not an easy one. Although I always try to ask her difficult questions to extract information from the Department, I recognise that there was a crisis in the industry when she took on the position.

Nonetheless, the Minister is responsible for leading the way. Her Department must come up with innovative and practical ways to help move farming away from the current crisis. More effort should be made to achieve profitable production, rather than administration. Will the Minister tell me, either today or at a later date, how many people currently work in the Department and how many worked there in 1995, before the agricultural crisis came about? That is a practical question, because the number of farmers has been significantly reduced in that period.

The current agriculture budget is £190 million, yet farmers are taking home £22 per week on average. Why does it cost so much to administer agriculture when the industry makes so little profit? The £22 per week figure is inaccurate because those farmers who are in profit, mainly in the dairy industry, disguise the losses being made by those who have had to take jobs outside farming to keep the farm going.

The Minister must look at the current regulations being applied to farming, which must be one of the most regulated industries in the United Kingdom. Certainly, the UK is more assiduous at applying the regulations than other European countries. That point has been well made today.

I want to draw the Minister's attention to a point made in the Better Regulation Task Force's report. Supermarkets and Government Departments are both running quality assurance schemes, and there is a doubling-up of costs in that area. Farmers have to answer to the Livestock and Meat Commission (LMC) on one hand and to the supermarkets that buy their produce on the other. We should look at how best use could be made of those resources and how a scheme could be adopted that supermarkets would support. That should not only be a marketing mechanism for supermarkets, but it should reward the farmers for the quality of their produce.

The report also recommends that we reduce record-keeping. That is interesting. For a number of years, there has been pressure to increase record-keeping. Much of that has been done in the name of BSE and of to achieve low-incidence BSE status. However, that has not been achieved, and the Minister has said that she will not attempt to achieve it in the immediate future. Not enough is being done to lift the BSE ban on Northern Ireland produce. We are a low-incidence country. We currently apply all the regulations that Europe is now thinking about applying. Northern Ireland produce is of the highest standard possible, and I believe that we have an irrefutable case to get the ban lifted.

A new scheme is being introduced to test animals aged over 30 months to see whether they have BSE, and we should use that as further leverage to get ourselves back into the market by being allowed to slaughter animals over that age. That is a great hardship to farmers, as many of them have perfectly good beef animals. Those may not be ready when the time comes for them to be slaughtered, which means that the farmers lose a great deal of money. However, farmers sometimes find it hard to keep up with the dates, and they may let animals simply run out of time. A beast aged, for example, 29 months and 30 days may be fine, yet two days later it could be deemed unfit for human consumption. That is nonsense, especially when there is a test that would clear the beast and decide whether it is fit for human consumption.

I submitted a written question to the Minister on the Sub-Programme for Agriculture and Rural Development (SPARD), and I thank her for her answer. We are often told that we cannot put money for farming into different schemes because of Europe. The Minister said in her letter that another SPARD scheme would not contravene European regulations.

SPARD was discontinued in 1995, and farmers' places are beginning to become run down due to lack of money. A reintroduction of a SPARD or similar-type scheme — perhaps the emphasis could be on environmental and animal welfare issues — would help farmers maintain their properties in the proper way.

The Department introduced planning regulations for people requiring farm labourers' dwellings. Someone who

required a farm labourers' dwelling would need to have 250 cows to qualify. That is nonsense, and it needs to be looked at by the Department. That is not in the legislation; it is merely departmental policy, and I think the Minister could do something useful there. Will the Minister look at the basis for deciding the sheep annual premium and, if she can, along with other Ministers, help persuade the European Union to do it on a regional rather than a Europe-wide basis?

Every farmer in the Province is eligible for TSN. The crisis has bitten everybody from the arable farmer in the east of the Province to the hill farmer in the Sperrins.

**Mr Shannon:** I wish to support my Colleague's comments. Farming is of paramount importance to the Province. I say so not because I represent the large rural area of Strangford but because each one of us who lives here depends on the farmer's produce for the food that he or she eats. Whether we live in an urban or a rural part of the Province, we are all affected. Agriculture is the single biggest job creator in the Province's. We recognise that fact, and, although there has been a downturn in the number of jobs, we hope that that will go the other way soon. However, that will happen only if the Government and the Department provide the correct level of support and are effective in doing their best for the farming economy. Many are asking — and this is a question that is on the lips of many farmers whom I speak to in my constituency — what strategy has the Department of Agriculture and Rural Development developed. Does it have a strategy to take agriculture out of the stormy waters that it is in and steer it into calmer ones? Farmers have been burdened with many regulations; they have heard many words, but they have nothing practical they can touch. That causes them concern.

The Minister recently announced that extra money had been allocated in the budget. Some have asked where that extra money will go. Will it go into administration? If it does, then the industry will have lost its way. It should go directly to the coalface — or to the "farmface", in this case — to improve the agriculture industry.

Every one of us can collate and record the downturn in the agriculture industry. In my constituency, the downturn has been significant and worrying. Many jobs have been lost, and some sectors of the rural economy have been almost decimated. There has been a radical change in the numbers involved in the poultry industry and the pig sector. Both have almost been wiped out. There is one pig farmer left in the entire Strangford constituency where there used to be 12 not all that long ago. One Member mentioned the number of pig farmers that have left the business. Once there were more than 2,000, whereas now there are just more than 900. If that does not tell the story of the pig industry, nothing will.

Hen houses and poultry businesses across the Ards Peninsula and Ards town are lying empty today. Farmers

were told, "Get into the poultry industry. Your future will be made for you." But what has happened? They have lost a fortune. The poultry industry and the pig sector have seen considerable changes that have been particularly marked in my area. Other sectors have also witnessed changes: beef, sheep, vegetables and grain. Latterly, even the dairy sector is feeling the pinch.

The ripples have touched the entire economy, and everyone is affected. Some shops have closed, while others are being run on a smaller scale — all because the farming community no longer has the spending power that it once had. One Member mentioned the products that we eat in the restaurants here. I put that question to the Assembly Commission, and Mount Charles Catering Ltd confirmed yesterday that it sources all its products from Northern Ireland and that 65% of the products we eat here come from Northern Ireland. That is a clear indication that we are setting an example, as is Mount Charles.

I ask the Minister to take planning issues on board. They are a big problem in my constituency and something I am involved in every other week. I would like to see relaxation in the planning rules and regulations, specifically for farmers' sons and daughters. I find it particularly frustrating that when they work a large number of man hours, which many of them do, that is not sufficient to warrant the building of a house. By setting the level so high, many people are left out of the equation. Moreover, there is no provision in the planning rules and regulations for those who may not be directly involved in farming but who have an alternative job; for example, in the Civil Service. I would like that to be taken on board as well.

We are all aware of the need to restructure and modernise farming. However, that will be achieved only by the establishment of a meaningful and properly funded restructuring scheme. To achieve that, we need to attract young people to the industry, and we need to retain them. We also need an incentive — or a retirement package — for the older generation of farmers. The EU believes that those objectives can be delivered. It is unfortunate that the United Kingdom, on which we are focusing, and Holland are two of the few countries that have not adopted that incentive.

I would also like to make a quick point about the protection and enhancement of the environment. That is a key concern for us all, but farmers have a significant role to play. Indeed, they have already played that role in that they are the custodians of the countryside. Some sort of capital grant element would help that sector. That would give farmers another way of trying to escape from their problems. A wider environmental scheme can deliver greater farmer participation, but it will require cross-departmental funding. Can the Minister tell us how that system will work? If those measures are pursued, the agriculture industry can, like a phoenix, rise from the ashes. The industry can create wealth for the community,

which will restore confidence and provide hope for the future.

2.15 pm

**The Minister of Agriculture and Rural Development (Ms Rodgers):** The motion calls on the Assembly to recognise the importance of the agriculture industry to Northern Ireland, and the difficulties that it has recently experienced and continues to face. We are all aware of the problems that have beset the industry. There was the onset of the BSE crisis in 1996, followed by the appreciation of sterling against the ecu, and latterly the euro — a problem that was compounded by imbalances in the global market. The resurgence of the BSE crisis is another problem with which we shall have to deal. As yet, we do not know the full extent of the direct or indirect effects that it could have. Farmers in Northern Ireland have been powerless to influence any of those events, and the toll on farmers, their families and the rural community has been heavy.

I do not, however, accept the suggestion that my Department or I have failed to take a proactive approach to furthering the industry's interests. In a properly functioning and mature democracy, it is right and proper that the actions of a Minister, and those of his or her Department, be closely scrutinised by elected representatives. Ministers should be taken to task, if genuine failings are identified. However, no such failings have been identified in this debate.

I have introduced several initiatives in the past year, and they illustrate how I am being proactive and making progress in delivering real benefits to Northern Ireland. I would also like to foster a better understanding of the role and aims of my Department. Soon after I took up my ministerial portfolio, I decided to establish a group of industry experts to examine the agrifood industry, identify the obstacles and opportunities that lay ahead, develop a vision for the development of the industry and make recommendations as to how that would be achieved. Mr Shannon spoke about the need for a strategy. That is precisely what the vision group that I set up was for — to provide me with a road map or strategy.

Work is now at an advanced stage. The group will deliver its final report to me by the end of February 2001. However, the purpose of the exercise is not simply to provide me with a nice glossy report that I can display as evidence of my foresight or as justification of what I have already done. On the contrary, it will pave the way for an action plan that will move the industry forward on its own agenda — in close partnership with Government — towards the achievement of common goals.

One Member suggested that the vision exercise was a costly one; it is not. The members of the group have given up their time voluntarily. The group is not designed to replace the Agriculture and Rural Development Com-

mittee or the Assembly. Its purpose is to provide me with additional advice from people in the industry who possess a wealth of experience and expertise. Given the recent upheavals and difficulties, the industry needs a lead as never before, and I am determined to ensure that it has it.

Another of my early initiatives was my decision to proceed with the case in favour of relaxing the export restrictions on Northern Ireland beef. I do not need to reiterate my commitment to that. At yesterday's special Council of Ministers meetings in Brussels, a package of measures was agreed that will help the EU beef market. All member states must now control the consumption of beef from animals aged over 30 months and stop the feeding of meat-and-bone meal to ruminants. The list of specified risk materials will be extended. As well as protecting the public at large, the measures will level out the playing field for the UK and other member states, and will help to preserve consumer confidence in EU beef. There will also be as yet unspecified measures taken to cushion beef producers against the financial impact. The Council also agreed possible concessions for very low-incidence countries, such as Finland, and the resumption of exports by Portugal.

Needless to say, I shall watch those developments with interest, in case they read across to Northern Ireland. We are all well aware of the impact that the weakness of the euro has on farmers. That matter can only be dealt with via the mechanism of agrimony compensation. In February I began a debate with other UK Agriculture Ministers that led to the March agriculture summit announcement of additional compensation that was worth more than £8 million to Northern Ireland livestock producers. I, again, pushed for compensation earlier this autumn, which led to the announcement of additional compensation for our arable producers.

I welcome the support of Mr Leslie and Mr McGrady for my efforts in that respect, and I assure the House that I shall keep up the pressure for further compensation when it becomes available. Without such a proactive approach, acting in concert with Agriculture Ministers from other devolved Administrations, and with the full support of the unions, I very much doubt whether any such money would have been forthcoming.

However, several Members have indicated that although those cash injections are absolutely vital to help the industry weather its current difficulties, we simply cannot build the future of our industry on emergency cash handouts — Mr Armstrong has termed them "pain relievers" — or by pursuing short-term initiatives that divert us from our true objectives and perhaps even create long-term damage for the sake of short-term expediency. I also recognise, as Mr Byrne pointed out, the existence of the short-term difficulties, and I have already referred to some of the actions that I have taken to tackle those difficulties.

An important example of how we lay the foundations for moving forward is provided by our recently approved rural development regulation plan, which is worth some £266 million between 2000 and 2006. If, as Mr Kane suggested, I had slavishly implemented EU policy with no regard for the local farming industries, the originally proposed less-favoured area (LFA) scheme would have been very different from the one with which we ended up. Together with other UK Ministers and Joe Walsh in the Republic, we succeeded in changing the EU Commission's narrow approach to LFA support. I was also able to secure an additional £32 million over the next few years from the Treasury for that support programme, compared to February's original proposals.

The rural development regulation plan contains more than just the LFA support scheme. The additional funding secured for the agrienvironment and forestry elements will also be welcomed by farmers and environmentalists. There are increasing market opportunities for organic produce, and I note that Mr John Kelly specifically mentioned that point. The significantly enhanced resources provided under the organic farming scheme will encourage the development of a vibrant organic sector in Northern Ireland and will enable local producers to exploit those opportunities. To underpin the development, I have commissioned a strategic study to identify the nature and scale of the opportunities open to the Northern Ireland organic sector. That will lead to a development plan to enable the Northern Ireland organic sector to realise its full potential.

Organic farming will also deliver environmental benefits, as will the expanded countryside management scheme, which aims to improve biodiversity, the water quality of rivers and lakes, and the management of landscape and heritage features. Those are important goals in their own right, but I am sure that the processing industry's marketing people will not be slow to exploit the advantages.

Another area in which we are planning for our future is represented by our proposals under the transitional Objective 1 and Peace II programmes. We seek to ensure that we derive maximum benefit from European funding and deliver a balanced package of measures, with benefits for agriculture, fisheries, forestry and tourism. Together, those measures will benefit the wider rural community, as was mentioned by several Members.

Turning to measures that I have been pursuing with the resources available to me from the Northern Ireland block, the Agenda for Government, and the recently announced Budget proposals, I have been able to bid for additional funds to initiate several important and innovative programmes.

The Department of Agriculture and Rural Development has been at the forefront in training farmers in information and computer technology (ICT), and its effective use in the farm business. I have secured funding to enable the

Department, working in association with the industry, to develop a portal site specifically for farmers and growers. That will provide on-line access to information and learning packages that will assist farmers in running their businesses more efficiently and profitably.

In a unique initiative to enhance farmer access to ICT facilities, open-access computers are being provided at sites across Northern Ireland, as agreed with farming representative bodies. We hope to have the first of those in operation early next year. I note that Mr Kane has criticised the initiative, but it would be unfair to deprive our farmers of access to the new technology that plays an increasingly important part in our lives. I welcome Mr Ford's support for the initiative.

I have also been able to secure substantial additional funds to help the beef sector tackle the reduction in carcass quality that has become an increasing problem in recent years. That problem has been recognised by several Members during the debate. Given that considerable investment, I shall consult the industry on how best to achieve the significant improvement that is necessary.

The agriculture industry has particular problems in controlling potential pollution arising from farm waste, and it has lobbied for a capital grant scheme to provide the investment necessary to tackle the problem. Some Members, including Dr Paisley, referred to a need for an environmental capital grant scheme. I was pleased to secure funding for a pilot farm-waste management scheme in the October Agenda for Government. That pilot scheme will target the catchment areas of those rivers and lakes with the greatest farming-related water quality problems. The scheme aims to reduce the incidence of farm-point sourced pollution, and to provide farmers with grant assistance for the repair of silos, slurry stores, and the separation of clean and dirty water. That is an important initiative, and if the pilot scheme proves successful I hope to secure additional funds to enable the programme to be extended to other catchment areas.

Several Members raised the issues of the restructuring of the industry, early retirement and the encouragement of new entrants into the industry. Many Members will be aware that I recently commissioned research into the merits, both economic and social, of an early retirement scheme and a new entrants scheme. Particular reference was made to the experience of such schemes in other member states. Clearly such schemes have considerable resource implications. There are different opinions on their effectiveness and feasibility. The purpose of the research is to provide me with better information in order to make an informed decision on how to best use the money for the long-term benefit of the industry. I shall consult all stakeholders before taking any decision.

Young people entering the industry must have the technical and business management skills to compete globally. They require the best of education and training,

coupled with relevant practical experience. It is for that reason that the Department of Agriculture has for many years been at the forefront of innovative education and training provision, linked closely to the industry's needs.

Several Members spoke about the plight of pig farmers. I have already explained to the Assembly some of the steps that I have taken to help to improve, for example, carcass confirmation and marketing. I have also had meetings with the commercial interests and have encouraged people to source local produce.

**Rev Dr Ian Paisley:** I have just heard alarming news about the funds for outgoers and ingoers in the pig industry that were to come to £66 million. Because the Treasury did not hand out £26 million of that money, there is now an argument in the Treasury and in the Ministry of Agriculture, Fisheries and Food as to whether the United Kingdom overall is to get not £66 million, but £40 million.

Is the Minister going to press — against the wishes of the Minister in England, but not against the wishes of the Agriculture Ministers in Scotland and Wales — that that money be regionalised so that she and the House will have an input into the way that it is spent?

**Ms Rodgers:** I thank Dr Paisley for that information. I cannot comment on something that is, as the Member says, hot off the press. I presume that it is still subject to negotiation, and I assure the Member that I, along with my officials, will press for the full amount.

2.30 pm

As I have already said, I was pleased to be able to announce yesterday that, at long last, we have received EU permission to proceed with the first stage of the pig industry restructuring scheme. Dr Paisley asked about the aid that we shall give those still involved in pig production. I expect the Commission to approve the aid scheme for those producers on 13 December and for the scheme to open soon after that, at least by the beginning of next year. EU delays in approving that have been extremely frustrating, both to the industry and to me, and I am pleased that the lobbying that I urged the UK Agriculture Minister, Nick Brown, to undertake with the Commission has finally paid off. We shall finally be able to restructure the industry and develop it.

I hope that I have been able to illustrate the range of action that I taken in the past year. That has included long-term strategic planning, medium-term programme planning and short-term financial assistance for farmers. Those measures have included provision for investment in training and education, capital investment initiatives to promote new technology, initiatives on product quality and animal disease control, marketing and promotion, and, of course, special assistance for the pig sector.

I am confident that I am doing as much as anyone else in my position could do to further the interests of

the agriculture industry within the legal and policy framework under which I must operate. Moreover, I assure the House that I shall continue to do all that I can, as a Minister and member of the Executive Committee, to further the interests of the agrifood industry. I hope that I shall receive broad cross-party support for the important work that needs to be done.

I welcome the constructive tone of the debate. It has shown a clear understanding of the issues, as well as Members' determination to tackle the problems. That is local democracy at work. It is a welcome development that local people understand the needs of their farmers and want to work in partnership to deal with the issues. If we have a genuine interest in the future of the agrifood industry and the wider rural society, we have a duty to work together in partnership with the industry to secure its future well-being. That is visible in the efforts that we have made to address the industry's difficulties.

My Department and I are always ready to pursue opportunities that will deliver genuine benefits to the industry. We have pursued a wide range of initiatives in the past 12 months. However, I am not prepared to tie up my Department's limited resources in the pursuit of the unworkable, the unaffordable, the unlawful or sometimes the downright fanciful. There is a clear difference between being proactive and aimlessly chasing after ghosts and shadows. I know the difference.

I have heard today, not for the first time, vague accusations about what other member states are doing for their producers. I have heard cries of, "Why can't we do the same?" We all work under the same common agricultural policy, which strictly governs what we can and cannot do. If anyone breaks the rules, someone will cry foul and there will always be serious consequences. I am not prepared to play a dangerous game with the livelihoods of farmers and their families.

We live in a rapidly changing world. We have to take on board EU enlargement, trade liberalisation, further reform of the common agricultural policy, changing consumer demands, and increasing competition, which I saw recently at the Salon International de l'Agro-Alimentaire (SIAL) Exhibition in France. All those things will impact on our rural economy and our agrifood industry.

It is my responsibility to ensure the long-term viability of the industry by enabling it to meet the challenge of change. We face many difficulties, but there are no quick fixes, no easy solutions and no single initiatives. Mr Poots complained because I had not resolved the industry's problems in my 11 months as Minister. I make no apology for that. I am not a miracle worker, and I do not have a direct line to the Almighty. We need, in partnership with the industry, to develop a vision of where we want the industry to be in 10 or 20 years' time and to develop an action plan that will set us on the way to achieving that goal step by step.

I have tried to respond honestly and in good faith to the points raised in the debate. I shall deal briefly with the timeliness of payments. I accept that there have been problems but we are still on track with our published timescale for payment. It will not be possible for all payments to be made in the first week of the set period. Next year, we shall publish a protocol that will clarify the process.

Mr Ford referred to the need for a formal mechanism to deal with complaints. A draft is being prepared that will include an independent element. We shall consult with the industry, the Agriculture and Rural Development Committee and the Assembly on that.

I shall write to those Members who raised issues that I have been unable to address, including Mr Hussey, who raised a statistical point. I do not want Members to leave today with the view that my Department would be unwilling to take on board the views or suggestions of others. I do not claim to have a monopoly on wisdom, nor does my Department. That is why we consult with the industry and the Agriculture and Rural Development Committee in line with our statutory duty.

**Rev Dr Ian Paisley:** I trust that the hon Lady will have time to comment on the Haskins report, which many Members have mentioned.

**Ms Rodgers:** I thank Dr Paisley for his intervention.

I have heard Mr Savage's proposals, and I wish to examine them further. I would be glad to receive copies of the Danish legislation, which I shall discuss with him after I have examined them. Anything that can help the industry is good for all of us. I shall pursue any good idea as far as I can, but it must be workable, affordable, legal and, above all, in the best long-term interests of the agrifood industry and the rural community.

With regard to Dr Paisley's question about the Haskins report, we are examining its implications for Northern Ireland, and when we have finished I shall write to the many Members who raised the matter.

**Mr Savage:** At the outset of today's business, I said that I sought a constructive debate. My intention throughout has been to stimulate action to get practical results, not to create confrontation. The genuine distress and the growing sense of hopelessness felt in the farming community merits radical action by the Assembly and its Executive.

In my introductory speech I expressed the need for the Assembly to make a difference. A sense of urgency about developing policies is needed, especially in the light of the democratic deficit experienced by Northern Ireland in the past three decades. We must learn to have courage and be decisive in law making. We must realise that we are in charge and we must act accordingly. The other side of that equation is that we are responsible. Let us act responsibly and be good stewards of what has

been put in our hands. People look to us to make a difference. They expect, and we must deliver.

As several Members have rightly said, farmers are hard-working members of the community. They do not lead an easy life. However, no matter how sophisticated our economy becomes, farming will always remain a vital part of our economic life. Its well-being is our well-being. Our farmers are crying out to be listened to. Their complaints are not an exercise in whingeing. They are asking to be treated the same as farmers in the rest of Europe. That has been a recurring theme in the debate. Instance after instance of our over-enforcing of European regulations has been detailed — we have 18-page forms, although two-page forms are sufficient for the same regulations in the Irish Republic.

I have said in many recent speeches that the Government of this country too often see their role as that of a policeman, enforcing rules and regulations. Rather, the Government should be supporting their industries, including farming. That is the way it is in France and other European countries. Governments support their industries and do not continually enforce regulations that are much too detailed. Farmers want the same raft of incentives and the same beneficial structures that their counterparts in the rest of the EU enjoy, and to which they are entitled. They are certainly entitled to our support and to expect a genuine effort on our part to give them a level playing field.

There is much to be proud of in our achievements in agriculture: the quality of our produce; its reputation for greenness; and the uniqueness of our traceability scheme for beef. There is much that is commendable about the agriculture sector, but it needs to be nurtured by the Assembly and its Executive. The House and the Department of Agriculture and Rural Development must move towards creating a legislative framework that will enable a capital restructuring of the agriculture sector along the lines that I have suggested.

The scheme will enable older farmers to retire with dignity. It will enable young blood to enter farming with new, fresh ideas and with a new drive towards excellence based on state-of-the-art methods. The legislative measures being considered in the Programme for Government contain much that is in consumers' interests. That is only right. As a farmer, I know that it is consumers' interests that govern the market. However, the consumers need the agricultural producers too. That is not a relationship in which one exploits the other; it is a relationship of mutual benefit. It needs to be a win-win situation.

Consumers have benefited through the operation of many market forces in recent years. The advent of large out-of-town supermarkets and the fierce competition among them has made it a consumers' market. Prices have fallen, though it has to be said that the price to the



consumers has fallen a lot less than the price that the big supermarkets pay to the farmers.

Farmgate prices are chronically low, the downside of which is that the agriculture sector has been dangerously exposed and weakened. For that to continue without some regulation, intervention, or strengthening of the farmers' position in other ways will fatally undermine the agriculture industry. None of us can afford that to happen, and in our heart of hearts, we all know that.

My Colleague Mr Leslie painted a chilling picture of what would happen if market forces were allowed to continue to ravage agriculture. If the Government do not intervene to regulate that process, that will be an abdication of responsibility. A new Northern Ireland agriculture law, based on those elements of Danish law and French practice that I mentioned earlier, would put in place a structure and mechanism that could transform the situation. The Danish legislation is a model for action. It has been translated, and I shall let the Minister have a copy.

2.45 pm

I welcome the suggestion that meetings should be arranged between me and the Minister of Agriculture and Rural Development to address the matter. I hope that the Minister will enable that to happen, and I am prepared to work hard to help to develop legislation to restructure the farming sector.

*(Mr Speaker in the Chair)*

There have been many expressions of support, not least from Dr Paisley, for a close examination of the scheme and its implementation. We have time to implement it, but not as much as we think. That is why I call for people to be proactive. Rightly or wrongly, there is a widely held perception in the farming community that the Department of Agriculture and Rural Development could do more and care more.

The Department of Agriculture and Rural Development must not catch the disease of indifference. It must develop a spirit of independence. Scotland is showing signs of independence from Westminster's detailed supervision, and so must we. The direct rule Ministers have gone, and the baleful influence of the Ministry of Agriculture, Fisheries and Food no longer casts such a long shadow.

The facile idea that training would help to solve farming's ills should be abandoned. An ombudsman scheme, as has been adopted in Scotland, would probably be welcome here, and the Department has the ability to look after any such scheme. That would show that the Department does not want to be the judge and jury, and that it wants to stop being a policeman. The same is true of training, which should keep people in the farming industry rather than encourage them to leave it, especially our young people.

Many areas could be addressed quickly. The promotion of our traceability scheme for beef as a marketing tool to sell Northern Ireland beef in European markets that have recently been blighted by the BSE scare springs to mind. The Minister told the House last week that she felt the time was not right, but there was widespread feeling throughout the Assembly that her decision should have been different. It is a decision that suits our competitors who do not have such a traceability scheme in operation. It will take time to raise our marketing profile, so now is the time to start.

There is much disquiet among farmers about apparent inaction, but my primary concern in today's debate has been to set out proposals for a new structure that will be of long-term benefit to the entire agriculture community. Short-termism, however, is not the answer to the serious situation that the farming industry faces. Individual measures can help to alleviate an immediate problem. However, new structures and mechanisms need to be put in place to facilitate the long-term restructuring of agriculture and to allow a breathing space in which that can happen in a calm atmosphere rather than in an atmosphere of panic. My proposals for a farmers' retirement scheme and a young farmers' loan scheme would provide such a structure. As for Mr McGrady's fears that financiers might have a field day, I say that financiers, like lawyers, are a necessary evil.

From the outset, it was intended that this motion would be non-confrontational. It was designed to generate a serious and constructive debate on an issue of great concern to everyone. The debate has done that. However, words in a debate are not enough; there must be a real and practical follow-through. Now that the Danish self-help scheme is on the table, it must not be swept under it. What is needed is an injection of new blood.

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

**Mr Savage:** I welcome the Minister's positive response to the proposals contained in my speech. We need to find a way forward, and that can only be done by tackling the central issues. The key problems of indebtedness and farm incomes —

**Mr Speaker:** Order. I am afraid that the Member's time is up.

*Question put and agreed to.*

*Resolved:*

That this Assembly recognises the difficulties facing the agricultural industry and the importance of the agricultural sector to the Northern Ireland economy and asks that the Department of Agriculture and Rural Development take a more proactive role in furthering the interests of the agricultural industry.

*Motion made*

That the Assembly do now adjourn — *[Mr Speaker.]*

## REINSTATEMENT OF GUARDSMEN FISHER AND WRIGHT

**Mr Speaker:** Many Members from all sides of the House have indicated a wish to speak. After discussion with the Business Committee, I have decided to allocate 15 minutes to the Member who raised the question, and five minutes to each of the other Members who wish to speak. Standing Orders restrict the Adjournment debate to one hour, so eight or nine Members, in addition to Mr Maginness, will have an opportunity to speak.

**Mr A Maginness:** On behalf of my constituent, Mrs Jean McBride, and her family, I raise the issue of the recent decision to retain Guardsmen Wright and Fisher in the Army. That decision has caused much outrage and concern in my constituency of North Belfast. For many of my constituents, their reinstatement flies in the face of the basic principles of justice.

Let me relate the basic facts of the case. On the bright morning of 4 September 1992, Peter McBride, aged 18, visited his sister in Edlingham Street in the New Lodge Road area of north Belfast. After that visit he was stopped by an Army foot patrol near Trainfield Street. The commander of the patrol questioned the youth and searched him thoroughly. He also searched a white T-shirt, which he was carrying when he was stopped. The T-shirt had been washed by his sister Róisín, and he had collected it from her home. After five or six minutes in the presence of the Army patrol, Peter McBride suddenly broke away from the soldiers and took off at speed. He vaulted over a garden wall into Spamount Street, ran down that street, turned left into Glenrosa Street and then right into Upper Meadow Street. He was pursued by the soldiers, with Guardsmen Wright and Fisher in the vanguard. The soldiers called on him to stop, but he did not — he kept running at a fast pace. At that point, Guardsmen Wright and Fisher opened fire on Peter McBride. Two bullets struck him in the back, killing him.

At their trial, in February 1995, the trial judge, Lord Justice Kelly, a former Member of the Northern Ireland Parliament and a former Attorney-General in the Unionist Government at Stormont, found that evidence given by Fisher and Wright had been both evasive and untruthful and that they had both lied about material aspects of the case. In particular, he was satisfied that they had seen Peter McBride being searched by their commander. He regarded Fisher's defence that he believed that Peter McBride had been carrying a coffee-jar bomb in a white paper or plastic bag to be untruthful. Peter McBride was retreating from the guardsmen all the time, increasing the distance between them over the three streets. He also found that the incident was not a panic situation that required a split-second decision or a split-second action, if any action was required at all. He also found that the defence case that the guardsmen believed that Peter

McBride was carrying a coffee jar to be false. The trial judge found that the two soldiers had deliberately aimed shots at Peter McBride, who posed no threat to them at all.

Lord Justice Kelly clearly found that there was no good reason to fire at Peter McBride and that there was no justification for Fisher having fired when he did. The judge concluded that Wright had deliberately lied about his reasons for firing and that, at the time of firing, he did not believe that there was any justification to do so. Therefore, both soldiers' defences were thoroughly discredited. The Northern Ireland Court of Appeal heard the soldiers' appeals and conducted a lengthy review of both cases. Their appeals were unanimously dismissed.

I have spent considerable time outlining the facts of the case, as determined by the court alone. It is important to remember that those are the judicially determined facts. I have not included assertions or determinations of anyone outside the courts. On 2 December 1998, both soldiers were released early on licence from their life sentences by the then Secretary of State for Northern Ireland. They resumed their military duties that month.

Their release was made under normal life-sentence review procedures rather than under the Good Friday Agreement. However, I accept that it would have been politically impossible for the Government to release other prisoners under the agreement while keeping the two soldiers in prison. The early release of those men was a bitter pill for the McBride family to swallow, as it was for many others in my constituency. Nevertheless, it could not properly be argued that the soldiers did not deserve to benefit — like so many others caught up in the troubles — from the prisoner release scheme.

However, at the heart of the issue is not their early release, which most people now reluctantly accept, but their reinstatement in the Army. Under the Queen's Regulations for the Army 1975, it is presumed that a soldier sentenced to imprisonment by a civilian court will be discharged unless exceptional reasons exist that make his retention desirable. That is the only test that can be applied to those two soldiers. Therefore, the question is whether exceptional reasons emerged from an objective and honest scrutiny of the facts of the case that I have just outlined.

The Army — through the Army Board, which is made up of senior Army officers and a junior Army Minister — had to determine whether there were exceptional reasons that made it desirable to retain the guardsmen, notwithstanding their convictions for murder their life imprisonment sentences. According to the Northern Ireland High Court, the Army Board was wrong to decide in 1998 that the soldiers should be retained on account of the argument put forward that they had made an error of judgement. The trial judge had clearly rejected that argument, since he regarded their defence as a lying one. Therefore, no error of judgement arose.

The Army Board's decision was judicially reviewed and subsequently quashed. The judge at the review was of the opinion that the guardsmen's application to be retained in the Army had to be considered afresh. Their application for retention in the Army was recently heard again by a differently constituted Army Board. Despite the fact that the second Army Board rejected the "error of judgement" argument, it unbelievably came to the same decision — that the guardsmen should be retained for Army service.

Given the facts that I have carefully rehearsed, it beggars belief that the Army Board could properly have arrived at that same decision to retain two convicted murderers in the Army. In view of the facts, as found by the Northern Ireland courts, no reasonable person could properly conclude that exceptional reasons existed that makes their retention desirable. There are exceptionally good reasons to do precisely the opposite. If there were exceptional reasons to retain them, let us know what they are. What makes it desirable to retain two convicted murderers in the Army?

If the Army Board's decision were to be accepted as correct — in justice or in politics — the stature of our courts and our judges would be diminished. The decision implies that at least four judges arrived at judicially-flawed decisions in convicting those murderers. Equally, it suggests that the Northern Ireland judiciary is of no real consequence and that we have an inferior form of justice. Despite the fact that no contrition was shown by Guardsman Wright and that only partial contrition was expressed by Guardsman Fisher in May 1995, three months after his conviction, they were permitted back into the Army, with access to highly-powered and lethal weapons.

More disturbing is the report that both soldiers are referring their convictions to the Criminal Cases Review Commission (CCRC). That completely undermines any possible residual element of contrition.

Let us remember that those men were not confined to paper pushing or potato peeling. They were sent to a dangerous theatre of war — Kosovo — where the risk of engagement with either regular or paramilitary forces was very high. By order of the Army Board, they are prevented from serving in Northern Ireland, as to do so is deemed inappropriate. Why is it deemed inappropriate for those men to serve in Northern Ireland but appropriate enough for them to serve in war-torn Kosovo? Does that decision display any consistency? What sort of message does that send out to the rest of the Army? Murder, the most grievous act of criminality, can be committed in Northern Ireland and those responsible will be looked after by the Army. A Northern Ireland citizen can be killed with impunity. So far as Northern Ireland is concerned, double standards can and will apply.

3.00 pm

What would the reaction be in Britain if soldiers had murdered a citizen in inner-city Birmingham? Has anyone

in the House any doubt that such soldiers would not be retained in the Army? If they were, could Members imagine the anger and outrage in Britain? Could Members imagine the outrage and anger if the British Medical Association were to readmit into its ranks, as a practising doctor, someone who had murdered a patient?

This case says that the murder of a citizen in inner-city Belfast is treated differently because, in some way, inner-city Belfast is different. Although the soldiers were convicted of murder, it was not really murder as understood by the Army. That has serious implications not only for Nationalist citizens but also for Unionist citizens.

What twisted mentality leads the military mind to perversely contort judicially decided facts, and to go through further contortions and obviously contrived hoops to end up with the decision to retain two men unworthy of the title "soldier"? Compare and contrast — *[Interruption]*.

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

**Mr A Maginness:** No. My time is limited.

Compare and contrast the way in which the Army has dismissed soldiers convicted of the lesser crime of drug dealing. Since 1995, 130 soldiers have been tried for drug-related offences and most have been convicted. The Army has discharged 108 of them. What sort of message does that send out, either to those in the Army or to the public at large? Is the rationale laid down by those decisions that it is more acceptable in the British Army to murder someone than to indulge in drug abuse?

As the 'Glasgow Herald' said in its leader recently,

"Regardless of the tense situation in Northern Ireland at the time, their error of judgement (if such it was) should surely have been enough to cause their dismissal. How could the Army (or, indeed, any civilian population they were charged with protecting) trust them to act professionally in the future? Ministers Mandelson and Hoon should make every effort to ensure that justice is done. Fisher and Wright were murderers. They should still not be soldiers."

Who could disagree with such an unequivocal editorial?

The decision was innately unjust. To one's ordinary sense of morality, it is plainly incomprehensible. It defies the ordinary sense of justice in Northern Ireland or, indeed, elsewhere in the world. It exposes double standards being applied by the Army to its personnel. It exposes double standards being applied by the Government to the people of Northern Ireland and, in particular, to the long-suffering people of north Belfast — not least, the deeply hurt family of the late Peter McBride.

The Army decision has, without doubt, devalued human life in Northern Ireland and, indeed, elsewhere. Its unjustness, cruelty and crass insensitivity is huge. I expect better from the Government, and I appeal to them to examine the decision's enormous injustice and to reverse it. No self-respecting democratic Government

can knowingly tolerate the inclusion of convicted murderers in the ranks of their army.

**Mr McFarland:** There is no doubt that this is a tragic case of a serious error of judgement on the part of two soldiers under stress on the streets of Belfast. They were convicted and served six years before being released on licence in 1998, in the aftermath of the Belfast Agreement. It is unfortunate that this debate is taking place today, because security is a reserved matter. The debate that the SDLP wishes to have should have taken place in the House of Commons, where such matters are usually dealt with.

We might today have been better served discussing the enormous postal crisis in the lead-up to Christmas. Could this be a blatant attempt at electioneering on the part of the SDLP, to “out-Sinn Féin” Sinn Féin? The issue has been used by Sinn Féin and its so-called justice groups to carry out a vendetta against the Government and the Security Forces. It smacks of double standards. There was no hubbub from those groups about Garda collusion or the role of Fianna Fáil in the formation of the Provisional IRA. There was no investigation of 30 years of murders by the Provisional IRA, even though a substantial number of its victims came from the Nationalist community.

Whatever the rights and wrongs of this case, we must try to put the past 30 years behind us. The Belfast Agreement was a watershed and an opportunity to move on. Hundreds of prisoners have been released, and millions of pounds are being spent on rehabilitation and making a new start. In an edition of Hansard last week there is a list of all the organisations into which money is currently being poured, such as ex-prisoners’ organisations.

We have a former senior IRA commander in the Government of this country. Other Assembly Members have been convicted of the most hideous offences. The two soldiers were, in the opinion of a court, considered to have paid their debt to society, and thus were released on licence. It is time to allow all those who wish to move on and make a new start to rebuild their lives.

If the Belfast Agreement is to mean anything, particular sections of the community must enter into the spirit of that agreement and cease to pursue vendettas.

**Rev Dr Ian Paisley:** I agree with the Member that the matter should have been debated in the House of Commons, where the SDLP has three Members. I was at the debate on the matter in the House of Commons, and I do not recall hearing any intervention from any of them.

Any murder is a tragedy. I understand well the feelings of those who lose people in such circumstances. However, it is ironic and absolute humbug for the mover of the Adjournment motion to draw parallels and say that those things should not be when he and his Colleagues

worked their hardest to put into the Government of Northern Ireland those who headed up an organisation — the IRA — that performed such dastardly deeds.

I find it strange to hear the same Mr Maginness defending the court. Had this been another case, the Member and his Colleagues would have been challenging the court and picking holes in its judgement.

I said one thing in Westminster that I shall repeat today. Those two men did not go on to the streets of Belfast to commit murder. They did not plan the night before to take some people out and shoot them. They did nothing of the kind. The IRA — and some of its members sitting in the House today are active and were active in the IRA — planned and killed deliberately. Mr Maginness tries to excuse the Government, but it is his friend, Mr Mandelson, who is responsible. It is his friend, Mr Hoon, who is responsible. He should not try to pass the buck to an Army Board. He knows perfectly well what Mr Hoon and the Secretary of State have said. He should not try to blame anonymous people sitting on an Army Board, because the Government are responsible for this act.

As has been emphasised, those people went to prison. They served their time. They were put on licence. They paid their debt to society. That should have been the end of it, but, of course, the same Mr Maginness is quite happy to have IRA men in the new police force, and to put out 50% of the Protestants so that they can get 50% of his own kind in. It is a strange thing that he is going to get the IRA into the new police force about which he always talks and argues. Those men committed an act under drastic and terrible circumstances, and it must be drastic and terrible for them and everyone else involved. However, they were not murderers who went on to the streets of Belfast to commit murder — even Mr Maginness cannot indict them of that and prove that they were.

**Mr G Kelly:** Go raibh maith agat, a Cheann Comhairle. The killing of north Belfast teenager Peter McBride goes directly to the heart of the relationship between Irish Nationalists and the British Government in Ireland. Peter McBride’s case is not the only one. Almost 400 Nationalists were killed as a direct result of Crown forces’ activity. Many of those killings were planned, as were hundreds more as a result of collusion with Loyalist murder gangs.

Peter would have been just another forgotten name or statistic if it had not been for two factors. One was the dogged and brave insistence of his parents and family, who did not, and will not, let this human rights issue be buried. The other is the British Army’s stubborn stupidity and racism.

The facts are as painful as they are clear. In 1992, Peter McBride, at the young age of 18, was stopped close to his home and thoroughly searched by a Scots Guards foot patrol. It has never been in dispute that he

was unarmed. After he was searched, two soldiers, Wright and Fisher, shot Peter McBride in the back as he ran away, killing him. They were charged with murder and sentenced to life imprisonment. They were two of only a handful of soldiers ever to be convicted of any of the hundreds of killings carried out by the forces of the Crown. They had served less than six years when they were hurriedly released. The British Army should have discharged them, but it did not. Had Peter McBride been British and lived in London or Liverpool, we might safely assume that the soldiers involved would have been discharged.

It was a painful experience for all of Peter's family. More pain was to come when the British Army Board twice ruled that Fisher and Wright could remain in the Army. In the midst of their hurt and grief, Peter's family took a judicial review to the High Court to challenge that decision. The court overturned the Army Board's ruling and instructed it to reconsider. Allegedly, another board was put up, which reconsidered the matter and came to the same unfortunate conclusion. Since 1995, when Fisher and Wright were convicted, many soldiers have been dismissed from the British Army after positive drugs tests. It would be hard for anyone to come to any conclusion other than that the British Government look on the murder of Irish people by the forces of the British Crown as little more than a misdemeanour.

What the McBrides want from the British Government is straightforward. They want recognition that Peter was innocent — a victim, a human being just like any other — *[Interruption]*.

3.15 pm

**Mr Speaker:** Order. If Members wish to have a conversation, they ought to have it outside the Chamber.

**Mr G Kelly:** He had a family and friends who loved him. They want to grieve for Peter instead of watching his killers being patted on the back by the British Government. They do not want those two men to be handed back their rifles so that they can repeat their performance on someone else's son; they want recognition that Peter and his family are the victims. In the scheme of things, that is not much for which to ask. Instead of being allowed to grieve properly, they are being publicly slapped in the face again and again.

The actions of the British Ministry of Defence are racist. It thinks that it does not matter because Peter was just a "Paddy". It affects us all, especially when one considers the timing of the Ministry of Defence's announcement in the middle of the deepest crisis that the peace process has faced since the signing of the Good Friday Agreement.

I leave it to Jean McBride to articulate her feelings. In her statement, I see the determination, commitment and stamina that the British Government have underestimated

to their cost and shame in the past. Speaking after she heard the British Ministry of Defence decision on 24 November, she said she was

"completely devastated by the decision".

She continued:

"but if they think that I am going to give up they have another thing coming. They think that Peter's life is worth nothing — shoot him in the back and forget about him. We will fight on until these two murderers are kicked out. Tony Blair should be ashamed of himself. The anniversary of Peter's birthday is next week and if they think that I brought my son into this world to have him murdered and forgotten, then they just don't understand what it is to be a mother."

The British Prime Minister, Tony Blair, needs to know that this is a courageous family that cannot be dismissed. Peter's mother, father and the rest of the family can be sure that they will not be fighting on their own. The British Prime Minister must accept that Irish people are not non-people. They need to be able to grieve and to know that soldiers who murder Irish people will be punished, not rewarded. He needs to tell his Defence Secretary, Geoff Hoon, to kick Wright and Fisher out of the British Army.

**Mr Boyd:** Today the SDLP is yet again demonstrating a totally hypocritical stance. Throughout 30 years of terror the SDLP has condemned violence while not hesitating to profit politically from it. The SDLP is always telling Unionists that we should forget the past. Therefore, why does the SDLP create an issue about Guardsmen Fisher and Wright today? There is no necessity to re-open the court case and to re-enact it in the Chamber.

The SDLP demonstrates sheer hypocrisy with its selective condemnation of the two Scots Guardsmen, James Fisher and Mark Wright. The SDLP supports the disbandment of the Royal Ulster Constabulary and the release of terrorist prisoners, including the release of Provisional IRA terrorists who have murdered hundreds of innocent Protestants, Roman Catholics and members of the security forces.

The SDLP wants mass murderers to be able to hold positions on policing boards and for the law-abiding people of Northern Ireland to accept terrorists in Government, including having a terrorist hold the position of Minister of Education. The SDLP has endorsed a convicted terrorist as a Minister in the Government of Northern Ireland.

The SDLP wants the two guardsmen removed from the Army, yet it wants the people of Northern Ireland to stomach Martin McGuinness as the Minister of Education even though he has held the position of Chief of Staff of the Provisional IRA, as well as being a convicted terrorist. Martin McGuinness was once named as Britain's number-one terrorist by 'The Cook Report' and is on — *[Interruption]*.

**Mr G Kelly:** On a point of order, Mr Speaker. The Member speaks about the Minister of Education and is well off the subject of the Adjournment debate.

**Mr Speaker:** I urge the Member to return to the subject of the debate.

**Mr Boyd:** The so-called Minister's sickening view that freedom can only be gained at the point of an IRA rifle is endorsed by the SDLP.

**Mr Speaker:** Order. Members, where possible, should not feel themselves wholly bound by a prepared script. It is sometimes helpful to have notes, and it is always helpful to be prepared, but it adds much more to the debate when a degree of flexibility and response to the debate is possible. I urge all Members to enter into the spirit of the debate rather than be wholly restricted to a script. It also makes it easier to respond to requests from the Chair.

**Mr Boyd:** Mr Speaker, I find that a little surprising when other Members, including the Member who spoke before me, read from scripts.

**Mr Speaker:** If the Speaker is to refer, he must always refer when one or other Member is speaking. It is like the man who received two ties from his wife. When he came down wearing one, his wife asked what was wrong with the other one. Inevitably when one makes a reference it will be to one Member, and that Member will feel picked upon. I assure the Member that I am not picking on him. Rather, I refer to the general principle. However, I raised it in respect of him because he returned to his script, manifestly ignoring the Chair's advice.

**Mr S Wilson:** On a further point of order, Mr Speaker. Is it in order for sexist remarks about wives and their opinions on ties to be made in the House?

**Mr Speaker:** I have no doubt that the same matters might be referred to in reverse, although I am trying to work out what the equivalent of the tie would be. However, I must remind Mr Wilson that the use of mobile phones in the Chamber is out of order.

**Mr Boyd:** The SDLP has no protests or complaints with IRA terrorists who are made advisers to Ministers in the Executive. The SDLP does not call for public inquiries into the unsolved murders of innocent Protestants and members of the security forces. The SDLP never called for convicted terrorists to be barred from council positions or from the Assembly.

**Mr C Wilson:** Will my Colleague give way?

**Mr Speaker:** I think that we might be relieved.

**Mr C Wilson:** We should compliment the SDLP on providing this public service. The SDLP is exposing its true nature and what it has embarked upon for the past 30 years in Northern Ireland when it has attempted to vilify the security forces. The SDLP has not stopped yet. It now tells the Assembly, the Secretary of State and the

Prime Minister that it is unable to support the new forces of law and order in Northern Ireland. From Mr Alban Maginness we are witnessing the real face of the SDLP.

**Mr Speaker:** Order. I have listened for some time. One thing that I am certain of is that Guardsmen Fisher and Wright were not members of the SDLP. They are the subjects of the debate, not the SDLP. It is reasonable to make references. However, we had a situation in which every sentence began with the words "The SDLP", as has the intervention. I plead with Members to return to the subject, which is the question of Guardsmen Fisher and Wright and their reinstatement.

**Mr C Wilson:** I will let my Colleague resume. It is sad, in the light of the fact that the security forces have been protecting Mr Alban Maginness's constituents and his culture and background every bit as much as they have protected the Unionist and Protestant community in Northern Ireland, that the Member has moved this motion today. It is an absolute disgrace.

**Mr Speaker:** I need to advise Mr Wilson — his Colleague who gave way will appreciate this — that he cannot restrict the Member who gives way. Interventions and interruptions in other Members' speeches should be brief and to the point. They are not an opportunity for intervention speeches, as Mr Wilson's was in danger of becoming.

Mr Boyd may continue, although his time is now short.

**Mr Boyd:** There is no requirement to revisit the position of the two guardsmen, and Alban Maginness is being mischievous in doing so. It must be borne in mind that Peter McBride had a number of criminal convictions and had been running away from the soldiers at the time he was shot. One soldier believed that Peter McBride had opened fire on him, and another believed that Peter McBride was about to throw a lethal coffee-jar bomb at him. At that time, soldiers and police were being shot, bombed and murdered daily throughout Northern Ireland, and coffee-jar bomb attacks were a daily occurrence.

In a letter to 'The Times' after the trial, the two soldiers' commanding officer, Lt-Col Tim Spicer, wrote:

"I am completely satisfied that neither of these young soldiers had anything other than the firmly held and honest belief that they were involved in a terrorist incident and therefore acted entirely in good faith, in accordance with the law, the rules of engagement and their military training."

Mr Maginness's motion graphically illustrates the anti-British Army bias of the SDLP and the rest of the pan-Nationalist front. That bias has not changed in 30 years. Therefore, his argument lacks all credibility, and the vast majority of people in Northern Ireland will see that. The two soldiers were doing a difficult job in a violent environment, and most people believe that they should never have been jailed under such circumstances.

**Mr Agnew:** If the debate serves no other purpose, it highlights the fundamental differences in the mindsets of the Nationalist and Unionist sides. Nationalists and Republicans were in favour of the release, under the terms of the Belfast Agreement, of the Shankill Road bomber, who was guilty of mass murder. He spent less time in jail than the two Scots Guardsmen. The Shankill Road bomber will have received funding to help his rehabilitation into society, and, as in many cases, he was no doubt in receipt of much more than many of the victims who lost their loved ones. No one on the Republican side objected to the release or to the moneys received, and no one objected to such a person being gainfully employed. The actions of the Shankill Road bomber were the result of careful planning. His callous actions were deliberate and premeditated.

Contrast that with the reaction to the release of the two guardsmen, Mark Wright and James Fisher. Unlike the Shankill Road bomber, they did not go out to deliberately maim and kill. Their actions were not the result of careful planning. Peter McBride was a petty criminal running away from the law when he was shot. Arguably, that was not a crime that should have resulted in him being shot dead, but tensions were high in the area. Two days previously, a colleague of the two Scots Guardsmen was callously shot dead by the Provisional IRA.

The soldiers made a genuine mistake, yet they have been accused, by Republicans in particular, of murder. Should a mistake be termed “murder”, as was the case here? Unfortunately, the matter is now being used as a political football and many statements, especially from Republicans, reek of revenge and pure vindictiveness. Is anyone asking Sinn Féin to purge itself of convicted murderers and criminals?

**Mr Speaker:** Order. I should draw Members’ attention to the terms in which they are referring to the outcome of judicial proceedings. It seems to me that querying the outcome of judicial proceedings can properly be done only by substantive motion. At Westminster, the findings of a superior court may not be queried by way of remarks or statements — only by way of a substantive motion. Some remarks today query the outcome of a court case. There may be a question as to the precise standing of this place as a court, but it is proper for me to draw the matter to Members’ attention and to advise them to be cautious in that regard. I will study Hansard and look at the matter, not only in respect of this debate but in respect of others. I would appreciate Members’ being cautious in querying the findings of properly constituted courts.

**Mr Agnew:** As always, I am more than happy to accept your advice on such matters.

Is anyone asking Sinn Féin to purge the party of the convicted murderers and criminals in its ranks? They have been convicted.

Indeed, it was almost mandatory to have a conviction to qualify for Sinn Féin membership. However, hypocritically, the Army is expected to purge its ranks of those who have paid their debt to society. Those two soldiers acted without malice. It was an unfortunate tragedy, and now they are being persecuted while hard-line terrorists, who went out to murder, are released from jail early. Those soldiers deserve justice and fairness, not further punishment through a vicious and vengeful campaign aimed at taking away their chosen career.

3.30 pm

**Ms Morrice:** The issue is wider than the individuals concerned. The Assembly is aware, as we work to build confidence in the Army and the other security services, of our concern that the decision to reinstate the two guardsmen could imply that the Army is above the law. People are right to have high expectations of the security forces. We expect them to be fair and efficient and to enshrine the principles of democracy and justice. People will be rightly disappointed to see soldiers who have been found guilty of murder — the most serious of crimes in a court of law — return to their regiments.

People will also be confused by the contradictory judgements in these cases, which will serve only to undermine trust in the Army. Independent assessors and observers have also raised concerns. Soldiers have been dismissed for lesser crimes, as has already been stated. Surely murder should be treated much more seriously.

**Mr Close:** I am somewhat saddened that this has become a Unionist versus Nationalist debate, argument and fight. I have not gleaned any sense of humanity or feeling for those who were wronged.

The decision by the Army Board to reinstate Messrs Wright and Fisher caused huge problems for many people. I do not speak about those who take any and every opportunity to strike out at the security forces or those to whom I would refer as Army “bashers”; I am talking about honest, decent people who have supported law and order down through the years when the forces of law and order were subjected to attacks from terrorists on both sides of the proverbial house. I firmly contend that the decision to reinstate those men was wrong. It was both insensitive and counterproductive and could bring the Army and forces of law and order into disrepute.

I do not need to rehearse further the arguments or the circumstances that surround the tragic death of Peter McBride. They have already been well rehearsed and documented, although, given what I have heard during the debate, some people still seem to have some of the facts wrong. Moreover, I do not need to rehearse the events that took place at the subsequent trial of the two soldiers.

It is suffice it to say that Peter McBride was shot dead and that two soldiers were found guilty of murder. Those are the incontrovertible facts. No one has suggested that Peter McBride ought to have been shot dead or that the two soldiers should not have been found guilty of a crime. If we live in this land of “maybe”, “what if” and “what not”, perhaps the soldiers made a mistake. Perhaps the charge was wrong. Perhaps Peter should not have run. However, those “maybes” and “what ifs” cannot alter the brutal fact that Peter McBride is dead. The soldiers shot him, and they were found guilty of murder.

To dismiss those facts as simply a mistake — “The poor soldiers made a mistake” — or an error of judgement diminishes human life. There is no mistake, no error of judgement that anyone could possibly make that could have greater consequences than the destruction of human life, and no apologies can undo that error or that wrong. That mistake is not the same as a mistake of indiscipline, insubordination, or drunkenness. I understand that soldiers have been dismissed from the Army for those reasons.

People are only dismissed from the Army because the Army must be seen to be a disciplined force in the eyes of everyone. How can it be seen to be a disciplined force if it includes within its ranks those who have been found guilty of murder? How can it be seen as a disciplined force if those who make that type of error — and let us assume that it was an error of judgement — are within its ranks? Are we to give a second chance, through reinstatement, so that those individuals carrying weapons of death can make the same mistake again? No. The price of another error of judgement is a price that I, and society, would not be prepared to pay, because it is the price of a human life.

The decision to reinstate the two soldiers has driven a huge stake through the family of Peter McBride. It is insensitive and has not taken their feelings into account. Some will say, “What about those other murderers that we see on the streets, those who have been released under the Good Friday Agreement?” People who make that point miss the point. If society makes that point, it misses the point. The law is there to defend the general public. Those within the forces of law and order who abuse or sink below those standards do a great disservice to the people that they try to serve. To compare them to terrorists is a disservice to the general public.

**Mr Dalton:** I support the motion, but I must make it clear that I do so out of individual choice and am not speaking on behalf of my party. The case is a terrible tragedy. One young man is dead and two others carry the dual burden of a conviction and their own conscience. I had hoped that this debate might be more than just a sectarian slanging match, but, unfortunately, it appears that Members are unable to look beyond their own sectarian interests. They have to prove how much of a super-Prod or super-Taig they can be in the House, rather than deal with the real issue.

I have grave concerns about the retention of Guardsmen Fisher and Wright in the Scots Guards following their conviction for murder, which was upheld by the Court of Appeal. I agree with Mr Maginness that, while other prisoners were benefiting from early release, it was correct that those men should also have been released from prison. The issue is whether they should be retained as members of the British Army. That is the subject of our debate, not whether they should have been released, and not whether they are part of a general ambiguity towards the wrongdoings of the past in Northern Ireland.

My comments should not be taken as criticism of the British Army. I am not here to bash the British Army. I am a former member, unlike those who have tried to defend the Army today, with the exception of my Colleague Mr McFarland. The circumstances are specific to the individual cases that we are discussing. The British Army has an honourable record in Northern Ireland. A third of a million men have served in Northern Ireland during the past 30 years. More than 650 of them have given their lives, and more than 6,000 carry wounds that constantly remind them of their service. Their record is an honourable one, and they have served their country and this community admirably.

My comments should not be seen as supportive of Republican-inspired vendettas against the security forces. Those community groups who purport to defend justice seem to apply that term only to certain victims. Their attitude appears to be basically sectarian. If groups such as the Pat Finucane Centre or the Committee on the Administration of Justice really seek justice for all, when will they take up, for example, the cases of Chief Inspector Harry Breen and Superintendent Bob Buchanan, who were murdered by the Provisional IRA in South Armagh as a direct result of Garda collusion? Does their concept of justice not extend to members of the RUC?

As for the Members of Sinn Féin, I have no doubt that they have stood in the Chamber with straight faces and talked about human rights, justice and the terror of the British Army. I remind the House that the single biggest killer of the Nationalist people in Belfast was the Provisional IRA. The number of those killed by the police and the Army — and many of those killed were active terrorists in the course of acts of violence — is barely a quarter of the number killed by the Provisional IRA. The real oppressors of the Nationalist people were, and still are, the Provisional IRA. The spokesmen who talk about rights and justice while their colleagues brutalise their own community nightly make me laugh.

Having said that, we must remember that the issue being debated today is one of principle. The crime of Guardsmen Fisher and Wright is different to many committed in this country. It is not comparable to those who deliberately plan brutal murders, but it was still a crime. It was murder even though it was mitigated, to a



degree, by the circumstances. The fact that Fisher and Wright committed the murder while wearing the Queen's uniform should not be an excuse. In principle, I doubt that many in the House believe that someone convicted of serious crimes prior to application should serve in the police or the Army. It is not acceptable for an ex-IRA man or a ex-UVF man to be in the security forces, so why is an exception being made this time?

Of course, the circumstances of that case are different. Those two men were soldiers, operating in a difficult situation. They were young men doing a tough job as best they could. However, they made a terrible and fatal mistake, and they failed in their duty. I ask people to step back from the emotion and remember the cold facts. Peter McBride was an innocent 18-year-old man who was out in broad daylight on 4 September 1992. He was stopped by an Army patrol and searched. During that time he got involved in an altercation with team commander Sgt Swift, and he ran from the patrol. He was pursued and, from a distance of approximately 80 to 90 yards, was shot twice in the back and fatally wounded. He crawled into an alley behind Hillman Street and lay dying.

I ask Members, especially those on this side of the House, to remember that. An innocent and unarmed citizen of the United Kingdom was killed by soldiers of the United Kingdom Army, on the streets of the United Kingdom, in circumstances that a United Kingdom judge sitting in a United Kingdom court found to constitute murder. That should be a matter of concern to everyone, whether Unionist or Nationalist.

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

**Mr Attwood:** May I acknowledge the speeches of the previous three Members who spoke in this debate. Mr Agnew said that this is a campaign motivated by, as he put it, revenge and vindictiveness. If there is one truth about this particular campaign, it is that neither revenge nor vindictiveness motivates Peter McBride's family. They want closure on the issue and to put the matter behind them without any further revenge, reparation or prosecution. That point should be acknowledged.

We have learnt, belatedly, that the purpose of the debate is to raise this issue and to raise it in a way that will let people step back from their instinct to defend or condemn the Army and allow them to make an informed judgement about the conduct of two soldiers on the streets of north Belfast in 1992. As we have learnt — belatedly — that can happen, and it has happened before.

Mr Boyd said that the motion is motivated by anti-British Army bias, but there are others who disagree. To say that those soldiers — who had been given specific responsibilities for the security and maintenance of the law in Northern Ireland — can return to the Army and continue as before is something that I have real difficulty in accepting.

Others, such as the Moderator of the Presbyterian Church, have said that they find real difficulties with the soldiers' reinstatement. That is not evidence of anti-British or anti-British Army bias. Mr McFarland said that we should pursue vendettas. I think that shows that this is not a vendetta.

3.45 pm

Furthermore, I do not agree that we should forget the past; we should deal with the past. We need a truth process that will address properly and creatively all the harsh things that have been done and said. In that context, the matter under discussion has not been carefully selected but is part of a wider truth and reconciliation process that can help to inform our society.

Dr Paisley acknowledged that those who have suffered bereavement in the North continue to suffer. I want to acknowledge that he said that. I might even agree with him that, on that day, those soldiers did not go out to murder. I do not know what was in their heads and hearts on that day and at that time, but Dr Paisley might well be right about that. However, it is also true that, just as Loyalist paramilitary armies in the North went out with murder in their heads and their hearts, there were elements in the British Army, especially in the Forces Research Unit (FRU), who went out with that intention. Those in the British Army who were responsible for the murder of Pat Finucane, among others, should be called to account sooner rather than later.

As Mr Maginness said, the report of the Army Board will, sooner or later, come out. When it does, we must all ask ourselves the questions that the Army Board answered in the affirmative. First, were there exceptional circumstances to justify the return of the soldiers to the British Army? Secondly, on that day, were people in the area carrying coffee-jar bombs and was the situation tense? If we conclude that none of those circumstances applied, we must ask whether it is legitimate to allow people who used their guns to murder to use those guns in the future.

**Mr Paisley Jnr:** We have heard breathtaking hypocrisy from the Members opposite. The Member for North Belfast, Mr Maginness, usually comes to the House piously wringing his hands and telling us that he will never contribute to any debate that might be contentious. He appeals to us from his perch of piety to withdraw from any debate that could be regarded as contentious. Today, he has brought a highly contentious issue to the House. As the Member for North Down, Mr McFarland, said, the issue should not have been brought to the House, because another place has responsibility for such matters. It is regrettable that the SDLP has done so.

I do not object to our debating the issue, but I object strongly to SDLP hypocrisy. Many of the words that they have uttered will come back to haunt them. In many other places — whether he has been elected to them or not — John Hume, whom, I believe, has never spoken

in this House, tells people to draw a line under the past. So much for that — today, Front-Bench SDLP Members have raked over the dirt and stirred the embers of the past. They want to rub people's noses in it; that is what is so contemptible.

The McBride family deserves sympathy. However, the way that the family's case has been treated by Nationalist and Republican representatives in the House diminishes the respect and the sympathy that they have gained.

If the McBride family is entitled to sympathy, the Fisher and Wright families — and, indeed, Guardsmen Fisher and Wright — are also entitled to sympathy for the difficult job that young men were asked to do in the streets because of butchers who are represented in the House today. Mr Maginness said many things, such as it was “a bitter pill for the McBride family to swallow”, “unworthy of the title ‘soldier’”, “they defy justice” and “double standards”. All of that can be said about the Belfast Agreement, and how it released many other of this society's killers, but I did not hear it from him. Not once did he utter any such condemnation. Why does the Member fail to table a motion about the unworthiness of people in Government who have been convicted? Why does he not do that? Why does he not join with me today and sign such a motion? I do not believe he has reached this new high moral ground. He said that it is a bitter pill to swallow. It certainly is a bitter pill when prisoners' groups get £6 million, as was seen across the Province last weekend. There is no doubt that if we are going to apply the new Maginness standards of defying justice — “bitter pill” and “double standards” — the Belfast Agreement is unworthy of the name “peace agreement”.

Mr Maginness also has selective amnesia regarding the troubles. I can list for him young men of 17, 18, 19 and in their twenties who were murdered in his constituency. Mr McCaig, Mr McCaughey, Mr James Hesketh, and Mr James Macklin were all soldiers. One was shot on the Antrim Road, one on the Grosvenor Road, and two at Ligoniel. I never heard him uttering a word about those murders. I never heard him bring a motion before this House about those young men. What were they doing? They were defending him and his constituents. What price did they have to pay? They paid with their lives.

He has the audacity to lecture Members on this side of the House about unfitness. Then we have Mr “not fit to practise as a solicitor” Attwood get up and support him. How dare he lecture any Member in this House about unfitness, and people being unfit to be in Government in Northern Ireland when he supports it? If they are going

to start pointing the finger, they had better look at the three fingers pointing back at them. If people —

**Dr Hendron:** On a point of order, Mr Speaker. Surely it must be out of order for the Member to make a direct personal attack on another Member like that. It is an absolute disgrace. I would like to hear what you have to say about it.

**Mr Speaker:** If personal attacks are made on Members, they have the right to respond. I am happy to give the Member an opportunity, if he so wishes, to respond without interruption after Mr Paisley Jnr has finished.

**Mr Paisley Jnr:** I would be happy to read the articles that were printed in ‘The Irish News’ — the newspaper that helped the other Member from West Belfast many times in the past. He may wish to read those articles. If the SDLP has set new standards in this debate, those standards apply to it as much as they apply to Guardsmen Fisher and Wright. In this House, we have bomb-planters, widow-makers and orphan-creators. There is not a word of condemnation from the SDLP about those people, but condemnation at the double for the British Army.

**Mr Speaker:** Order. The Member's time is up. I call Mr Attwood, should he wish to make a response, given that an attack was made on him.

**Mr Attwood:** I note what Ian Paisley Jnr said — *[Interruption]*.

**Mr Speaker:** Order.

**Mr Attwood:** The particular comment that he made is untrue, and it is a matter of public record that it is untrue. Secondly, everybody should be judged against standards. Everybody in the Chamber, myself included, should be judged against many standards.

**Mr Paisley Jnr:** On a point of order, Mr Speaker. Is it in order for a Member to come to the House and tell us, when the Law Society —

**Mr Speaker:** Order. The Member will resume his seat. He has had an opportunity to make his remarks, and he will know that he and his Colleagues are quite content to exercise their right to make a response when accusations are made against them. Therefore, I have given Mr Attwood — as I will give any other Member — the right to respond when accusations of that kind, as distinct from an entirely political kind, are made against a Member. Mr Attwood has responded. The matter, so far as I am concerned, is therefore closed, and I think it improper to engage in further discussion or debate about it.

*Adjourned at 3.55 pm.*

# **Committee Stage Records**



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**NORTHERN IRELAND  
ASSEMBLY**

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**HEALTH, SOCIAL SERVICES AND  
PUBLIC SAFETY COMMITTEE**

Wednesday 8 November 2000

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**HEALTH AND PERSONAL  
SOCIAL SERVICES BILL  
(NIA 3/00)**

**The Chairperson (Dr Hendron):** I welcome Mr Paul Martin, Ms Marie McMahon, Ms Pat McAuley and Mr Robin MacRory from the Department of Health, Social Services and Public Safety. Mr Martin, perhaps you will start.

**Mr Martin:** I shall give some background information that will facilitate your deliberations this afternoon.

Part I of the Bill before you for discussion concerns the establishment of a regulatory body for the social care workforce. That is not a new idea in social care. It has existed for many years and was eventually pushed ahead with the Government's modernisation programme in 1997. To develop it here, we established a steering group under the chairmanship of Dr McCoy in 1998.

On 2 October 1998, we issued a consultation document to more than 350 bodies, taking account of employer and employee interests, unions, political parties et cetera. We followed that up over a four-month period with 25 face-to-face discussions with the full range of interests, and by February 1999, when the consultation period ended, we had received 66 formal written responses. Those people who responded agreed unanimously that a social care council should be established to regulate our workforce and that the entire workforce should be included.

There is a clear majority view that this should be a body that is accountable to the Government, as opposed to a self-regulatory body. We noted those responses and developed a proposals paper, which was presented in July 1999 to the then Minister, Mr McFall. He approved it but agreed that the matter should be left for consideration by the Assembly. In August 2000, the Minister of Health, Social Services and Public Safety, Ms de Brún, presented a policy paper on regulating the social care workforce, which was made available to you in September. Work continues on the nuts and bolts aspects of this council.

A major project is being carried out on the setting up of codes of conduct and practice across England, Scotland, Wales and Northern Ireland. Pat McAuley will

be a member of a small group that will represent us on that. We hope that early next year there will be consultation on the lead up to it. Once we have a draft copy, it will be subject to further consultation across the full range of interests, and it will be made available to the Committee for scrutiny.

Another major project involving the four countries relates to registration, and we hope to have a draft registration scheme in place by the end of March 2001. Consultation is taking place with interests in Northern Ireland, and the final draft will be subject to consultation with the full range of interests, including the Committee. The project focuses on three key areas: registration and admissions; suspension and removal from the register; and publication and updating of the register. Those are three separate phases with links and overlaps. In conclusion, much of the detail still needs to be resolved, and that will be included in the rules and regulations, which will also be made available for the Committee's scrutiny.

**Clause 1 (The Northern Ireland Social Care Council)**

**The Chairperson:** Clause 1 is straightforward. Is schedule 1 the constitution of the social care council?

**Mr Martin:** That is correct.

**The Chairperson:** I am happy with the detail, but does anyone else want to comment?

**Mr Berry:** Will the social care council have the same status as other bodies that are agents of the Crown?

**Mr MacRory:** That is the normal status for a non-departmental public body. All HSS trusts have the same status, as has the Mental Health Commission and the equivalent English council.

**Rev Robert Coulter:** What methods will be used to make appointments to the council? Will there be public advertisements?

**Mr Martin:** All appointments to the council, including those of members and the chairperson, will be subject to the rules set out by the Commissioner for Public Appointments.

*Clause 1 agreed to.*

**Clause 2 ("Social care worker", etc.)**

**The Chairperson:** Clause 2 covers social care workers. Mr Martin, does the term "social care worker" really refer to everybody working in that field? There is a wide variety of people in social work.

**Mr Martin:** The term "social care worker" refers to social workers who have a qualification approved by the Central Council for Education and Training and Social Work. "Social care worker" refers to everyone engaged in the provision of social care services where there is a personal care component.

**Ms McMahan:** We have tried, in this part of the Bill, to identify places where people would be employed, such as children's homes, residential homes, nursing homes and day-care and domiciliary settings.

**The Chairperson:** People who in the past were called social worker assistants — I do not think that term is used any more — were generally able, intelligent women who had reared their families, had no qualifications, but did a good job. Is it true that in recent years they have been given some training and are included under the heading of social care worker?

**Ms McMahan:** That is correct, and they must be registered.

**Rev Robert Coulter:** Could I have clarification on 3(b), which states:

“a person engaged in the provision of personal care for any person”.

What exactly will that cover? Will it cover family members?

**Ms McMahan:** No. Family members are not included in the definition of a social care worker; it covers others who provide personal care, which is assistance with bodily functions or other social care tasks. It also covers day-care workers, such as home helps, who assist people in their homes.

**Rev Robert Coulter:** If the clause were challenged in court, how would you defend it, as it is now written?

**Ms McMahan:** In relation to family members?

**Rev Robert Coulter:** I refer to the phrase:

“a person engaged in the provision of personal care for any person”.

**Mr MacRory:** Subsection (3) allows us to make regulations to cover persons engaged in the provision of personal care for any person. Therefore, we have the option of including classes of people. We would certainly not include family members. That will be specified in the definition.

**Mr McFarland:** Schedule 2 explains the theory of clause 2.

**The Chairperson:** No. Schedule 1 is under clause 1. Schedule 2 is further away from that, and it has nothing to do with clause 2.

**Mr J Kelly:** Is there a problem with the registration of counsellors, or is there merely discussion on that?

**Mr Martin:** No decision has been taken on the inclusion of counsellors. There is provision for that in the Bill. The matter is being addressed in the project to which I referred in my opening remarks. Discussions are taking place with the British and Irish associations of counsellors.

The British Association of Counsellors is reviewing the robustness of its register to protect the public and those who use counselling services. We are working with the association, and we shall not make a decision until

we know the outcome of that review. However, there is provision in the legislation to include counsellors, should that be deemed appropriate.

**Mr J Kelly:** What is the position in the rest of Ireland? Is there a register of counsellors?

**Mr Martin:** There is a voluntary register of counsellors at present. There is concern that it does not sufficiently protect people who use counselling services. The Republic is reviewing that matter now.

**Mr Gallagher:** Why is there is no intention to register voluntary carers?

**Ms McMahan:** There will be provision in the regulations for consideration to be given to whether voluntary carers should be included at the next stage. They are not excluded at this point.

**Mr Gallagher:** Why not include them now? You must have some reason for not including voluntary carers.

**Mr Martin:** There is a question of scope with registration. Including volunteers was raised during the consultation process. A raft of volunteers, including carers, is engaged in different aspects of social care. The provisions allow for them to be included in due course, but they are not in line for registration now. They may eventually be registered, and under this legislation they can be.

**Mr MacRory:** Subsection (2) covers people who will be categorised as social care workers immediately, and subsection (3) will allow us to bring others in as necessary.

**Ms Ramsey:** Is there any guarantee that people who are working in a voluntary setting will be able to withstand the scrutiny of the regulations? If I worked in a children's home as a volunteer, I would not be subject to the same scrutiny as somebody who is employed there.

**Mr Martin:** Anyone who is employed in a children's home is subject to scrutiny.

**Ms Ramsey:** Does that include volunteers?

**Mr Martin:** We have provision to ensure that anyone who works with children or adults with learning disabilities is subject to scrutiny by the pre-employment consultancy service. Anyone wishing to engage a person to work in a children's home, or in a home for people with learning disabilities, must consult the consultancy service, which checks for character and criminal offences.

**Ms McWilliams:** Will probation officers be regulated?

**Mr Martin:** Probation officers, as of now, will be regulated under the legislation; because social work is currently the recognised qualification for probation officers in Northern Ireland.

**Ms McWilliams:** A difficulty for us later, which may not apply to other jurisdictions will be what power has been reserved and what has been transferred.

**Mr Martin:** Absolutely. We have had discussions with the Northern Ireland Office about those working in criminal justice settings. We are awaiting decisions from it as it is not a devolved matter.

**Ms McWilliams:** Are you waiting for a response on that or on something else that you have written to it about?

**Mr Martin:** We wrote to it about the people who provide care in places such as Lisnevin. There is no problem with probation officers. The Probation Board and the Northern Ireland Office fully accept that professionally qualified workers should be subject to registration with the council.

**Ms McWilliams:** Can the Clerk liaise with Mr Martin on that? We have been fixated on it for a while, and the information would be useful. The matter is pertinent to Northern Ireland and does not arise elsewhere.

**Mr Martin:** That is correct. We would be happy to do that.

*Clause 2 agreed to.*

### **Clause 3 (The register)**

**Mr Martin:** The registration project that the National Institute for Social Work is dealing with is considering the detail, since it also relates to Scotland, Wales, and England. We recognise the importance of alignment.

**Mr Berry:** I seek clarification on clause 3(3), which states:

“The Department may by order provide for a specified part of the register to be closed, as from a date specified by the order”.

What would happen with social care workers who did not register before the Department closed the register? Would they be acting outside the law? There seems to be some confusion.

**Mr Martin:** That provision allows the council to respond to changing patterns of service provision. In time, certain parts of the register may cease to be appropriate, and that relates to Prof McWilliams’s comments. In future, certain people recognised today as part of the social care workforce may find themselves part of another workforce. The clause allows the council to take account of that and allows the Department to close parts of the register that are no longer appropriate.

**Mr Berry:** That is fine.

**The Chairperson:** Do any other colleagues wish to comment on clauses 3, 4, 5, 6 or 7?

**Ms Ramsey:** We asked many questions last week, and we got the answers.

*Clause 3 agreed to.*

*Clauses 4 to 7 agreed to.*

### **Clause 8 (Registration – enforcement)**

**Ms McWilliams:** I note that the clause refers to a social care worker as “he”. Up until now, we have referred to “a person”. The vast majority of such workers are “female”, and they may not identify with that term. Can something be done about that, or is it a legal matter?

**Mr MacRory:** In legal terminology, “he” includes “she”. The Interpretation Act stipulates that “he” will be read as “he or she”.

**Ms McWilliams:** They will really identify with that.

**Mr Berry:** Therefore, “she” could be guilty of an offence as well?

**The Chairperson:** Instead of “he or she”, the Bill would have to say “it”. That would not go down well either.

**Mr MacRory:** It is a technical matter. That is the method that the person drafting a Bill uses.

**Ms McWilliams:** Many women do not see themselves as being covered by “he”. We must leave that for now.

**Ms Ramsey:** People come here from England, Scotland, Europe and parts of the Twenty-six Counties. Will the register be available for comparison? If someone is struck off here, will he be prohibited from working in Dublin?

**Mr MacRory:** That is a matter for the Irish Government, but there will be exchanges of information with England and Scotland.

**Ms McAuley:** Information will be exchanged among England, Scotland, Wales and Northern Ireland. The Republic of Ireland is establishing a register for professions allied to medicine, which will include social care. When that is completed, we shall check it against the other registers.

**The Chairperson:** Is there much discussion on those matters between your colleagues and those in the Republic?

**Mr Martin:** Yes. They are deciding how to regulate all their, as they describe it, professions allied to medicine and have identified 17 such groups. They have made contact with us, and we must deal with the matter, because staff are moving across the border in both directions.

**The Chairperson:** They are not as advanced as we are in legislation?

**Mr Martin:** Not at this stage.

**Mr McFarland:** The legislation deals with England, Scotland and Wales, but under EU regulations, it is theoretically possible to wander around the EU and take a job in any country if a person has the proper qualifications. Do you have links with other European countries on social worker qualifications?

**Ms McAuley:** The Central Council for Education and Training in Social Work has a register that can be used to check qualifications from other European

countries. There is no link with other countries' registers of people who are unfit to work, but we do validate their qualifications. I do not know whether they have registers, but we can check. We have links with other parts of the United Kingdom and the Republic of Ireland.

**Ms McWilliams:** This is a pertinent question for later. I have received information from a professor of social work who made the point that some of our students graduate sooner than others elsewhere, so their qualification may not be comparable. That will have an effect on their ability to work in different jurisdictions. However, it probably does not affect their registration.

**Ms McAuley:** It would not affect their registration here. We are holding consultations about the professional training we provide for social work. At the moment, the training is not all to degree level, nor does it last three years, so it is not accepted as a professional qualification in other parts of Europe. Many social workers are trained to degree level, but some are not — they would have a diploma in social work. If they do not have a degree, they cannot work as a social worker in the Republic of Ireland. The Department will issue a consultation paper later this month on social work training in Northern Ireland, and whether a qualification should be of degree level will be discussed.

**The Chairperson:** It is an offence to describe oneself as a social worker to deceive. Over the years, I have met people who described themselves as social workers, and I was afraid to ask about their qualifications. It is the same with community workers. Many are outstanding people, but given some of the people who call themselves community workers, Saddam Hussein would qualify as a health visitor. Have you much experience of people trying to deceive by using the term "social worker"?

**Mr Martin:** That was raised with us in consultation. To incorporate that protection of title was regarded as an important additional safeguard to protect vulnerable people. That is related to an intent to deceive, and the response was unanimous on the section that will give that additional protection. In the past, people have used the title to gain access to children, so it is very important.

**The Chairperson:** Yes, that is a very important point.

**Ms McWilliams:** I welcome the Bill, because people target this area of work to get access to children. I am especially interested in, on conviction, a fine, not exceeding level 5. Who holds a person liable, and what is the enforcement procedure? Legislation is fine, but enforcing it is a different matter.

**Mr Martin:** It would be a criminal offence and therefore brought to court. Level 4 and level 5 fines are set at £2,500 and £5,000 respectively. The council would then have the power to remove people who are guilty of such offences from any relevant parts of the register.

**Ms McWilliams:** Yes, but the proceedings would be taken by the Director of Public Prosecutions (DPP), and the council may or may not be represented. The person involved will quote the new legislation.

**Mr Martin:** Yes.

**Ms McWilliams:** Is there a role here? That is the case with other prosecutions relating to registers. Without saying too much about organisations such as the British Medical Association (BMA), one of the criticisms is that it is an autonomous procedure. It may have implications, but you are suggesting that we go down the criminal road and through the courts.

**Mr Martin:** It will be for the council to determine whether the offence justifies removing a person from the register.

**Ms McWilliams:** Yes, but what constitutes a criminal offence? Having worked with courts closely, I know that it is difficult to specify. In any case, who you suggest is responsible for proceedings is set out here.

**Ms McAuley:** He may not be on a register; he may be outside the remit of the council.

**Ms McWilliams:** Yes, there should be criminal proceedings regardless of whether a register exists. However, the legislation provides for that. What are the various steps? I understand that the council is made aware of an allegation, proceedings are taken and if a person has been on a register — even though he should not have been — *[Interruption]*.

**Mr Martin:** He could have been included on a register in another category.

**Ms McAuley:** He could have been on it at a lower level.

**Ms McWilliams:** Does the council then hold a meeting? What happens then? Does the legislation stop there?

**Mr Martin:** Are you asking how the council will proceed?

**Ms McWilliams:** Yes. We may need to include something in the legislation.

**The Chairperson:** Are you talking about clause 8(5)?

**Ms McWilliams:** Yes, the enforcement of clause 8.

**Mr McFarland:** If I were to refer to myself as a social worker in conversation, it would be a criminal offence if I intended to mislead someone. Presumably, I would be prosecuted, and the DPP would take the case. How would the council be involved? I am also interested in how the process will work.

**Mr Martin:** We would come back to the council if the person involved were registered, and the council would decide if it were appropriate to remove that person's name from the register. The rules will dictate how the council deals with that, although they have not



yet been devised. Part of phase 3 of the registration project will address that. I am not ducking the question; that is the current situation.

**Mr McFarland:** Can the Department decide that an action constitutes a criminal offence without liaising with the criminal justice system?

**Mr MacRory:** The Department would not decide if a person had committed a criminal offence; a court would.

**Mr McFarland:** If many people illegally called themselves social workers, 10,000 cases would be added to the DPP's list here every year. Do the DPP and the criminal justice system know that that constitutes a criminal offence? What effect will the Bill have on the criminal justice system and the courts? Before the Bill was produced, did someone discuss it with the legal profession?

**The Chairperson:** The key words are "intent to deceive".

**Mr McFarland:** Has anyone explored how making that a criminal offence may affect the criminal justice system?

**The Chairperson:** I cannot answer that.

**Mr McFarland:** I am asking the Department.

**Ms McWilliams:** I do not mean to speak for the Department, but it is up to the courts to familiarise themselves with legislation passed by the Assembly and put the resources in place accordingly.

**Mr MacRory:** It is important that any individual who uses the title to seek access to children by some form of subterfuge should be prosecuted for committing a criminal offence.

**Mr McFarland:** I do not question that. I am concerned that we are creating a criminal offence that could have ramifications for the system were an extra 10,000 cases to pass through the courts each year. The Department has decided to do this, and the legal system will have to cope. It would make sense to check on the implications of deeming the matter a criminal offence first.

**The Chairperson:** I welcome this. When the legislation is passed, the relevant public bodies will be aware of it. I can see Mr McFarland's point, but the legislation is necessary. There may be some problems, but over time people will understand what is happening. The crime is the intention to deceive.

**Mr McFarland:** I do not question that. We should consider parking the clause until we take advice from, for example, the Office of Law Reform, which looks at legislation at its various stages.

**Ms McWilliams:** That applies only to civil law, not criminal.

**Mr McFarland:** Who looks at criminal law?

**Ms McWilliams:** The DPP, and that Department has resources. I can reassure you. This happens every day. We adopt a great deal of criminal legislation that has already been introduced in Great Britain, and amendments are made all the time. That had to be done with the human rights legislation, which was massive, and huge amounts of resources were needed. This situation is similar. The DPP would not be swamped, but even if it was, I do not think we should park it; I think we should move on.

**Mr McFarland:** What concerns me is the principle of how the Northern Ireland Assembly conducts the law-making process. It does not matter now, because criminal justice rests at Westminster, and we do not care how much money it costs to do anything. However, there is an aim — by the end of next year, if all goes well — to have responsibility for policing and criminal justice devolved to an Assembly Committee. The finance for that will not come from a bottomless pit as it seems to do at the moment. It will come from within the Northern Ireland block, and introducing laws that cost large amounts of money to enforce will have ramifications.

Will this benefit us? When we pass the legislation it will become the responsibility of the Committee, and this line-by-line assessment is to ensure the Department has got it right. If we agree to something that is wrong, it will rebound on the Committee, and we shall look very silly. Normally, it would be reasonable to liaise with the DPP on the principle of introducing a new criminal offence.

**Mr MacRory:** Criminal offences in Northern Ireland Bills are reserved matters, and the Secretary of State's office in London and the NIO have already been consulted on those offences.

**Mr McFarland:** Has clearance been given for those to be deemed criminal offences?

**Mr MacRory:** We thought you were talking locally about the DPP. The NIO is aware that those offences are being created in the Bill.

**The Chairperson:** The Secretary of State can take action — *[Interruption]*.

**Mr MacRory:** We already have permission from the Secretary of State to proceed with the Bill.

**Mr McFarland:** I wanted to know whether we consulted on making the matter a criminal offence. If the answer is "Yes", the previous five minutes have been unnecessary.

**The Chairperson:** I shall be guided, Mr Martin, by you and your colleagues on this point.

**Mr Martin:** Yes, it applies to all legislation.

*Clause 8 agreed to.*

**Clause 9 (Codes of practice)**

**The Chairperson:** Clause 9 covers codes of practice. At present, no generally agreed codes exist.

**Mr Martin:** That is correct.

**The Chairperson:** In principle, therefore, we very much welcome the inclusion of the clause.

**Ms Ramsey:** Are we saying that we agree the clause and that the council will decide its own rules and regulations when appointed?

**Mr Martin:** Those rules and regulations will be subject to the approval of the Department.

**Ms Ramsey:** I do not have much faith. Are you saying that the Department will make them?

**Mr Martin:** Ultimately, it will be the Executive, who will do that.

**Ms McAuley:** There will be further consultation.

**Ms Ramsey:** There will be consultation?

**Mr Martin:** I am sorry. I should have qualified that, Ms Ramsey. The codes of conduct, we hope, will be prepared in draft form for consultation in the early part of next year.

**The Chairperson:** Are decisions on the codes of practice made by yourselves, the Department, or do they come before us in subordinate legislation?

**Ms McAuley:** Codes of practice and conduct will be part of the rules drawn up by the council on which it will consult widely. They will not form part of regulations — that would be subordinate legislation. The final draft should be available next April or May.

**Mr McFarland:** Do we have sanctions if they are breached or is that part of the business of level 4 or 5 fines?

**Ms McAuley:** It is part of the criteria that we shall use when looking at the conduct of someone on the register. A person's conditions of registration will be considered and measured against the codes of conduct and practice to which he or she signed up. Employers will be expected to implement their own codes of conduct that relate to, for example, recruitment and policies on complaints. That will be enforced with employers through the regulations on service. We do have powers to influence.

*Clause 9 agreed to.*

**Clause 10 (Approval of courses, etc.)****Clause 11 (Qualifications gained outside Northern Ireland)****Clause 12 (Post registration training)****Clause 13 (Visitors for certain social work courses)**

**The Chairperson:** Clauses 10 to 13 all relate to training. Clause 11 deals with qualifications gained outside Northern Ireland. The council will register professional social

workers on the basis of their having gained a recognised qualification. Will the council determine which qualifications are to be recognised?

**Ms McAuley:** At the moment, that is undertaken by the Central Council for Education and Training in Social Work (CCETSW). This function will be transferred to the new council.

Going back to the earlier question on registers, if there is a register in other European countries, we would look at them as well. Up until now, we have not been doing that.

**The Chairperson:** Language would come into it as well, I assume.

**Mr J Kelly:** Clause 10(1) states that

“The Council may, in accordance with the rules made by it, approve courses in relevant social work for persons who are or wish to become social workers”.

Clause 10 (2) states that

“An approval given under this section may be unconditional or subject to such conditions”.

Does that mean you reserve the right?

**Ms McAuley:** It is to ensure consistency and quality across all social work training programmes.

**Mr J Kelly:** Does

“may be unconditional or subject to such conditions as the Council thinks fit”

mean that you are the final arbiters?

**Ms McAuley:** Those powers are the same as the CCETSW has now. We can approve courses, give conditional approval or ask it to make changes to ensure consistency and quality across programmes.

**Ms McWilliams:** This cannot be dealt with in legislation but we are concerned about it. If CCETSW stands down and the Bill takes some time to pass, what happens in the meantime?

**Ms McAuley:** The only person who can allow the CCETSW to stand down is the Secretary of State for Health because that body exists under UK legislation. He will not do that while he is satisfied that CCETSW has a function to fulfil anywhere in the UK. It will not be stood down.

**Ms McWilliams:** Therefore, that matter is resolved.

**Ms McAuley:** It is a matter for the UK as a whole.

**Ms McWilliams:** Therefore, the clause is included in Great Britain's legislation, and it also applies to devolved regions.

**Ms McAuley:** Yes. It applies while functions are still outstanding in any of the regions.

**Mr Martin:** Northern Ireland is actually named in that legislation.

**Ms McWilliams:** I was not aware that Northern Ireland is named in Great Britain's legislation.

*Clause 10 to 13 agreed to.*

**Clause 14 (Functions of the Department)**

**The Chairperson:** Clause 14 allocates functions to the Department of Health, Social Services and Public Safety. Those functions can be delegated to the council. The Department may choose and authorise any appropriate person to carry out those functions efficiently and effectively.

**Mr Martin:** Those functions are carried out now by the Training Organisation for Personal Social Services (TOPSS).

**Ms McWilliams:** Are they held by TOPSS and not CCETSW?

**Ms McAuley:** No, TOPSS is a sub-committee of CCETSW. This part of the Bill deals with the functions of the training organisation that will be taken on by the council.

**Ms McWilliams:** Therefore, although the central part of the training in social work will be stood down at council, the sub-committee part will be transferred to the Department.

**Mr Martin:** The functions will be moved to the new council.

**Ms McAuley:** The council will have three roles. It will have the training organisation functions; the regulation of training and education, which is what CCETSW did; and the regulation of the workforce.

**Ms McWilliams:** Therefore, the council will, in turn, liaise with the universities on the accreditation work et cetera.

**Ms McAuley:** That is correct.

**Mr Martin:** We thought that that would be the best and most cost-effective way of delivering it, unlike in England where the training organisation is being kept separate from the council. We, like Wales and Scotland, shall house the training organisation functions within the council.

**Ms McWilliams:** Have any concerns been expressed about it by the universities or those carrying out the training? I am familiar with the involvement of this issue in education in the past number of years.

**Ms McAuley:** It was welcomed because the training organisation will look at occupational standards and will work with employers to find the best way of training the workforce to ensure quality. CCETSW will work with the awarding body on awards and qualifications and with the universities on delivery. That will really enhance dialogue.

**Ms McWilliams:** But CCETSW will no longer exist.

**Ms McAuley:** It will still be part of the council. It will be included in the council's three roles.

**Ms McWilliams:** Will it still be the awarding body?

**Ms McAuley:** Yes, that will be the case for the present and the foreseeable future.

**Mr Martin:** There were some concerns, but, as our consultation documents show, they were related to worries that the functions of this training organisation were disappearing. The reassurance that we were able to offer was simply that the functions identified — workforce analysis and development of training strategies — were not disappearing, but were simply being transferred to the new social care council.

**Ms McWilliams:** Am I right to say that no independence is lost in the Department's taking what was a separate agency, that which is now to become the awarding body?

**Ms McAuley:** CCETSW has always been the awarding body and TOPSS has been a sub-committee of it, that is not an issue. TOPSS, the sub-committee, has been employer-led. Concerned parties have not so much been universities as employers, because they want to make sure that their voice is heard, that we deliver the qualifications they want and that we do not just have some pie-in-the-sky notion.

This is quite detailed work, and it will be up to the chief executive to make final decisions. The device has been to try to retain a separate committee structure, at least for those three arms, especially as TOPSS can get money from the Department for Education and Employment. If you seek funding, you must have an identifiable training organisation within the council. For example, last year it gave funding for work with users and carers, so the Department for Education and Employment will want to know that a separate committee structure for training exists.

*Clause 14 agreed to.*

**Clause 15 (Appeals to the Social Care Tribunal)**

**The Chairperson:** Clause 15 gives individuals the right of appeal to an independent tribunal, which will be the tribunal established under the Registered Homes (Northern Ireland) Order 1992. That is an important point. Individuals will have the right of appeal against decisions of the council in respect of registration et cetera. The tribunal exists already but will now operate under the name of the social care tribunal.

**Mr J Kelly:** On the tribunal, will there be a mechanism for representation for a person who is suspended, for example? There are parallels here with nursing in which, especially in geriatric situations, the first thing that happens after a complaint is made is that the nurse is suspended. The second thing that happens is that he is called before the board. After suspension, all he is entitled

to is a trade union representative, and only if he appeals the board's decision is he entitled to legal expertise.

**Ms McMahan:** The tribunal, as referred to in this part of the clause, is the final stage. That is where the decision is taken, against which there is a right of appeal. There is a process, firmly established in the Department, whereby owners and managers of residential and nursing homes have a right of appeal against a decision that the board takes to close a home. A similar procedure would be established here.

*Clause 15 agreed to.*

#### **Clause 16 (Publication, etc. of register)**

**The Chairperson:** Clause 16 requires the council to make its register public. It is intended that the council will make the register available on the Internet and publish it in hard copy annually.

*Clause 16 agreed to.*

#### **Clause 17 (Cesser of functions of CCETSW)**

**The Chairperson:** In clause 17 I understand the word "cesser" to mean cessation. I take it that people are happy with that?

*Clause 17 agreed to.*

#### **Clause 18 (Rules)**

**The Chairperson:** Clause 18 permits the council to make rules on reasonable charges for its services. In particular, fees may be charged for registration, for approval training, and for the provision of codes of practice or copies from the register. Is everyone happy with clause 18?

**Ms McWilliams:** Will there be a sliding scale of fees that take account of different pay scales and registration categories, and will that be published? Does that currently happen? It is sufficient for the record that we have already asked about the level of fees and have received an answer.

**Ms McMahan:** Yes.

**Mr Martin:** Other professions will have had discussions with, for example, the United Kingdom Central Council for Nursing, Midwifery and Health Visitors (UKCC), where a £10 registration fee is levied. That is a result of the diversity of our workforce. We have given our answer, so we really need to ensure that it reflects the different levels of income that people have.

**Ms McWilliams:** That is one of the difficulties with the registration of childminders. Originally, the fee was reasonable, and childminders did not feel it too onerous, but it has increased substantially. It is approximately £50 now, and childminders tell me that the expense deters some of them. We do not want that to happen. Along the continuum of social care workers, there are reasonably

well paid professionals, but there are also those who are eligible for family credit because of low pay.

**Mr Martin:** Those will be set within rules and will again be subject to broad approval of the Department and this Committee to ensure that the issue that you raise is addressed.

**Mr MacRory:** The fee should cover the costs of operating and maintaining the register, including staff costs.

**Ms Ramsey:** Will those fees cover all the registration costs involved?

**Mr MacRory:** That is a difficult question, but we shall look into it.

**Ms McWilliams:** We shall be keeping a watching brief on the matter.

**Mr Martin:** We are keen that you do that, because, once again, we share your concern.

**Ms Ramsey:** The Bill says that the fees will cover council costs but not necessarily registration ones.

**Mr MacRory:** Initially, the registration cost should cover itself — everybody should pay a fee to cover it. That may not happen, but it is the Department of Finance and Personnel's suggestion.

**The Chairperson:** It is all part of the package — there will be no further legislation, although it goes back to the question we covered earlier.

**Mr MacRory:** It will come here for discussion.

**Mr McFarland:** When the council is set up, will the Department fund it?

**Mr Martin:** Yes. The council will receive funding from the Department.

**Mr McFarland:** Is there a projected budget for that?

**Mr Martin:** Yes. We estimate a budget of £1.4 million.

**Mr McFarland:** I assume that that £1.4 million does not take into account the 30,000 or so workers who may register. Presumably, someone has taken a registration fee for them into consideration, and the costs of a computer, staff and postage have been weighed up. How much more than £1.4 million will that cost the council? The figure is already high. There is the training organisation and the registration group, and the latter will pay for itself. Is it the training that will cost £1.4 million?

**Mr Martin:** No. The current cost for functions undertaken by CCETSW is more than £720,000.

**Ms McAuley:** That includes TOPSS.

**Mr Martin:** It includes the training organisation functions. We estimate that there will be additional costs associated with workforce regulation, the running of the register et cetera. We shall eventually need an additional 10 members of staff. We shall most certainly require

premises that are larger than those currently used by CCETSW, which are not considered fit for their purpose. They are simply too small, and there are difficulties with wheelchair access and other things.

As you say, there are extra costs associated with information technology and additional legal costs. The registration fees will make up part of that £1.4 million. We have an estimated social care workforce of 30,000, so with an average registration fee of £10 per person, £300,000 will be paid for directly through fees. That is as far as we have been able to develop our plan at this stage.

**Mr MacRory:** After the deduction of the fees, the net cost falls from £1.4 million to £1.1 million.

**Mr Martin:** Yes.

**Mr McFarland:** A large proportion of costs in the first year will be extraordinary. Buying computers is generally a one-off expense, and we expect £300,000 per year from registration.

**Mr Martin:** That will eventually be so, but it will take several years to regulate the workforce. As we increase the scope of registration, we shall have to increase the staff to cope. It will develop.

**Mr McFarland:** Included in your budget for the first year are running costs, capital start-up costs and presumably a slice of the predicted registration money. We should like to get a feel for that. The current system costs £726,000. If you take £1.4 million, that represents another £700,000 —

**Mr Martin:** Yes, that is our projected budget.

**Mr McFarland:** How much of that is start-up costs, and how much is extra?

**Mr Martin:** It leaves a shortfall of £673,000, which, over time, we believe we shall eventually be able to reduce by £300,000. It will improve over the years as we extend the registration of the workforce.

**Mr McFarland:** I should like to return to the reason for starting on this theme. You said the charges would cover the cost of registration. However, if only a small number of people try to register initially, the charges will clearly not cover that cost.

**Ms McWilliams:** I do not wish to cut across the discussion, but Mr McFarland's points are very useful. Perhaps we can receive further briefing. The issue has budgetary implications further down the road — *[Interruption]*.

**Mr McFarland:** Ms Ramsey questioned the explanation that the register “will pay for itself”, because clearly it will not. It may eventually do so, but presumably, at least until we are well advanced, we shall need capital costs. I was trying to make it clear that there may be a problem if you expect fees to be high enough to cover

registration costs, which will be massive in the first few years.

**The Chairperson:** Mr Martin, maybe later you will supply us with a note on that point. That would be very helpful.

**Mr Martin:** I would be happy to give you a detailed written response on that.

**The Chairperson:** Thank you.

**Ms McWilliams:** We have had some excellent presentations from social workers represented by the Northern Ireland Public Service Alliance (NIPSA). I do not know the answer to the question. The fee that you predict is not too onerous. All those social workers will, by law, have to be registered with you. Will that determine whether they continue to be part of NIPSA? I do not know whether there has been a case in which the establishment of a new registration body has affected representation by another body. We may ask them that. Have you consulted with them?

**Mr Martin:** NIPSA, along with other trade unions, was party to the discussions that we had in November 1998 during consultations. It has been involved. I do not know the answer to the question at this stage.

**Ms McWilliams:** Perhaps we could get a submission from NIPSA, particularly on some of the clauses.

*Clause 18 referred for further consideration.*

#### **Clause 19 (Default powers of Department)**

**The Chairperson:** If the Department is satisfied that the council has failed to discharge any of its functions, without good reason, or that in discharging its functions it has failed to comply with any directions or guidance given to it, it can exercise a two-fold default power.

**Rev Robert Coulter:** Has the council any power of appeal? To whom shall it appeal in the event of a dispute over the definition of “without good reason”? Who would adjudicate in the event of a dispute?

**Mr MacRory:** The Department and the Minister would have the final say. The power will only be evoked if the council fails to do its duty.

**Rev Robert Coulter:** Therefore, it has no powers of appeal at all?

**Mr MacRory:** No, it is appointed by the Minister.

**The Chairperson:** Can we make an Order that if the council is in default and nothing happens, it can trigger the second stage? That would be a protective measure.

**Mr MacRory:** Do you mean an Order to take over the functions?

**The Chairperson:** Yes, by the Department or by someone appointed by it.

**Mr MacRory:** We really do not envisage the situation becoming so bad.

**Mr Martin:** The measure is there as a safeguard.

**Ms McWilliams:** Not if one takes Scotland as a model. In Scotland, the examination results system and the accreditation process collapsed and the wrong qualifications were sent to some students. We said that it was unlikely to happen in Scotland yet this happened to its council.

*Clause 19 referred for further consideration*

**Clause 20 (Interpretation of this Part – “children’s home”)**

**Clause 21 (Interpretation of this Part – “residential care home” and “nursing Home”)**

**The Chairperson:** Clause 20 is very important and close to the work that we have been doing.

**Mr Gallagher:** Planning permission comes under the definition of residential care, even though the application is for the provision of children’s care. Planning applications need to be more specific. In future applications from the private sector, or elsewhere, will applicants have to specify that they are applying for a children’s home when this legislation becomes effective?

**Mr Martin:** The Department of the Environment is responsible for planning.

**Mr Gallagher:** It would be useful to clarify that. Perhaps we should communicate with the Department of the Environment about it. I am merely respecting everyone’s better interests here.

**Ms Ramsey:** This might seem silly, but a residential care home is not the same thing as a children’s home.

**Ms McMahan:** Under the Registered Homes (Northern Ireland) Order 1992, a residential care home is described as a residential home providing care for adults.

**Mr Martin:** But this relates to different legislation.

**Ms Ramsey:** Those private homes are billed as residential care homes when they provide care for children.

**Ms McMahan:** There are several definitions of a residential care home.

**Ms McWilliams:** Mr Gallagher raised an interesting point. Applications are made for planning permission for a residential care home when, in fact, it is to be a children’s home.

**Mr Gallagher:** That is correct. There are concerns because it is felt that the definition is not sufficiently specific.

**Mr McFarland:** If we are to introduce this different legislation, a set of agreed definitions could be drawn up by the Department. We are looking into secure residential accommodation. So far, every witness has talked about residential care for children, which is what we are

examining. Are we now saying that that is not the definition of a children’s home? If so, we are inviting future problems under the legislation. The Department should consider clearer definitions. For example, clause 20 (3)(c) says that an establishment is not a children’s home if it is a school at which boarding and lodging are not provided for pupils. Therefore, is a prep school a children’s home?

**Mr J Kelly:** Residential care homes and nursing homes are defined in clause 21. It refers to the Registered Homes (Northern Ireland) Order 1932, which is specific about the definitions of a residential care home and a nursing home. Surely the use of the terms is for the planning authority.

**Ms McWilliams:** Social workers include children’s homes within the definition of a residential care home. We know what happens with adults. Mr McFarland is saying that we should all refer to the same thing in future. Perhaps we should make the term “residential care home” redundant and refer specifically to “children’s homes”, by which we mean residences where children are cared for.

**Ms Ramsey:** We talk about residential care homes and assume that they are homes for children. When the Planning Service receives an application to build a residential care home, people assume that it is for a children’s home. You now tell us that the term “residential care” specifically refers to adults.

**The Chairperson:** This is important. Any terminology we or the Department use, especially when referring to children, must be clearly defined so we understand exactly what we are talking about. Otherwise, things can go wrong by default. I am glad that the question has been raised because it must be resolved.

**Mr McFarland:** Is a boarding prep school a children’s home?

**Ms McMahan:** Yes. People who provide social care in such settings and are not registered with any other body will be required to register.

**Mr McFarland:** Presumably teachers in a prep school are registered.

**Ms McMahan:** They are, under their own council.

**Mr McFarland:** Must others who come into contact with children, such as the groundsmen, be registered?

**Ms McMahan:** They provide social care. Assistant matrons, who are not nurses, may dress the children and do their laundry. They will be brought within the scope of this register.

**Mr McFarland:** Will they have to be registered?

**Ms McMahan:** Yes. That was the loophole that we felt needed to be tightened.

**Ms McWilliams:** I commend the tightening of that loophole — it is another example of a loophole in children's boarding schools, and we went straight into it.

**Ms McMahon:** The regulators of schools with boarding departments are now enacted in Northern Ireland, so they will be monitoring the employer's provision of that as well.

**Mr J Kelly:** On Mr Gallagher's question, we should not create the impression that it will be difficult to get planning permission for a children's home. It is not fair to ask those people to decide on that.

**The Chairperson:** We are concerned about the definition of terms, and Mr Martin and his colleagues have been outstandingly helpful. Perhaps we need an amendment to the legislation that defines those terms. That could come from the Committee or the Department. Do you have an opinion on that?

**Mr Martin:** A children's home is defined in the Children (Northern Ireland) Order 1995, and a residential care home is defined in the Registered Homes (Northern Ireland) Order 1992. I understand your difficulty, and we could provide clearer definitions.

**The Chairperson:** The Department could amend the Bill, but I am glad it has been raised, as it is very important. When we report to the Assembly, Members will ask such questions, so it is important that we are clear about it. That is not a criticism of anyone, but clarification is needed.

**Mr J Kelly:** What are you clarifying?

**The Chairperson:** The definition of children's homes and the terms that are used when people seek planning permission for them. It is important that they are not vague and that children's safety is assured.

**Mr J Kelly:** I am concerned that any amendment would make it more difficult to provide homes for children in care. Is there a notion of the undesirability of having a children's home in a particular location?

**The Chairperson:** No, that is not the issue. People want clarification in relation to children. If each of us was asked for a definition, our answers might not be very different, but they would probably not be exactly the same — that is my point.

**Mr Gallagher:** I agree with the Chairman and assure Mr Kelly that we do not want to create any difficulties. Many of the problems with the case that I cited could have been avoided if there had been accurate information on the definition of the facility that was to be built — children suffered as a result of that. Many felt that the term was very loose and expected the description to be clearer.

**Mr J Kelly:** I am not familiar with the details of that case. Perhaps you would remind the Committee of them.

**Mr Gallagher:** An application was made to run a children's home. The application described it as a residential home, and local people only realised that it was for children when everything was in place.

**Mr J Kelly:** Are you saying that if you had known beforehand that it was to be a children's residential home you would have objected?

**Mr Gallagher:** No. I do not know what people would have done, but everybody was entitled to accurate information, especially as it turned out to be contentious. It is in everyone's interest to have as much clear information as possible in advance.

**Mr J Kelly:** I agree. However, if we are going to make endless amendments to make it very difficult to get planning permission for a residential home for children, we shall make matters worse, not better.

**Mr Gallagher:** That is a matter for planners. We can only deal with what is before us: the description of different types of home, and whether they are for adults or children. Everybody, the Committee and the public, should know exactly what is involved.

**The Chairperson:** It is a question of defining terms.

**Mr McFarland:** The confusion arises from the term "residential care homes", as the social workers and all the other witnesses who have appeared before us have spoken about them. That phrase has come to mean for us, rightly or wrongly, children's homes. If we are discussing a children's home, we should refer to it as such. The term "residential care home" would describe a facility for adults. At the moment, there is confusion. Someone in the Department should clarify the terms.

**The Chairperson:** I would hate to be sitting an A level in clause 21. It is no one's fault that subsections (3) and (4) are so complicated. That is no criticism of anyone; your colleagues have been most helpful. Perhaps we should leave clauses 20 and 21 for now.

**Ms McWilliams:** How long must a child be in a place before that place is described as a children's home? What about children who go to summer camps or who are placed in a residential home for more than a night or two and perhaps for up to a month? They must have a clearly defined function. I understand how difficult that is. It is, as you said, a scoping problem.

And what about child abuse? We want children who go to camps or are placed in care to be safe. We want those who might abuse them to be caught by the Pre-Employment Consultancy Service (PECS). We thought that PECS would help to catch them, but that does not happen. Was there a particular reason, other than the one that you thought of, to not include everyone? I am concerned that you are leaving some places out, especially places that are not children's homes but are used primarily for social activities. A residence can be for cultural recreation or leisure, but often

children are taken away for educational purposes. Many of those places take only children week in, week out for outdoor adventure play. Should they not be covered by the Bill?

**Mr Martin:** Is your point that the Bill should cover all places where social workers have access to children?

**Ms McWilliams:** All year round.

**Mr Martin:** I agree. Where social workers pose a risk or a threat to children, we want to ensure that they are covered within the legislation. The difficulty for us is that the legislation could exclude them.

**Ms McWilliams:** It does, and we need to table an amendment.

**Mr Martin:** I should be happy to take it away for consideration.

**Ms McWilliams:** I should be delighted if you would. We must clear that up. There is a big loophole and some children are not covered by the Bill because those working with them need not register.

**Mr Martin:** They will not be covered by structures other than PECS, so missing out on additional safeguards that the social care council will provide.

**Ms McWilliams:** I welcome that.

**Mr Martin:** Your point is extremely valid, and we shall be keen to act on it.

**Ms Ramsey:** The Department is currently exploring with officials from NIO how best the provisions on juvenile justice might be improved. I know we asked this question previously and that the Department answered it. However, can we have an update on the situation? The issue will be raised in the Assembly in the next couple of weeks, and those meetings could still be happening.

**Mr J Kelly:** On what particular areas of clauses 20 and 21 are we asking questions?

**The Chairperson:** The entirety of the two clauses, what we have been discussing here and the clarification of terms.

**Ms McWilliams:** We cannot ask that of the Department. We must take this and hope to get it clarified elsewhere, which is something Mr Martin has agreed to do. We can only ask Mr Martin and his colleagues to address clause 20(3)(e), which closes the loophole that currently exists in the provision of facilities for children all year round in a residential setting other than a boarding school. There is a permanent turnover of children, but there are always homes for them, and workers in those settings are equal to others in residential environments and would-be social care workers.

**The Chairperson:** Yes. I am happy enough to do that, but is our Colleague happy with clause 21?

**Mr Gallagher:** What will happen about the definition?

**The Chairperson:** Sorry, Mr Gallagher, we were speaking to Ms Ramsey.

**Ms Ramsey:** I want an update on where we are with juvenile justice.

**Mr Martin:** Secure accommodation and criminal justice are not devolved matters and remain the responsibility of NIO. We have had two formal discussions with it, and we await a response on what it intends to do about members of its workforce. The Department wishes to include them, for in essence they provide social care to vulnerable children and young people. Having said that, we do recognise that this is a decision for NIO, and we await a formal response from it on that.

**Mr Gallagher:** Will the Department come back to us on the definitions?

**The Chairperson:** No. It will come back to us on clause 20(3)(e).

**Mr J Kelly:** The definition is contained in subsection 20(1) that

“an establishment is a children’s home if it provides care and accommodation for children.”

**Mr Gallagher:** What will we do about planning applications from different Departments with different definitions? That is not satisfactory.

**The Chairperson:** That is the point I was addressing. I should appreciate your advice, Mr Martin, on how we should deal with that. I understand that you are not directly responsible.

**Mr Martin:** We should be happy to raise the planning definitions with the appropriate Department.

**The Chairperson:** That would be a great help. Thank you very much.

**Mr MacRory:** The flaw is in the planning legislation rather than in the Bill, which quite specifically defines nursing homes, residential care homes and children’s homes. The chief draftsman has been over this in some detail, but it can be confusing. The definitions of nursing homes and residential care homes come from other legislation, and the problem is not obvious from this Bill alone.

**The Chairperson:** We should write to the Department of the Environment about using the right terminology in legislation.

**Mr J Kelly:** We ought not to give the impression that it is socially undesirable to have a children’s home in any particular location.

**Ms Ramsey:** I always assumed that a residential care home was a children’s home.

**Mr McFarland:** One of the first duties of the council should be to instruct all social workers to stop calling



them residential care homes and to call them children's homes.

*Clause 20 referred for further consideration.*

*Clause 21 agreed to.*

**Clause 22 (Interpretation of this Part – general)**

**Ms Ramsey:** I have a question on clause 22, and I do not know whether the officials can answer it. Once again we come across the juvenile justice problem. The Bill says that "child" means a person under 18, but those in secure accommodation are excluded. The Bill appears to refer to all children under 18.

**The Chairperson:** In juvenile justice, the definition of a child is a person under 17 years of age.

**Ms Ramsey:** This definition of "child" means that a person under 18 does not fall under the remit of the Department.

**The Chairperson:** We need clarification on that.

**Ms McWilliams:** It is important that we hear from NIO before we pass the Bill, for this is a vital point. We have heard from the Department, and most of us have been arguing for this, so we should like to hear the arguments against. It is hard to draw a line between criminal justice issues and our responsibilities, but we have a clear statutory duty, and that is the most important point of all.

**Mr Martin:** It would be wrong to give the impression that NIO is opposed to this. It is important to make it clear that it has not yet made a decision, and I have not heard any opposition to it in discussions.

**Ms McWilliams:** Nor have we.

**The Chairperson:** Thank you very much, Mr Martin. Is there anything else you wish to raise under clause 22?

**Mr McFarland:** Is clause 22 parked until we receive clarification from NIO?

**The Chairperson:** That is right, until the justice people let us have information on it.

**Mr Gallagher:** What is the definition of "school" in the Education and Libraries (Northern Ireland) Order 1986?

**Mr Martin:** That is an unfair question.

**Mr Gallagher:** Things have changed in the intervening period. Does it match the current circumstances?

**Ms Ramsey:** Perhaps I might add to a point someone else made. It may have an effect on what Mr Gallagher is asking about. We are frightened that, in the community sector, children are coming out of mainstream education and going into community type programmes. Do they fall under that remit? If so, that is another loophole.

**The Chairperson:** That is right, Ms Ramsey. That is another huge problem. Is everyone happy with that?

*Clause 22 referred for further consideration.*

**The Chairperson:** That is the end of the first section. Mr Martin, Ms McMahon, Ms McAuley and Mr MacRory, you have all been most helpful. I am sorry it has taken so long to cover all that. We really do appreciate all your help.

We shall now hear from Mr Andrew Hamilton, Mr Stephen Popplestone and Mr Robin MacRory from the Department of Health, Social Services and Public Safety. You are very welcome.

**Clause 23 (Payment for hospital treatment of traffic casualties)**

**Mr Hamilton:** We are pleased to be here to facilitate the Department's scrutiny of this part of the Bill.

Part II provides for the introduction of a simplified procedure to recover the cost of treating road accident casualties from insurance companies. It also extends the current charge to embrace outpatient treatment. Previously, we could recover costs only for inpatient treatment. It also increases the amounts recoverable to reflect the costs incurred by the service more accurately. The provisions do not affect the amount of compensation paid to casualties.

The Road Traffic (Northern Ireland) Order 1981 currently empowers hospitals to levy charges on insurance companies when a road accident casualty makes a successful claim for compensation. The revised proposals are intended to address a number of weaknesses in the system. First, uncertainty sometimes exists about whether a patient will claim compensation, since hospital staff are reluctant to ask for details of the accident from patients who are in pain or traumatised, which leads to difficulty in identifying the insurer in question. The maximum amount that can be recovered does not always reflect the full cost of treatment.

The new system is designed to help hospitals by removing the administrative burden from them. It will also help insurers by adopting a simple approach under the benefit recovery scheme and by centralising responsibility for recovering charges on the Department for Social Development instead of the hospitals. The Social Security Agency's Compensation Recovery Unit (CRU) will recover the charges on behalf of hospitals.

The new scheme is similar to that operated by the CRU for benefit recovery for more than 10 years. In line with that scheme, the compensators which are the insurance companies, will be required to apply to the CRU for a certificate of health service charges for any case in which a road accident casualty claiming compensation has received hospital treatment. To help simplify the system further and save hospitals from having to calculate charges for each case, we are introducing a tariff. We propose a standard fee of £354 for patients treated in accident and emergency departments or outpatient clinics, no matter how many

times they attend. A daily rate of £435 will apply for patients admitted to hospital, subject to a maximum of £10,000 for each case.

We are also introducing the power to recover charges when a driver who caused an accident is uninsured or untraceable and a casualty receives compensation from the Motor Insurers' Bureau. That will bring the Motor Insurers' Bureau into the scheme, and we shall recover charges from it.

At present, we collect about £500,000. Those provisions will lead to increased income of around £2.5 million per year, with a potential of £3 million, which will be paid directly to health and social services trusts. From an individual's point of view, it is estimated that the greater recovery could lead to increases in premiums of between £6 and £9. It is a matter for insurance companies whether to pass that increase on or absorb it.

**Ms Ramsey:** Some people are concerned about insurance premiums. The Minister of Health, Social Services and Public Safety said last week that the premium would increase by between £6 and £9 and that such a rise would not be significant. What happens to people who are not insured?

**Mr Hamilton:** The Motor Insurers' Bureau must meet those costs, which will, I presume, be financed by the insurance companies themselves. If the legislation is passed, moneys will be recovered from the Motor Insurers' Bureau only for accidents that occur after the date of its enactment. In other cases, the revised tariffs will apply to accidents that have occurred since 2 July 1997. For accidents before that date, the previous tariff of £3,000 will still apply.

**Ms Ramsey:** You said that the money will go directly to the hospital providing the service. Now you are saying that the money will go directly to the trust.

**Mr Hamilton:** They are the same. The hospital trust is the legal entity.

**Mr McFarland:** If I had injured someone in a traffic accident in December 1997, would the hospital that treated the injured person be expected, three years later, to start the ball rolling with my insurance company? How do you track down a person involved in an incident three years ago?

**Mr Popplestone:** It depends when the compensation is settled. If compensation is settled after enactment comes into force, regardless of when the accident occurs, the insurance company will notify the CRU and ask for an insurance certificate.

**Mr McFarland:** Does that apply equally before 1997?

**Mr Popplestone:** Yes. The deed of settlement determines what legislation applies. It is done retrospectively, since so many accidents take years to be settled.

**Mr McFarland:** Therefore, the date does not make any difference. If an accident that occurred in December 1997, after the Chancellor's announcement, has already been settled, it is finished with.

**Rev Robert Coulter:** How will the compensation apply if a person has an accident before the legislation is passed, but is still in hospital afterwards?

**Mr Hamilton:** If someone were to have an accident today and was in hospital for some months, the insurance company would ask for a certificate from the CRU, and the legislation would apply to that case as it applies to all outstanding cases. The new maximum applies after 2 July 1997, which is the trigger date reflecting the date when similar legislation was announced in Great Britain. If the accident happened before 1997, the previous maximum applies, and hospitals cannot recover the cost of outpatients.

*Clause 23 agreed to.*

**Clause 24 (Applications for certificates of health service charges)**

**The Chairperson:** The present scheme empowers hospitals to collect charges. The new Bill transfers responsibility for collection to the Department for Social Development, which will issue certificates for the charges due. In practice, the CRU, part of the Social Security Agency, will undertake that work on behalf of the Department. That seems straightforward.

**Mr McFarland:** The Department for Social Development is responsible, even though this is a health issue.

**Mr Popplestone:** It is appointed to act as an agent for the Department of Health, Social Services and Public Safety.

**Mr McFarland:** Is that because we do not have a collection agency?

**Mr Popplestone:** The CRU has been running the benefit recovery scheme on which this is based. It works very well in Great Britain, and we expect the same in Northern Ireland.

*Clause 24 agreed to.*

**Clause 25 (Information contained in certificates)**

**The Chairperson:** Clause 25 introduces powers enabling charges to be calculated according to a tariff. It is intended that the tariff be as simple as possible.

**Mr Hamilton:** There are two reasons for applying tariffs that pertain in Great Britain. First, our costs are similar and, secondly, the whole system, including the tariffs, has been agreed in Great Britain. We might have more difficulty with the local insurance industry if we used different tariffs.

**Mr McFarland:** The local industry is getting away quite lightly, given the higher insurance charges here.

**Mr Hamilton:** The key issue is the cost of treatment in Northern Ireland, which is similar to that in Great Britain. For each accident, insurance companies pay the same average amount.

*Clause 25 agreed to.*

**Clause 26 (Payment of health services charges)**

**The Chairperson:** The memorandum that came with the legislation had no comment on this. "Settlement date" means the date on which the compensation payment is made.

**Ms Ramsey:** I shall be somewhat cynical. Is this intended to allow the Department to cut money to hospitals, depending on the accident rate?

**Mr Hamilton:** That is a very good question. Some commissioners, who are obviously interested in maximising the purchasing power of their resources, maintain that they should get a reduction in the cost of their service level agreement. I should insist that the hospitals deliver the care benefit from the revised arrangements, something which is certainly happening in England.

*Clause 26 agreed to.*

**Clause 27 (Recovery of health services charges)**

**The Chairperson:** This will enable the Department for Social Development to issue a certificate of health services charges where a claim for compensation has been settled but no application for a certificate made, as required by clause 24. It will also enable the Department to recover health services charges that are overdue. That follows on from clause 26.

*Clause 27 agreed to.*

**Clause 28 (Review of certificates)**

**The Chairperson:** There is no procedure for review certificates under the present health services charges scheme. Clause 28 provides for the internal review of any certificate, which can be initiated by either the CRU or, on application, by the compensator. Is everyone happy with that?

*Clause 28 agreed to.*

**Clause 29 (Appeals against a certificate)**

**The Chairperson:** The grounds of appeal follow those in the benefit recovery scheme. It is intended that procedures to be set out in the regulations will also be modelled on that scheme's rules. As in the benefit recovery scheme, a right of appeal will not arise until such time as the liability to repay health services charges has been discharged. Is everyone happy with that?

**Mr Gallagher:** It is odd that an appeal can be made only when the Department has been paid. If the certificate is issued and somebody is unhappy with it, he must wait until the Department is paid before appealing. If I were involved in an accident and was in hospital or

convalescing, this would upset me. I am not entirely confident that any Department would deal with such a matter speedily.

**The Chairperson:** It would affect one's convalescence.

**Mr Gallagher:** It seems unfair in those circumstances.

**Mr Hamilton:** It is important to say that this will not necessarily involve the individual. It is an issue between the insurance company and the collection agency. To avoid grey areas and uncertainty, a sharp definition is sometimes needed of when an appeal is, or is not, being made. Our position is that the Department should be paid. Thereafter, there are provisions for appeal and provisions for insurance companies to be reimbursed if an appeal determines that too much has been paid.

**Mr Gallagher:** Everything else goes on, however. The payment goes out, the insurance premium goes up and the bill for that comes in quickly. One could get depressed about such a situation.

**The Chairperson:** That is when you go onto Prozac.

**Mr Gallagher:** Who pays for that?

**Mr McFarland:** Does it apply merely to hospital treatment? What happens in a traffic accident incident where a dedicated paramedic ambulance with a defibrillator is rushed out and an air ambulance hurries the victim to the Royal Victoria Hospital before he pegs out? None of those costs is recoverable under the clause, for only the actual hospital's cost is covered.

**Mr Hamilton:** That is correct.

*Clause 29 agreed to.*

**Clause 30 (Appeal tribunals)**

**The Chairperson:** This clause allows for the same tribunals that hear appeals in compensation recovery cases to hear health services charges appeals. Compensation recovery cases are heard by a tribunal set up under the unified appeals tribunal procedure, which was introduced by the Social Security (Northern Ireland) Order 1998.

**Mr McFarland:** Why have costs such as primary care for traffic accidents not been included?

**Mr Popplestone:** We are not introducing new charges, merely simplifying an existing Government scheme. That is the purpose of the legislation, rather than trying — *[Interruption]*.

**Mr Hamilton:** It is copied from what is happens in Great Britain.

**The Chairperson:** General practitioners are not normally involved directly in road traffic accidents. If someone is knocked down and injured, one does not wait for a GP to arrive. One makes other moves.

**Mr McFarland:** Paramedics will be involved. Fully equipped paramedic ambulances cost money, as we have discovered.

**Mr Hamilton:** There is an argument, for example, for people who are unfortunate enough to suffer brain injury and who need to be looked after for the rest of their lives. Those costs are substantial — many thousands of pounds per year — but this legislation does not provide for the recovery of those social and nursing care costs.

**The Chairperson:** There is no doubt that paramedics are extremely important.

*Clause 30 agreed to.*

*Clause 31 agreed to.*

#### **Clause 32 (Reviews and appeals: supplementary)**

**The Chairperson:** This clause applies in any case in which a fresh certificate is issued as a result of review under section 28 or an appeal. Any comments?

**Mr Hamilton:** If the insurance companies have been asked to pay too much, there is provision for them to be paid back. If they have not paid enough, there is provision for an additional charge to be levied.

**The Chairperson:** Thank you very much indeed.

*Clause 32 agreed to.*

#### **Clause 33 (Provision of information)**

**The Chairperson:** Clause 33 gives powers under regulations for gathering information relevant to the collection of health services charges. In order for the new system of collection to work, information will have to be exchanged by the various parties involved in the chain of events from accident to payment of compensation. It sounds fairly complex, but it can be understood.

**Ms Ramsey:** Will that result in arguments among insurance companies that will not necessarily affect the people involved in accidents?

**Mr Popplestone:** The concept of the scheme is to keep the victims out of the proceedings completely.

**Ms Ramsey:** The concept of the scheme should be free healthcare for all, but we shall not get into that.

**The Chairperson:** Apart from the breathalyser. It is a fair point, and it is taken.

*Clause 33 agreed to.*

#### **Clause 34 (Use of information held by the Department)**

**The Chairperson:** Clause 34 allows information obtained for the health services charges scheme to be used for the purposes of the benefit recovery scheme and vice versa. That is straightforward enough.

**Mr Hamilton:** It means that we must collect the information only once.

*Clause 34 agreed to.*

#### **Clause 35 (Payment of health services charges to hospitals)**

**The Chairperson:** For at least 30 years, the receipts generated under road traffic legislation have been recovered by the hospital providing the care. Clause 35 confirms that the money collected by CRU will be passed directly to the relevant hospitals.

*Clause 35 agreed to.*

#### **Clause 36 (Regulations governing payments into court, etc.)**

**The Chairperson:** Does anyone have anything to say on clause 36?

**Mr Hamilton:** Compensation payments can be lump sums, or monthly or annual amounts. Where that is the case, the regulations will provide for details of when the charge is payable to the hospitals. When the detailed regulations are produced, the Committee will be able to go through them.

*Clause 36 agreed to.*

#### **Clause 37 (Interpretation of this Part)**

**The Chairperson:** There was a reference to this in the explanatory memorandum. Would anyone like to comment?

**Mr Hamilton:** I think it is straightforward.

**The Chairperson:** There are a great number of definitions.

**Mr McFarland:** The definition of “owner” has the meaning given in article 2(2) of the Road Traffic (Northern Ireland) Order 1995. Many insurance policies cover an owner or an authorised driver. If one were an authorised driver, rather than the owner of a car, how would that affect things?

**Ms Ramsey:** That is a good point.

**The Chairperson:** Is that driver’s insurance?

**Mr McFarland:** Let us say that I am named on the insurance policy for my car. My wife and daughter are also authorised drivers. If one of them is driving at the time of the accident, is she covered?

**The Chairperson:** They are both covered. It is the same insurance.

**Ms Ramsey:** No, not necessarily.

**Mr McFarland:** It defines “owner” here. It says “owner” and is referring to “owner”.

**Ms Ramsey:** My insurance allows me to drive another car that I do not necessarily own. Who is liable?

**Rev Robert Coulter:** The person who owns the car and has taken out the insurance policy.

**Ms Ramsey:** But that says “owner”.

**Mr Hamilton:** Liability rests with the insurance company making the compensation, but we shall look at it again. I want to ensure that there is no loophole and that the authorised driver's insurance company cannot wriggle out of liability if one is the authorised driver rather than the owner of the vehicle.

**Mr McFarland:** Suppose a company has insurance that applies to the 25 drivers who drive its trucks. Does the clause cover that?

**The Chairperson:** The owner is not defined in this legislation. It simply says that it has the same meaning as that given in article 2(2) of the Road Traffic (Northern Ireland) Order 1995.

**Mr McFarland:** I presume that that refers to the legal owner of the vehicle.

**Rev Robert Coulter:** Another situation can arise where a person has insurance covering him to drive someone else's car. That is much more complex.

**Mr McFarland:** The insurance companies normally try to share the liability in such a case. Then split the difference.

**Mr Hamilton:** The legislation provides for recovery from two insurance companies if they admit joint liability.

**The Chairperson:** Are we happy with clause 37?

**Mr McFarland:** We could park it pending clarification.

**The Chairperson:** Will we park it temporarily?

**Ms Ramsey:** Is that the owner parking it?

**Rev Robert Coulter:** What happens with an accident during a motorcycle or car race? If I had an accident during a race and had to go to hospital, would it make any difference if I were on a track and not a road?

**The Chairperson:** I presume that the person would have special insurance.

**Mr Popplestone:** That is a separate issue, since it is not a road. I presume that if one has a race on a public road, it is subject to a road closure order. It is no longer a road within the definition of this legislation.

**Mr McFarland:** Can one recover costs if one is injured and taken to hospital badly hurt?

**The Chairperson:** The taxpayers would have something to say about that. We are parking that temporarily.

*Clause 37 referred for further consideration.*

#### **Clause 38 (Consequential amendments)**

**Mr Hamilton:** This clause repeals article 99 of the Road Traffic (Northern Ireland) Order 1981, under which the current system operates. This legislation will commence then.

*Clause 38 agreed to.*

**The Chairman:** I thank Mr Hamilton, Mr Popplestone and Mr MacRory, who have been very helpful.



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**NORTHERN IRELAND  
ASSEMBLY**

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**SOCIAL DEVELOPMENT  
COMMITTEE**

Thursday 9 November 2000

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**STREET TRADING BILL  
(NIA 2/00)**

**The Chairperson (Mr Cobain):** I welcome Mr Gordon Gibson, Mr Ivan McMaster and Mr Tom Bowler from the Department for Social Development to this meeting of the Committee. We will go through the Bill clause by clause.

**Mr Gibson:** We have worked on the Street Trading Bill for some time and will try to address any concerns the Committee may have.

The purpose of the legislation is to permit and support a licensing system to avoid undue nuisance, interference and inconvenience to persons and vehicles. The aim is to have legislation that is open and fair, for example, introducing designation procedures, providing interested parties with an opportunity to make representations, enhancing appeal procedures and introducing time limits for administrative procedures.

The legislation will provide district councils with a high degree of flexibility. This includes setting their own fees, imposing local conditions on licences and determining the duration of licences. In addition, it will give councils more effective powers for dealing with illegal trading.

Finally, we intend to produce a guide to the legislation, which will be available to everyone who wishes to make use of it, the councils, the public, street traders and anybody else.

**Mr G Kelly:** I realise that you have to produce the guide after the legislation. I am worried that the guide will be as complicated as the legislation. May the Committee see the guide before it is published?

**Mr Gibson:** We have started on a draft and can arrange for you to see it.

*Clause 1 agreed to.*

**Clause 2 (Activities which are not street trading)**

**Sir John Gorman:** My understanding is that district councils have studied this carefully. Almost invariably, where they have made an adverse comment, they have been unaware that the problem has already been dealt with in the draft Bill. Need we discuss this at length?

**The Chairperson:** It is important that we get through it, and this is how it must be done.

*Clause 2 agreed to.*

*Clause 3 agreed to.*

*Clause 4 agreed to.*

**Clause 5 (Applications for the grant, renewal or variation of street trading licences)**

**Sir John Gorman:** I was puzzled by the rejection of Belfast City Council's suggestion that legislation should allow the council to seek the views of those directly affected by an application. Why was it rejected?

**Mr Gibson:** Because those involved could be from inside or outside a council area. We would not expect anyone outside a council's area, and who does not have an interest, to become involved.

**The Chairperson:** This suggestion is simply a reflection of what happens in planning. Neighbourhood notification means that the Planning Service notifies those directly affected by a planning application. This suggestion echoes that process and enables a council to seek the views of people directly affected by street trading in a particular area.

**Mr McMaster:** When streets are being considered for designation, those directly affected are asked to make representations to the council on why the area should not be designated. The council then decides whether to designate the area, having taken account of those views. Consultation is not carried out at individual application stage.

**Ms Gildernew:** Is there any scope for street traders to buy and sell licences? Does clause 5 deal with that? I am concerned that people could buy several licences and then sub-let them, so to speak. I understand that that happens at the moment. I would like details on how licences will be obtained and how they will be reissued after 12 months. Do licences cost the same across all district council areas?

**Mr Gibson:** People must apply to a council for a street trading licence. After considering where a person wants to trade and what goods he wants to trade in, the council decides whether to issue a licence.

A licence is personal to an individual. There is nothing in the legislation to allow a licence to be sub-let or sold. It will be up to each council to set its fees to recoup the administration costs. The fees may differ from one council area to another depending on the administrative charges.

**Ms Gildernew:** Will there be a comparative rate for someone who trades in one of the best pitches in the Belfast City Council area where the rates are high?

**Mr Gibson:** The fees are set purely on the councils' administrative costs. Everyone trading in a council area will pay the same fee, but it may vary from one council

area to another. For example, a trader in Belfast could pay a different fee from someone trading in Armagh.

**The Chairperson:** Each individual council will set its own fees.

**Mr G Kelly:** Will there be multiple licences for different parts of a council area?

**Mr Gibson:** One person can obtain multiple licences. He can apply to any council or to every council.

**Mr G Kelly:** Is there no limit on the applications? Can someone take up the whole street if he wants?

**Mr Gibson:** Yes, if someone wants to trade in different pitches in a council area throughout the week, he will need a licence for each pitch, but there is no limit to the number of pitches.

**Mr S Wilson:** The size of the pitch has to be defined.

**Mr Gibson:** The size of the pitch is decided by the council.

**Mr G Kelly:** Can a trader have 10 pitches with 10 assistants working on them?

**Mr Gibson:** Yes.

**Mr G Kelly:** What clause is that under?

**Mr McMaster:** It is allowed simply by its absence from the Bill.

**Mr G Kelly:** With regard to clause 5(8), the Minister said that consideration was given to inserting a provision requiring district councils to respond to all applications within a specified time. However, it was thought that that would place impractical administrative burdens on the councils and it was decided not to do it. If we cannot agree to reinsert this subsection because we will not get through the whole Bill today, we should look at the matter again. There has to be some safeguard to prevent a council, or a party in a council, from taking umbrage against a trader or traders. There should be a sensible timescale, because problems could go on for years because of political bias. I would like to come back to that.

**Mr S Wilson:** In the light of recent stories about dangerous goods being sold, why was the requirement for an applicant to show that he had public liability insurance not accepted as a condition?

**Mr Gibson:** The purpose of the legislation is to provide street trading licences and permit regulated street trading. Anything that is covered by other legislation such as litter, parking, et cetera is dealt with in other legislation and was not brought into this. Anything to do with public liability or any requirement to register under other legislation must be dealt with by that legislation.

**Mr S Wilson:** What legislation covers the requirement for a street trader to have public liability?

**Mr Gibson:** I do not know.

**Mr S Wilson:** Is there any legislation? My understanding is that there is not, and cannot be, a requirement for street traders to have this legislation. A number of people in Belfast have tripped over goods which were set out in front of stalls. It was not the responsibility of the Roads Service, because they did not trip on the footpath. Those individuals had no comeback. No one is liable if someone is badly injured by dangerous goods that are on sale. If that is not covered in other legislation, why can it not be included in this legislation? It is a requirement that ought to exist, judging by the number of street traders who have been contacted and their response.

**Mr Gibson:** We have a problem with illegal street trading. This means that some traders do not have a licence. When looking at licences, the council considers where the street traders do business and where it is safe to trade; but control is more difficult. Under the Bill, traders will not be allowed to trade in areas where they would cause an inconvenience or obstruction. This may go some way towards solving the problem.

**Mr S Wilson:** Trading on a footpath will cause disruption. There is always the danger of someone tripping over the goods — flowers, for example. It is strange that such a provision was not included. It should have been an automatic requirement to protect the public, the street traders and the councils.

**The Chairperson:** We can return to this issue.

**Mr S Wilson:** Will you let us know in due course if it is covered by other legislation?

**Ms Gildernew:** Does that mean that somebody trading from a hamburger stand, for example, would be subject to regulation by the council's environmental health committee?

**Mr Gibson:** Yes.

**Ms Gildernew:** When granting street trading licences, does the council take into consideration a trader who may want to sell compact discs at the door of HMV? Does the council take account of the goods that the street trader is selling and where he wants to sell them? Does it check that the trader would not be competing directly with retailers who pay thousands of pounds in rates?

**Mr Gibson:** Councils can take account of what sort of goods are being sold and can decide what it is prepared to allow on certain pitches. You are referring to unfair competition. Our legal advisors say that councils cannot impose conditions on unfair trading due to European Union rules on free trade.

**Ms Gildernew:** So somebody can sell goods on the pavement for half the price that they cost in shops.

**Mr Gibson:** Yes, if the council gave him a licence. I am not sure that the council would grant a licence to sell compact discs outside a record store, for example. That would be unreasonable.



**Mr McMaster:** The difficulty arises when the onus is put on the council to make subjective decisions about the quality of the goods — are the goods similar; is the clothing the same; is it of better or worse quality? European legislation must also be complied with.

We are legislating to try to control street trading. If one did not issue the licence to one person, one would issue it to someone else. That is making decisions on the goods that the trader is selling rather than on the street trading. It is subjective when one licenses one trader but not another. That is the principal difficulty.

**Mr Tierney:** Are we getting contradictory advice? Can a council refuse a licence for trading outside a shop that sells similar goods?

**Mr Gibson:** A council can refuse a licence if it is reasonable to do so, but that can be subject to challenge.

**Mr Tierney:** However, you are also saying that it would not be reasonable to do so under European law.

**Mr Gibson:** It would not be reasonable if the trader was offering unfair competition, because the council would be liable to challenge. However, there may be other reasons for a council's not issuing a licence.

**Mr McMaster:** The council may not want particular types of trading in certain parts of the city, in pedestrian precincts, for instance. If the grounds are reasonable, that is fine. Simply to say, "I do not want you to trade there because it is unfair on a trader who is selling the same goods as you" is treading on dangerous ground.

*Clause 5 referred for further consideration.*

*Clause 6 agreed to.*

#### **Clause 7 (Conditions relating to street trading licences)**

**Mr S Wilson:** If there was a requirement to provide public liability insurance would clause 7 be the appropriate clause for it to come under, rather than clause 5?

**Mr Gibson:** That might be a condition if a council decided that such a requirement should apply to a licence.

**Mr S Wilson:** Would the legislation have to specify the need for public liability insurance or might a council impose that without the legislation's detailing it specifically — would that be an additional condition? I am not clear whether a council has discretion over and above the reasons given here.

**Mr Gibson:** A council can impose conditions which it considers reasonable. The main point is to allow councils to cope with local variations. Anything which a council imposes must be seen as reasonable lest it be subject to challenge. If public liability insurance were a requirement it would have to go in as a condition.

**The Chairperson:** I assume that some of these matters will be challenged in court anyway?

**Mr Gibson:** Possibly.

*Clause 7 agreed to.*

#### **Clause 8 (Mandatory grounds for refusing an application)**

**Ms Gildernew:** Clause 8(1)(b) says that a council shall refuse an application if the applicant

"has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3)".

Could we include in that clause a condition that an applicant for a street trading licence must pay the minimum wage? We should ensure that the Bill protects assistants who work for a street trader.

**Mr Gibson:** The Street Trading Bill is not the appropriate legislation for that. There is legislation on the minimum wage, and I assume that that matter falls under that. This Bill is solely about licensing individuals to trade.

*Clause 8 agreed to.*

#### **Clause 9 (Discretionary grounds for refusing an application)**

**Mr S Wilson:** I have several questions, to which I may get a response similar to that given to a previous query.

In Belfast, there is considerable concern about people who may apply for a licence for a number of stalls and then leave others, who are clearly under age, to run them. Could such conduct not be included in the Bill as a discretionary ground for refusing an application? Perhaps, it comes under some other legislation. In Belfast on any day of the week we can see hamburger stalls being run by wee lads and girls who cannot be more than 13 or 14 years old.

**Mr Gibson:** Stallholders are not allowed to employ anyone who is under age. If they do so, they will be in breach of the conditions of their licence.

Traders who apply for a licence may not know then who their assistants will be, and, even if they do know, the assistants can change frequently. A council might get details about the assistants, but the assistants can change every week or every month. However, if traders employ people who are under age, they will be breaching a condition of their licences, which the council can revoke.

**Mr S Wilson:** Which condition will they be breaching?

**Mr McMaster:** They will be in breach of the provisions of clause 24.

**Mr G Kelly:** We went through this before. The matter is also covered by the Children Order.

**Mr McMaster:** It would be a breach of the Children (Northern Ireland) Order 1995, which says that no one under school leaving age can be employed in street trading.

*Clause 9 agreed to.*

**Clause 10 (Revocation, etc. of street trading licences)**

**Mr G Kelly:** Is there a clause to deal with compensation if a licence is revoked? A council could decide that a trader was no longer suitable for a licence for a reason that had nothing to do with the trader.

**Mr Gibson:** There is no compensation for revocation. However, if a council decides to revoke a licence, the licence holder can appeal to a Magistrate's Court.

**Mr G Kelly:** The grounds for revocation might be sound, but the trader may not be at fault. There should be some sort of mechanism for compensation.

**Mr Gibson:** Licences can be changed. A council will look, first, at whether it can accommodate a licence holder elsewhere. The council might allow him to trade on a different pitch or, if the problem is with the goods, it might vary the conditions of the licence.

**Mr G Kelly:** I appreciate that. You are saying that the mechanism does not exist, and you are giving the reasons for that, but there should be such a mechanism. There are all sorts of things that a council can do, instead of compensation—it can give a trader another pitch, for instance—but if the circumstances are not the trader's fault and he will lose earnings, there should be compensation.

**Mr McMaster:** There are provisions in clause 15 relating to fees and charges. A council will have the power to offer a partial refund of the licence fee but not to offer compensation for the loss of trade.

**Mr G Kelly:** It would be remiss of a council not to give some sort of refund. However, the licence fee is one thing; loss of earnings is another matter entirely. I would like the Committee to come back to that.

*Clause 10 referred for further consideration.*

*Clause 11 agreed to.*

**Clause 12 (Notice and representation)**

**Mr S Wilson:** I understand the difficulties that councils have. We spoke about what would be a reasonable time and wanted it tightened up. Given how council meetings work, it is hard to be specific. However, if we want to speed up the consideration of applications, we could look at the number of days allowed for representations to be made. For planning, a period of 14 days is regarded as sufficient for people to respond. Why was 21 days chosen for an application for a street trading licence?

**Mr Gibson:** We thought that a period of 21 days was reasonable.

**Mr McMaster:** It also correlates closely to most of the social security provisions on appeals and responses to decisions. We are trying to create as fair a system as possible and allow people time to respond.

**Mr S Wilson:** I know from council experience that it can be a fairly protracted period before an application is considered. Given how the dates of committee and council meetings can fall, it can take two and half months. If 14

days is a reasonable time for representations on something as major as a planning application for something that will be a permanent fixture at the end of somebody's garden, we could apply the same standard in this case and, thus, shorten the period. The traders said that, and I thought that that was reasonable. Anybody who is concerned about a street trading application will respond fairly quickly; it is unnecessary to lengthen the period to 21 days.

**Mr Gibson:** If the Committee feels that 14 days is more reasonable, we would not have any objection.

**Sir John Gorman:** My constituents in North Down and the street trader, Mr McKeever, suggested that.

**Mr McMaster:** What about times when people are on holidays? If someone is off for a couple of weeks, 14 days might not be sufficient. It is a matter of balance, and we would welcome any views on it.

**The Chairperson:** Would that disadvantage anybody?

**Mr S Wilson:** If somebody makes an application, it should be dealt with as quickly as possible. Some concern was expressed about that, and I have sympathy with it. Given how councils work, there will always be a delay, probably of about six weeks. If we can shorten that period, we ought to do so.

**Mr Gibson:** We are not aware of anyone's raising this during the consultation. That is not to say that it should not be looked at, but the responses did not suggest that anyone who responded was unhappy.

**Mr S Wilson:** Did Mr McKeever not raise it during the consultation period?

**Sir John Gorman:** Yes, Mr McKeever raised it, as did North Down.

**Mr S Wilson:** He raised it with us last week. I disagreed on many points but felt that he was reasonable on that.

**Mr McMaster:** If the Committee feels that 14 days is right, we will be happy with that.

**The Chairperson:** Will the Department put forward an amendment to this, or should the Committee deal with it?

**Mr S Wilson:** How will all the other matters that the Committee has concerns about be considered?

**The Chairperson:** What mechanism will we use?

**The Clerk:** This is a Bill, so we have to amend it.

**The Chairperson:** Will it be amended by the Committee or the Department?

**Mr Gibson:** The Committee will prepare a report on all the issues. We will have a look at it and respond. The Minister may have to make some decisions at that stage.

**Mr S Wilson:** Will the officials come back to the Committee?

**The Chairperson:** Yes.

*Clause 12 referred for further consideration.*

**Clause 13 (Appeals)**

**Mr S Wilson:** Belfast City Council has decided that there should be no right of appeal where a street has not been designated for trading and that an appeal ought to be allowed only in the case of a refusal for a designated area. Otherwise, the number of appeals would increase, and they would no longer be simply about whether the person who had applied or his activity was suitable. Traders could now call the policy and the definition of what constitutes an acceptable street into question. If a council has given due consideration to where street trading is appropriate, the system should not get clogged up with appeals. Why has that recommendation not been included?

**Mr G Gibson:** There are three areas in which there is no right of appeal, one of which is the designation of an area. When designation is being considered, people can make representations and make their views known, so once a council's decision is made, there is no right of appeal against it. In addition, there is no right of appeal against a mandatory refusal of a licence or against fees and charges, though it is probable that people could challenge that by way of judicial review.

**The Chairperson:** Can we stop that?

**Mr Gibson:** No.

**Mr S Wilson:** According to our notes, that recommendation has not been included in the Bill.

**Mr McMaster:** Clause 8 states that an application must be refused if an area is not designated.

**Mr S Wilson:** So, it is covered in the Bill?

**Mr McMaster:** It must be refused; there is no way out of it. Clause 13 refers to persons aggrieved by a decision to refuse

“other than on any of the grounds specified in section 8”.

So decisions made under section 8 are excluded. There is no right of appeal against a decision made on any of those grounds including areas that have not been designated. Clause 8 lists the areas in which there can be no appeal. Applications must be disallowed, and there is no ground for appeal in such cases.

**Mr S Wilson:** So it is covered in the Bill.

**Mr McMaster:** You can appeal a discretionary decision, but not a mandatory decision.

**Sir John Gorman:** As there has been no street trading act in Northern Ireland since the 1920s, you must have consulted other countries such as Scotland, England, and the Republic. Is there any major difference between what we are reading about here and street trading circumstances generally?

**Mr Gibson:** The most recent street trading legislation is that for the city of Westminster and London itself. Many of the provisions in this Bill are similar to those for London and Westminster.

**Sir John Gorman:** During consultation, was there any suggestion of considerable difficulties or anything that we should avoid?

**Mr Gibson:** As far as we are aware, nothing in the Bill should cause a problem. I want to make that clear. I did not want to put in anything that had been found problematic by somebody else.

*Clause 13 agreed to.*

**The Chairperson:** Thank you very much. We will try to finish next week.



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NORTHERN IRELAND  
ASSEMBLY

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HEALTH, SOCIAL SERVICES AND  
PUBLIC SAFETY COMMITTEE

Wednesday 15 November 2000

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HEALTH AND PERSONAL  
SOCIAL SERVICES BILL  
(NIA 3/00)

**The Chairperson: (Dr Hendron):** I welcome Mr Derek Baker, Ms Sheila Barfoot, Mr Basil Gibson and Ms Beatrice Major from the Department of Health, Social Services and Public Safety.

**Clause 39 (Repeal of law about fund-holding practices)**

**Mr Baker:** The clause will remove from the statute book the legislation in the Health and Personal Social Services (Northern Ireland) Order 1991 that set up the GP fundholding scheme. When the clause comes into operation, that scheme will end.

The clause will be brought into operation by a commencement order, which is a piece of subordinate legislation. That gives the Minister discretion over the timing of the ending of the scheme. Another piece of subordinate legislation will be necessary to deal with some of the technical issues surrounding the winding up of the scheme in an orderly manner. That subordinate legislation, to be made under clause 58, will provide for the final audit and closure of fundholders' accounts, the transfer of any assets and liabilities remaining to health and social services boards, and the treatment of any savings that may remain in funds at the end of the scheme. The Minister intends, as soon as possible, to publish proposals for new arrangements to take effect in primary care after the scheme ends.

**The Chairperson:** The date for the ending of the fundholding scheme has not yet been declared.

**Mr Baker:** That is correct. Ultimately, that is down to the Assembly, because the Assembly will make the legislation. The Minister has not announced her preferred date for ending the GP fundholding scheme, but even if she did, it would still be down to the Assembly to pass the legislation.

**The Chairperson:** I appreciate that it is a massive subject, but the public is concerned to know what will replace the present scheme. I do not want a big discussion about it now because we need to read the paper when it comes out. However, I presume that something proper

will be in place before, or shortly after, the date is decided for ending fundholding.

**Mr Baker:** I do not want to pre-empt anything that the Minister might announce, and I cannot discuss what might be in our proposals. However, the Minister is anxious that whatever is in place following the end of fundholding should be clear, so that, when the scheme ends, people will have something to move into. Thus, we avoid creating a vacuum, and there would be clarity for all who work in primary care.

**Ms Ramsey:** How many months will there be between the ending of GP fundholding and the start of primary care? Will it be years?

**Mr Baker:** I do not think so, although I must put a caveat on that. If fundholding were to cease at the end of this financial year, we would hope to have agreed the new arrangements, so that we could start putting them in place from 1 April 2001, allowing the transition to happen during the next financial year. However, fundholding would, I hope, not end right away.

**The Chairperson:** Primary care and reorganisation could not possibly be in place by 1 April 2001.

**Ms Ramsey:** Will GP fundholding continue for another year?

**Mr Baker:** The Minister must make that decision. I cannot pre-empt that.

**The Chairperson:** The key factor is that there should be a full and proper replacement.

**Mr Berry:** What notice would the fundholding practices be given about the cessation of GP fundholding?

**Mr Baker:** The Minister announced at Second Stage that, when she publishes her paper on new arrangements in primary care, she will also announce her intentions on a timetable for ending fundholding. Therefore, if fundholding were to end at the close of this financial year, that period of notice would be given. At the same time, the Department would be obliged to issue guidance to the wider health and social services, so that boards, trusts, GP fundholders and their staff would know how to manage an orderly wind-down of the scheme.

**Mr Berry:** How would the service ensure that fundholding practice staff with primary care expertise are not lost due to the delay in introducing new arrangements?

**Mr Baker:** As number of staff are employed in fundholding. One of the positive by-products of fundholding has been an improvement in management capacity in primary care, which is important. The ending of fundholding threatens the role of fundholding staff. Many of the staff who are currently engaged in fundholding will already have been practice managers. When fundholding ends, they will continue in that capacity. Therefore, they will remain within primary care. Our understanding from soundings that we have taken is that, in anticipation of

its end, some fundholding practices will try to retain those staff in their practice as administrative staff. Depending on what arrangements the Minister decides to put in place to replace fundholding, staff currently employed in fundholding and in management in primary care may have opportunities to migrate to those new arrangements. We hope to inform any staff currently employed in fundholding of the opportunities that will exist in new arrangements.

It is possible that there could be some redundancies among staff who are currently engaged in the administration of fundholding. We could not put a definite number on that, because it would depend on the arrangements within individual fundholding practices.

**Mr J Kelly:** I presume that a planned approach will be taken from the beginning to the end of whatever will replace fundholding.

**Mr Baker:** The Minister intends that whatever replaces fundholding will be clear before this scheme ends, so that people will have a clear plan to go by and know what the new arrangements are. As I said, the Department would have to issue detailed guidance on how all the logistical arrangements should be tidied up, to facilitate the run down of the scheme.

**The Chairperson:** I presume that the paper is ready. When will we see it?

**Mr Baker:** I cannot give you a date; that is in the Minister's gift. A lot of work has been done and the Minister is considering the matter.

**The Chairperson:** It is coming soon?

**Mr Baker:** It is coming very soon; I know that that is the Minister's intention.

**The Chairperson:** Will that be within weeks or days?

**Mr Baker:** It will be ready soon. The exact place and date of publication will be for the Minister to decide and I cannot pre-empt that.

*Clause 39 agreed to.*

#### **Clause 40 (Remuneration for Part VI services)**

**Mr Baker:** Clause 40 amends an existing article in the Health and Personal Social Services (Northern Ireland) Order 1972. The clause has a quite complex history and will do several things. First, it will clearly define the ability of the Department to determine the remuneration of family health services practitioners — GPs, general dental practitioners, pharmaceutical contractors and optometrist/opticians. Members will see a reference at the beginning of the amended clause to "Part VI services". Part VI of the Order deals with family health services, and when the Bill refers to Part VI services or practitioners, it is referring to family health services. The current legislation is unclear. Apparently, the Department's right to determine the remuneration of family health services practitioners

is implicit, rather than explicit. The new article will make it quite clear that the Department has the right to determine remuneration.

Paragraph 2 of the amended article gives the Department the opportunity to designate other persons, bodies, organisations or health and social services boards to act as determining authorities for the purpose of determining the remuneration of family health services practitioners. I stress that there are no proposals at the moment, nor any plans on the horizon, to do that; it is a permissive power. We can only speculate on when we might use such a power. If, for example, it were decided that, in addition to the fees and remuneration that the Department might set at regional level, it might be helpful if health and social services boards were able to determine fees for the remuneration of certain practitioners, to encourage the provision of services where there is a particular need for them, the article could be invoked. We could give the power to health and social services boards, or indeed any other body, to do that.

If there were some radical change in overall health and social services structures and it was deemed that levels of remuneration should be established by local bodies rather than by the Department, so that local circumstances could be better reflected, the clause could be invoked to do that. However, we are aware of no plans to invoke the powers.

*Clause 40 agreed to.*

#### **Clause 41 (Indemnity cover for Part VI services)**

**Mr Baker:** Clause 41 will insert a new article into the 1972 Order and is designed to enhance protection for patients and give the Department power to require family health services practitioners to have professional indemnity. The closest analogy is third party insurance for the driver of a car. If the patient is harmed, he will have a safety net if the practitioner has professional indemnity insurance. The vast majority of practitioners already have such indemnity. The new article will allow the Department to require them to have such insurance, and, if they do not, they may not be included in a list maintained by a board, or they could be removed from that list. That is the intent of the clause.

**The Chairperson:** Do hospitals take care of insurance for all their staff, not just doctors and nurses?

**Mr Baker:** Yes, they are employees of the trust and the board tends to pick that up. These are independent contractors who must have their own insurance.

**Ms Ramsey:** How much will the insurance cost?

**Mr Baker:** The Chairman may know that better than I do. Insurance for a general practitioner may be about £1,500.

**The Chairperson:** It is more than that for full-time doctors.

*Clause 41 agreed to.*

**Clause 42 (Local representative committees)**

**Mr Baker:** Clause 42 is an amendment to existing provisions. It deals with local representative committees, which is the generic term for committees at board level that represent the interests of family health services practitioners. The Chairperson may know them as local medical committees or local dental committees.

The clause rationalises the number of committees at board level. Under present legislation we have five such committees — local medical, local dental, local pharmaceutical, local optical and an ophthalmic medical committee for general practitioners who also provide ophthalmic services. The Bill will reduce the number to four. It gets rid of the ophthalmic medical committee, and those GPs — there are only a few — would be represented by the local medical committee.

The clause remedies a deficiency in the existing legislation that allows any doctor or dentist to be represented by the committees. The intent was that it would be only GPs and general dental practitioners. That is made explicit in the amended legislation. The clause allows deputy medical practitioners and deputy dental practitioners who are employed by a practice to have their interests represented by the committees. At present, there is no facility for their interests to be represented in dealings with health and social services boards.

Significantly, the clause allows a health and social services board, if requested by a committee, to impose a levy on family health services practitioners in its area to defray the administrative costs of that committee. The committees want that because they may have some administrative expenses and may find it difficult to sustain their activities. If the committee asks, the board can impose a levy. It would do that by making a small deduction in the remuneration that it pays to the family health services practitioners in its area and passing that on to the local committee. The boards would not do that unilaterally to the practitioners. The committee would first have to ask the board to do it. It is implicit that it would have the approval of the practitioners in the area.

*Clause 42 agreed to.*

**Clause 49 (Disqualification of Part VI practitioners)**

**Mr Baker:** Clause 49 replaces the existing schedule 11 of the principal Order with the new schedule set out at schedule 2 to the Bill. It is a specific counter-fraud measure and is part of the Department's overall efforts to bear down on fraud. Schedule 11 deals with the workings of the tribunal, commonly known as the NHS tribunal. It spells out, in some detail, how the tribunal operates, the sanctions that it can impose on a practitioner, its membership, and so forth. The NHS tribunal is the ultimate sanction that health and social services board can invoke against a family health services practitioner. The tribunal can

disqualify a practitioner from the list maintained by a health and social services board in Northern Ireland, or elsewhere in the United Kingdom.

It is a serious matter for a practitioner to be referred to a tribunal, and the clause will add to the grounds on which that can happen. There is a new ground relating to fraud, and it is meant to have a deterrent effect. The clause provides that practitioners who engage in fraud may be referred to the tribunal. Under existing legislation, the only ground for referral is that retaining a practitioner on the list could prejudice the efficiency of the services. That covers many things and could cover fraud, but it was decided that fraud was important enough to have an explicit provision to act as a deterrent.

**Mr J Kelly:** Is that simply in addition to what already exists?

**Mr Baker:** That is correct.

*Clause 49 agreed to.*

*Schedule 2 agreed to.*

**Clause 55 (Sale of medical practices: goodwill)**

**Mr Baker:** Clause 55 replaces existing schedule 10 to the principal Order with the new schedule, set out at schedule 3 to the Bill. It is fairly technical, and its purpose is to make explicit the sale of goodwill of a general medical practice. Under existing legislation, it is illegal to sell the goodwill of a practice. To define "goodwill", it would be helpful to take the analogy of an ordinary shop. Someone who sells a shop will get an amount of money for the physical premises and an amount for the custom and the trade that goes with it; that is the so-called goodwill. In a general medical practice, the goodwill would be the patients and the practice list. We do not want to encourage a market for patients, with GPs selling each other patient lists. The legislation that defines the circumstances in which goodwill can be sold is not robust enough for a prosecution.

The new schedule clearly specifies two broad circumstances in which goodwill is deemed to have been sold. The first concerns the sale of the physical premises. If the amount paid is far and above the normal market value, that could be deemed goodwill. If any other financial, or valuable, consideration changes hands between medical practitioners — perhaps as a bribe, or if someone is employed by a practice at a rate far below the going rate for that job because they are on a promise of becoming a partner at some future date — that would be deemed as the sale of the goodwill of a general medical practice. Such circumstances are set out in some detail so that if a prosecution is deemed necessary, the legislation will be robust enough to allow a case to be made.

**Mr J Kelly:** In what context would we require the provision?

**Mr Baker:** It is a preventative measure. I am not aware of a case like this ever having taken place in Northern Ireland. It is to deter any trade of goodwill and to stop the development of a market in which doctors sell patient lists to each other. Let us speculate, if a general practitioner owns premises and is retiring —

**Mr J Kelly:** I thought of Joe Hendron when I asked that.

**The Chairperson:** Unlike Mr Kelly, I never owned any premises.

**Mr Baker:** I would not like to impugn the integrity of doctors or general practitioners.

A general practitioner might pay £300,000, although the premises are worth only £200,000, simply because there is a list of 3,000 to 5,000 patients. Patients are income, and a general practitioner gets paid for the number of patients and the services provided to them. Practitioners are really buying a patient list at the same time. The sale of patient lists has been deemed unlawful. If Dr Hendron were a practice principal and I were his employee — I am sorry to use you as an example, Mr Chairman — on a salary of £20,000 a year compared to the going rate of £30,000 a year and he told me not to worry about the £10,000 pay cut, because he was going to make me a partner on his retirement, that would be selling the practice's goodwill. The principal would be benefiting to the tune of the lower salary being paid to me.

**The Chairperson:** If I employed you, Mr Baker, I would be asking for that primary care paper.

**Mr Baker:** I have no answer to that.

**The Chairperson:** I can assure you that we will not offer any bribes.

**Ms Ramsey:** Was that goodwill?

**Mr J Kelly:** I was not really referring to you, Mr Chairman. I asked the question, because it concerns people in my own area who are approaching retirement. For example, if someone could not take the pressure of working in a medical centre, they could be relocated somewhere and given responsibility for fewer patients over the last years of their practice. That is fine, but I wonder whether the legislation would not interfere with it.

**Mr Baker:** I do not think so.

*Clause 55 agreed to.*

**The Chairperson:** We shall now hear from Mr David Bingham, Mr Herbie Vance and Mr Chris Wallace from the Department of Health, Social Services and Public Safety. You are very welcome.

**Clause 53 (Regulations under section 11 of the Medical Act 1983)**

**Mr Bingham:** Clause 53 amends the Medical Act 1983, insofar as it extends to Northern Ireland, and will

enable the Department of Health to make regulations in relation to the training of pre-registration house officers (PRHOs), who are doctors coming to the end of their basic medical training.

The current regulations in Northern Ireland effectively preclude such doctors from spending part of the final 12-month training period in general medical practice. Clause 53 would allow us to make regulations to introduce a valuable new training opportunity for PRHOs in the final year of their basic medical training. In particular, it would allow them to develop their awareness of primary care and the role of other health care workers. They would be attached to general practice. That opportunity is already available to their counterparts in England and Scotland.

**The Chairperson:** It makes sense, given that, as medical students, they spend time in practices and community centres. It seems odd that, in their final pre-registration year, they do not spend any time in general practice. The amendment is long overdue.

**Mr Gallagher:** Doctors in England, Scotland and Wales train in Dublin. Can pre-registration house officers train on both sides of the border?

**Mr Bingham:** No, they cannot. However, that facility is available later in their medical career if they wish to become specialist registrars. At that stage, there is the potential for posts to be identified for that form of training. Clause 53 relates specifically to students entering their final year of medical education.

*Clause 53 agreed to.*

**Clause 56 (Regulation of the profession of pharmaceutical chemist)**

**Mr Bingham:** Clause 56 and the associated schedule, schedule 4, provide for the regulation of the pharmacy profession. In common with other health care professions, pharmacy has a regulatory body that has responsibility for setting education, training, registration and conduct standards. The legislation governing professional groups generally operates on a United Kingdom basis but, for historic reasons, the pharmaceutical profession in Northern Ireland is governed by the Pharmaceutical Society of Northern Ireland, which was established under the Pharmacy (Northern Ireland) Order 1976.

There has been much debate about the regulation of health care professionals, and there are significant changes starting to occur in the regulation process for many of those professions. Clause 56 will not make any change to the regulation of the pharmaceutical profession, but it will streamline the process for making such changes to legislation should they be required. The clause will allow changes to be introduced by laying an Order before the Assembly. For instance, a change in legislation is required if the Pharmaceutical Society of Northern Ireland wishes to introduce a new standard or



revise its current code. The new method will streamline that process and will ensure that safeguards are built into the Bill so that an Order can be dealt with only as listed in paragraph 1 of schedule 4. Therefore, a number of safeguards are in place to ensure that the streamlining of legislation would not be abused.

*Clause 56 agreed to.*

*Schedule 4 agreed to.*

**The Chairperson:** We shall now hear from Mr George King and Mr Stanley Campbell from the General Register Office, Department of Finance and Personnel. You are very welcome.

***Clause 51 (Provision of information as to births and deaths)***

**Mr King:** The General Register Office is responsible for the registration of births and deaths in Northern Ireland through the registrars of birth and death in each district council. Registrars have been forwarding information on deaths to the health boards since 1974 following an agreement between the Registrar General and the then Department of Health and Social Services. The information is used to update records, cancel appointments for home visits and for the retrieval of equipment. The General Register Office also passes information on births and deaths to the Department of Health, Social Services and Public Safety for purposes such as the study of epidemic diseases, preventative measures, medical research, et cetera. As well as that, registrars have been notifying the Central Services Agency of births and deaths, to allow them to maintain a central record of patients for health and personal social services purposes.

This exchange of information has been very beneficial for the maintenance of patients' records by health and personal social services. However, there is a need for unambiguous legal authority to permit the exchange of information between the General Registrar Office, the Department and its agencies. Clause 51 would legally regulate the supply of registration data to the Department and its agencies for health purposes only. It is worth noting that this clause is similar to section 42 of the Health Act 1999, which applies to England and Wales.

**Mr J Kelly:** Are there regulations to provide someone seeking a death certificate with rights of redress if there are difficulties in updating that certificate? I raise this because one of my constituents, whose wife died some months ago, is still awaiting a death certificate. This has happened because the coroner's office is waiting for the surgeon who performed the operation to contact them before they will issue the death certificate. This means that those involved are still unable to tidy up their affairs. Is there any provision for someone in that position to speed matters up?

**Mr King:** The basic situation regarding registering a death is that if a doctor has been attending a person who

then dies of natural causes, a death certificate can be issued immediately. Usually, that will take place within five days of the person's death. If a doctor has not been in attendance, he is required, under the Coroners Act (Northern Ireland) 1959, to refer the matter to the coroner who will then investigate the death. In those circumstances the time taken for the registrar to register the death will depend on the period of the coroner's investigation. In the interim, a coroner's certificate can be issued to enable the person to be buried and which may give information about the death.

**The Chairperson:** A doctor can sign a death certificate as long as he has been consulting with the coroner's office and as long as the coroner agrees. Obviously, if there is a question mark over the cause of death, it is a little bit late trying to find out the cause of death once the person has been buried. Would that be correct?

**Mr King:** Yes.

**Mr J Kelly:** I appreciate that. However, this was the case of a person who was taken to hospital for an operation, had their operation, and died on the operating table or shortly afterwards. The inquiry into the death has taken five months. In the interim, no death certificate has been issued and the deceased person's obligations, such as the mortgage, cannot be resolved without it. In those circumstances, people have no redress.

**The Chairperson:** That is a very difficult situation. When someone dies in hospital, the hospital would be required to issue the death certificate. There must be a query as to how the patient died.

**Mr J Kelly:** I am concerned about the length of time it is taking to resolve the matter.

**Mr King:** That would be a matter for the coroner. I understand that the coroner can issue an interim certificate, which can help in such circumstances.

**Ms Armitage:** You said that the coroner may issue a death certificate for burial purposes. I have had a similar problem. If the cause of death is not quite clear, how can the coroner issue a death certificate? As you used the word "may", presumably there are occasions when he would not issue such a certificate.

**Mr King:** It seems that in this case the cause of death cannot be clearly identified and a post mortem may take place. I really cannot speak for the coroner.

**Ms Armitage:** I would like to see something more definite included in the clause on this issue.

**Mr J Kelly:** The situation arises precisely because of what Ms Armitage is saying. Where a death occurs in circumstances that have not been explained to the relatives of the deceased; and when the inquiry is protracted and there are suspicions of some type of cover up between the surgeon and the coroner; and they are reluctant to issue a certificate, the family cannot resolve the circumstances

of the death. Such situations go on and on. People come to Ms Armitage or myself for help. All we can do is ring the coroner's office or the forensic pathologists, and we end up going round in circles. There seems to be no way to force the issuing of a death certificate.

**The Chairperson:** We would have to take that matter up with the coroner's office.

**Mr J Kelly:** Could we not recommend that something be put into the legislation to ensure some kind of redress for people in those circumstances, for they are not unusual?

**Ms Armitage:** It could take the form of a limit being put on the length of time a coroner can take.

**Ms Ramsey:** I welcome this information as it is vital when we are talking about trusts and boards targeting resources. You mentioned that this will take place — or has been taking place — in each district council area. Are you proposing to continue that? I am on Lisburn Borough Council which falls within Down Lisburn Health and Social Services Trust. However, in the Assembly I represent the West Belfast constituency, which comes under North and West Belfast Health and Social Services Trust. Are you proposing to do it by district council area or trust area?

**Mr King:** The information goes to the chief medical officer of each health and social services board.

**Ms Ramsey:** We are all aware that there are pockets of deprivation in areas which would be deemed affluent. I am concerned about this information.

**Mr King:** I will make one further point in relation to Mr Kelly's question. The coroner has no association with the General Register Office. Our job in the General Register Office is purely to record the facts. The coroner, in coming to his decision, does not consult the General Register Office. The information referred to in clause 51 is purely factual information, which is supplied to us.

**The Chairperson:** We will have to take it up with the coroner's office.

**Ms Ramsey:** You are saying that the information will go to the chief medical officer of every board. Will they give the information to the trusts?

**Mr King:** We believe so.

**Ms Ramsey:** The information will become trust or board information.

*Clause 51 agreed to.*

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**NORTHERN IRELAND  
ASSEMBLY**

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**SOCIAL DEVELOPMENT  
COMMITTEE**

Thursday 16 November 2000

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**STREET TRADING BILL  
(NIA 2/00)**

**The Chairperson (Mr Cobain):** I welcome Mr Gordon Gibson, Mr Ivan McMaster and Mr Tom Bowler from the Department for Social Development.

**Mr S Wilson:** Last week we went through the first part of the Bill quite rapidly, and some matters were raised. However, having spoken to council officials about some of the wording, I have identified several clauses that I would like to go over again — as agreed by the Chairperson — in order to get the views of the departmental officials.

**Clause 3 (Designated streets)**

**Mr S Wilson:** I have two concerns about clause 3(1). It states

“A council may pass a resolution designating a street in its district”.

The council may designate that traders are allowed to sell newspapers on the Lisburn Road, for example. The Lisburn Road is therefore “the street”, but there are many parts of that street where trading would not be permitted.

According to the present wording of the Bill, the council has to name the street but cannot make any qualifications. Is there a difficulty in amending that subsection to state that a council may designate a street or a part of a street to make allowances for the fact that “the street” may be very long? That seems reasonable and would not give carte blanche to use of a road that, for example, had a shopping area at one end and a quiet residential area at the other.

**Mr Gibson:** Under the heading “General interpretations”, clause 25(3) states

“In this Act “street” includes —

(c) any part of a street.”

That allows a council to designate all or part of the street as it thinks fit. That is not immediately clear from subsection (3), but it is applicable through the correct interpretation. Depending on what the council wants, it may designate part or all of the street as being suitable for street trading.

**Mr S Wilson:** A trader may be unhappy if a street that he wants to trade on is not regarded as designated. Therefore when a council designates a street, the unhappy trader may go for a judicial review and ask why he is not allowed to trade on the street that he initially wished to trade on. A council could find itself in court nearly every other week; its designation could be challenged, or its refusal to grant a licence could be challenged on the grounds that the person who was refused a licence did not like the designation. I am not a lawyer — that is why the matter was not raised last week — but our legal people say that, as it stands, a judicial review would probably be granted.

If the Bill were to indicate that the council might pass a resolution “as it sees fit” — with that exact wording — then the only basis on which a person could seek a judicial review would be when the council had gone through the proper procedure. If a council could show that it had consulted properly, asked all the right people, and laid down robust criteria, judicial review could be sought only in respect of designations for which the procedure had not been properly followed. It may be covered in some other part of the Bill, but there is real concern that the process could be gummed up if it is left as it is, because it does not actually refer to the procedure by which the council makes its designation.

**Mr Gibson:** Our view was that if a council has gone through the procedure to designate a resolution, taken representations from anybody who wants to put forward representations and followed the procedure, it becomes difficult to obtain a judicial review. That is not to say that it would not happen, but I would be surprised if a council were to be faced frequently with judicial reviews. The challengers would have to be very sure of their grounds. If a council has gone through the procedure and has good reasons for not designating a street, that would have to be taken into account.

I am not sure that adding the phrase “as it sees fit” would make a difference. In our view, it is more or less implicit that it is up to a council to designate as it sees fit. The decision lies solely with the council.

**Mr S Wilson:** I do not know either, but I have taken advice on the sort of legal language that is required. The town solicitor in Belfast feels that that kind of wording is required, and I have to bow to his knowledge, although I do not bow to his knowledge on many things. There is a real fear that the system could be gummed up by judicial reviews, not to mention possible delays and cost to the council. If that kind of wording were to reduce the likelihood of that, why should an amendment of that nature not be made?

**Mr McMaster:** As I understand it, two issues are at stake here. One is the procedure that the council follows in making its resolution. That is set out in clause 4. If the council is in breach of that, anyone has the right to

challenge it for not having followed the proper procedure.

You are concerned that a council could be challenged on how it arrived at designating this street and not that one — its thinking process, as it were. From the beginning, there was no intention to provide guidance as to what criteria a council should take into account, because they could differ from council to council, or even from street to street. It was also considered that, in order for the system to be as open and fair as possible, councils should, in fact, be open to challenge. Councils should be sure enough of their grounds to meet any challenge to their criteria for not allowing trading in a street.

I am not sure that we considered at any stage that the system could be bunged up. It may well be a risk, but no one can guard against that. If we were to remove what we regard as a reasonable right for an individual to challenge the council's decision, we might not achieve our aim of creating an open, fair and accountable system.

**Mr S Wilson:** There is no strict guidance in the Bill as to what criteria might be laid down for the designation or non-designation of streets. I understand the reason for that. However, in the absence of any clear criteria in the Bill, council decisions are much more open to the possibility of judicial review.

The inclusion of the words “the council, as it sees fit, may pass” in the clause would enable councils to set down the criteria by which they will make their judgement. Councils would then have a safeguard as long as they have set out the grounds on which they will make decisions to designate or not designate streets. If councils abide by their criteria, there should be no grounds for a judicial review of a decision not to designate a particular street. As things stand, that safeguard is not in the Bill, and the Bill does not — for the reasons that you have given — provide any other safeguards for councils. The inclusion of the phrase might give councils some safeguard.

**Mr McMaster:** We would never set out to give councils a total safeguard. That would defeat our attempt at openness. I accept your point, but I do not feel that the words “as it sees fit” would add anything. The word “may” implies that a council must have some ground rules and that it cannot just decide what it will do from one day to the next.

**The Chairperson:** We do not expect councils to be immune from challenge, but we do not expect them to be challenged on every issue.

**Mr S Wilson:** The inclusion of the phrase would show that it is the Bill's intention to give councils some discretion. A council could then refer to that point if taken to court.

**Mr McMaster:** The present wording of the clause — that a council “may pass a resolution” — was intended to give councils discretion. Councils do not have to

designate, and we are not compelling them to designate. The only way in which councils can issue a licence and charge a fee under the Bill is if they have considered that a particular street is suitable for street trading and have designated that area as such.

**The Chairperson:** Or any part of the street?

**Mr McMaster:** Yes.

**Mr S Wilson:** The phrase “as it sees fit” is being suggested because it was used in paragraph 2(8) of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in England. Whoever drafted that law decided that that gave councils some additional safeguard, although I do not know whether that was the case. As the wording has been used in other legislation, I cannot understand why there should be resistance to including it in this Bill.

**The Chairperson:** Will you have another look at the matter for us?

**Mr Gibson:** As things stand, councils can set out criteria. Inserting the suggested words would not mean that councils could set criteria that they cannot set already. Councils can decide the criteria that they want to apply to the designation process.

The purpose of the Bill is to prevent undue nuisance; it does not set out to stop street trading. We have tried to be as open and fair as we can to traders and councils, but, invariably, council decisions will be challenged. We will consider the suggestion.

**The Chairperson:** Can we have some background information as to why the phrase was included in the legislation across the water and why legislators there thought it was important to include it?

**Mr Gibson:** Yes.

*Clause 3 referred for further consideration.*

#### **Clause 8 (Mandatory grounds for refusing an application)**

**Mr S Wilson:** I have one point, which is, perhaps, particular to Belfast. Clause 8 states

“A council shall refuse an application under section 5 if the applicant...is not an individual”.

The ‘Belfast Telegraph’ has pitches for selling the paper. I am not advocating the selling of the ‘Belfast Telegraph’ — in fact, sometimes I think it should be banned, given some of the stories that it runs and some of the editorials that it produces. What would happen if a corporate organisation such as a newspaper had pitches? Must the licence be in the name of an individual from that organisation? Would that create legal difficulties for the organisation? That is a problem.

**Mr Gibson:** Anyone selling a paper who does not use a receptacle does not need a licence; the paper boys do not need a licence.

**Mr S Wilson:** They all have stands.

**Mr Gibson:** If they have a stand, they need a licence. There is nothing to stop a corporate body from getting a licence, provided that it is in the name of an individual. We went down that road for reasons of accountability. If a licence is in the name of the 'Belfast Telegraph' and the council wants to enforce a particular aspect, will the director say "Well, it is not me; it is Mr So-and-So"? Does Mr So-and-So say, "Well, it is not really me"? Some people were concerned about that, and that is why we decided to specify "an individual". We see no difficulty with the 'Belfast Telegraph' getting a licence in the name of an individual, although the licence is, in essence, for the organisation.

**Sir John Gorman:** Important as it is, Belfast City Council is one of 26.

**The Chairperson:** It is the only one.

**Sir John Gorman:** I have a dreadful feeling that when Craigavon, Armagh, Newry and Mourne district councils, and so on, get their solicitors on to this — we may find that we need a longer extension on the Bill than we have already had.

**Mr S Wilson:** Many of the measures relating to adequacy and judicial reviews in respect of designated streets will apply to every council. I am using the case of the city council only because officers there pointed the issue out to me.

**Sir John Gorman:** I hope that we will not have to have meeting after meeting with all the councils.

*Committee's agreement to clause 8 confirmed.*

**Clause 9 (Discretionary grounds for refusing an application)**

**Mr S Wilson:** There is no mention of adequacy as grounds for refusing an application in clause 9. That could be an important reason why some councils refuse further licenses in a particular area. Why did the Department not include an adequacy clause?

**Mr Gibson:** What do you mean by "adequacy"?

**Mr S Wilson:** If there are five people selling flowers in a particular location or maybe there is already a plethora of burger bars, a council may occasionally want to use that as a ground for refusing an application. I have seen that difficulty with planning legislation if there is no adequacy clause. There can be ten burger bars or hot food takeaways in one stretch of road, and nothing can be done about it. Street trading creates the same situation. It would be important to include an adequacy clause to cover those circumstances. Under this Bill, councils cannot refuse such applications.

**Mr McMaster:** Clause 9 includes the provision that an application can be refused if there is insufficient space and there are enough traders. We talked about unfair

competition at the Committee meeting last week, but it might be a breach of rights to tell someone that they were not to be granted a licence to trade particular goods. That would be an attempt to control what people sell.

**Mr S Wilson:** That can be done in England under the Local Government (Miscellaneous Provisions) 1982 Act. If it can be done there, why is there a difficulty in Northern Ireland?

**Mr McMaster:** The Local Government (Miscellaneous Provisions) 1982 Act is several years old. Human rights and European law were a big consideration when that legislation was being drafted. If there was unfair competition, there was a disallowance, as was suggested last week. Our legal advice is that the legislation may be open to challenge. The suggestion that a person cannot trade in a particular area would restrict the free movement of goods.

**Mr S Wilson:** It is early days, but it has not been challenged in England. Instead of anticipating challenges, we should focus on the difficulties that such concentration could cause. A clause of this kind should be inserted. If it is challenged at a later date, so be it. We will cross that bridge when we come to it.

**Mr McClarty:** Unfair competition works in favour of the street trader. If he is selling burgers, he does not have the same overheads as the shopkeeper, who has staff, rates and rent to pay. I agree with Mr Wilson that there should be a clause to cover that.

**Mr Gibson:** We keep returning to this. The Bill will prevent undue nuisance, not unfair competition.

**Mr S Wilson:** That is my point. One burger bar or one hot food bar in a street might not cause any difficulty. Ten of them would be a darned nuisance.

**Mr Gibson:** The council would not allow 10.

**Mr S Wilson:** The law does not stop them, because adequacy is not a criterion. That is the whole point.

**Mr Gibson:** If the location were unsuitable, the council could decide to designate a limited number of pitches only. It could decide that five pitches in one street is the maximum that it would allow and that any more than that would cause a nuisance.

**Mr S Wilson:** It might be suitable to have 10 pitches in a street, but it might not be desirable to have people selling the same thing from each of those 10 pitches. That is where adequacy comes in.

**Mr McMaster:** A designating resolution may also determine that only specified articles or services may be supplied from pitches in that street. Could councils not use that power to limit the types of goods that can be sold on a particular street? That might, of course, vary from street to street.

**Mr S Wilson:** How would we do that? If a council says that it will allow someone to sell burgers in a particular street, it cannot then say that another person cannot sell burgers in the same street. If such a trade is suitable for that street, it is suitable for anyone to conduct it — if it is suitable for Davy McClarty, it is suitable for me. The only way round that is for the council to say that it does not want any more spaces being used for that activity, even if there are 20 unused spaces. It cannot say that the activity itself is unsuitable or say that there is no space.

**Mr McMaster:** I take your point.

*Clause 9 referred for further consideration.*

### **Clause 12 (Notice and representations)**

**Mr S Wilson:** I have one last point to make on clause 12.

**The Chairperson:** You will be Clarence Darrow before this is over.

**Mr S Wilson:** It is about clause 12(2)(b). Twenty-one days is quite a long time to allow for the process. There could be two council meetings during that time when the council could look over the application, and if the application is to be refused, the council has to put it in writing. People who are unhappy with that are given time to respond, and the 21 days is the period during which the applicant can deliver his submission. Is it necessary to have such a long-drawn-out process? We were told that traders were concerned that licence applications could take forever. In the context of my own council, that could result in a three-month period, given the requirements of clause 12.

**Mr Gibson:** It is up to each council to decide how it wants to administer the scheme. It will decide how to clear street trading applications. We want an open and fair system. To allow people sufficient time, it is necessary to go through the process. Not all councils process applications in the same way. Some have meetings of the council, others do not.

**Mr S Wilson:** If applications were processed by reference, or responsibility were delegated to an officer, there would be trouble.

**Mr B Hutchinson:** Accountability should lie with the council members, not the officers.

**Mr S Wilson:** I appreciate that it can take up to three or four months for someone to get a licence, but I do not know of any council that does not refer licence applications to the council itself. It has such a high public profile and is the cause of so much public debate that no council would want to leave that responsibility to an officer, and, in turn, many officers would not want to be left without some cover from the council.

**Mr Gibson:** Some councils suggest that they can process applications in about six weeks. Perhaps those

councils have different ways of tackling it. I agree, however; three months is a long time.

**The Chairperson:** It is a licence issue, and councils would have to agree to that.

**Mr McMaster:** Complaints from traders are likely to be about the delay in the system or about the fact that their licence application has been refused. They will not wait 21 days before making a representation, because it will be in their interests to get it in quickly. If the decision were to go against the applicant, he would put his submission in before 21 days. That was considered to be an adequate time, and it mirrors the corresponding Westminster legislation.

*Clause 12 referred for further consideration.*

### **Clause 14 (Temporary licences)**

**Mr S Wilson:** Is it intended that the same criterion that would apply to full applications should apply to temporary licences?

**Mr Gibson:** The council can set its own criteria for temporary licences. We deliberately left that flexibility.

**Mr McMaster:** The criteria that apply across the board are the mandatory grounds for disallowance. The only exception is the one that specifies that a temporary licence can authorise trading in a designated area because of the special nature of the events for which it is catering. Under-age traders do not get that, but otherwise the same mandatory rules apply.

**Mr S Wilson:** Clause 14(5) states that a council should “formulate, and make available to any person on request, criteria with respect to the granting of temporary licences”.

That allows the council to set its own criteria.

**Mr Gibson:** The council sets its own criteria. That was intended to give councils the flexibility to suit their own needs.

*Clause 14 agreed to.*

### **Clause 15 (Fees and charges)**

**Mr S Wilson:** Clause 15 states that the fees charged by the council

“may be sufficient in the aggregate, taking one year with another, to cover any reasonable administrative or other costs”.

Does that include court costs?

**Mr Gibson:** Yes, it covers any cost to do with either the administration or enforcement of the legislation.

**Mr S Wilson:** That worries me, because I know that Belfast City Council’s court costs are enormous. Many people who are taken to court never pay up. Are you saying that the costs caused by illegal traders should be borne by legal traders? That is unfair. The wording of the Bill is such that that is exactly what will happen.

**Mr Gibson:** Where else would the council get the money from?

**Mr S Wilson:** The council may decide to take it from the rates, but the clause requires us to pass it on to legal traders. We do not have any discretion in that respect. If we do not cover the costs, the local government auditor will say, "What did street trading cost last year — £1 million? How much did you recover in fees — £100,000? You have not recovered your costs." Costs must be recovered somehow, but it is unfair for all of them to fall on legal traders. I tried to get a figure from our officers in Belfast City Council, and they told me that it would be not thousands, but hundreds of thousands of pounds every year.

**Mr Gibson:** Would councils be happier passing it on to ratepayers?

**Mr S Wilson:** They might not be happier, but they should have the discretion not to take it from legal traders.

**Mr Gibson:** I hope that there will not be the same legal costs.

**Mr S Wilson:** I hope so too.

**Mr McMaster:** The only limitation is that the costs must be reasonable. I am not saying that it solves the problem, but the Bill does say

"reasonable administrative or other costs".

**Mr Gibson:** We shall consider that point. We shall consider whether "reasonable" covers it.

**The Chairperson:** OK. We will park clause 15.

**Mr S Wilson:** If the legal costs were taken out of it, that might take care of it. It should only cover reasonable administrative costs.

*Clause 15 referred for further consideration.*

*Clause 16 agreed to.*

### **Clause 17 (Unlicensed street trading)**

**Mr S Wilson:** What is a level 3 penalty?

**Mr Gibson:** A maximum of £1,000.

**Mr S Wilson:** I take it that the maximum is rarely imposed.

**Mr Gibson:** I do not know.

**Mr McMaster:** It is rarely imposed.

**Mr S Wilson:** What is the highest level of penalty?

**Mr Gibson:** Level 5.

**Mr S Wilson:** In my experience and from all the reports we used to get to our Committee, the courts do not impose maximum fines. The cost of taking someone to court used to be about four times more than the fine that were given. We know that the courts do not impose the maximum fine. Where there is persistent illegal or

unlicensed trading, should we not allow the courts to give the maximum fine? Even if they went halfway, they could give deterrent fines.

**Mr Gibson:** If courts were imposing insufficient fines, we should consider that issue. However, if courts are not using the maximum, it would not be right to increase the level in the Bill so that we can increase the amount of the fine. That issue should be taken up with the courts. At the moment, the courts can only fine unlicensed traders; under this Bill, they will also be able to seize goods. Perhaps they will do both, or a court may decide. The seizure of goods, along with a fine, is very different to what we have now.

**The Chairperson:** A trader who has been fined on several occasions can decide to go to jail for three days, after which he is clear and back out again.

**Mr McMaster:** With the increase in fine, who knows what will happen?

**The Chairperson:** If the fines are higher, we can encourage the courts. There are supposed to be deterrents; at the moment, there are none. The council spends tens of thousands of pounds to take those people to court. They are in breach of the regulations as it is and are regular court attendees. They may have been fined 20 times for doing it, but they do not pay anything. The council cannot recover its costs. People go to jail for three or four days, their records are clear, and they do it again. As a council, we are out thousands of pounds taking those people to court.

**Mr Gibson:** We considered that aspect, and we realised that councils had a problem with non-payment of fines. They will not have the same difficulty with seizure, because it is more punitive than fines.

**The Chairperson:** That must be foolproof.

**Mr Gibson:** We must also bear in mind that the level of fines depends on the action. We have used level 3 throughout the Bill. I know that it caused a problem, but perhaps unlicensed trading is not as big an offence as those that might attract a level 4 or level 5 fine.

**Mr S Wilson:** A person who engages in street trading in a district and is not the holder of a street trading licence or temporary licence granted by the council is committing an offence. If I were the holder of a licence for selling burgers on the Boucher Road, I might decide to go to Belfast city centre for an event such as turning on the Christmas tree lights and sell burgers at that. I would still hold a licence, but I would not be operating on the pitch that I should be operating on. Would I still be guilty of an offence?

**Mr Gibson:** Yes, you would be breaching the conditions of your licence, but you would not be liable to seizure. That question was considered at some length during the consultation phase. The view was that people who have a licence have given at least some commitment to the

scheme and would be better dealt with through the procedures for breach of licence. They would be warned, rather than fined. If the licence is persistently breached, it can be revoked, and the trader is trading without a licence and would fall under the seizure provisions.

**Mr Gibson:** In some towns, it is difficult to know where one street starts and another stops. If somebody happened, by mistake, to be a yard in the wrong direction, he could be vulnerable to seizure.

**Mr S Wilson:** According to my reading of the wording in clause 17(1)(a) and (b), it is only the holder of a temporary licence who is guilty of the offence, not the holder of a full licence.

**Mr Gibson:** A licence holder trading in an area in which he is not entitled to trade stands a chance of losing his licence. We did not feel that it was right that licensed traders should be subject to seizure provisions only because they were permanent traders.

**Mr McMaster:** A full-term licence will state where the trader should trade. That is one of the conditions that must be specified. Clause 21 says that any person who, without reasonable excuse, contravenes any condition of a street trading licence is guilty of an offence. The offences are listed under clause 17. They are the only offences that would attract a seizure of goods. There will be other offences, but for drafting purposes they were put in here.

**Mr Gibson:** Clause 17 is linked to clause 18.

**Mr McMaster:** Under clause 21, a person with a licence who trades in the wrong place will have committed an offence and can be fined. His licence can be revoked for repeated breaches, and he will find himself unlicensed to trade. If he continues, he is in the same situation as the person who is unlicensed. It takes a couple of steps to get there, but his commitment to the licensing scheme is considered to at least merit some —

**Mr S Wilson:** He must be doing that persistently. What does “persistently” mean?

**Mr McMaster:** It must be more than once, certainly.

**Mr S Wilson:** Is it not defined?

**Mr McMaster:** The Bill requires at least one written warning. That does not stop a council giving as it likes many other warnings as it likes, but they should have one written warning. “Persistently” is a hard word to define.

**Mr S Wilson:** If a temporary licence holder commits an offence, can his goods be seized?

**Mr McMaster:** Yes, if he is trading in the wrong place.

**Mr S Wilson:** A full licence holder can get away with it.

**Mr McMaster:** He will not get away with it, but his goods will not be seized immediately.

**Mr S Wilson:** The only sanction is a court fine.

**Ms Gildernew:** Will a trader who is trading in the wrong place be given a chance to rectify the situation? Will he be warned that he is in the wrong place?

**Mr Gibson:** It would be a matter for the council, but I expect that it would do that.

**Mr McMaster:** There is no requirement to give a warning in that case.

**Mr Gibson:** If it were simply a mistake, it is unlikely that a council would seize the goods.

**The Chairperson:** They need to use a bit of common sense in such situations.

*Clause 17 agreed to.*

#### **Clause 18 (Powers of seizure).**

**Mr S Wilson:** If clause 18 is not effective, we may as well not have the Bill. We have talked about the level of fines, about non-payment and about how some people just put it down as one of the hazards of trading and go to jail for a couple of days. Only the loss of stock is likely to have an effect. The clause appears to suggest that the reason for seizing the stock is that it might be used as evidence in any proceedings.

Is it not reasonable — would a court not judge it reasonable — for one of our officers to approach an illegal trader selling, say, socks, and take just one pair of socks as evidence? He would not need to bring a whole bunch of socks to show that the trader was trading. That seems to be a glaring loophole, and we could be in big trouble with the powers of seizure. Why is the phrase “used as evidence” included?

**Mr Gibson:** In one way, it is for the protection of the trader. It ensures that a council does not seize goods and hold onto them. It may seize goods only with the intention of taking legal proceedings. There is nothing to stop the council taking just a pair of socks, but, equally, there is nothing in the legislation to stop it seizing everything. The council does not have to produce everything in court. It simply seizes goods that it considers may be required as evidence. When the case goes to court, only part of that might be used. There is nothing to stop the council seizing the stall, the vehicle and everything on the stall.

**Mr S Wilson:** There is nothing to stop it doing that, but the Bill points towards the officer simply taking one specimen item. A lawyer representing somebody who had had everything taken by a council officer because he was trading illegally would not find it hard to argue that it had not been necessary to take all that stuff when one pair of socks would have been sufficient. The trader would have to admit that the socks were to be sold from a stall owned by him. Furthermore, the Bill says that sufficient evidence is all that is needed.

In London, they had a problem with people selling burgers in the royal parks. The law there seems to have



worked. It makes it quite clear — this is the wording that might be used — that if an officer reasonably believes that certain things have been used in the commission of an offence, he can seize them. That seems more foolproof. The officer is not gathering evidence; he is simply saying that the stall and all the stuff on the stall has been used in the commission of an offence. If it were worded in that way, there might be a better chance that the seizure powers would be effective.

**Mr McMaster:** Under the Royal Parks (Trading) Act 2000, there is a general power to seize and hold property for 28 days. However, at the end of 28 days, unless an action has been commenced, the goods must be given back to the trader. We are not so far away from that situation. There is a requirement to take an action or to hand the goods back to the trader. To all intents and purposes, the goods are being seized for use as evidence, and, if there is no further action, they must be returned after 28 days.

**Mr S Wilson:** My worry is that a council officer will march into court with all the stuff that has been seized, only for the judge to ask why everything was taken when one thing would have been enough evidence. If that happens, nobody from any council is ever going to seize everything again because of the fear of having to pay compensation. The Royal Parks (Trading) Act 2000 is worded in such a way that anything can be seized that has been used — or is suspected to have been used — in committing the offence. An offence has been committed by using the goods. However, the case will stand up better in court if the stall and goods were seized because they were being used to commit the offence.

**Mr McMaster:** There are two considerations in the provisions. The powers of seizure are almost identical to those in the street trading legislation for the city of Westminster.

**Mr S Wilson:** The 2000 Act was introduced because of what were deemed to be the inadequacies of the legislation.

**Mr McMaster:** I am not aware of inadequacies. We have discussed it with members of Westminster City Council, and they have not mentioned any difficulties about seizure for evidence purposes. We have been told by the courts that not everything must be produced in court — a sample is sufficient. Our legal advice is that “any” article for evidence purposes covers everything.

**Mr S Wilson:** The reason for the forfeiture option is the belief that the trader is unlikely to pay up, even when taken to court. That is fairly weak, and defending that in court would be difficult for a council. That is not a replacement for the strength of the 2000 Act which makes clear that it is permissible to lift goods used in the commission of an offence.

**Mr McMaster:** The provision was designed to prevent councils from repeatedly seizing property for 28 days,

taking no action and returning the goods. There is nothing to stop that under the 2000 Act. It was designed to offer at least some protection for the trader.

**Mr S Wilson:** That confirms my belief about this part of the legislation, and rings alarm bells with me. The most crucial part of the Bill could prove to be meaningless. First, a court could say that all the stuff is not needed. Secondly, if it is seized because it might be subject to an application for forfeiture, there is no proof that it is needed to pay costs that the person has not paid. I do not understand why we cannot strengthen the Bill to ensure that such difficulties are not encountered.

**Mr Gibson:** It rests on the word “may”. The clause says that the council official can seize goods, not which “will be required” but which “may be required”. That leaves him some discretion. There may be times when he wishes to confiscate part or all of the goods. I do not think that a court would query the matter if a council official said that he was of the opinion that the goods might be required in a court case when he confiscated them.

**Mr S Wilson:** If a judge said that the goods were not required and that he needed only a sample, the official could never use that argument again. The argument can be used on one occasion only. Thereafter, a council officer does not have a leg to stand on. I must emphasise — for in Belfast we have the biggest problem with illegal street trading — that without that sanction we shall never stamp it out. We cannot do so with the present wording, and I cannot understand the resistance to an alternative version that would make the Bill more effective.

**Mr McMaster:** We are not resisting it; I am merely explaining why it is currently so. Any change is a matter for the Committee.

*Mr Cobain left the meeting at 3.27 pm and Ms Gildernew took the Chair.*

**The Deputy Chairperson (Ms Gildernew):** Does the Committee wish to park that clause and return to it later? Before we do so, perhaps I might have a point clarified. In subsection (1)(c), does the phrase

“any receptacle or equipment being used by that person”

include a vehicle that may have been used to transport the person or goods to the stall, and is not actually in use, but parked nearby?

**Mr Gibson:** I do not believe that something merely used for the trading could be taken — for example, a vehicle in which things are transported. However, if the traders were supplying goods from the vehicle, it could be seized.

*Clause 18 referred for further consideration.*

**Clause 19 (Forfeiture)**

**The Deputy Chairperson:** Would subsection 19(5) have liability implications for district councils if goods were unsafe, counterfeit or stolen?

**Mr McMaster:** If a council were aware that goods were stolen or otherwise unacceptable, it would be unwise for it to sell them on, and it should probably not do so. There are certainly implications for the council if it is aware that they are stolen.

**The Deputy Chairperson:** What happens to seized goods if the owner cannot be traced?

**Mr McMaster:** Clause 18(7) says that if the owner cannot be traced, a council may go to court for an order as to how goods should be disposed of. However, the council must first take adequate steps to trace the person.

*Clause 19 agreed to.*

*Clause 20 agreed to.*

**Clause 21 (Other offences)**

**Mr S Wilson:** Why does it say

“Any person who —

(a) without reasonable excuse contravenes any condition of a street trading licence”?

**Mr Gibson:** It is to allow a little flexibility, since there might be cases in which there is an excuse. It would be up to the council to decide whether it is reasonable.

*Clause 21 agreed to.*

*Clause 22 agreed to.*

**Clause 23 (Power to remove receptacles)**

**The Deputy Chairperson:** Can you comment on the proposal to prosecute the stall owner in line with European law?

**Mr Gibson:** The provisions for seizure and the compensation are balanced, providing rights to both the council and the trader. If goods are seized, they are seized on the basis that there will be court proceedings, otherwise they must be returned. If there are court proceedings and the goods are proven to have been seized illegally, the trader has the right to apply for compensation for the loss on the basis that the seizure was illegal. That protects the trader against illegal seizure. That is the advice given by our solicitors.

**Mr McMaster:** That comment was made in the consultation document. There were concerns that the owner of the stall would not be prosecuted. It must be that person standing at the stall selling the goods. It was intended that we would make provision for the owner of the stall to be prosecuted as well. However, under a Magistrate’s Court order, any person who procures, aids, abets or commissions as part of an offence can be tried and is equally guilty of that offence. Therefore, there was no need to include a specific provision for the owner. Any person found aiding and abetting the commission of an offence can be prosecuted for that offence.

*Clause 23 agreed to.*

*Clause 24 agreed to.*

*Schedules 1 to 3 agreed to.*

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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND  
PERSONNEL COMMITTEE**

Thursday 16 November 2000

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**GOVERNMENT RESOURCES  
AND ACCOUNTS BILL  
(NIA 6/00)**

**The Chairperson (Mr Molloy):** I welcome Ms Eileen Regan and Mr Malachy Finnegan from Assembly Research and Library Services.

**The Committee Clerk:** The next step is for the Committee to consider any concerns that it wishes to raise with the Department. I spoke to Dr Andrew McCormick of the Department today. He promised that, in view of the time constraints on the Bill, which he may wish to bring to our attention when we see him this afternoon, the Department would respond as quickly as possible, to allow the Committee to proceed quickly through the Bill.

In the folder are documents which Members may wish to add to as the process continues. The first document is a research paper that was produced for the Westminster Bill for consideration in that forum. We also have responses from various organisations to whom we wrote for their views on the Bill. As we work through the clauses, the specialist advisers will raise concerns raised by other organisations.

**Ms Regan:** Mr Finnegan and I will assist in the process. However, we are not specialist advisers. We will provide general advice, but we are not authorities on the subject matter of the Bill.

**The Committee Clerk:** Two documents are of immediate interest — the Bill itself and the Explanatory Memorandum, to which Ms Regan will probably wish to refer. Ms Regan may also refer to documents received from other organisations. They should be easy to find in the folder.

**Mr Close:** Is the Committee content to comply with predetermined deadlines? Should we not try to get the matter right? There is a suggestion that the fact that the Sharman committee is meeting across the water means that we will wait to see its conclusions and then attach them to our own views. The service agreements are due to be published in January, and they might have an impact on the Government Resources and Accounts

Bill. Is it wise to rush things through to get them cleared by a certain date?

**The Chairperson:** Dr Andrew McCormick will attend later this afternoon. We have asked him to speak on the Government Resources and Accounts Bill and the programme that he intends to put in place in order to get the legislation operational by next April. To achieve that, certain deadlines must be met. Our questions are straightforward: do we want the Bill at all, or do we want an amended Bill? It might be better to deal with the introduction to the Bill and raise those question with Dr McCormick.

**Mr Close:** I was simply saying that it appears that we will follow the proceedings of the Sharman committee slavishly. If that committee comes up with anything, that will be well and good, but it may not deal as comprehensively as it should with proper accountability for all financing in Northern Ireland. We have our own Assembly and the opportunity to consider how matters are dealt with in Scotland, in particular, and to improve on them, rather than simply taking something from Westminster, where the relationship between the Treasury and Parliament is different.

**Ms Regan:** That concern was voiced by a retired civil servant, Mr Des McConaghy.

**The Chairperson:** Some of his papers are in the folder.

**Ms Regan:** The Committee should take that consideration on board. I understand that Lord Sharman's report is due at the end of the year. The Treasury issued a press release in September, but, as no definitive dates were provided, the report could take longer.

**Mr Leslie:** We can get it done by the end of January, and we should try to do so. This Bill will affect the Government, while the Ground Rents Bill, the Family Law Bill and others will affect the public. Any matters in this Bill that need to be fixed will have an impact on Government.

I have not read Mr McConaghy's submission, but I may well agree with it. On Second Reading, I asked who would set the standards. Westminster has published a Bill that will allow the Treasury to set its own accounting standards. That is crazy. I will try to change this Bill so that we are not in that position. That will be a major issue for us during the passage of the Bill.

**The Chairperson:** Shall we go through the Bill clause by clause and deal with Mr Close's questions when Dr McCormick attends? If there are particular clauses that are problematic, we can note them and seek clarification.

**Ms Regan:** The paper goes through the explanatory notes paragraph by paragraph and identifies concerns. The second part of the paper goes through the Bill clause by clause. Unfortunately, the paper uses the word "section" instead of "clause". I apologise for that error, but what we are referring to should still be clear.

**Clause 1 (The Consolidated Fund Account)**

**Ms Regan:** There seems to be a general concern, which some Committee members have mentioned, about the wide discretionary powers afforded to the Department of Finance and Personnel, especially under subsection (1), which says:

“as the Department may from time to time determine.”

Most of the concern is about the wide discretion given to the Department and its potential adverse impact on the work of the Comptroller and Auditor General in certain areas.

**Mr P Robinson:** Who would determine what bank we should use, if the Department did not?

**Mr Leslie:** My antennae would not wave at that. I doubt that it differs much from the current situation.

**Mr Hussey:** Does clause 1 mean that any European bank can be considered?

**Ms Regan:** Clause 21(2) of the Bill, which deals with interpretation, says:

“‘the Bank’ has the meaning given by section 1(1)”.

**Mr P Robinson:** We keep going backwards and forwards between the two.

**Mr Hussey:** It could be the Bank of Taiwan.

**Ms Regan:** A wide discretion is given to the Department.

**Mr Hussey:** We cannot go beyond that.

**Mr Leslie:** It does not concern me. They are keeping the bank account right now. For example, in the Appropriation Bill, all the money goes into and comes out of the Consolidated Fund. That would not concern me.

**Mr Hussey:** Who in the Department would determine that?

**Mr P Robinson:** It would be the Minister, I assume.

**The Chairperson:** The Minister is ultimately responsible.

**Mr P Robinson:** By law, the Department is under the control and direction of a Minister.

**Mr Close:** How do we interpret “Department”?

**Mr P Robinson:** The Department is under the direction and control of that Minister.

**The Chairperson:** I accept that. Why is it not “Minister”, or “Minister and the Department”?

**Mr P Robinson:** There is a reason. The draftsman could probably tell us.

**Ms Regan:** We can look into that.

**The Chairperson:** We need clarification. We also need clarification on the question that was raised about the

bank. Those questions could be dealt with easily, and we could start off with a clear picture.

**Mr P Robinson:** Is the accounting officer the permanent secretary?

**Mr Close:** There is a reference to that somewhere in the Memorandum — or perhaps not.

**The Committee Clerk:** In pure accounting matters, the legal responsibility falls on the accounting officer.

**Mr Close:** There is a reference to someone’s being appointed.

**The Committee Clerk:** I am not a legal expert, but I can say from experience that it is normal to confer powers on the Department and those persons within the Department who are responsible, who are the Minister and the permanent secretary.

**The Chairperson:** Is there a question mark over who the accounting officer actually is?

**Mr Close:** It is always the permanent secretary. However, I wonder what powers the permanent secretary would have in that case.

**Mr P Robinson:** I cannot see any Minister saying, “Let’s go to the Northern.”

**Mr Close:** There has to be a distinction. The permanent secretary comes before the Public Accounts Committee. He deals with the expenditure of funds. However, the policy is agreed by the Minister.

**Mr Leslie:** Schedule 2 sets out the whole raft of current enabling legislation that is to be repealed and replaced. The exercise is to find out to what extent the new powers differ from the old ones; it is bread-and-butter stuff.

**The Chairperson:** We are working to a tight schedule. If there are standard provisions, we should not try to redefine them. If it is standard procedure, there is no need to rewrite the entire structure. Although clarification of those standard procedures is important, we want to get into the nitty-gritty of the Bill.

**The Committee Clerk:** We will seek early clarification of those points. There is no reason why we cannot do so.

*Clause 1 referred for further consideration.*

**Clause 2 (The Consolidated Fund)**

**Ms Regan:** Clause 2 raises the issue of the Department’s discretion, specifically in relation to subsection (2), which deals with the issuing of credits. Subsection (3) also allows the Department to restrict sums issued to the credit of the account of a Northern Ireland Department. There is no mention in those provisions of the criteria that are to be used.

**Mr P Robinson:** What does subsection (3) mean?

**Ms Regan:** Subsection (2) is about granting sums to the Department. Subsection (3) gives the ability to credit the Consolidated Fund account. It will all be dealt with through one account.

**Mr P Robinson:** Subsection (3) says that

“The Department shall restrict the sums to be issued to the credit of the account of a Northern Ireland department to such total sum as the Department considers necessary for conducting the current payments”.

However, if the sum has been voted by the Assembly —

**Ms Regan:** That is why it raises concern.

**Mr Close:** All the money goes into the Consolidated Fund. The Department of the Environment may want to draw money from it, but that subsection could be interpreted as meaning that the Department of Finance vets that.

**Mr P Robinson:** It can overrule it.

**Mr Close:** Yes — or restrict it. It opens up those possibilities. People have, with justification, questioned the power given to the Department of Finance and Personnel. Perhaps we should welcome it.

**The Chairperson:** Does the subsection relate to the continuous reviews, by which sums of money are returned to the account because Departments have not spent all that they had drawn down? Is this a mechanism to get round that? The money is all part of the Consolidated Fund and does not go into the Departments’ budgets until the money is actually required. It is held centrally. That might make sense if the money is not needed until later.

**Ms Regan:** I refer members to page 4 of the explanatory notes, where a distinction is made between subsections (3) and (4):

“Subsection (3) enables DFP to exercise control over the management of cash”.

**The Committee Clerk:** I think that the key word in clause 2 (3) is “current”. A Department is not allowed to draw down its entire allocation for the year.

**The Chairperson:** A Department is not allowed to invest it and perhaps lose it all. I think that that is straightforward, but Members may have different views.

**Mr P Robinson:** It gives power to the Department of Finance and Personnel, as opposed to the Departments themselves, to exercise judgement as to what it considers to be the necessary figure for current payments.

**The Chairperson:** It gives greater financial control to the Department of Finance and takes control away from the Departments.

**The Committee Clerk:** It reflects the fact that the Department of Finance and Personnel exercises ultimate control over the block grant.

**The Chairperson:** The money required for current payments by Departments would be paid, but not in advance.

**Mr P Robinson:** That is not all that the clause says. It says that the Department of Finance and Personnel

“shall restrict the sums ... to such total sum as the Department considers necessary for conducting the current payments”.

To take Mr Close’s example, the Department of the Environment may have a different view from the Department of Finance and Personnel on what is necessary to conduct the payments for the public service for which it is responsible.

**Mr Maskey:** It would read better if it said “funds which were necessary”, as opposed to

“such total sums as the Department considers necessary”.

There must be agreement on what is “necessary”.

**The Chairperson:** Who regulates in that situation? If the Department of the Environment, or any other Department, disagreed with the Department of Finance and Personnel about when the money was needed, who would have the final decision?

**Mr Hussey:** We have often heard the Minister say that he is not a senior Minister. This clause would greatly increase his power.

**Mr Leslie:** I do not know whether it would increase his power; I do not know what his existing powers are. We would have to look at the 1921 Act, but I suspect that the powers would be the same.

**The Committee Clerk:** They probably are, but it does not stop us asking the question.

**The Chairperson:** We need to know who is the arbiter in that situation.

*Clause 2 referred for further consideration.*

**Clause 3 (Payment out of Consolidated Fund: standing services)**

**Ms Regan:** This is another area in which wide discretion is afforded to the Department. That could have an adverse impact on the Comptroller and Auditor General’s powers. There are a few concerns, specifically about subsections (3) and (4). With regard to the order issued by the Department, there should be some ring-fencing or earmarking of the moneys. It appears that the Department is not doing that. The Department of Finance and Personnel issues a requisition to the Comptroller and Auditor General under subsection (2), and he can grant credit. Issues can be made to the relevant Departments by the Department of Finance and Personnel, which gives orders to the bank.

**Mr P Robinson:** At present, does the Comptroller and Auditor General have any flexibility? Must he always grant a credit, if requested?

**Ms Regan:** As far as I understand, the Comptroller and Auditor General has a lot more right to roam. The legislation will curtail that.

**Mr P Robinson:** It removes his flexibility. Subsection (2) states that the Comptroller and Auditor General

“shall, on receipt of a requisition from the Department, grant”.

He has no flexibility at all.

**Ms Regan:** I can look into that.

**The Chairperson:** The question of access for the Comptroller and Auditor General has been raised at Westminster. The Sharman committee will report on that.

**The Committee Clerk:** The C&AG’s right to audit accounts is separate; this is a specific power that seems to give him no discretion.

**Mr P Robinson:** It does not even give him discretion in relation to timescale. He cannot investigate the matter or ask questions about it; he must pay up on receipt of a requisition.

**The Chairperson:** There are some questions in clause 3 about the Comptroller and Auditor General’s access, flexibility and accounting.

**The Committee Clerk:** That is covered in subsection (3). Members should consider whether there are other subsections on which they need clarification, or an explanation, from the Department.

**Mr P Robinson:** Subsection (3) says

“Where a credit has been granted under subsection (2)”.

What is meant by that? The credit will always be granted under subsection (2). Is it arbitrary? Does the Comptroller and Auditor General have any choice in the matter?

**The Chairperson:** Dr Andrew McCormick discussed the idea that the Minister should give a clear definition of access to the Comptroller and Auditor General. That may go some way towards alleviating some of our problems, which are different to Westminster’s problems.

**Mr Hussey:** Subsection (6)(a) is more sensible and gives the Comptroller and Auditor General an overseeing role. It states:

“A requisition or order under this subsection —

(a) may be produced, authenticated and transmitted in any manner which the Department, with the approval of the Comptroller and Auditor General, decides to adopt”.

That is more acceptable.

**The Chairperson:** That is more in keeping with the expected role.

**Mr P Robinson:** After the event — there may be a good reason why there should be no delay at the earlier stage and why the man should not be allowed to look under the rock. Subsection (6)(a) allows him to ask all sorts of questions, but only after the horse has bolted.

**The Chairperson:** The idea may be to free the process up and ask questions afterwards.

**The Committee Clerk:** Clause 3(2) is the key.

**The Chairperson:** May we have clarification on subsection (7)? What function under the Exchequer and Audit Act (Northern Ireland) 1921 is being wiped out? We need to make the comparison.

*Clause 3 referred for further consideration.*

**Clause 4 (Payment out of Consolidated Fund: sums authorised by Act of the Assembly)**

**Ms Regan:** The Committee raised some questions about the powers of the Department over the Comptroller and Auditor General.

**Mr P Robinson:** What is meant by

“the Assembly has authorised by Act”?

Clause 4 states:

“This section applies in respect of sums which the Assembly has authorised by Act to be issued out of the Consolidated Fund.”

**Ms Regan:** I presume that it means by a legislative Act.

**Mr P Robinson:** Does it refer to health and social service payments?

**Ms Regan:** It is governed by decisions on the composition of the Consolidated Fund, which has yet to be determined.

**Mr P Robinson:** What are the two categories?

**Ms Regan:** I can take a list of queries and come back to the Committee.

**Mr P Robinson:** Could one category be appropriation?

**The Chairperson:** The best way forward is to seek clarification on the subsections relating to standing services and sums authorised by Act of the Assembly.

**Ms Regan:** It would be useful to clarify the position under the Exchequer and Audit Act (Northern Ireland) 1921, as referred to in subsection (8).

**The Chairperson:** Subsection (8) states that section 6 of the 1921 Act shall cease to have effect.

**Mr P Robinson:** If an Act were to grant money to an outside organisation, for instance, under 4(3), is it within the power of the Comptroller and Auditor General to examine how the money is spent?

**Ms Regan:** I would need to examine that more closely.

**Mr P Robinson:** I do not know what the Comptroller and Auditor General’s current powers are, but Government money is being spent in some areas in which there should be greater investigation.

**The Chairperson:** Some payments to outside bodies are not directly under the control of Departments.

**Mr P Robinson:** It may be necessary to strengthen the hand of the Comptroller and Auditor General.

**Ms Regan:** Lessening the Department's discretion is a general theme throughout the Bill.

*Clause 4 referred for further consideration.*

**Clause 5 (Application of sums issued)**

**Ms Regan:** Clause 5 puts in place the provisions contained in the Exchequer and Financial Provisions Act. It does not appear to raise any concerns

**Mr P Robinson:** What is the definition of "year"?

**Ms Regan:** It should be made clear whether it is an "annual" year or a "financial" year. The memorandum does not say which type of year it is.

**The Chairperson:** It does not specify the type of "year".

**The Committee Clerk:** The meaning of "year" would usually be as defined in another Act.

**Mr Leslie:** It is not explained in the definitions.

**Ms Regan:** It is not in clause 21 either.

**The Committee Clerk:** It would usually be interpreted in clause 21 or similar clauses, or it would be given the definition set out in another piece of legislation. Neither scenario seems to exist here, so that might be worth pursuing.

**The Chairperson:** That brings us back to the earlier issue of clarifying the system of grants. If the money can be used by other Departments, it should not be used in any way that takes control away from the Assembly. That concern was also expressed in the House of Commons. Can we get details of the amendments that were tabled at Westminster, so that we can make the necessary comparisons?

**Ms Regan:** Yes.

**Mr P Robinson:** The block grant is, presumably, paid in tranches of some kind?

**Ms Regan:** I emphasise that I was asked to come here to give general advice and that a decision was taken not to have an expert. I am happy to investigate that point, but I do not have the expertise to respond right now.

**Mr P Robinson:** Do we get interest on money held in the banks?

**Ms Regan:** That is a valid concern.

**Mr P Robinson:** If we get interest and if there is resource accounting, will the centre try to hold onto money for a longer time? Can the reference to "bank" be interpreted as meaning "banks"? We might get a better rate of interest with one bank, but we might be able to work more appropriately on day-to-day current account issues with a different bank.

**The Chairperson:** I would have thought that we could deal with the block grant in the same way as resource accounting. The block grant is not sitting here. I do not know whether Westminster is adopting the same approach, but it is a valid point. If the Department has money to invest, it should be deposited in banks in different locations, as Mr Robinson says. Alternatively, Westminster could hold onto the money and release it only if the resource accounting here and at Westminster were being dealt with in a certain way.

**Mr Leslie:** Many of those issues are for the Department.

*Clause 5 referred for further consideration.*

**Clause 6 (Appropriation of sums issued)**

**Ms Regan:** Again, there is concern about the Department's broad discretion:

"The Department may, subject to any relevant limit".

**Mr P Robinson:** It is worse than that. There is a double "may" in it:

"The Department may, subject to any relevant limit"—

and —

"resources may be applied".

**The Chairperson:** So far, the discretion lies with the Department.

**Mr Leslie:** It goes before the Assembly.

**The Chairperson:** Yes. Again, in this case we go back to the 1950 Act to see what the effect of rescinding it would be.

**The Committee Clerk:** Those are the powers to be replaced by this Bill.

**The Chairperson:** We will leave matters there for the present.

*Clause 6 referred for further consideration.*





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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND  
PERSONNEL COMMITTEE**

Thursday 16 November 2000

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**GROUND RENTS BILL  
(NIA 6/99)**

**The Chairperson (Mr Molloy):** I welcome Ms Judena Goldring and Mr Neil Lambe from the Office of Law Reform.

**The Committee Clerk:** At the last meeting on the Ground Rents Bill, we agreed that we would return to some clauses and reach a decision. The Committee has yet to address the three schedules. Although the Committee previously agreed in principle to some amendments, we will address each of them again to make sure that when we agree the clause, as amended, we do so with all the amendments having been taken on board.

**Clause 3 (Exceptions to, or restrictions on, sections 1 and 2)**

**The Committee Clerk:** The Committee was concerned about the definition of the words “flat” and “common parts” in subsections (7) and (8). The Law Society recommended that the following amendment be made:

In page 3, line 24, after the words “ ‘common parts’ means ” insert

“ ‘party boundaries or any parts of the development or facilities therein’ ”.

The Office of Law Reform was asked to make a statement of the policy reasons for differentiating between flats on the basis of whether or not common parts are shared. It was asked whether it agreed that the Law Society’s draft amendment would safely have the effect of removing that distinction. If it did not agree, it was to suggest an alternative draft amendment.

The previous response from the Office of Law Reform stated:

“Along with Legislative Counsel we have considered the Law Society’s comments as regards the definition of a flat. We are not entirely clear as to how the Law Society’s suggested amendment would improve matters. The current definition originated in the final report of the Land Law Working Group. Flats need to be excluded from the ground rent redemption scheme because of the nature of the development concerned and the presence of common parts in the vast majority of developments. In such cases individual occupiers of units have a leasehold interest in their own property but the ownership of the common parts such as stairwells is vested in either the developer or a management company. It should be

noted by the Committee that the reference to ‘common parts’ need not refer to internal structures but may include roads and footpaths. We will revert to the Committee again following further consideration.”

In its most recent correspondence with us regarding the definition of a flat, the Office of Law Reform correspondent stated:

“I am not persuaded that there are cogent reasons for departing from the definition of ‘flat’ contained in clause 3 of the Ground Rents Bill. This definition originated in the final report of the Land Law Working Group in 1990 and until recently has not been challenged. Officials in OLR have continued to discuss this issue with the Law Society. Although the Law Society have argued that the reference to ‘common parts’ in clause 3 should be deleted, they have been unable to predict all the likely consequences of such an amendment. In light of this uncertainty I would recommend that the existing definition remain unamended. In view of the debate that this conceptual issue has generated OLR will keep a careful watch on conveyancing practice (along with Law Society and Land Registry colleagues) to determine if the definition of ‘flat’ requires amendment at a later date. Courts will obviously have an important role in interpreting the definition.”

A further e-mail has arrived, headed “Definition of Flat”. There are further comments members may wish to discuss.

**Ms Goldring:** The only new information in this e-mail is that the land law expert, Professor Wylie, agrees that the definition should remain. It is also consistent with the definition in the Property (Northern Ireland) Order 1997. It is important to keep the definitions consistent in those two pieces of legislation.

**Mr Leslie:** That is that.

**The Chairperson:** Are members happy with the amendment?

**Mr Leslie:** The non-amendment.

**The Committee Clerk:** There is another unrelated amendment, which members have discussed on previous occasions. We should formally adopt the amendment.

*Amendment proposed:* In page 3, line 42, at end insert:

“( ) Section 2 does not apply to the conveyance or transfer of a dwelling house to

- (a) (The Northern Ireland Co-Ownership Housing Association; or
- (b) ((b) any other housing association (within the meaning of the Housing (Northern Ireland) Order 1992 (NI 15)) specified by an order made by the Department for Social Development subject to negative resolution.” — [The Chairperson.]

*Proposed amendment agreed to.*

*Clause 3, as amended, agreed to.*

**Clause 6 (Disposal of money lodged with Land Registry under section 4(2): claims thereto)**

**The Committee Clerk:** The Committee asked the Office of Law Reform about the feasibility of a streamlined procedure to be used when the identity of the rent owner is known and the rent payer has served notice. I

am not sure whether the previous response came from the Office of Land Reform or the Land Registry.

**Ms Goldring:** Can we correct the document? The proposal for the two-track approach came from the Land Registry, not from the Office of Law Reform.

**The Committee Clerk:** That is correct. The proposal for the two-track approach was spelt out. On 15 November, the Office of Law Reform replied as follows:

“OLR is conscious that Committee Members have expressed a desire for a simpler procedure to enable rent-owners to claim redemption money owed to them. The Committee has already heard our evidence that we find ourselves unable to agree with the proposal of the Land Registry that monies should be paid out by the DFP without a Certificate having first been issued by Land Registry. As I have indicated previously, the amount of redemption money is subject to appeal to the Lands Tribunal (Clause 23(4)) and hence the payment of the redemption money to an entitled rent-owner is in the nature of a quasi-judicial decision. I can see no other course of action than to continue with Land Registry involvement. Committee Members will wish to be assured that the application fee paid by the rent-owner will be reimbursed in accordance with Clause 4(2)(e).”

As Clause 6(3) is currently drafted, Land Registry Rules may prescribe a modified procedure for disposal of redemption money to rent-owners if the amount of redemption money is small. We are actively pursuing this option and one change to the “normal” procedure may be to provide in Rules that where the redemption money is small the Registrar will not require evidence of title provided, that along with the application for redemption money the rent-owner provides a copy of the notice received from the rent-payer and signs (as part of the application form) an undertaking to apportion the rent amongst superior owners where they are known to him. An alternative “short procedure” could be confined to cases where there are no superior owners entitled to an apportionment of the ground rent. This is likely to be the case in modern properties with a substantial annual ground rent.”

**The Chairperson:** Are Members happy with the current proposal that we simply apply this mechanism to the rules, rather than introduce the previous proposals from the Land Registry?

**Mr Leslie:** I just want to make sure that I have got it right. Is the objection to all of the text in italics, or only to some of it?

**Ms Goldring:** We cannot agree that the money should be paid out by the Department of Finance and Personnel without an initial certificate from the Land Registry. Any shortened procedure will have to remain within the Land Registry. That can be dealt with by rules.

**Mr Leslie:** Has it got the money?

**Ms Goldring:** It will have the money.

**Mr Leslie:** Can it write a cheque to satisfy the payment of redemption money?

**Ms Goldring:** No. The redemption money is paid out of the Consolidated Fund.

**Mr Lambe:** The redemption money will be paid out by the Department of Finance and Personnel, but only

on receipt of a certificate of entitlement to the redemption money.

**Ms Goldring:** It will therefore have to go through the Land Registry. The proposal put forward is that the Land Registry could be bypassed and the certificate would not be required. That is not an appropriate way to deal with the matter.

**Mr Leslie:** One cannot get money without the certificate, but the person who provides the certificate cannot give one the money. Is there no way of getting out of that situation?

**Mr Lambe:** No. The Land Registry does not have a general account on which it can draw. It is part of the Department of Finance and Personnel and, therefore, it relies on the general account of the Department for issuing moneys.

**Mr Leslie:** We want to keep the mechanics as simple as possible. The Land Registry issues a certificate to the ground rent owner, who has then to send it to the Department of Finance and Personnel. Is that right?

**Mr Lambe:** Yes.

**Mr Leslie:** To short-circuit that, could it go across the desk from the Land Registry to the Department of Finance and Personnel?

**Ms Goldring:** Even if it were short-circuited, there would have to be rules to deal with the matter. I am not sure about the suggestion that it should go straight from the Land Registry.

**Mr Lambe:** Clause 6(7) does not make specific reference to the entitled rent owner’s making a separate application to the Department of Finance and Personnel. It simply says:

“On receipt of a certificate of the Registrar, or an order of the Lands Tribunal, that a person is entitled to payment of the money lodged under section 4(2) in relation to the redemption of a ground rent, the Department of Finance and Personnel shall issue out of the Consolidated Fund and pay to that person—

(a) the amount of money so lodged”.

**Mr Leslie:** It could be accommodated in that.

**Mr Weir:** It seems nonsensical to wait for a certificate from the Land Registry, which is a branch of the Department of Finance and Personnel, only to have to send it back to the Department to get the money. It would be more sensible to cut out the middleman, or at least make the process a little easier. I appreciate that the best way to deal with this may be under Land Registry rules, and that the rules may have to be adapted accordingly.

**Ms Goldring:** We will consider the Land Registry rules to see whether we can streamline the procedure. They would then come before the Committee as subordinate legislation. I am not sure that we can settle on a procedure here.

**Mr Weir:** Perhaps you could bear in mind what the Committee has said when the rules are being drafted, so that we do not have to fight that battle again.

**The Chairperson:** Does the Committee think that we should leave everything to the rules instead of trying to finalise it here?

**The Committee Clerk:** There is one technical amendment, which is designed to ensure that the Bill complies with all the requirements of the Northern Ireland Act 1998 as regards the allocation of amounts from the Consolidated Fund to individual Departments.

*Amendment proposed:* In page 5, line 34, leave out “issue out of the Consolidated Fund and”.— [The Chairperson.]

**Mr Lambe:** The amendment would ensure that the Department did not make ad hoc payments out of the Consolidated Fund, and that any redemption moneys that come to the Department of Finance and Personnel are paid out from the general account rather than directly out of the Consolidated Fund. It merely ensures compliance with the voted budget allocation to the Department.

*Proposed amendment agreed to.*

*Clause 6, as amended, agreed to.*

#### **Clause 15 (Mortgages and leases)**

**The Committee Clerk:** The Committee was concerned that subsections (1) to (4) should not affect existing or pending mortgages. It was agreed on 24 October that the proposed amendment to the clause would be considered at this meeting.

The Office of Law Reform has been asked to confirm that redemption would have no practical effect on any mortgage in existence or pending. The previous response from the Office of Law Reform confirmed that mortgage lenders had expressed concern, and that amendments to the clause would be proposed. My recollection is that the Deputy Chairperson raised that question, and I am not sure that it was specifically addressed. It may be just a technicality to reassure the Committee.

**Mr Lambe:** The first substantive amendment, which would add words to subsection (1)(a)(ii), is probably not necessary. It is implicit in the wording of the governing principle of that clause. However, the banks want reassurance that their existing mortgages would be protected, and the amendment provides that reassurance.

**The Committee Clerk:** At our previous meeting, the Deputy Chairperson sought an assurance that redemption would have no practical effect on any existing mortgage.

**Ms Goldring:** The amendments provide further reassurance that mortgages are not affected.

**The Chairperson:** That is that cleared up.

**The Committee Clerk:** There are two amendments to clause 15 to deal with the issue. The first amendment

deals with provisions on mortgages, and it is probably unnecessary. However, mortgage lenders have requested the amendment as an assurance that their existing mortgages on property, subject to voluntary redemption, will apply to the enlarged fee simple estate.

*Amendment proposed:* In page 10, line 24, at end, add:

“and any provision in the instrument providing for an estate acquired by the mortgagor, to be held in trust for the mortgagee or appointing the mortgagee as the mortgagor’s attorney in relation to such estate applies to the fee simple.” [The Chairperson.]

*Proposed amendment agreed to.*

**The Committee Clerk:** The second amendment proposed by the Office of Law Reform removes the requirement of mortgagees to submit a certificate of redemption to the Land Registry to have the register corrected. The certificate will have been issued by the Land Registry and the Registrar of Titles has power in clause 13 to make any necessary corrections.

*Amendment proposed:* In page 10, line 38, leave out subsection (3).— [The Chairperson.]

*Proposed amendment agreed to.*

*Clause 15, as amended, agreed to.*

#### **Clause 16 (Covenants)**

**The Committee Clerk:** The Committee had some concerns about covenants, and the Office of Law Reform has subsequently proposed some amendments to the clause. The Office of Law Reform was asked, in writing, to confirm that the amendment was to protect the Northern Ireland Housing Executive, as regards the enforceability of covenants which the Housing Executive includes in deeds under which dwellings are sold to sitting tenants. In reply, the Office of Law Reform stated that the Committee was aware of the concerns of the Housing Executive as regards routine covenants contained in leases when properties are sold to sitting tenants. Officials in the Office of Law Reform have met with colleagues in the Housing Executive to discuss their concerns.

First Legislative Counsel drafted an amendment to clause 16, expressly to refer to the Housing Executive covenants. The consequential amendment to clause 17 on the enforceability of such covenants has also been drafted.

In its most recent letter, the Office of Law Reform states:

“The second set of amendments to Clause 16 make special provision for common covenants contained in leases by the Housing Executive to sitting tenants purchasing property under the statutory house sales scheme. The Committee has already had sight of these.”

*Amendment proposed:* In page 12, line 11, at end, insert:

“(j) any covenant, not falling within any of the preceding paragraphs, which is contained in a lease granted by the Northern Ireland Housing Executive before 10 January 2000 and relates —

- (i) (to a district heating supply provided by the Executive; or
- (ii) (to the repayment to the Executive of any discount of part of the purchase price under a house sales scheme made under the Housing (Northern Ireland) Order 1983 (NI 15).” — [*The Chairperson.*]

*Proposed amendment agreed to.*

**The Committee Clerk:** There is some new information on subsection (3), regarding covenants and party walls. On a previous occasion, the Office for Law Reform was asked to provide a detailed explanation of the policy reason for the subsection and to indicate the connection with the purposes of the Bill. The response was as follows:

“Clause 16(3) deals with the future effect of party fence declarations where a ground rent payable by either or both of two neighbours is redeemed. Such covenants are converted into positive covenants by each party to pay half the cost of repairing or replacing the fence or wall, and such covenants bind successors in title (see Clause 17(3)). The policy behind this provision acts to mitigate the general principle that redemption of a ground rent extinguishes all covenants on the ground redeemed apart from those listed in Clause 16. This provision is necessary to preserve the interests of a neighbour of someone who redeems the ground rent where there is a covenant expressed to benefit that neighbour’s land in regard to boundary/party walls or fences by virtue only of a covenant enforceable between the rent-owner and the rent-payer. In such circumstances the person benefiting from the covenant may not be the rent-owner. This is a necessary provision.”

Immediately before the most recent information was received, in a letter dated 15 November, the Office for Law Reform said:

“the OLR has not yet finalised its response on party-fence covenants. It expects to be able to present its consideration of this matter to the Committee at its meeting on 16 November.”

**Ms Goldring:** The explanation given in the note today is an accurate interpretation of the conditions. Clause 16(3) will deal only with the declarations of covenants and boundaries. The 50/50 split will only relate to declarations of boundary walls. Covenants dealing with the maintenance and repair of walls and fences will not be subject to the 50/50 split. Such covenants are, however, very rare.

**The Chairperson:** I know that Members received the paper only today and are reading it for the first time. Are there any issues that Members want to raise?

**Mr Weir:** During an earlier discussion, it was said that the issue was generally resolved amicably by neighbours. That set alarm bells ringing with some of us. There is a clause which states that, should resolution be impossible, application may be made to the Lands Tribunal for definitive interpretation of the covenant. Is there a specific legislative provision for that? What are the grounds for it?

**Mr Lambe:** The 1978 Property Order confers a general jurisdiction on the Lands Tribunal. It deals with governing. Normally matters relate to one person wanting to get rid of a restrictive covenant.

**Mr Weir:** Would it have the power?

**The Chairperson:** The Office of Law Reform is saying that there is no need for an amendment. Are Members happy with that?

**Mr Leslie:** I am not totally persuaded, but I am not going to spend any more time on the argument.

**The Chairperson:** Are Members happy that no amendment is needed?

*Members indicated assent.*

**The Committee Clerk:** We will continue with subsection (7) and the concern about the definition of “neighbours”. The Committee was concerned that the limited definition of neighbours appeared to allow the covenants at 16(2)(g) and (i) to survive only in the context of a building scheme. It appeared that similar covenants between a rent-owner and rent-payer who are neighbours — in the ordinary sense of the word — would not survive.

The previous response from the Office of Law Reform stated:

“The reference to neighbours in this context is to make ‘special provision’ for neighbours who live within a new build development where the leases contain reciprocally enforceable covenants (for example not to erect garden fences).

Whether or not ‘neighbours’ are benefited or burdened by surviving covenants will always depend on the nature of the covenant and the land specified therein. An occupier of a parcel of property may benefit from a covenant even if he or she has not been party to the deed containing the covenant.”

In its most recent response, the Office of Law Reform says:

“The first amendments to Clause 16 appearing on the first page of the attachment provide that the amenity covenants mentioned in Clause 16(2)(g) will survive redemption and be enforceable as between neighbours in a building scheme (participants in a building scheme) and between any person by or against whom such covenants would have been enforceable if redemption had not occurred (ie in accordance with Clause 17(4)).”

I have underlined that because my understanding is that it applies to all neighbours.

**Ms Goldring:** We have extended the definition.

*Amendment proposed:* In page 12, line 6, leave out from “his” to the end of line 11 and insert:

“other participants in a relevant building scheme immediately before the redemption of the ground rent by virtue of that scheme”. — [*The Chairperson.*]

*Proposed amendment agreed to.*

*Amendment proposed:* In page 12, line 26, leave out from 2(g) to the end of line 28 and insert:

“ ‘building scheme’ means a scheme (express or implied) under which land (whether freehold or leasehold) is divided into two or more parcels subject to obligations which are reciprocally enforceable (whether at law or in equity) between owners of the parcels; and

‘relevant building scheme’ in relation to any land, means a building scheme which includes the land or which is taken to subsist in respect of the land by virtue of section 17 (6)”. — [The Chairperson.]

*Proposed amendment agreed to.*

*Clause 16, as amended, agreed to.*

### **Clause 17 (Enforceability of covenants)**

**The Committee Clerk:** The Committee delayed agreement of the clause because of some amendments that the Office of Law Reform wished to make to clauses 16 and 17.

The Office of Law Reform was asked, regarding subsection (6)(a), whether the existing wording at line 17 — “the rent-owner and his successors” —

is intended to mean “the rent-owner and his successors in title”. It would not be appropriate to involve successors who have no interest in the title.

The Office of Law Reform said that it had sought the views of the Legislative Counsel on the matter. In its most recent letter, the Office of Law Reform proposed three amendments to the clause, describing them as

“consequential to amendments made to clause 16 relating to the Housing Executive and the definition of ‘neighbours’ as regards the amenity covenants listed in Clause 16(2)(g). There is also a drafting amendment in relation to ‘successors in title’ which was previously recommended by the Committee.”

*Amendment proposed:* In page 13, line 17, after “successors”, insert “in title”. — [The Chairperson.]

*Proposed amendment agreed to.*

**The Committee Clerk:** The next two amendments are consequential to the changes to clause 16.

*Amendment proposed:* In page 12, line 40, leave out “or (h)” and insert “(h) or (j)”. — [The Chairperson.]

*Proposed amendment agreed to.*

*Amendment proposed:* In page 13, line 37, leave out

“same meaning as in section 16(2)(i)”

and insert:

“meaning given in section 16(7).” — [The Chairperson.]

*Proposed amendment agreed to.*

*Clause 17, as amended, agreed to.*

### **Schedule 1 (The redemption money)**

**The Committee Clerk:** The Committee, at its last meeting, did not have time to consider the three schedules. There are several issues. In schedule 1(4)(3), the Committee considered the intention that when the ground rent is fixed and the multiplier is applied to the redemption money and if the ground rent is subject to a provision for increase, the redemption money takes account of that provision, but is subject to a discount of

8% per annum. If that increase would occur more than 12 years after the application date, it is ignored.

The Office of Law Reform was asked to clarify the way in which this would work. In its most recent letter, the Office of Law Reform said:

“The amendment to Schedule 1 arises from the discussion with the Committee as regards the discount payable upon redemption of a ground rent subject to a future increase. The effect of the amendment is to remove the figure of 12 years and 8% from the face of the Bill and leave it to the Department’s Order-making power to fix the relevant number of years and the appropriate discount rate. As these figures may change over time, the OLR advise that the primary legislation should remain neutral as to the actual figures to be used. The Department’s Order-making power will be subject to scrutiny by the DFP Assembly Committee and further consultation and consideration may appropriately be postponed.”

*Amendment proposed:* In page 22, line 36, leave out

“is more than 12 years after the application date”

and insert

“falls after the expiration of the relevant period.” — [The Chairperson.]

*Proposed agreement agreed to.*

*Amendment proposed:* In page 23, line 1, leave out from “is 12 years” to the end of line 9 and insert:

“falls within the relevant period, the yearly amount of the ground rent shall be determined in such manner as may be specified in an order under paragraph 2.

(4) In this paragraph ‘the relevant period’ in relation to a ground rent means the period commencing on the application date and consisting of the number of years fixed by an order under paragraph 2 as the number of years purchase applicable to ground rents (or, as the case may be, applicable to ground rents of the same class or description as that ground rent).” — [The Chairperson.]

*Proposed amendment agreed to.*

*Schedule 1, as amended, agreed to.*

### **Schedule 2 (Amendments)**

**The Committee Clerk:** The concern was that the Bill would amend article 35 of the Property (Northern Ireland) Order 1997 to include “nominal” rents in its procedure. The Law Society expressed concern that article 35 will be of no application. The Office of Law Reform was asked whether it would be possible for a formula to be devised that would meet these concerns. In a previous response the Office of Law Reform said:

“Having consulted with First Legislative Counsel we have now decided to repeal article 3(2)(a) of the Property (NI) Order 1997 as it can no longer have any practical impact. This repeal should address the concerns of the Law Society as to the possibility of confusion in the 1997 Order on the definition of a ‘ground rent’.”

That repeal is dealt with in schedule 3. Perhaps it might be best, if members are agreed that the repeal should go ahead, for us to deal with the amendment when we get to schedule 3. It is probably just a matter of agreeing in principle that the repeal should be made.

**The Chairperson:** Are we happy enough? Agreed?

*Members indicated assent.*

**The Committee Clerk:** The next item in the schedule deals with fee farm grants. The concern was that article 35 expressly applied only to “a leasehold estate”. Although the standard redemption procedure in the Bill does not distinguish between ground rents and fee farm rents, the article 35 procedure is available only as regards ground rents. Although the Bill amends the article 35 procedure to include nominal ground rents, it does not amend the procedure so as to include fee farm rents.

The Office of Law Reform was asked whether the Bill should be amended to provide for an amendment to the article 35 procedure that would allow redemption thereunder of nominal fee farm rents. In its previous response, the Office of Law Reform said:

“We have already instructed First Legislative Counsel to amend Article 35 of the Property (NI) Order 1997 to cover nominal fee farm rents as well as nominal leasehold rents. At present that amendment is being considered by expert conveyancers. As with all draft amendments, we will put these to the Committee before the end of the Committee Stage.”

In its most recent response, the Office for Law Reform proposed three amendments to the schedule, the third of which takes into account concerns about article 35 of the Property (Northern Ireland) Order 1997. On the third amendment, the response reads as follows:

“The amendment listed at line 18 of page 24 applies the enlargement of a leasehold estate subject to no or a nominal rent to no or nominal fee farm rents. This amendment addresses the concerns of the Committee and the Law Society in relation to nominal fee farm rents. The substantive provisions of this amendment mirror (with appropriate modifications) the provisions on article 35 of the Property (NI) Order 1997.”

*Amendment proposed:* In page 24, after line 18, insert:

“( ) After Article 35 insert —

Redemption of nominal ground rent

35A. — (1) Subject to paragraph (2), this Article applies where the rent payable under a fee farm grant is a nominal rent.

(2) This Article does not apply at a time when —

- (a) the land is used wholly for business purposes; or
- (b) (the rent-payer is prohibited by any term of his title from using the land otherwise than wholly for business purposes;

but land is not prevented from being used wholly for business purposes by reason only of the fact that part of it is occupied as a dwelling by a person who is required or permitted to reside there in consequence of his employment or of holding an office.

(3) The rent-payer may by deed (“the deed of declaration”) declare to the effect that the ground rent is discharged and may, in accordance with rules, make application to the Registrar for the purpose mentioned in paragraph (4)(a) or (b).

(4) On an application under paragraph (3) —

- (a) if the land is registered land, the deed of declaration is sufficient authority for the Registrar (subject to compliance with rules) —

- (i) to discharge any burden such as is mentioned in paragraph 2 of Part 1 of Schedule 6 to the Land Registration Act; and
- (ii) to make such alteration in the class of title with which the land is registered as appears to him to be appropriate;
- (b) if the land is not registered, the Registrar may register the rent-payer’s title with such class of title as appears to him to be appropriate (and until the rent-payer’s title to the land is so registered, the deed of declaration has no effect);
- (c) in either case, the deed of declaration is sufficient authority (notwithstanding any caution or inhibition) for the Registrar to make in the register such consequential entries, changes, cancellations or notes as appeared to him to be appropriate;

(5) Except where the Registrar is satisfied that the land was subject to no or nominal superior rent on the date of execution of the deed of declaration, the Registrar shall enter on the register a note to the effect that the fee simple estate is subject to a rent charge of so much (if any) of any superior rent as would have been redeemed by virtue of Article 11(1) of the Ground Rents Act (Northern Ireland) 2001 if a ground rent to which the land was subject had been redeemed under section 1 of that Act on that date; and such a note may be discharged in accordance with rules, and it is sufficient to satisfy the Registrar as to the matter mentioned at the beginning of this paragraph that he is furnished by a solicitor with a certificate to that effect.

(6) Subject to paragraphs (4), (5) and (7), the deed of declaration operates by virtue of this paragraph to discharge the estate of the rent-payer from all estates in the land of the rent-owner and any superior owners to the extent that those estates carry entitlement to ground rent or superior rent or relate to matters connected with the rent and to that extent those estates are extinguished.

(7) Where a ground rent is discharged under this Article, section 13(8) (read with subsection (10)) and section 15(2), 16 and 17 of the Ground Rents Act (Northern Ireland) 2001 apply in relation to the land as if the ground rent had been redeemed under that Act; and, accordingly, for the purposes of this Article those sections shall be read with the necessary modifications.

(8) For the purposes of paragraph (6) matters are connected with rent if they are concerned with the amount of the rent or its payment or recovery or are otherwise concerned (directly or indirectly) with the rent.

(9) In this Article ‘nominal rent’ has the same meaning as in Article 35.” — [*The Chairperson.*]

**Mr Leslie:** For clarification purposes, I refer to page 12 of the notes on the third amendment where it says:

“applies the enlargement of a leasehold estate subject to no or a nominal rent to no or nominal fee farm rents.”

It is just a drafting point, but does that mean fee farm rents subject to no or a nominal rent?

**Mr Lambe:** It means the same thing.

**Mr Leslie:** I wondered whether it meant something different, as it was worded the other way around.

**Ms Goldring:** It means the same thing.

*Proposed amendment agreed to.*

**The Committee Clerk:** The other two amendments are technical changes. The Office of Law Reform has

stated that the first two amendments to schedule 2 are to tighten up the Bill.

*Amendment proposed:* In page 23, line 34, after “35(8)” insert “or 35(A)7”. — [*The Chairperson.*]

*Proposed amendment agreed to.*

*Amendment proposed:* In page 24, line 12, leave out “(7) to (10)” and insert “(7), (8) and (10)”. — [*The Chairperson.*]

**Mr Hussey:** Before the motion is put for agreement, I want to refer to page 13 of the schedule of remaining clauses for agreement. I know that this is already agreed, but at the end of paragraph (5), where it refers to the furnishing of a certificate, is a solicitor the only person who can properly furnish such a certificate?

**Mr Leslie:** There was some discussion about a surveyor providing that.

**Mr Hussey:** If that is so, is it right that this should be so restrictive? I know we have agreed it, but should it not read “that he is furnished with a certificate to that effect”?

**Mr Lambe:** The previous discussion as to who could provide sufficient evidence to the Land Registry arose in the context of an application by a rent payer to redeem ground rent — this is a quite separate mechanism.

**Mr Hussey:** Can it be effected only by a solicitor?

**Mr Lambe:** That is so according to the wording of the legislation, and I would suggest that it is entirely appropriate.

**Mr Hussey:** That is not my question. It may be appropriate, but is a solicitor the only person who can effect a certificate?

**Mr Lambe:** That is what the legislation specifies.

**Mr Leslie:** The point Mr Hussey and I are making is that, when we took evidence from the Land Registry, we discussed how evidence of title would be provided. They suggested that normally it would be a solicitor, but there would be some flexibility, and it was going to be specified by the rules. However, that is in relation to the repeal of the Ground Rents Bill, rather than to article 35 of the Property Order. There is that distinction. I think that is how I remember it.

**Mr Lambe:** Yes. Clause 6 of the Ground Rents Bill is silent as to who may provide sufficient evidence of good title to the registrar.

**Mr Leslie:** We would seek the lower level.

**Mr Weir:** If there is a question mark over whether someone else supplies a certificate, what do the words “by a solicitor” add to it? It might not make any difference in practical terms.

**Mr Leslie:** The reason that a solicitor’s certificate is taken by the Land Registry is that it is more or less

indemnifying. A solicitor takes responsibility for the statement that the title is correct, without actually having gone through the whole business of providing the indemnity. Therefore, in a sense, that is simplifying the procedure. To try to get an indemnity before making a statement would be another exercise.

**The Chairperson:** Is there a danger, if we do not tie it down, that each person could claim that his or her certificate of authorisation is as good as the other one?

**Ms Goldring:** To do it this way is established conveying practice. We would be reluctant to interfere with that.

**The Chairperson:** The fact that the solicitor is an officer of the court in other circumstances also ties the solicitor down. Are we agreed that it is best to tie it down. It probably does not make much difference whether a solicitor or someone else provides it. If it comes up, somebody is going to have to be paid for it anyway.

**Mr Leslie:** I think that Derek Hussey has made a very eagle-eyed point, but I would be inclined to leave it as it is.

**Mr Hussey:** It is not to say that I do not like solicitors.

**The Chairperson:** There is certainly merit in your concern.

**Mr Leslie:** I want to return to our arm-wrestling with the Law Society about whether “nominal” should be “£1 or less”, or “less than £1”. We have stayed throughout with “less than £1”. The effect of this then is to consolidate that provision because it kicks “less than £1” into the article 35 procedure of the Property (Northern Ireland) Order 1997. One pound and over would.

**The Chairperson:** We agreed that that was the best system.

*Proposed amendment agreed to.*

*Schedule 2, as amended, agreed to.*

### **Schedule 3 (Repeals)**

**The Committee Clerk:** The Office of Law Reform previously indicated that an amendment would be needed to give effect to the proposal in order to address the concerns of the Law Society. In its most recent response on 15 September 2000, the Office of Law Reform proposed two amendments to the schedule to tidy up the Property (Northern Ireland) Order 1997. It stated:

The first amendment is a drafting law repeal measure to ensure that unnecessary definitions are not retained in the Property (NI) Order 1997.”

*Amendment proposed:* In page 24, line 29, at end, insert:

“and in the definitions of ‘rent-owner’ and ‘rent-payer’ the words ‘without prejudice to Article 32’”. — [*The Chairperson.*]

*Proposed amendment agreed to.*

**The Committee Clerk:** The Office of Law Reform says

“The second amendment has similar effect in repealing the definition of a nominal rent in the 1997 Order. With the Ground Rents Bill coming into operation there is no need to retain this definition in Article 3 of the 1997 Order.”

*Amendment proposed:* In page 24, line 32, at end insert “Article 3(2)(a)”. — [*The Chairperson.*]

*Proposed amendment agreed to.*

*Schedule 3, as amended, agreed to.*

**The Committee Clerk:** The Committee agreed the Long and Short Titles of the Bill at its last meeting.

**The Chairperson:** I thank Ms Goldring and Mr Lambe for their patience and perseverance throughout. The process has been drawn out, but it is to be hoped that the right amendments have been made, and we have a better Bill. Thank you very much indeed for coming along. I also thank Members for their endurance.



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**NORTHERN IRELAND  
ASSEMBLY**

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**AGRICULTURE AND RURAL  
DEVELOPMENT COMMITTEE**

Friday 17 November 2000

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**FISHERIES (AMENDMENT)  
BILL (NIA 9/99)**

**The Deputy Chairperson (Mr Savage):** I welcome Mrs Hilda Hagan and Mr Nigel Quinn from the Department of Agriculture and Rural Development. We have received correspondence from Prof Brice Dickson and would like to discuss his comments on human rights.

**Mrs Hagan:** We received Prof Dickson's letter only on 9 November.

**The Deputy Chairperson:** I received it this morning.

**Mrs Hagan:** We sent the letter to our legal adviser, and I received five pages of comments from him this morning. I have not had time to digest them fully, but I shall try to paraphrase them.

Our legal adviser sees no merit in the objections raised by the Human Rights Commission. It is worth making that statement very clearly. The commission is concerned that there is a breach — or a potential breach — of article 8 of the European Convention on Human Rights, which deals with the right to private life and the right to develop relationships with others. Our legal adviser has gone into some detail as to why he considers that irrelevant. He feels that even a cursory glance through the case law referred to in Prof Dickson's letter would reveal that the reasoning of the court has no application to the powers contained in clause 2(1) of the Bill. Those powers relate to an individual's use of a vehicle or equipment employed in fishing, and they contain nothing that has any implications for an individual's right to develop relationships with other human beings.

In this case, it is certainly possible to distinguish between the private life of the individual carrying out the fishing and his or her business activity. The commission's letter has done no more than assert that the court was prepared to consider that respect for home and private life can include some places of work and some types of business activity. There is, however, nothing in the commission's letter that constitutes an argument as to why that principle applies in the case of this Bill; the argument put forward in the letter can be rejected on that basis alone.

The letter also discusses the right to the peaceful enjoyment of property. The commission suggested that the Bill might also be in breach of that principle. The right to the enjoyment of property must be considered from two perspectives: first, the person's enjoyment of that property must be in accordance with the conditions provided for by law; and secondly, any measures to control the enjoyment of that property must be in the public or general interest. The measures in the Bill are in the public interest. Our adviser says that where there has been interference with the peaceful enjoyment of possessions, the court must consider whether there has been a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. It is important to take account of the fair balance principle in deciding on enforcement provisions. Our adviser's conclusion is that there are no grounds for saying that clause 2(1) fails the fair balance test.

Our adviser also considers the question of the seizure of property, with which the Bill also deals. His conclusion is that there is ample authority for the proposition that it does not constitute a breach of the owner's human rights to seize property that has been used in unlawful activity. It is perfectly feasible to seize property that has been used unlawfully. The Fisheries Act (Northern Ireland) 1966 sets out various provisions relating to seizure. The Act confers on the owner of the property a right of appeal in order to have it returned. There are adequate measures on seizure.

Our adviser also says that, for more than three centuries, it has been accepted that any discretionary power — such as the power that we seek — conferred on public authorities is not absolute, but is subject to general legal implications. In other words, our inspectors — fishery, veterinary or milk inspectors — must exercise their powers of inspection with due care and reasonableness and not in an arbitrary fashion. There are sufficient safeguards in the 1966 Act to allow us to proceed as we propose. The conclusion is that there is no merit in the objections raised by the commission.

**The Deputy Chairperson:** Can the Committee have a copy of the legal advice?

**Ms Hagan:** I am sure that that would be OK. I will ask our legal adviser what the convention is. If he cannot agree to your having a copy of his advice, he would agree, I am sure, to my paraphrasing it, if that would be helpful.

**Mr Paisley Jnr:** Under the terms of the Act, would an official who boarded a vessel have had special training to do the job? Would the official have to demonstrate his or her identity and explain the purpose of the search? Would such officials have to produce a record of the procedures followed and details of anything that was seized during the search?

**Mrs Hagan:** All those things would happen. Authorised officers would be trained to carry out their responsibilities under the Fisheries Act (Northern Ireland) 1966. Officers are also authorised under specific legislation; our Fisheries Inspectorate is authorised under the 1966 Act. Inspectors have a card that identifies their legal power of inspection. Afterwards, a full report of any inspection would be completed.

**Mr Paisley Jnr:** That is all covered by the Act? Is that how we get “due care and reasonableness”?

**Mrs Hagan:** Yes. Years of practice have given our inspectors experience of what is acceptable in court. If they want to pursue a case in court, they must be sure that they have the right evidence. The inspectors have built up a lot of experience over the years about how to exercise due care, diligence and reasonableness.

**Mr Paisley Jnr:** I am sure that there have been cases in which there has been suspicion and an official has boarded a vessel, shown his identity card, carried out a search and found that his suspicion was not warranted. I am sure that there have been plenty of cases where that has happened, but that, again, is covered by due care and reasonableness.

**Mrs Hagan:** That is right. An officer can board a vessel even if he is without suspicion. He has a right to carry out an inspection. It is only if he suspects that something in contravention of regulations is occurring when he is carrying out that inspection that he can take action.

**Mr McHugh:** The key question is whether there are adequate and effective safeguards against abuse of authority. Your lawyer talks about a legal practice that has been applied for three centuries. That is all very well, but it has not always benefited us to apply such old principles. There is also a thin line between the right to private life and developing relationships and the idea of due care and suspicion. We want to safeguard ourselves. Are you satisfied that your lawyers have looked into it enough to make sure that we are not going to come a cropper at some point?

**Mrs Hagan:** Yes. Even before receiving the legal advice, it was my view that the powers that we seek are the minimum necessary to enforce any regulations that we might make under the Bill. They will not be more than or different from the powers that an authorised officer already has.

The Human Rights Commission suggests that where it is suspected that something is happening illegally, a warrant should perhaps be obtained from a Justice of the Peace (JP). We view that as impractical. If someone sees an activity that they suspect to be illegal, there will not be time to get a warrant from a JP and come back six or seven hours later, or a few days later. We tried to think of other ways in which that power could be enforced, but we came up with nothing that would be any better or

provide the enforcement powers that an authorised officer would need. I am completely satisfied with what I have been able to glean from the legal adviser’s opinion on the Human Rights Commission’s letter this morning.

**Mr McHugh:** When the commission comes forward with an objection, there is usually something behind it. Human rights matters — police officers boarding boats, or even vehicles — have always been a difficult area.

**Mrs Hagan:** Our legal adviser’s opinion is that the commission has fundamentally misunderstood what we are trying to achieve. I cannot go into that without reading his letter in more detail. I can provide the Committee with that detail either by copy of his letter or by paraphrasing it, as I have already said.

**Mr McHugh:** I would like to have a copy of it.

**The Deputy Chairperson:** The Committee has a right to ask for any document. We do not want to force the issue, but we would like it. It would not be right to ask the Committee to approve something that it has had sight of for only a short time. Obviously, we will have to come back to that when we have had time to go over it.

**Mr Bradley:** For the purposes of the Bill, is it correct to describe harvesting and collection as fishing?

**Mrs Hagan:** Yes. Someone using a mechanical harvester is collecting wild shellfish from the foreshore. Even collecting fish with a bucket and spade is fishing. The traditional view of fishing is of an activity done with a rod and line or from a boat, but mechanical harvesters are being used as well.

**Mr Bradley:** Throughout the Bill, there is reference to harvesting and collection.

**Mrs Hagan:** Terminology changes over time and with advances in equipment. Five years ago, mechanical harvesters were not in use anywhere; they are a recent development. We must keep up with progress.

**Mr Bradley:** Is a fishing rod still recognised?

**Mr Armstrong:** Trawling counts as mechanical harvesting.

**Mrs Hagan:** What about trawling with nets at sea?

**Mr Armstrong:** That is mechanical harvesting.

**Mrs Hagan:** Yes, but it is traditionally referred to as trawling.

**Mr Armstrong:** It is still mechanical harvesting.

**The Committee Clerk:** The Committee feels that, considering the urgent need to finalise the Bill, it would be of immense help if it could see the papers containing the legal advice given to the Department.

**Mrs Hagan:** I can have them faxed to the Committee this afternoon; I need only make a phone call.

**Clause 1 (Regulation of sea-fisheries in or on the foreshore)**

*Amendment No.1 proposed: In page 1, line 4, leave out “or on the foreshore” and insert “Northern Ireland inshore waters”. — [The Chairperson.]*

**Mrs Hagan:** The Bill uses the term “foreshore”, which is generally accepted as the area between high water mean median tide and low water mean median tide. Does the Committee still have the diagrams that I provided at our last meeting? I have not brought any extra with me. The Committee will recall that that is the commonly accepted definition of “foreshore.” That leaves an area between low water mean median tide and the lowest astronomical tide, which quite often remains uncovered by tides. This intertidal area is not covered by the definition of “foreshore.” It is an area that is rich in wild shellfish and could easily be exploited. It may remain uncovered by tidal movements for up to eight days a month.

We wanted to ensure that any regulations would cover the entire area right up to the high water mean median tide. Following legal advice, we would like to replace the term “foreshore” with “Northern Ireland inshore waters”, as defined in the Minister’s letter. That will ensure that the regulations apply from high water mean median tide right down into the sea, in fact six miles into the sea.

**The Deputy Chairperson:** It is the limit of six miles that concerns us.

**Mrs Hagan:** That is a generally accepted definition of “baseline” in navigation and fishing; it is not a new term. It is used to describe the baselines around the British Isles.

**Mr Bradley:** Is there any bearing on the custodians of the foreshore? Will paperwork have to change? For example, we refer to Newry and Mourne District Council as the custodians of the foreshore in Carlingford Lough.

**Mrs Hagan:** Only if it suits the particular purposes of Newry and Mourne District Council. That definition will apply only in relation to the 1966 Act.

**Mr Armstrong:** What if six miles into the ocean reaches into someone else’s territory? If each territory had six miles and there were less than 12 miles between them, what would happen?

**Mrs Hagan:** That is not the case here.

**Mr Armstrong:** It might be the case somewhere else.

**Mrs Hagan:** It might be the case somewhere else, but not here. That is the standard definition applied in defining powers to control something on the foreshore, including the intertidal area. That is the definition used in Scotland. We have not created a new definition; our definition is an exact parallel of what already exists in other UK legislation.

**Mr Paisley Jnr:** Does that mean that the gap between the mainland and Rathlin Island is Northern Ireland inshore waters?

**Mrs Hagan:** It is, if the distance is less than six miles.

**Mr Bradley:** That could start a territorial war between Scotland and Northern Ireland.

**Mrs Hagan:** That would not affect what we are trying to regulate by acquiring the power.

**Mr Armstrong:** If we support it now, it may come back to haunt us later.

**The Deputy Chairperson:** We are concerned about the word “foreshore.” Would you like to elaborate on that?

**Mrs Hagan:** The word “foreshore” will not appear in the Act; it will be replaced by “Northern Ireland inshore waters”.

**The Deputy Chairperson:** There is no amendment to the title of clause 1: “Regulation of sea-fisheries in or on the foreshore.” The word “foreshore” on page 1, line 4 would be replaced, but the title would not be amended.

**Mrs Hagan:** I asked the Office of Legislative Counsel about that, and they said that it was not appropriate to amend the title of a clause. It is sufficient to amend the clause.

**Mr Armstrong:** I am concerned that, if we agree the amendment today, and change “foreshore” to “Northern Ireland inshore waters”, you might say to us, when we are considering other legislation, that that definition was acceptable previously.

**Mrs Hagan:** Objections to future clauses would not be based on the “Northern Ireland inshore waters” definition. They might be on other grounds.

**Mr Armstrong:** It could cause problems in the future, and I would like it sorted out properly now.

**Mrs Hagan:** I have explained that we are changing the word “foreshore” to ensure that the gap between low water mean median tide and lowest astronomical tide is covered. We are not changing the policy; we always wanted to regulate that area. However, we discovered that the word “foreshore” did not cover the correct area. We are rectifying that, but we are not doing anything different in the Bill. We are closing a potential loophole by dropping a definition that does not cover a sufficient area.

**Mr Armstrong:** It is covering more area than we need to cover. The word “foreshore” was not covering enough, but is this not covering too much?

**Mrs Hagan:** No. The area below the lowest astronomical tide is in the sea. We already have powers to regulate in the sea. All fishing in the sea can be regulated. The term “six miles” is possibly causing confusion. It seems a long distance into the sea, but it is a standard definition. The Department always had the power to regulate in the sea. We are just ensuring that the regulating

power covers the area past the lowest astronomical tide — that is, from low water mean median tide right up to high water mean median tide. The only new area for us to regulate is that between what is called the lowest astronomical tide and high water mean median tide.

**The Deputy Chairperson:** Are we dropping one definition and introducing another?

**Mrs Hagan:** We are inserting another definition, but there is no change in policy. It is just to tighten a potential loophole. Indeed, there is an area, for eight days of the month, that is uncovered by the tide, unregulated by the Department, and that area could be exploited. It is rich in wild shellfish.

**The Deputy Chairperson:** Are you tightening up the regulation of that area?

**Mrs Hagan:** We are tightening up a loophole to ensure that the Department has the power to regulate that area.

**Mr Armstrong:** We should make the point that that is why we are doing it.

**Mrs Hagan:** That was the point that I was making.

**Mr Armstrong:** The loophole must be tightened because, for eight days in a month, the area is not covered by the tide and could be exploited.

**Mrs Hagan:** Yes.

**Mr Bradley:** That is the answer to my question. I was concerned that there would be changes later. Will the foreshore, as it is defined today, remain the same for all other legal purposes?

**Mrs Hagan:** That term will continue to be a commonly used term. However, for the purposes of the Fisheries Act (Northern Ireland) 1966, we are using the term “Northern Ireland inshore waters”, which includes the foreshore and the bit below it.

**Mr Paisley Jnr:** There has been some confusion about definitions. Now that we have agreed a definition that is acceptable and clarifies the situation, would it not be wrong to have a Bill that uses two headings — a confusing one and the one that we have accepted as a good definition? Could not the Department remove all references to foreshore, including those in the headings?

**Mrs Hagan:** I can ask the Department to consider that point.

**Mr Paisley Jnr:** When the Bill comes before the House, people will want to know the difference between “foreshore” and “Northern Ireland inshore waters”. The “foreshore” is a smaller area, whereas the term “Northern Ireland inshore waters” covers the area from the foreshore right out to the lowest astronomical tide.

**Mrs Hagan:** I will ask the Department to review the advice that it gave me.

**The Deputy Chairperson:** The contents page will also need to be reviewed.

*Proposed amendment agreed to.*

*Amendment No.2 proposed:* In page 2, line 2, at end insert —

“(5) For the purpose of this section —

“Northern Ireland inshore waters” means the area adjacent to the coast of Northern Ireland and to the landward of a limit of 6 miles from the baseline from which the breadth of the territorial sea is measured, up to the mean high-water mark of ordinary spring tides; and “sea fisheries” includes “any fishery within that area”. — [*The Chairperson.*]

*Proposed amendment agreed to.*

*Clause 1, as amended, agreed to.*

**Clause 2 (Enforcement of regulatory powers in relation to sea-fisheries in or on the foreshore)**

*Amendment No.3 proposed:* In page 2, line 13, after “on” insert “or using”. — [*The Chairperson.*]

*Proposed amendment agreed to.*

*Amendment No.4 proposed:* In page 3, line 3, leave out subsection (5). — [*The Chairperson.*]

*Proposed amendment agreed to.*

*Clause 2, as amended, agreed to.*

**Clause 9 (Short title)**

*Amendment No.5 proposed:* In page 4, line 3, leave out subsections (2) and (3). — [*The Chairperson.*]

*Proposed amendment agreed to.*

*Clause 9, as amended, agreed to.*

**The Deputy Chairperson:** Please take us through the last paragraph of the Minister’s letter.

**Mrs Hagan:** Section 174 of the Fisheries Act (Northern Ireland) 1966 Act deals with the powers of authorised officers in relation to boats. It refers to

“any boat employed in fishing”.

Therefore, the boat must be employed in fishing. The RSPB amendment relating to the powers of authorised officers in respect of vehicles and equipment suggested that the clause should read “or suspected to have been employed in fishing”. If that amendment were accepted, an authorised officer could act on the basis of suspicion in relation to vehicles and equipment, but not boats. That would be inconsistent.

**The Deputy Chairperson:** Is everybody agreed?

*Members indicated assent.*

**The Committee Clerk:** There are other issues relating to the contents and the title, which we may return to and seek further advice on.

**The Committee Clerk:** There is one further matter that we can usefully consider, and that is a possible draft report that the Deputy Committee Clerk has prepared. It might appear premature in light of the fact that we have to return to the issue raised by Prof Dickson of the Human Rights Commission. However, it would be helpful for us.

This is a shared Bill, and this Committee is reporting on clauses 1 and 2 to the Committee for Culture, Arts and Leisure, which is dealing with the remainder of the Bill. There is some pressure on time. If the Committee agrees to the basic outline of the report, we could sign off the draft report after the next Committee meeting, which will address the human rights issues. We would then forward it to the Committee for Culture, Arts and Leisure. We assume that our report will form a section of the overall report of the Culture, Arts and Leisure Committee. The contents of our report will probably be integrated into an overall table that the Culture, Arts and Leisure Committee will produce.

There are various parts to our report: the report itself, appendix one, which is the minutes of proceedings and appendix two, the minutes of our consideration of the Bill. There will also be annexes, including submissions from the Northern Ireland Fish Producers Association Ltd, the Anglo North Irish Fish Producers Association Ltd, Strangford Lough Management Committee, and two submissions each from the Royal Society for the Protection of Birds and the National Trust. There is also a letter from the Department of Culture, Arts and Leisure dated 3 October, a letter to the Department dated 11 October, the Department's response dated 17 October, and a letter from the Department of Agriculture and Rural Development dated 20 October.

We shall also include the letter from the Human Rights Commission and, I assume, the legal advice from the Department, although we should perhaps consider whether it is appropriate for us to include such advice to the Minister.

**Mr Dallat:** If one were included but not the other, someone reading the report would get only half the picture.

**The Committee Clerk:** They would also have the Minutes of Evidence from today's sitting, at which we thrashed out the decision, and the next, at which we shall reach our conclusion. The report deals with our consideration of the clauses. We are saying that we have undertaken the Committee Stage in respect of clauses 1 and 2. We have set out our approach and how we wrote to various organisations.

**Mr Bradley:** I read somewhere that there was no response from Northern Ireland Seafood Ltd. What do they produce?

**The Deputy Clerk:** They said that some of their members collected shellfish. They were interested, but they did not follow it up.

**Mr Bradley:** It was surprising that they did not, for they had made some contact.

**The Deputy Clerk:** I contacted them by telephone. There was a negative response.

**The Committee Clerk:** The report goes on to set out the various actions that the Committee took. The part from paragraph 2.6 to paragraph 2.8 may need to be extended to take on board the letter from the Northern Ireland Human Rights Commission. We need to build in additional paragraphs. We can either insert it there or put it in later. The next section deals with the Committee's consideration of the clauses and it will set out the decisions taken on the various amendments, and whether clauses were adopted in their original format or as amended.

Looking at how we have set that out, with a new section on the Northern Ireland Human Rights Commission, I feel instinctively that should be brought forward into the earlier section. It is simply part of the overall consideration of the Bill's various aspects.

Are members content that the report so far is a fair reflection of the work the Committee has put into the Bill, and that it would form the basis for our final report?

**Mr Paisley Jnr:** Are we going to include the diagram that we received, given that we spent some time exploring that definition, which is at the heart of the Bill? Hilda Hagan gave some interesting answers to Billy Armstrong's questions, when she said that all activities outside the lowest astronomical tide are regulated anyway. The gap is between low water mean median tide and lowest astronomical tide. It would make sense to include that diagram explaining where the gap falls. If Members read the Bill in its current form, they would think it was an extensive power, which it is not. It merely tightens up an area where there appears to be a gap.

**The Committee Clerk:** If the Committee wishes, the references will appear in our Minutes of Evidence, and we can attach the diagram as a document received from the Department.

**The Deputy Chairperson:** Much of today's discussion hinged on that. It was a grey area, so the diagram should be included.

**Mr McHugh:** It would certainly invite a lot of discussion from others.

**Mr Bradley:** Perhaps, in 100 years' time, they will know what we are talking about.

**The Committee Clerk:** There is a section with various appendices that includes the letters from the Department. We will incorporate it into that list.

**Mr Paisley Jnr:** In the body of the report, in paragraph 3.9, we should insert what was agreed on 17 November. That really is the crux of the Bill. Perhaps the explanation should go into the body of the report.

**The Committee Clerk:** We could include a cross-reference to the appendix number.

**The Deputy Chairperson:** Are Members agreed on that?

*Members indicated assent.*

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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND  
PERSONNEL COMMITTEE**

Tuesday 21 November 2000

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**GOVERNMENT RESOURCES  
AND ACCOUNTS BILL  
(NIA 6/00)**

**The Chairperson (Mr Molloy):** I welcome Ms Eileen Regan and Mr Malachy Finnegan from the Assembly's Research and Information Services.

**The Committee Clerk:** We have received a letter dated 20 November from the Minister dealing with accountability and the role of the Comptroller and Auditor General. Members may wish to read the letter now, as it will impinge directly on consideration of the clauses.

**The Chairperson:** That document will help, to some extent.

**The Committee Clerk:** We completed an initial examination of the Bill up to, and including, clause 6 at the last session. We will now continue with that examination. We have reached the nitty-gritty of the Bill — clause 7 onwards. Some of the issues touched upon by the Minister arise from this point.

The detailed points that arose in relation to clauses 1 to 6 were incorporated into a letter, which we issued to the Minister on Friday. We have not had a response yet, but when it comes, we can make sure that those points are adequately addressed. They can be taken on board when we carry out our formal consideration of the Bill with the Department's officials.

**Clause 7 (Resource accounts: preparation)**

**Ms Regan:** There are several provisions in clause 7 that cause concern. I will take you through it line by line, as that was most helpful last time.

No concerns arise from clause 7(1)(a) and (b). However, there are some concerns about subsection (2), which prescribes authority for the Department to issue directions. The Department of Finance and Personnel has wide discretion to determine what is included in the resource accounts and how they are prepared by the Departments. Des McConaghy, a retired public servant sent several communications to the Committee, via the Clerk, as well as to the Chairperson. He flagged that subsection as an issue for concern. Do Members have any comments?

**Mr Close:** The clause concerns the essence of the change in accountability. The key word is "resources". What will be the accountability procedure for resources? External audit of resources is non-existent and will continue to be so. This rather mimics the sort of thing that, unfortunately, can occur elsewhere, which is not satisfactory. We should be making changes.

**The Chairperson:** The main concern is about the authority of the Department.

**Ms Regan:** Subsections (3) and (4) give guiding principles that the Department should follow when issuing directions. Perhaps the clause closes the gap slightly on the wide discretion of the Department, but there is some cause for concern. I would also like to draw your attention to the notes on the clause on page 6 of the Explanatory and Financial Memorandum which give a hint of what will be included in the accounts and refer to a statement relating costs to objectives. The memorandum, however, is not a part of the Bill, so subsection (2) should be more specific. As I said, subsection (3) contains guiding principles but appears to repeat what subsection (2) says. Why?

**The Chairperson:** Are Members content that we should raise that point?

*Members indicated assent*

**Ms Regan:** Subsection (4) qualifies subsection (3)(a) and (b) and refers to section 256 of the Companies Act 1985. The Accounting Standards Board has advised that the wrong legislation was being referred to. It should refer to article 264(1) of the Companies (Northern Ireland) Order 1986.

**The Chairperson:** There is a major query there.

**Ms Regan:** Mr Finnegan has checked, and it appears to be a misprint.

**Mr Weir:** Whoever drafted the legislation may simply have copied the legislation that went through Westminster. The 1986 Companies Order brought into effect the provisions of the 1985 Act here.

**Ms Regan:** Yes, the 1985 Act has application.

**Mr Weir:** A mistake has probably been made, and that can easily be corrected.

**Ms Regan:** Secondary legislation will say what is to be contained in the accounts referred to in subsection (4)(b). I do not know enough about accountancy, but I believe the Accounting Standards Board will determine that. It will not be done on a statutory basis, and the Department will enlighten us.

No comment is required on subsection (5).

**The Chairperson:** Have Members any comment on subsection (5)?

**Mr Close:** My question relates to timetables. Subsection (5) contains the first reference to a timetable and refers to 31 July, but subsequent clauses refer to October and November. Is that adequate time?

**The Chairperson:** Has the Comptroller and Auditor General raised that?

**The Committee Clerk:** The Comptroller and Auditor General raised none of those technical points in his letter to us.

**Ms Regan:** Why does subsection (6) say that the Department must appoint an official of the Department as accounting officer to each Department obliged to prepare accounts? There is a potential conflict of interest there, and a similar potential conflict arises in subsection (7).

**The Chairperson:** Subsection (6) says that

“the Department ...shall appoint an official of the Department as its accounting officer.”

Does each Department not have an accounting officer?

**The Committee Clerk:** The permanent secretary is the accounting officer in all Departments.

**The Chairperson:** Do the accounts for a Department name the permanent secretary as accounting officer?

**The Committee Clerk:** The most senior official in any Department is the permanent secretary, and he is appointed accounting officer. I presume that is what the clause means. It might say that the Department would appoint the most senior official, but it is not necessary to do so.

**Mr Weir:** Subsection (6) refers to the appointment of “an official of the Department”. “Department” has a big “D” meaning, presumably, the Department of Finance and Personnel. That is how I read it, but I am not sure that that is what is meant. I presume that “department” refers to any other Department, while “Department” refers to the Department of Finance and Personnel.

**The Committee Clerk:** That seems to be the case.

**The Chairperson:** Does it mean that the Department of Finance and Personnel will appoint an accounting officer?

**The Committee Clerk:** It would not be normal for the accounting officer for the Department for Regional Development to be an official of the Department of Finance and Personnel.

**Mr B Bell:** It is essential that the head of a Department is the accounting officer as well.

**Mr Close:** What is the current practice?

**The Committee Clerk:** The permanent secretary of each Department is the accounting officer for that Department.

**Mr Close:** Does that fall automatically within the job specification?

**The Committee Clerk:** The accounting officer is the most senior official, and the most senior official is the permanent secretary.

**Mr Close:** What role does the Department of Finance and Personnel have in the appointment of a permanent secretary?

**The Committee Clerk:** None, so far as I am aware.

**Mr Close:** We need to dig a bit deeper. Currently the permanent secretary is the accounting officer for each Department. Would we be giving a role to the Department of Finance and Personnel in the appointment of permanent secretaries? That would not go down well. Alternatively, could that Department appoint a senior officer who might not necessarily be the permanent secretary?

**Mr Weir:** Unless I am reading subsection (6) wrongly, it seems to suggest that the Department of Finance and Personnel would appoint people from within itself as accounting officials for each of the other Departments. Perhaps I am overplaying the significance of the difference between “D” and “d”.

**Mr Close:** It has ramifications for the role of a permanent secretary.

**Mr Weir:** I do not know exactly the thinking behind the clause. There may have been a mistake in the way in which it has been drafted. Perhaps the Department of Finance and Personnel has some other agenda. I am not sure. I suspect that there has probably been a muck-up in the drafting.

**The Chairperson:** We shall get clarification of that from the Department. We move on to subsection (7).

**Ms Regan:** It looks like we will also need some clarification on subsection (7).

**The Chairperson:** Is it the same matter?

**Ms Regan:** It is similar. There is a potential issue in subsection (7)(a) to do with access to Departments’ records. Does the accounting officer have open access to Departments’ records? If every “Department” refers to the Department of Finance and Personnel, what about that Department’s interest versus those of the other Departments?

**Mr Weir:** The mistake in the third line of subsection (6) follows through. The clause seems to imply that the Department of Finance and Personnel is getting involved in who should be the accounting officer for each Department. There is a mistake in the drafting. There should be a lower case “d” in subsection (6). In the interpretation clause, it says that “Department”, with a “D” signifies the Department of Finance and Personnel.

The Explanatory and Financial Memorandum suggests that subsection (6) refers to the appointment by the Department of Finance and Personnel of someone from within, say, the Department for Regional Development.



I am not keen on the Department of Finance and Personnel's appointing someone as the accounting officer of another Department. It is not good practice and is compounded by a mistake in the drafting of the legislation.

**The Committee Clerk:** The Department of Finance and Personnel is not taking on the power to appoint permanent secretaries. Those are political appointments. The Department will appoint a person as accounting officer, which is different.

**Mr Weir:** Why must it be the Department of Finance and Personnel? It should be for, say, the Department for Regional Development to appoint an accounting officer for that Department.

**The Chairperson:** We must clarify the misprint and the role of the Department of Finance and Personnel.

**Mr Close:** Perhaps it is an official handing over of the seal to a person when appointed.

**The Committee Clerk:** That may be what is intended.

**Mr Weir:** I can understand why other Departments might have a grievance about that.

**Mr B Bell:** They probably would.

**Ms Regan:** I shall move on to subsection (9) paragraphs (a), (b), (c), (d) and (e) and take them in turn.

**Mr Close:** Can we just go back to subsection (8)? It says "The Department may appoint an official of a Northern Ireland department as an accounting officer in respect of a particular part of the department's resource accounts".

The second Department is spelt with a small "d". That provision suggests that there could be someone else doing another part of a Department's accounts.

**Mr Weir:** I presume that it means that responsibility for an agency or another part of a Department would be delegated to someone at a lower level.

**The Committee Clerk:** That is likely. However, we should ask for clarification on that together with the other points.

**The Chairperson:** We will move to subsection (9).

**Ms Regan:** Subsection (9)(a) provides that section 11 and the schedule of the Exchequer and Audit Act (Northern Ireland) 1921 will cease to have effect. It appears that section 11 was similar to clause 7 and, in particular, to clause 7(5). That brings it into line with the new legislation.

Under clause 7 of the new Bill, the Comptroller and Auditor General will have limited discretionary power. The new legislation seems to reduce his powers, whereas section 13 of the 1921 Act might have given him more.

Section 14 of the 1921 Act is similar to clause 7(4)(b) of the new Bill. There seems to be no equivalent in it to section 17 of the 1921 Act. Perhaps, the Department could advise on that. Section 25 of the 1921 Act — "Mode of keeping accounts" — appears to be similar to clause 7(2).

**Mr Weir:** Various subsections are being repealed. Will other sections of the 1921 Act still apply, or do the new clauses clear out the remaining sections of that Act?

**Ms Regan:** It appears that, largely, the 1921 Act is going. I will have to check to see if it is going entirely.

**Mr Weir:** Are there parts that will remain in effect? It may be that parts of the 1921 Act have already been repealed and that this Bill is clearing out the parts that remain.

**Ms Regan:** I will clarify that.

**Mr Hussey:** Are those sections being repealed because of the change of accounting method? If that is the case, should the replacement Act not include the new method?

**The Chairperson:** The new Act will become the replacement.

**Ms Regan:** In taking you through subsections 9(a) to (e), I was trying to show how the new Bill incorporates the provisions that have been repealed.

**The Chairperson:** I never thought of it as a way of getting rid of the 1921 Act.

**Ms Regan:** There is a question about whether the provisions of section 17 of the 1921 Act are covered in the new Bill. Departmental officials would be better placed to speak on that.

**The Chairperson:** That would be covered by the Minister's letter about other legislation that is coming forward.

**Mr Hussey:** Without knowing the 1921 Act, I assume that those sections refer to the way of drafting the balance sheet, and there still needs to be one. How will resource accounts be prepared?

**Ms Regan:** It appears to be provided for under clause 7(5). It is difficult to make comparisons without the Act in front of you. I can set out the provisions of the 1921 Act beside those replacing them.

**The Chairperson:** That would be useful. Several clauses refer to the 1921 Act and it would be useful to have that.

**Ms Regan:** For future clauses, should I show you how the 1921 Act is being repealed and how the new clauses replace its provisions or will I just give you the 1921 Act in written form?

**The Chairperson:** Could we do both? Having the 1921 Act in front of us would be useful in making comparisons.

*Clause 7 referred for further consideration.*

#### **Clause 8 (Resource accounts: scrutiny)**

**Ms Regan:** Clause 8 is one of the most contentious in the Bill. Similar provisions were also contentious at

Westminster. The Scottish Parliament seems to have reconciled some of the concerns that arose in Westminster by extending the power of the Comptroller and Auditor General.

Subsection 8(1) concerns the Comptroller and Auditor General's power to scrutinise resource accounts. Subsection (1)(a) to (d) prescribes that power. We need clarification of subsection 8(1)(d) and what is meant by

“in accordance with any relevant authority” .

**The Chairperson:** We have to read this section, which relates to the Minister's letter about future legislation.

**Mr B Bell:** The Public Accounts Committee is anxious that the Comptroller and Auditor General be able to scrutinise outside bodies' accounts, and, according to the Minister, it will be in future.

**The Chairperson:** What do you consider to be outside bodies?

**Mr B Bell:** Two or three years ago, there was a problem with a body, Positively Belfast, whose accounts the Auditor General had no power to scrutinise.

**The Chairperson:** Does that mean any body on which public money would be spent?

**Mr B Bell:** Yes. Westminster is looking at that, and the Public Accounts Committee thinks it essential that the Comptroller and Auditor General should have that power, irrespective of what Westminster decides. I want to see it in future legislation, and I told the Assembly that I want that assurance.

**Mr Close:** It is essential that any publicly funded body should be subject to an audit by the Comptroller and Auditor General. The Government are developing along these lines, and we know that there will be public service agreements. More and more public bodies will be involved and some private ones also, so we must ensure that the Comptroller and Auditor General has the proper powers.

That is one of my great difficulties with the Bill and the letter. It is bad in principle to legislate and then review. It is basic to review before legislating to ensure that things are right.

**The Chairperson:** Can we get the legislation used by the Scottish Parliament? Perhaps we could use that example for modifying or making recommendations.

**The Committee Clerk:** The Committee needs to note the points made by the Minister in paragraphs 4 and 5 of his letter and consider whether to accept his advice or pursue it in some other way.

**Mr B Bell:** The Minister says “This could include specification”, but it “could not include” also.

**Mr Weir:** I agree with Mr Close. I am sceptical of the Minister's view. Let us see how matters are being looked at, and perhaps improved or solved, by the Scottish

Parliament. I want to see the solution it has come up with. It may meet our concerns and, by the same token, keep the Minister happy.

**Mr Close:** In paragraphs 4 and 5 of his letter the Minister recognises the importance of having accountability. However, he goes on to say that he considers it neither appropriate nor possible to make those changes to the present Bill. The Committee, whose job is to scrutinise the Bill, should not just let that pass. It should endeavour to get those changes made. In an attempt to do that, we have gathered information from Scotland and the recommendations being made in other quarters.

**The Chairperson:** If we can make amendments to the Bill that will take it a step forward, we should do so.

**Mr B Bell:** It would be more satisfactory. The Minister's letter refers to the Sharman review. However, even if it does report on that aspect, the work will be carried out by the audit office in England. It does not apply to Northern Ireland. We need powers here, irrespective of decisions made at Westminster, so it would be helpful to get the views of the Scottish Parliament.

**The Chairperson:** If we can amend the Bill to include those views, we should try to do so.

**The Committee Clerk:** I assume that this hinges not only on clause 8, but also on clause 7(5) where it says

“A Northern Ireland department which prepares resource accounts”.

If it were to say “A Northern Ireland department or other public body”, or something like that, perhaps the extension of the power beyond Departments could begin there?

**Ms Regan:** Clause 11 appears to allow for expansion — for non-departmental bodies and other persons. Clauses 7 to 10 appear to have already allowed that.

**Mr B Bell:** And that should also include private companies, as Mr Close said, that spend public money.

**The Chairperson:** De Lorean is an example of that.

**Mr B Bell:** Yes. It is essential we take that aspect into account.

**The Chairperson:** It is important to word it so that only private companies that use public money are included.

**Mr B Bell:** There are also Government agencies that are really private companies in which the Government have a stake, such as the Northern Ireland Events Company. There is private money there too.

**The Chairperson:** Do you want to go through the Bill clause by clause, or are we dealing with the same issues?

**Ms Regan:** A general concern about clause 8 has been discussed, but there are smaller concerns about subsection (2). It further prescribes the Comptroller and Auditor General's power to scrutinise the Department's report. It appears that it is intended to discover the unauthorised use of moneys, but there are questions

about how “material use of resources” is defined. Perhaps the officials can be of assistance. In subsection 8(2) what does “appear” and “to suggest” mean? The language is very loose.

**Mr B Bell:** We need to clarify that.

**Mr Weir:** I have another question about subsection (2). It says

“If resource accounts appear ... to suggest that a material use of resources required but did not receive the authority of the Department”

to catch situations of that nature. Why is there a capital “D”? Does that apply to any other Government Department?

**The Committee Clerk:** You might have to return to one of the earlier clauses, which says that the Department of Finance and Personnel controls the money supplied to the other Departments.

**Mr Weir:** The Department of Finance and Personnel would have to give authority in that case.

**The Chairperson:** Is there anything for consideration under subsection (3)?

**Ms Regan:** The same queries apply as with subsection (1).

**The Chairperson:** The same issues.

**Mr Close:** In subsection (2), on resources not previously sanctioned by the Department with a capital “D”, the Department’s agreement is retrospective. The Comptroller and Auditor General discovers a problem, draws it to the Department’s attention, the Department sanctions or otherwise and the job is done.

**Ms Regan:** It is similar.

**Mr Weir:** This enables money to be spent first and sanctioned later. The wording suggests potential for a cover-up if mistakes are made, and that concerns me. The Comptroller may need greater powers.

**Mr B Bell:** Subsection (3)(c) says that if the Comptroller is not satisfied, he shall report to the Assembly.

**Mr Weir:** I understand what you are saying. Retrospective authority is covered in subsection (2)(b), but I am still not sure that it is watertight at the moment. That only refers to subsection (1).

**Mr B Bell:** We ought to make it watertight.

**Ms Regan:** With regard to subsection (4), I am concerned about adequate notice being given for the laying of accounts and reports.

**Mr Close:** How does that compare with current time parameters?

**Ms Regan:** I will have to find out for you.

**The Chairperson:** Subsection (5) says that

“Sections 15 and 16 of the 1921 Act (examination of appropriation accounts) shall cease to have effect.”

That is merely the system changeover.

**The Committee Clerk:** Those sections provide the new powers.

**Ms Regan:** I have a query about subsection (5). Section 15 of the 1921 Act concerns appropriation accounts, whereas section 16 is concerned with vouchers. Can officials clarify the difference between vouchers and appropriation accounts with information on how the Bill provides for both?

*Clause 8 referred for further consideration.*

#### **Clause 9 (Other departmental accounts)**

**Ms Regan:** Subsection (1) grants wide discretion to the Department of Finance and Personnel — if capital ‘D’ refers to that Department. It is given wide latitude to prepare non-resource accounts for any specified matter. Why is that latitude helpful when such accounts are to be prepared? What criteria do the Department use to determine it? The Minister’s letter might help us assess that. The question may also arise if secondary legislation is introduced.

**The Committee Clerk:** A power would be needed here to introduce secondary legislation.

**Ms Regan:** Will the Committee ask the Department’s officials whether any kind of secondary legislation is to be introduced to that effect? Otherwise, that leaves it wide open.

**Mr Close:** If the Department “may” do something, it also “may not”. I am not suggesting that will happen. However, if it is dealing with executive agencies, some may not be involved, a possible loophole.

**Ms Regan:** That is why criteria are essential.

**Mr Weir:** I presume the intention is for each Department to produce the general accounts in which it may have a particular interest. Or perhaps the general public is interested in a matter, and it is giving itself the power to allow it to direct on that specific issue. Even a particular type of—

**Mr Hussey:** Should the clause define an occasion? Should it read, “The Department may, in the event of —” whatever that occasion might be?

**Mr Close:** No. It is more about looking at the distinction between other accounts and resource accounts. It has already been said, as I understand it, that it would apply to at-arm’s-length type of agencies.

**Mr Hussey:** My feeling is that it is if a matter of concern arises.

**The Chairperson:** So the question is contained within it.

**Mr Weir:** We are all speculating about what the Department has in mind. If officials tell us what is envisaged, what is actually meant and the circumstances visualised, it may need clarified.

**Ms Regan:** The concerns about subsection (2) are similar to those about clause 7. Departments are given discretion to introduce directions, and we have the same questions about how they are going to formulate them. As with clause 7(3) and (4), there are guiding principles in clause 9 on preparation.

**The Chairperson:** Can we link the two clauses?

**Ms Regan:** We could. The important thing is that this is about departmental accounts, not resource accounts. We could ask them in turn. Clause 9(3)(b) appears to allow the Comptroller and Auditor General to examine and certify accounts automatically and send them to the Department within a specified time. There is a question on the criteria for certifying accounts. Officials can give guidance there.

Clause 9(4) qualifies it slightly. Some concerns arise as it is subjective. It says "with a view to satisfying himself". You may want to make that more objective.

**Mr Weir:** Clause 9(4) mirrors clause 8(1)(b), (c) and (d). Clause 8(1)(a) requires

"that the accounts present a true and fair view".

Is there any reason for that requirement's not being in clause 9(4)? Why has it been dropped?

**Mr Hussey:** We are not paying as much attention to the explanatory notes as to the Bill? Is that not a mistake?

**The Chairperson:** Yes, the two come together.

**Mr Hussey:** We have asked some questions when, perhaps, the answers are already there. May I look at the page of the explanatory notes that deals with clause 9(4)?

**The Chairperson:** You looked at the explanatory notes on this, and the answers were not clear to you.

**Ms Regan:** There are some specifics, but given the amount of discretion that is afforded, I would be looking for a fuller answer. However, the extent to which it wants to do that is entirely for the Committee.

**The Chairperson:** Clause 9 is quite substantial, but its explanation is not that detailed, so while there are explanations that we will accept, if further questions need to be asked, we must identify them now. I have a list of questions for the Department that could get us the clarification we need.

**Ms Regan:** In clause 9(5) the concern is at the wide discretion of the Department. It is up to the Department whether or not clause 9(5) should be triggered, and one wonders what kind of criteria will be applied. The explanatory notes do not say what the Department's thinking is on how it will use the power or what objective criteria will be applied for the purpose of consistency.

**The Chairperson:** Do members have any comments to make on that? We agree that we will seek clarification.

On clause 6, do members have any points relating to the 1921 Act?

**Ms Regan:** Compared to section 22 of the 1921 Act, it seems that the Department has been afforded more discretion. That could be a concern, but I will put a table together so you can compare them.

*Clause 9 referred for further consideration.*

**The Committee Clerk:** We have a number of points to raise with the Department on the clauses we have covered. Ms Regan could perhaps prepare a schedule of questions that we can send off, probably tomorrow.

**Ms Regan:** Yes.

**The Chairperson:** Thank you very much.

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**NORTHERN IRELAND  
ASSEMBLY**

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**HEALTH, SOCIAL SERVICES AND  
PUBLIC SAFETY COMMITTEE**

Wednesday 22 November 2000

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**HEALTH AND PERSONAL  
SOCIAL SERVICES BILL  
(NIA 3/00)**

**The Deputy Chairperson (Mr Gallagher):** I welcome Mr John McGrath, Mr Hugh Farren and Ms Margaret Rose McNaughton from the Department of Health, Social Services and Public Safety to this afternoon's meeting. To begin, we must formally agree clause 55 from last week. Are we in agreement?

*Clause 55 agreed to.*

**Clause 43 (Establishment orders)**

**Mr McGrath:** Clause 43 has its genesis in the legislation that set up the internal market here. That legislation set up trusts and gave the conditions in which they can be set up and the assets they can take into ownership. Trusts are established under article 10(1)(a) of the Health and Personal Social Services (NI) Order 1991 and limited to owning and managing assets which were previously managed or provided by a "relevant body". Therefore an estate that was owned by the Department at that stage — the Department owned all land in the Health Service — was managed on its behalf by boards. A relevant body could have been a board or the Central Services Agency or one of our special agencies. At that time, the estate, which was owned by the Department and needed by the trust to deliver its functions, was transferred into the legal ownership of the trust in question. That happened as trusts were set up in the early 1990s.

Article 10(1)(b) of the 1991 Order enables trusts to provide and manage hospitals or other establishments or facilities. Our legislation reflects the legislation in the rest of the United Kingdom. However, recently there has been doubt about whether the legislation enables trusts to acquire new land or facilities that they did not inherit from a previous HPSS body or the Department. As an example, though there is no need for concern about this, the new Causeway Hospital is being built on a greenfield site on land which was not in our ownership in 1990. Doubt might arise about whether the trust in question can manage facilities from the hospital.

Solicitors have had doubts about whether trusts can own land which they did not acquire from the Department. It has not been established that the legislation is weak, but the provision in clause 43 is to clarify that and enable the Department to confer, in a trust establishment order, a duty to provide goods and services at or from hospitals, establishments or other facilities. The aim of the clause is to remove any doubt about whether trusts can take ownership of new assets and manage facilities or provide services from assets which they did not inherit at their institution.

**Ms Armitage:** What happens if a trust ceases to exist?

**Mr McGrath:** That is a wider issue. If a trust ceased to exist, it would be suppressed or dissolved. That happens when mergers take place, because one trust must be dissolved as part of a merger. That happened in the case of the Ulster Hospital Trust and the North Down and Ards Community Trust. The assets are passed to the organisation that will continue to provide the services.

**Ms Armitage:** Is that provided for?

**Mr McGrath:** That is already provided for in the Health and Personal Social Services (Northern Ireland) Order 1991. According to the wording of that legislation, trusts were set up and took into ownership the assets from which they were providing services. These assets were owned by the Department, and the legislation allowed them to pass to trusts. There is some doubt about whether the legislation meant that the trusts could only own the assets inherited at that time. If so, they would not be able to buy additional land or build facilities on it. This clause is to remove that doubt in this grey area. More fundamental issues about ownership and origins are in the 1991 Order.

**Ms Armitage:** Was the Causeway Hospital built on land that the trust did not own? If so, could that happen again?

**Mr McGrath:** There is some doubt about recent legislation. It is not clear that it is deficient. The only way to test it is to take a case to court. However, rather than do that, we are inserting clause 43. There could be doubt about whether the Causeway Trust could run facilities from the land that was acquired to build the new hospital. Technically, the trust could buy the land but its establishment order does not allow it to run services from it. Some legal eagle looked at a test case in England and said that the wording of the legislation is not entirely clear. Clause 43 will amend that.

**Ms Ramsey:** If the trust buys land and then sells it, where does the money go?

**Mr McGrath:** When trusts are set up and take ownership from us, they have an originating capital debt — in a sense, a mortgage — which has to be paid back to the Department. Where they dispose of an asset, they have

to continue paying the back the mortgage. That is in their financial framework. At the minute they can sell and make significant funds, but that depends on the area. They then have to identify to the Department how they wish to deploy those funds on their capital plans. We can rein some of those funds back in, if need be. In certain elements of the financial regime, particularly in capital, the Department can control how much the trusts spend. We can limit the amount, even if technically they have money in the bank. It is called the external financing limit.

We can keep a very close eye on assets disposed of or redeployed. Where some trusts are sited for example, south and east Belfast or north Down and Ards, could mean that any surplus assets would generate significant returns, while those of trusts in other areas would not. The Department will be looking with the Minister at how to equalise the gain to the service. The current approach is not necessarily the most equality-based one.

**Ms Ramsey:** I want to place on record that I oppose the trust, but I am not going to get into this now.

**Mr McFarland:** Most Departments are subject to Treasury rules, which state that if something is sold off, the money reverts to the Treasury. The Northern Ireland Transport Holding Company is an example. Assets and car parks were sold, and £25 million was taken back. Even the Department could not keep it. How can trusts sell capital assets without the money going back to the Treasury?

**Mr McGrath:** I am not familiar with the financial regime of other public bodies; I can only talk about trusts. The assets are legally owned by the trusts, not by the Department, so if trusts sell them they get the proceeds. With regard to retaining them, the Department has conventions with the Department of Finance about the likely level of disposals on an annual basis. That is taken into account in the public expenditure discussions. Because of the size of the Health Service estate, there is a continuing disposal of assets. At the minute, we can retain many of our proceeds since we can identify how they are being deployed to meet much of the backlog of capital expenditure.

**Mr McFarland:** Is the Department of Health, unlike virtually any other Department, allowed additionality in its budget? Can it sell assets and spend the proceeds as long as they are spent on health matters? In the public expenditure settlements made with our Department an assumption is made annually that we are going to get money from disposal if we are getting a capital provision. Are the trusts outside your control in that they can sell things off if they wish to?

**Mr McGrath:** An assumption is made that there will be a routine disposal figure of £2 million a year. The capital provision that we get, particularly from the Budget, assumes that we are already making £2million, and that figure is to supplement it. Where the Health Service makes

significant asset sales beyond that, we are expected to show the Department of Finance and Personnel that we can put the profit to good use by setting it against the backlog or using it for capital expenditure for equipment for which no funds are obtainable through the public expenditure system.

**Mr McFarland:** The Department for Regional Development has an underspend of hundreds of millions, and any money that it makes is promptly taken away. It is not allowed to spend it. I am confused that Health, Social Services and Public Safety can spend generated income in its Department.

**Mr McGrath:** I cannot speak for other Departments. I am not sure that it differs dramatically. I am responsible for capital expenditure, but it goes nowhere near what we need for fire code work and health and safety. I am sure some Members are familiar with those issues, and I would not like there to be a feeling that assets are piling up and not being deployed properly.

*Clause 43 agreed to.*

**Clause 50 (Disclosure of information by the Commissioner for Complaints)**

**Mr McGrath:** The Commissioner for Complaints Order 1996 makes provision for the Commissioner to disclose information he obtains for the purpose of an investigation. The aim of this clause is to strengthen and interpret the legislation. The provision in the 1996 Order could be subject to a very narrow interpretation of the circumstances in which the Commissioner can disclose information and to whom, and we aim to strengthen his powers to disclose information and put the matter beyond doubt. The current legislation gives examples of people to whom the Commissioner could disclose information, and it is possible that that could be interpreted as a definitive list.

The proposed amendment to the 1996 Order will make it clear that where the Commissioner has information to the effect that a person is likely to constitute a threat to the health or safety of another person, he may disclose that information to whomever he considers appropriate in the interest of the health and safety of that other person. The amendment deletes the examples in the 1996 Order and leaves it to the Commissioner to decide who should receive the information. He is also required to inform the person who provided the information and the person whom the information is about that he has disclosed the information and to whom he has disclosed it.

It was the intent of the 1996 Order to enable the Commissioner to disclose information which may relate to the health or safety of the other person and to ensure that he is free to disclose to whomever he judges fit. We do not want to limit the circumstances surrounding that.

**Mr McFarland:** I would appreciate clarification on the difference between paragraph (1C)(a) and (1C)(b).

Does it mean that he tells the person from whom he received the information that he has disclosed it and to whom it has been disclosed? Is that a correct interpretation?

**Ms McNaughton:** The person to whom the information refers is the person mentioned in paragraph (1B). If the Commissioner receives information about a particular person from another person, he tells both the person to whom the information refers and the person who supplied the information that he has disclosed that information to another, whether that be a professional body or whoever.

**Mr McFarland:** Shall we talk about persons A, B and C? Person A is the one from whom the information is received; Person B is the one to whom the information is given; So is the person mentioned in paragraph (1C) person A or person B?

**Ms McNaughton:** The person first mentioned in paragraph (1B) is person C.

**Mr McFarland:** Therefore if he knows the identity of person C he informs him that he has disclosed the information?

**Ms McNaughton:** Yes, that is the case.

**Mr McFarland:** Why are you giving person C that information?

**Mr McGrath:** Person A is the one who may constitute a threat. Person B is the one from whom the information is received, and person C is the one to whom the Commissioner gives the information.

**Mr McFarland:** You see, if I cannot understand the paragraphs, the chances of anyone else's understanding them are fairly limited. We need to clarify the English, and I want to be clear about what you are talking about. So A is the threat, B is the one from whom the information has come and C is the one to whom the information is given. Is that right?

**Mr McGrath:** Yes, that is correct.

**Mr McFarland:**

Clause 50 states (1C) (a) states:

“where he knows the identity of the subject”

Who does that refer to?

**Ms McNaughton:** That is the threat; that is person A.

**Mr McFarland:** So if he knows A, he tells A that he has disclosed the information and to whom. Is that right?

**Ms McNaughton:** That is right.

**Mr McFarland:** So he tells A that he has disclosed the information to person C. Paragraph (1C)(b) says

“inform the person from whom the information was obtained...”

Does that refer to person A?

**Ms McNaughton:** No, that is person B, who is the source.

**Mr McFarland:** So he tells person B that he has disclosed the information. Is that right?

**Ms McNaughton:** Yes, that is right.

**Ms Ramsey:** He does not know who made the allegation.

**Mr McFarland:** So he informs person A that he has disclosed the information to person C, but A is not told from whom the information came.

**Ms McNaughton:** Yes. The Commissioner has to tell person A that he has told other people about the information, but there is no provision for him to say who disclosed the information.

**Mr McGrath:** If the Commissioner received information about a clinician, he might pass it on to a professional body, telling the “threat” that he had done so. He would not necessarily say that he had received the information from someone else. That is why this is not entirely balanced. The difficulty lies in there being no complete exchange of information, and there is a reason for that. If the Commissioner judged the information sufficiently grave to necessitate passing it on, he would not want to advertise matters by saying he had passed something concerning a person to his professional body, having got the information from someone else, and one can understand why.

**Mr McFarland:** Have we checked how person A's human rights are affected by the fact that person B is passing on information which may or may not have been substantiated?

**Mr McGrath:** We are making provision to enable the Commissioner to do this. It is a power he can use if he sees fit, given the information available. He does not have to do so in every circumstance; this is merely a legal empowerment of discretion. The overall view is that this is justified under human rights legislation on the grounds of the safety of individuals to whom person A might be a threat.

**Mr McFarland:** There is no requirement to say whence the information came or what value it had — or is that up to the Commissioner to decide?

**Mr McGrath:** The Commissioner, under the Commissioner for Complaints (Northern Ireland) Order 1996, already has powers to disclose information, and one assumes that he would judge its reliability.

**Mr McFarland:** Does he have the power to investigate this information before he passes it on?

**Mr McGrath:** I recognise the points you are making. If you wish to examine the issue of person A's human rights, we can work on that. However, one assumes that the Commissioner will investigate. He has powers to pass

information on, but we must clarify the circumstances and ensure they are not limited. The point on human rights could apply to the fundamental powers in the Commissioner for Complaints (Northern Ireland) Order 1996.

**The Deputy Chairperson:** Would you be happy if the Department took another look at possible human rights implications?

**Mr McFarland:** Yes. Do you think the wording might need to be clarified?

**Ms Armitage:** In clause 50, the new paragraph (1B) says

“the Commissioner may disclose that information to any person to whom the Commissioner thinks it should be disclosed in the interests of the health or safety of the person at risk.”

Is there a duty to disclose, or is it a matter of discretion? Is the word “may” acceptable? It strikes me that that information should be passed on in the interests of health and safety. However, it appears from this clause that the decision rests with the Commissioner. Is that right?

**Mr McGrath:** Yes. I can understand the point you make in the context of the earlier part, which speaks of information about a likely threat. I can see how one might expect more rigorous wording.

**Ms Armitage:** I should have thought that it would be a duty rather than a matter of discretion.

**Mr McGrath:** The discussion could become circular, for the sentence says

“may disclose that information to any person to whom the Commissioner thinks it should be disclosed”.

**Ms Armitage:** That leaves responsibility with the Commissioner.

**Mr McGrath:** Indeed. Altering the wording to “must disclose” would not change matters. One would then have “must disclose it to any person to whom the Commissioner thinks”, still leaving the decision with the Commissioner.

**Ms Armitage:** I am nit-picking, but I do not want to. I just wanted to see whether you understood me.

**Mr McGrath:** I understand. However, if that is removed, it will be saying that if the Commissioner has information about a person likely to constitute a threat, he must disclose it. It starts with a judgement by the Commissioner on the degree of danger or safety. We will look at it again.

**Ms Armitage:** I wonder what other Members think about it?

**Mr McGrath:** We will look at it again.

**Ms Armitage:** That is fair enough.

**Rev Robert Coulter:** How does this clause fit in with data protection legislation?

**Mr McGrath:** The 1996 Order gives the Commissioner power to disclose information that he obtains during the course of an investigation. This clarifies the circumstances in which he may do so. The power to disclose information comes from the 1996 Order, and that is deemed to be consistent with the data protection legislation. This new provision sets out the circumstances in which he may do it.

**The Deputy Chairperson:** Several points have been raised, and I think it would be better to leave this clause until the final round-up. Are Members happy to park this clause and return to it later?

*Clause 50 referred for further consideration.*

#### **Clause 52 (Liability of officers of Health and Social Services Councils)**

**Mr McGrath:** Under article 97(1) of the Health and Personal Social Services (Northern Ireland) Order 1972, officers of boards, trusts, the Central Services Agency and any special agency set up by the Department are protected from personal liability if they act reasonably when carrying out their duties. If any officer of those bodies acts outside the scope of his employment, he is not legally entitled to protection. However, any of those bodies may indemnify an individual against the whole, or part of any damages and costs incurred, if it is judged that the person honestly believed that he was acting within the scope of his employment. That is the present situation.

Although health and social services councils' staff are technically employees of the boards, they exercise the functions of the health and social services councils. Legal action was taken several years ago against one of the councils and its chief officer. That highlighted the fact that health and social services councils' staff are not afforded the same personal liability protection as officers in other health and social services organisations under the 1972 Order. The Department provided funds to indemnify when that case was settled out of court. In a sense, a lacuna was identified. Health and social services councils' staff do not have the same personal liability protection as all other officers in boards, trusts and agencies. This clause will correct that and give those employees the same protection as other health and social services' staff and no officer will be personally liable for his actions when he acts in good faith and in pursuit of his duties.

*Clause 52 agreed to.*

#### **Clause 54 (Public access to meetings of certain bodies)**

**Mr McGrath:** The Department and the Minister are committed to ensuring greater access to information about health and social services and to making it easier for the public to be involved in decisions about care. A code of practice on openness was issued in 1996 to give



people greater access to information on services, costs, standards, et cetera.

Clause 54 is about allowing public access to meetings of health and social services bodies to develop transparency. At present, there is no statutory requirement for them to hold board meetings in public. Following the 1996 code of practice it became the convention for them to do so, and in 1997 the then Minister wrote to the trusts' chairmen and asked them to ensure that all future board meetings were held in public. Nor is there any requirement for the Central Services Agency or the health and social services special agencies — for example, the Health Promotion Agency, the Regional Medical Physics Agency and the Northern Ireland Blood Transfusion Service (Special Agency) — to hold their meetings in public.

Clause 54 will require all board meetings of the bodies named to be open to the public. The technical way to do this is to apply the provisions for admission to meetings of district councils here contained in the Local Government Act (Northern Ireland) 1972 across the board. These provisions allow scope for elements of meetings to be closed to the public in certain circumstances, such as when confidential or staffing matters are being discussed. The Act also deals with making copies of agendas and documents available to the public and the press.

**The Deputy Chairperson:** Are health and social services councils included, or are their meetings already open to the public?

**Mr McGrath:** I think they are open. I am not sure.

**Ms Armitage:** I think they are. I used to be on one.

**Mr McGrath:** This may be a lacuna.

**The Deputy Chairperson:** It just struck me that they were excluded from the previous clause. Are there any questions?

**Mr McGrath:** I think they do hold their meetings in public, but to make it a requirement — *[Interruption]*

**The Deputy Chairperson:** You can check that out.

**Mr Berry:** Are health and social services councils invited to meetings of the boards and trusts?

**Mr McGrath:** As a matter of convention they are invited to and they attend board meetings. This is to provide public access and allow documents to be made available under the Local Government Act (Northern Ireland) 1972. The problem with that Act is that it does not mention health and social services councils. It refers to access for the press and the public. The health and social services councils are not mentioned specifically because they did not exist then.

**Mr Berry:** Are these meetings held throughout Northern Ireland or in one specific location?

**Mr McGrath:** It does not specify where. The convention is that it varies. Some trusts move their meetings around if they cover a large geographical patch. The Royal Group of Hospitals provides regional services, and it has held meetings in Carrickfergus, Derry and Enniskillen.

**Mr Berry:** Would this one move around on a regional basis too?

**Mr McGrath:** No. The Royal Group moves meetings around because it covers the entire region — it does not want to meet just in Belfast. The majority of trusts tend to hold meetings in their headquarters or a public venue. The Eastern Health and Social Services Board holds meetings in its headquarters. We do not want to start specifying locations without knowing the geographical layout. Some cannot have meetings on their premises — they do not have a room big enough — and use public premises. I am not sure that we want to specify particular buildings.

**Mr McFarland:** The logic of this is that we open our meetings. A reluctant trust or board could have meetings at an awkward time and in a small room, where only key people could get in and with no room for the public. If you are going to open these meetings, you should give some guidance. If the purpose is to get the public in, they should be held at a time and a place that suits the public. Otherwise, a devious agency — not that there are any — might attempt to exclude the public from interfering. Some organisations have not taken kindly to what they consider to be interference with their privacy to discuss things with colleagues. How are we going to prevent additional caveats which could obstruct the spirit of openness?

**Mr McGrath:** Subject to the legislation's taking effect, we will issue detailed guidance to bodies about holding public meetings. We will reflect in that the spirit of what you have said and suggest that meetings should not necessarily be held in the same place, though that depends on circumstances. If it is a wide area, there is a case for moving meetings about. In a narrow urban area the public might find it helpful if the meetings were always in the same place. We will reflect that in detailed guidance and police it.

**Mr Berry:** The Bill makes provision for public notices of meetings and press coverage. How is it intended that that be done — would it be by notices in surgeries? Is local or regional press coverage intended? How are the meetings to be advertised? For far too long such meetings have been behind closed doors and the public has not been involved. It is important that the public knows exactly what is going on and where these meetings are taking place so that people can attend and give their views about a better service for everyone.

**Mr McGrath:** We are requiring these bodies to hold meetings in public by statute. At present all trusts do, and they place notices in the local press; that is already

standard practice. In the guidance that will flow from this, we will specify that they must give adequate public notice of all meetings. I know that they all give public notice in local papers, but it is not always picked up — sometimes it is four pages from the end of the ‘Belfast Telegraph’, usually on the page for vesting orders or whatever, and not obvious. Some nights you can find notice of four trust board meetings all bunched together. It is adequate notice, a week or two in advance, but it may not reach the people you want to come along. In the guidance we will require that they improve this, and we will follow it up. Sometimes even that is not enough — one needs to go out on the highways and byways.

**Rev Robert Coulter:** Does press coverage include electronic media?

**Mr Farren:** No, it does not allow for transmission of the meeting. It allows the press to have a record of the meeting, but not to transmit it, either in picture or sound — just as with district council meetings.

**Rev Robert Coulter:** Is that not discriminatory?

**Mr Farren:** It is applying the same provisions to these bodies as apply to district councils.

**Mr Berry:** Could members of the public put questions and comments instead of just sitting on the sidelines?

**Mr McGrath:** All bodies will have standing orders, and people can ask for speaking rights. There is a well-established practice for that.

**Mr Berry:** Would an ordinary individual be aware of that when he went to such a meeting?

**Mr McGrath:** If an individual went along to a public meeting for the first time, it is unlikely that standing orders would allow him to speak. That may sound bureaucratic, but I suspect it is not much different from district council meetings. Many parties interested in the Health Service — staff, for example — understand standing orders and are tuned in enough to ask for speaking rights. The man in the street would not know that. He would have to come along to a meeting and know that he would have to come again. There is probably scope for some questions to be asked at the end of meetings, and some chairmen might be willing to be flexible depending on the circumstances.

**Mr Berry:** Is there provision in this clause for that?

**Mr McGrath:** No, this does not set down standing orders under which each body would operate. Bodies adopt their own standing orders; most of them are fairly typical. We would have difficulty prescribing people’s coming in and automatically raising an issue; you have to structure meetings in some way. With difficult issues you could get filibustering, and you might never get an item finished.

**Mr Berry:** I appreciate that, but there should still be some provision for the general public.

**Mr McGrath:** I have no difficulty with that. We could look at making the service more open for individuals as opposed to those who understand the system, because the Minister is committed to that. I agree entirely with its spirit, and perhaps boards and trusts should find some way of facilitating it.

**Mr Berry:** There should be more openness.

**The Deputy Chairperson:** The best thing to do is park this and see what you come up with for the final version. Are you happy enough, Mr Berry?

**Mr Berry:** As long as we get clarification on this.

**Mr McFarland:** We are working on the district council system here, but you have undertaken to look at what else?

**Mr McGrath:** This creates a statutory requirement using the provisions of the Local Government Act (NI) 1972 as grounding legislation. We will issue guidance to all bodies on how they put this into effect and pick up the issues you have raised by saying that they go beyond the letter of what is required and reflect the spirit of it — it is very difficult to reflect that in enabling legislation.

**Mr Farren:** The procedures of these meetings are detailed in regulations made under the 1991 Order which require trusts to draw up standing orders to deal with things like that. The standing orders determine whether a chairman can set them aside to allow questions from the public.

**Mr McFarland:** I am not sure that we should interfere with this going through. It seems fairly sensible as long —

**Mr Berry:** We still need clarification on the openness of it.

**Mr McGrath:** If this proceeds and we produce detailed guidance, we will be happy to discuss the nuts and bolts of it with the Committee. This issue is not affected by clauses in the Order; what matters is how we put it into place. Perhaps we should examine the regulations and standing orders again.

**Ms Armitage:** In council, if that situation arises, we suspend standing orders. Presumably that could happen.

**Mr McGrath:** And has happened. So you are just asking for chairmen to be flexible when that occurs.

**Ms Armitage:** Presumably, they will be quite happy to suspend standing orders to allow someone to speak, if the aim is to be open. I assume that a suspension of standing orders will cover this.

**The Deputy Chairperson:** The Committee has to decide before 6 December. Shall we leave this until we get the final document?

*Clause 54 referred for further consideration.*

#### **Clause 44(2) (Exercise of powers)**

**Mr McGrath:** Clause 44(2) relates to the Department’s powers to direct HSS trusts whose functions are set out in the establishment orders issued by the Department.

Under the present legislation, the Department's power to direct trusts with regard to their functions is more restricted than its power to direct HSS boards. It owes its origins to when trusts were set up as part of the internal market. The then Government's view was that they should have a degree of independence and autonomy.

The Department's power to direct relates to specific areas of trusts' functions which include entering into contracts with other HSS bodies; undertaking and commissioning research; providing training and associated functions; exercising their functions jointly with another individual or body; and providing pay beds and income generation. The Department may also direct a trust on such matters as the qualifications, experience and appointment of its staff; prohibiting and restricting the disposal of assets; compliance with guidance given to boards; and implementing merit awards to medical staff.

Over the years, this power turned out to be less rigorous than originally intended, and certainly not of equal strength to the power to direct the boards. The provision in clause 44(2) is to widen the Department's power to direct trusts and make it equal to the power it has with boards. The new power could be used to institute new pay arrangements for senior staff, which has been a sensitive issue. This would give the Department scope to impose a new pay system on the trusts. That said, there are powers that might be reserved for *in extremis* situations. Few formal directions are issued to HPSS bodies, but this will enable the Department to have stronger power, in the event of an *in extremis* situation, to make effective what the Minister decides.

**Mr P Berry:** I appreciate the intention towards chief executives' pay. It is good to have a certain amount of power over that. This may not be a big issue to some, but I am a little concerned that the Department will have too much power over these people. In the past, trusts and boards have been told to keep quiet and to paint a better picture of the Health Service. I am afraid that the Department has too much power. That is my concern; I do not know what other members think.

**Mr McGrath:** This power will be given effect by a formal legal direction. That is what we are talking about. It is not a "called in and spoken to". A direction from the Department will order a trust to do X or Y and will be a matter of public record. It may be far more explicit. I cannot remember the last time we issued a direction. Some years ago one was issued to the Southern Board about a difficulty in accepting a contract to do with sport services. Directions are rarely used, but in extreme situations where the Minister or the Department needs to tackle some issue, the power is there. This will put the trusts on a par with the boards and give consistency across the service.

*Clause 44(2) agreed to.*

**The Deputy Chairperson:** We shall now hear from Mr Taylor and Mr MacRory, officials from the Department

of Health, Social Services and Public Safety. You are very welcome.

#### **Clause 57 (Orders, regulations and directions)**

**Mr MacRory:** Clause 57 makes provision for subordinate legislation and directions to be made under the Bill. There are four subsections. Subsection (1) provides for the necessary Assembly control over subordinate legislation to be made under the Bill. Most of that will be in the form of regulations or orders made by the Department or the Minister, who are both rule-making authorities for the purpose. Most regulations or orders will be subject to negative resolution in the Assembly and subject, of course, to normal consideration by this Committee before the Assembly stage.

Subsection (2) provides for the negative resolution procedure not to apply in a few cases. An order under clause 56, which you will remember relates to the regulation of chemists, is subject to affirmative resolution — that provision is laid down in schedule 4 to the Bill. It would be laid in draft form and subject to debate in the Assembly. The reason for that is that schedule 4 contains power to amend other primary legislation. The Assembly, in due course, may consider a more active role in the affirmative resolution process to be more appropriate.

The subsection provides that making certain restricted provisions under section 58 — you will see that it relates to "the transfer of any property, rights or liabilities" — and a commencement order under section 61 (2) would not be subject to any formal consideration in the Assembly. The main use of section 58 will be to make provision for the winding up of GP fundholding, particularly the transfer of assets, rights and liabilities of fundholders.

Subsection (3) provides a power to include in regulations or orders provisions which are necessary to reflect the intentions behind the Bill. Including a power of this sort is standard and is most often used to include transitional or consequential provisions in commencement orders. It may not be needed for regulations or orders under the Bill, but it is there as a safeguard.

Subsection (4) is another technicality. It attracts the provisions of section 17 (2) of the Interpretation Act (Northern Ireland) 1954 to the making of directions. That section provides that any power to make a statutory instrument automatically includes power to amend it subsequently. The power to make directions does not include the power to amend them unless section 17 is specifically attracted. This is because directions do not come within the definition of statutory instrument. An example of a direction-giving power is clause 1(3), which gives the Department power to give directions to the Social Care Council.

*Clause 57 agreed to.*

**Clause 58 (Supplementary and consequential provision)**

**Mr MacRory:** Clause 58 gives the Department or the Minister power to make an order containing any supplementary, incidental or consequential provisions needed to fulfil the intentions of the Bill. As I said earlier, the most likely use of this power is to make arrangements for the disposal of assets and other provisions following the winding up of GP fundholding. This power cannot be used for anything not strictly related to, or required for, the full and proper implementation of the Bill as passed by the Assembly, so it cannot be used for any devious purpose.

*Clause 58 agreed to.*

**Clause 59 (Interpretation)**

**Mr MacRory:** Clause 59 says that “the principal Order” means the Health and Personal Social Services (Northern Ireland) Order 1972. It goes on to say that the words and expressions used have the same meaning as in the main 1972 Order. This ensures consistency of meaning across the range of health and personal social services legislation, including any subordinate legislation which may be made under this Bill.

*Clause 59 agreed to.*

**Clause 60 (Amendments and repeals)**

**Mr MacRory:** The majority of amendments and repeals in the Bill stem from the repeal of the law relating to GP fundholding, the introduction of a new schedule 11 to the 1972 Order and the changes relating to the establishment and financial structures of trusts. They are set out in schedule 5. There is nothing peculiar about that; they are simply consequential upon the passing of the Bill.

*Clause 60 agreed to.*

**Clause 61 (Short title and commencement)**

**Mr MacRory:** Clause 61 provides for the Bill to be brought into operation by commencement orders. This is standard practice. Unless all the Bill is to commence on a known date, it is normal to bring in parts of it by commencement orders. Such an order could apply to the whole Bill or to different parts of it at different times.

*Clause 61 agreed to.*

**The Deputy Chairperson:** I do not know how you see it, Mr MacRory, but it looks as though you had the easy slot. Thank you for coming.

**The Deputy Chairperson:** We shall now hear from Mr Hamilton, Ms McNeilly and Mr Jones from the Department of Health, Social Services and Public Safety.

**Clause 44 (Exercise of powers)**

**Mr Hamilton:** Clause 44(1) places further constraints on the income generation of trusts and gives the Department more control over that. It is a safeguard. Income generation is not a major part of trust business. It focuses on raising income through catering charges, private pay

beds, renting space for shops on hospital corridors, and so forth. It is not a major issue, and the Department is not concerned about trusts abusing their powers. This is a read-across of the legislation in Great Britain. The Community Health Councils' Association raised the matter there, as the draft legislation was considered loose. Under these proposals, income generation must not interfere with core functions, and the Department reserves the right to approve or otherwise what is done.

**Rev Robert Coulter:** Are there any limits on the number of pay beds a trust can have?

**Mr Hamilton:** Limitations are imposed by income generation potential, as there is not a big market for private healthcare in Northern Ireland. I am not aware if the Department has imposed any specific targets on the number of beds. If it has, I will get back to the Committee in writing.

**Rev Robert Coulter:** If there are no limits, how do you decide when a trust is overstretched?

**Mr Hamilton:** Income generation must not interfere with their core function — trusts are expected to deliver the service specified by their commissioners. If one was not doing that, because it was raising income, the board would take a dim view and ensure through normal monitoring that it did.

**Mr McFarland:** If a trust is meeting its obligations and performing well — renting out or selling space for shops, and so forth — when would you step in to question it about income generation?

**Mr Hamilton:** If it does not interfere with the business for which it has been set up — to provide care to patients — the Department will not stand in the way of a trust's generating income that can reduce the cost of its services and help to maximise the care that can be provided from the fixed budget.

**Mr McFarland:** This comes back to additionality, which affects everyone in the block budget system. As soon as you generate any cash you have not been allocated, the Department of Finance and Personnel says, “Thank you very much. We will have this. We have given you money to do your job so you must give back any extra money and bid for it centrally.” No other Department seems to be able to generate extra money and keep it. I do not understand how the Department of Health, Social Services and Public Safety got the Department of Finance and Personnel to agree to this.

**Mr Hamilton:** We operate under the same financial regime as the NHS in Great Britain. At one time trusts were encouraged to generate income to maximise the care they provided. Income generation was a buzz expression about 10 years ago. The Department's budget is fixed, and any additional income that can be generated expands the purchasing power of that budget. However, the appropriations-in-aid approach that applies to Government Departments does not apply to HSS Trusts.

**Mr McFarland:** My suspicion is that the Department doles out money to boards but does not know what happens beyond that. Then the boards give it to the trusts, and they do as they wish with it — fascinating. We now have a new Programme for Government with measured outcomes attached to it. Measured outcomes will be attached to the allocated money, and it strikes me that this will cause chaos for trusts who generate all this money and cannot account for it under the system.

**Ms McNeilly:** The trusts are independent in their own right, and the funds raised through income generation are outside the supply system. They are not Department-run, and the legislation and financial regime are completely different. They can keep any income they generate, over and above the allocation, whereas if the Department raises funds they must be surrendered under the supply system.

**Mr McFarland:** I am completely confused now.

**The Deputy Chairperson:** I do not want to guillotine the discussion, but we will probably be talking to you about the budget next week. We still have some clauses to get through. Are we satisfied that the clause is restrictive enough to have the trusts deliver the level of service specified by the commissioners?

**Mr Hamilton:** The commissioners will ensure, through monitoring, that the trusts deliver the level of service for which they are being paid. Income generation is a small part of a trust's business, and not a big issue. This is a safeguard measure that will give the Department power to control and approve income generation measures pursued by trusts.

**The Deputy Chairperson:** We need to be satisfied with the limitations as specified.

**Mr McFarland:** I thought we were investigating the income generating powers of trusts and their regulation. If we do not have an understanding of how this works, we will be thoroughly confused. My understanding is that the Department gives money to the trusts. If you are saying that it does not and that trusts generate their own funds, I am amazed at where all these funds are coming from.

**Ms McNeilly:** The legislation makes provision for trusts to generate income. That could be through charging nurses for accommodation and the other activities that Mr Hamilton mentioned. For example, around £4 million was raised from private patients from 1999-2000 by all the trusts, as shown in the summarised draft accounts. That compares to a total income of about £1.5 billion, so the income generated in proportionate terms is a very small.

The legislation provides for the trusts to be independent bodies. They are not like the Social Security Agency, which is part of a Government Department. We give an allocation to the boards, and they use that allocation to commission services from trusts. However, because trusts are independent bodies, they can also generate income through the other activities. For example, if they are

supplying sterile supplies in the system, they can charge for them. This clause allows a trust to do that while putting a control on it — a constraint.

**Mr McFarland:** The point I am trying to make is that, providing it does not interfere with a trust's doing what it is supposed to do, it can provide whatever service it wishes. In theory — and I appreciate that they do not — it could earn millions of pounds. If you were a smart financier at a trust, you could have a great system going if it did not interfere with your statutory duty. Is that what we are saying?

**Ms McNeilly:** The Department monitors what the trusts are doing. If there is a problem, one has to look at it.

**Mr McFarland:** Although they are meeting their requirements, I am trying to tease out exactly when you would say: "Hang on a minute, we are going to object to their raising £3 million." The next question is whether they can use the money themselves or whether it must go to the Department.

**Ms McNeilly:** The commissioners monitor what the trusts do. They have contract arrangements with them to provide services, and if they saw a trust doing anything outside those arrangements which interfered with its services — for example, if it had implications for waiting lists — the board and the Department would not look too well on that.

**Mr McFarland:** What if it does not interfere?

**Mr Hamilton:** This is the point of the legislation. There are no controls under the legislation for that and, theoretically, a trust, if it were that way disposed, could raise significant income. This clause would allow the Department to intervene — it says that the Department has the right to give consent. That means we can withhold our approval and stop the trust. It is highly unlikely that it will be so engaged, but it covers the theoretical potential of the existing legislation.

**Mr McFarland:** It is important to understand this. I did not know that trusts could keep their money. If any other Department raises anything over its allocation, Finance and Personnel whips it back — no one gets time to look at it. Why does the Department of Health have all this freedom which no other Department has?

**Ms Armitage:** If there is a surplus, presumably it is used in the Health Service anyway. I consider a trust as a business, and I do not see the problem that Mr McFarland does. If the money raised remains within the Health Service, it could be argued that the trusts are helping towards the budget.

**Mr Hamilton:** That is why Government policy, some years ago, encouraged trusts to maximise their income generation activities.

**Ms Armitage:** That is how I see it, but maybe I am looking at it from a business point of view.

**Mr McFarland:** That logic is absolutely correct. If I were a board financial manager, I would be down with my trust regularly seeing what else could be done — sell off this, bring that in, start private enterprise. You could make a fortune with the sort of freedom I did not realise they had.

**Ms Armitage:** If it were going elsewhere, I would have a problem with that.

**Mr McFarland:** If a board or a trust is crisis-ridden over cash, I cannot understand why it is not beavering away, involving the private sector, to make lots of money to pour back into health, if it can do that.

**Rev Robert Coulter:** In clause 44(1), the new article 10(8)(a) says

“to the extent that its exercise does not to any significant extent interfere with the performance by the HSS Trust of its functions or of its obligations under HSS contracts;”

Does this presuppose that there is a measure in which the exercise of power can interfere with the performance, functions and obligations of a trust?

**Mr Hamilton:** That wording reflects the wording of the current legislation, and the effect of the revisions is really in 10(8)(b) where it says

“with the consent of the Department”.

We would not accept any interference with the performance of a trust’s duties.

**Rev Robert Coulter:** Why then do we have the words “any significant extent”?

**Mr Hamilton:** We do not want to be absolutely black and white on that. The function of trusts is to deliver care under the NHS, and any other income generation activities should not interfere with that.

**Ms Hanna:** Last year, money allocated to a trust for community care was given to the acute hospitals. I wonder just where that fitted in here. I have never heard of trusts having too much money and not knowing what to do with it — it is usually the other way round. A trust was allocated money, which was then taken from it for other purposes.

**Mr Hamilton:** That is funding for the core functions of the trusts — to deliver care.

**Ms Hanna:** The funding did not end up with the trust.

**Mr Hamilton:** There will have been a variety of reasons for that which I will not go into now. The key issue is that income generation activities tend to be ancillary. We should not get too carried away about managers having time to be entrepreneurial. They have corridor space in hospitals — why should it not be used for shops? They provide meals for patients — why should they not charge for meals for staff and visitors? The tendency is to collect income from ancillary activities.

*Clause 44 agreed to.*

#### **Clause 45 (Public dividend capital)**

#### **Clause 46 (Existing HSS trusts: conversion of initial loan)**

**Mr Hamilton:** Clause 45 is about simplifying the financial regime under which trusts operate. This is complicated. When a trust was set up, it was funded on the basis of public dividend capital and interest bearing debt — 50/50. There was 50% equity and a 50% loan. Trusts recover sufficient resources at the moment to pay back principal and interest and make a dividend payment every year. What the legislation is doing under clauses 45 and 46, which should be read together, is saying that we will convert the interest bearing debt into equity, into public dividend capital, so it becomes originating capital.

Trusts do not, therefore, have to pay back the principle sum or make interest payments. However, they will not benefit from this as they will still have to make a 6% rate of return. Their dividend requirement will be increased, resulting in their making one type of payment a year in terms of the dividend, rather than making a dividend payment and repaying the loan and interest. These requirements reflect the changes that have been introduced in Great Britain.

**Mr McFarland:** Were the trusts expected to pay back the equity?

**Mr Hamilton:** They pay back the interest bearing debt including the interest charged on the debt. And they pay a dividend on the equity.

**Mr McFarland:** But they own the rest of it?

**Mr Hamilton:** Yes. They own the assets and pay a dividend on the equity invested by the Department and a dividend. The Department and the public purse are shareholders and, like any other business, the trusts are expected to pay a dividend.

**Mr McFarland:** It is now 100% equity. What happens if a trust ceases to exist?

**Mr Hamilton:** It will come back to the public purse; there is no risk of its going elsewhere. As public corporations, they are under public ownership.

**The Chairperson:** Is clause 46 also part of this?

**Mr Hamilton:** Clause 45 announces the change, and clause 46 converts the interest bearing debt to public dividend capital.

*Clause 45 agreed to.*

*Clause 46 agreed to.*

#### **Clause 47 (Borrowing, surplus funds and investment)**

**Mr Hamilton:** Clause 47 is about taking greater powers over trusts’ activities, controlling their borrowing and determining where any surplus funds are invested. Trusts may borrow from the private sector, if that gives

better value for money or is more efficient than borrowing from the Government. In practice, trusts have only borrowed from the Government. This clause states that the Department will control what bodies trusts can borrow from — in effect, only from the Government.

However, legislation does allow for borrowing from an external party, but that will only be used for private finance-type deals. If a trust has to take over a private provider's liabilities under a step-in arrangement to ensure continuity of service, that in effect would be borrowing from a bank. All trust borrowing will come under the authority of the Department and be approved by it.

**Ms Hanna:** So, they can borrow from the private sector?

**Mr McFarland:** They can, but they do not. To borrow from the Government is cheaper.

**Ms Hanna:** It would be better value if they got it from the private sector, but could they do that?

**Mr Hamilton:** Yes.

**Mr McFarland:** Getting back to our entrepreneurial trust with its smart little shops that produce money, clause 47 (5) allows trusts to invest money held by them in any investments. They cannot invest money held from the Department, as trustees, but they can invest funds that they have generated.

**Mr Hamilton:** At present, a trust can invest surplus funds. In its prices, it charges for interest and depreciation and uses that to pay its dividend. Money can accumulate in the course of a year, and trusts invest it. They will be allowed to use the interest generated in this way. The financial regime allows them to do that now, but we are taking control so we can determine where investments are made.

In England, for example, they are restricting the ability of trusts to invest in the private banking sector and have put a threshold of £50,000 on such investment. They are insisting that the remainder be banked with the Paymaster General, that is with the Government. Ultimately, we will have that power as well.

You mentioned the funds a trust holds as a trustee. Those are not departmental funds, but charitable funds. Hospitals are bequeathed money by people who have been treated there. The Department does not say where a trust invests those resources. It does not control them since, legally, they belong to the trust.

**Mr McFarland:** We said generated funds can go back into the Health Service but that is not necessarily the case, since a trust can invest them. You mentioned regulations in England for this. Where are the regulations limiting where a trust banks its money, gives it to the Paymaster General or whatever?

**Ms McNeilly:** Recent guidance circulars issued by the Department of Health said that they were going to invoke a direction. Part of this refers to a clause that we

discussed earlier which enables the Department to issue directions on investments with the consent of the Department of Finance and Personnel.

In England there is a tiered approach. They are going to invoke a direction which will allow a trust to invest up to £50,000 of its surplus fund in the commercial sector. Anything between £50,000 and £1 million will go into paymaster accounts, which do not earn interest. An amount over £1 million can be invested in the National Loans Fund, which will attract interest. Basically the Department of Health decided to take control of trusts' surplus funds and pull them back to the centre. They have not put it in the legislation, which just gives the Department power to issue a direction, which is what has been done in the NHS.

**Mr McFarland:** If a trust had £1 million, why should it not use it rather than put it into Paymaster General accounts and get nothing?

**Mr Hamilton:** It is not allowed. This is part of the complexities of the trust regime. They are not allowed to deploy these surpluses. Through the establishment of its external finance limit, the Department controls how much of its resources it can apply in any one year. The remainder must be banked.

**Mr McFarland:** So it cannot use them for health?

**Mr Hamilton:** No. If there is a surplus in one trust, that surplus is used to finance the capital programme in another trust. It is a very complex financial regime that we have inherited.

**Mr McFarland:** Are there plans to legislate to sort this out?

**Mr Hamilton:** The directions give us power to control where money is invested, and ultimately we will use that power. But we have not determined how or when yet.

**Ms McNeilly:** The surplus funds referred to in this clause are the capital funds that trusts cannot spend. It does not actually refer to income generation, such as when they have a shop. The surplus funds are the funds they cannot redeploy on health because they are capital funds, provided through funding of depreciation. It is not the same funding as the income generated from shops or meals to staff.

**Mr McFarland:** When people say that there is a crisis with money for the NHS, they are wrong. There is a crisis with ready cash. Zillions of pounds worth of capital could be tied up that cannot be spent.

**Mr Hamilton:** While the money is sitting somewhere, it is covering public expenditure elsewhere.

**Mr McFarland:** Not in health?

**Mr Hamilton:** It would be in health, but in another trust. Let me give you an example. Let us assume that trust 1 generates £10 million in depreciation in the course of a year. As part of the external financing limit process

and the approval of its capital programme we will say that of that £10 million we will allow you to spend £8 million. You may not spend the balance of £2 million and must invest it. We will then use that £2 million to give cover to a trust which has generated only £6 million in depreciation by increasing its external financing limit to £8 million. Therefore, the total resources available to the service are fully committed, but it is a very complex way of working.

When the legislation was conceived in Great Britain it was to address the point you have put your finger on. On the one hand the Health Service appears to be in crisis; on the other hand the balance sheets show significant resources apparently available, and that belies the real situation.

**Ms Armitage:** Subsection 5 is interesting. Trusts have a duty to get value for money when they enter into a loan — usually from the Department. Why is it that borrowing that takes place through the private sector must not be secured borrowing? What must not be secured? I take it from that paragraph that there is an onus not to seek private finance rather than borrow from the Department, which is probably financially wise. If it became allowable, could they borrow from the private sector?

**Mr Hamilton:** A trust may not take out a mortgage or loan which is charged against any assets. It cannot use its assets as security for a loan. If a bank wants to lend money to a trust it will not be able to secure its loan on the trust's assets. It is a greater risk to the bank, but that protects public-sector assets.

**Ms Armitage:** If at some stage it was cheaper to borrow from the private sector, is that allowed for in this clause? It appears that the Department is where you must get the money.

**Mr Hamilton:** It is a freedom available to trusts that in practice does not exist because it will always be cheaper for a trust to borrow money from the Government.

*Clause 47 agreed to.*

#### **Clause 48 (Evasion of charges etc.)**

**Mr Hamilton:** Clause 48 is to provide for the introduction of fixed penalty charges, which can be imposed for evasion of Health Service charges.

It also amends provisions associated with the criminal offence of evading charges to make more appropriate sanctions available to the Department. These measures are designed to help reduce the level of illegitimate claims for exemption from Health Services charges, particularly prescription charges. As such, they form part of the Department's anti-fraud strategy. Similar legislation has been introduced in England and Scotland.

The proposed new provisions provide for levying a civil fixed penalty, rather like a speeding fine, when a person, or someone acting on his behalf, secures a reduction, remission or repayment of a Health Service charge to which he is not entitled. The penalty will be the smaller of £100 or five times the remission secured or the charge not paid. Where the civil penalty is not paid within the stipulated timescale, a further charge, amounting to a maximum of 50% of the original charge, is payable. Existing legislation provides for the recovery of the moneys in question but does not include a fixed penalty.

The new provisions also address the criminal offence of evasion with fraudulent intent. On summary conviction, a person is liable to a fine not exceeding level 4 on the standard scale — currently £2,500. These provisions constitute a more appropriate sanction than was previously the case under schedule 15 of the 1972 Order, which provided for six months' imprisonment or a fine of £400. A six-month prison sentence is rather harsh for non-payment of a prescription charge. The fixed penalty represents a significant and appropriate deterrent, while the criminal charge will be available for those who habitually and deliberately seek to defraud the service.

*Clause 48 agreed to.*



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**NORTHERN IRELAND  
ASSEMBLY**

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**CULTURE, ARTS AND  
LEISURE COMMITTEE**

Wednesday 22 November 2000

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**FISHERIES (AMENDMENT)  
BILL (NIA 9/99)**

**The Chairperson (Mr O'Neill):** We welcome Mr Percy Johnston and Ms Imelda McAuley, our legal advisers. I am very pleased that they are here today.

We will spend all of today discussing the Bill, if necessary. Is it agreed that we do that and leave other business until the end? I want to go straight to the Bill and make sure that the Committee's position is clear and up-to-date. This is the third meeting that we have had on the Fisheries (Amendment) Bill, and we have already heard evidence from the Minister, his officials and other interested organisations.

The Committee has a number of concerns about the effects of the Bill, and the purpose of today's meeting is to carry out a clause-by-clause scrutiny of it. It falls to the Agriculture and Rural Development Committee to prepare a report on clauses 1, 2 and 9 of the Bill, and Members will be able to raise concerns and suggest amendments. They should read the relevant clauses and the related commentary in the memorandum.

The Committee will deal with clauses 3, 4, 5, 6, 7 and 8 of the Bill. Each clause and each subsection will be considered in turn. We have two options: we can agree that a clause should stand part of the Bill, or we can agree any approved amendments.

The prime purpose of the Bill is to allow the Department to manage, protect and regulate fisheries on the foreshore around the coastline of Northern Ireland, to provide for the regulation of fisheries for environmental reasons, to permit trade in salmon roe and to amend certain sections of the Fisheries Act (Northern Ireland) 1966 on permits and licences. We have sought clarification from the Ulster Angling Federation on the EC Directive 'Conservation of Natural Habitats'. A copy of the response will be handed out. Legal advice is that section 208 does not contravene this Directive.

Members were asked to submit their concerns to the Committee Clerk by 17 November. The Clerk has advised me that a few concerns were received and that she has sought legal advice. Before we carry out a detailed scrutiny of the Bill, I would like us to deal with each concern.

The first concern is section 208 and its effect on clause 3 subsection 5. Will section 208 of the Fisheries Act (Northern Ireland) 1966 negate or dilute clause 3 subsection 5, that is the removal of material from the bed of any river? Clause 3 is to amend section 48 of the Fisheries Act (Northern Ireland) 1966. What is the legal advisers' opinion?

**Ms McAuley:** Section 208 of the 1966 Act is essentially a saving provision. Provisions of this nature are not normally interfered with by an amendment. Section 208 says that nothing in the 1966 Act

"shall prejudice the right of any owner to take materials from any stream".

This is a general saving provision, protecting the right of any owner to take materials from a stream. In the 1966 Act, however, section 48 states that it is an offence to take certain young fish and certain materials from the bed of a river. The rights of the owner of a stream are generally protected, subject to any offence created in the 1966 Act. These rights are also subject to the licensing system in section 11 of that Act. The saving provision in section 208 is not incompatible with the new section 48(5), which would be created by clause 3 of the Bill.

The issue for the Committee to concentrate on is the new subsection that will be introduced under clause 3. This new subsection 5 would become section 48(5) of the 1966 Act, providing another defence for a fish farmer or the owner of the stream or river and allowing a person to take material from the bed of the river with the consent of the Fisheries Conservancy Board. If consent has been given, no offence will have been committed under section 48(1) of the 1966 Act.

Subsection 5 must be read in the context of section 48. It is only relevant to that section and has no wider implications. It does not clash with section 208 of the principal Act, which is a general saving provision, preserving the rights of stream owners to take materials from a stream. Owners of a stream have many rights — they can take water, debris, gravel and soil from it. The rationale of section 48 is, however, to protect young and breeding fish. That is why rights of ownership are restricted and a number of defences to the section 48 offence were added to the 1966 Act in 1981 and 1991. I do not know if that has clarified the matter, so I will take questions.

**The Chairperson:** You have been very helpful. If I own a river or stream, does this amendment mean that I cannot remove gravel from the river without the board's permission? We are concerned that the removal of gravel, particularly the kind most suitable for the spawning of different fish, without the board's permission or at an inappropriate time, might seriously affect their spawning capability.

**Ms McAuley:** Yes. The board must give its consent. Clause 3(5) says that if a person removes any material from the bed of any river without permission, possibly

including gravel and other material, that person is guilty of an offence. However, as you rightly say, this must be read in the context of the objectives of section 48 of the principal Act. The Fisheries Conservancy Board (FCB), in exercising its powers under these subsections, must aim to protect young and breeding fish of the types mentioned in that section. The provision is not all-encompassing, because only certain types of young and breeding fish are mentioned. However, if removing gravel had an adverse impact on these types of fish, the board would be justified in refusing consent, since this subsection allows it to do just that where young and breeding fish are concerned.

**The Chairperson:** If I wished to remove material from a part of the river not used by fish for spawning and unconnected with the young, would I still have to get the board's permission? It could not legally refuse me if the removal was unconnected with the spawning requirement.

**Ms McAuley:** If it were absolutely clear that the removal of material from that part of the stream would not have an impact on young and breeding fish, one would not have to apply to the board. However, if these provisions become law, the owner of the stream will have to be mindful of them and be able to show that there are no young or breeding fish of the kinds mentioned in section 48 there.

**The Chairperson:** We might be concerned about that. Leaving it to landowners to decide whether a part of the river is a spawning area could create difficulties.

**Ms McAuley:** The responsibility is placed on the person removing material from the river. Clause 3(5) says

"If any person removes any material from the bed of any river without the consent of the Board he shall be guilty of an offence."

The offence in section 48 also includes disturbing the habitat of young fish. However, if the removal of material from a non-spawning area created disturbance in a part of a stream where young fish live, that could be a problem. If any material were to be removed that would disturb the habitat of young and breeding fish, consent would be needed to avoid committing an offence under section 48.

**The Chairperson:** That is very helpful. We are nudging closer to seeing that concern addressed.

**Mr J Wilson:** There are two problems here. The first is the removal of gravel which is suitable for breeding from the bed of the stream; and the second is the removal of gravel after breeding has taken place and eggs have been laid. Material is removed by stream owners to improve drainage and reduce the risk of flooding. It is also removed from time to time for commercial reasons. Gravel is used for various purposes, and the most readily available supply is from the beds of streams. That is the angling fraternity's concern, and it wants a defence against that built into the legislation.

**Ms McAuley:** The lynchpin of this is the offence contained in section 48 of the Fisheries Act (Northern Ireland) 1966. The offence referred to in that section cannot be changed. Section 48(1)(d) says

"If any person injures or disturbs any spawning bed, bank or shallow where the spawn or fry of salmon, trout or eels may be, he shall be guilty of an offence".

This section does not say where they "are", or where we "know for sure that they are", but where they "may be". The removal of gravel from an area where there may be eggs or young and breeding fish would be an offence under section 48 (1)(d) of the 1966 Act. However, the new provision will give an additional defence. If a person removes any material from the bed of any river with the consent of the FCB, no offence under sections 48 or 49 of the 1966 Act will have been committed.

**Mr J Wilson:** This raises a problem, which we may return to later. I had in mind a landowner who removes material or gravel from a stream. If another Government Department also believes that it has the right to remove material for flood defence purposes, it will probably argue that it is improper for it to seek the permission of the FCB if its purpose is flood defence.

**Ms McAuley:** What are the powers of other Departments on flood defences?

**Mr J Wilson:** The Rivers Agency, following consultation with, I think, the Drainage Council, would, rightly, have the power to remove materials from the bed of a stream or river to alleviate flooding.

**The Chairperson:** It may be protected by Crown immunity.

**Mr J Wilson:** It has said to us that it does not consider it helpful to have to seek the board's permission.

**Mr Johnston:** Government Departments are viewed as one, and one Government Department does not prosecute another. They may have certain differences in the Executive, but that is a different matter — they do not prosecute each other. Diggers from the Rivers Agency would not be committing an offence under section 48 (1)(d).

**Mr McMenamin:** Is there a code of conduct, and do farmers and landowners know what the law says about removing gravel from their streams? Suppose a person removes major debris causing problems in a stream, thereby disturbing a bed. Can he claim ignorance as an excuse? How long does it take to get permission to work on a stream?

**Ms McAuley:** That is not a question for us to answer.

**The Chairperson:** We can only get legal advice from our advisers. While some related areas may be important, they are connected more with operational issues.

**Ms McAuley:** One or two of the issues raised by the Member do have legal implications. You asked if ignorance of the law was a possible defence; unfortunately it is

not. Landowners and those operating fish farms are expected to know the law, and that is the code of conduct — I am aware of no other. The code consists only of legislation in force and will include any Acts passed by Assembly.

Ignorance of any offences newly created or which exist under the Fisheries (Northern Ireland) Act 1966 is not a defence. Specific defences are written into the legislation, and they have evolved over the years. Section 48 originally had one defence, but the 1981 and 1991 amendments built further defences into it. However, ignorance of the law was not one.

**Mr McMennamin:** Do you have a bounden duty to respond to a farmer's demand within a certain time?

**Ms McAuley:** I cannot comment on that, for I am not a member of the FCB.

**Mrs Nelis:** Can you tell me how this additional legislation will deal with the problems which Mr Wilson raised? For instance, if the owner is a Government agency with Crown immunity, can it argue mitigating circumstances, such as alleviating floods or improving drainage? Rivers are being used for extraction and dug up for many reasons, some legitimate, some not. How will this help?

**Ms McAuley:** Subsection (5) creates another defence against the offence contained in section 48. The basic element of subsection (5) is that if a person obtains the board's consent, he may remove material from the bed of the river. It provides a further defence against the section 48 offence. It builds on what went before and admits that it may, at times, be perfectly reasonable, even necessary, to take material from a river bed even when it disturbs the habitat of certain young and breeding fish.

There are times when another Government body or agency has to take steps to prevent flooding, and this may involve the removal of material from an area containing young or breeding fish or which may have an impact further downstream where young fish may be breeding.

Mr Johnston said that there will be some co-operation between the Departments involved to decide what will be done on a practical basis, because, as we have seen recently, flooding is a real problem. Technically, they will be required to get the board's consent, because removing material without that will be an offence under the Fisheries (Amendment) Bill, if this provision is enacted.

**Mrs Nelis:** It is not co-operation that I am worried about, it is prosecution. For instance, would one Government agency prosecute another if it committed an offence?

**Mr Johnston:** One might be able to prosecute the contractor who removed material. If Farrens Engineering Co Ltd was digging in a river, even though working for a Government Department, it might be committing an offence. Perhaps that goes some way towards alleviating your concern.

**Ms McAuley:** It is the responsibility of the person removing material from streams to know the law. If this Bill becomes law, it will be up to contractors and those removing materials from streams to be aware of what the offences are, even if they are working for the Department.

**Mrs Nelis:** My street was dug up ten weeks ago, and it is still dug up. It is like an archaeological dig. The Roads Service and the Water Service cannot decide who is responsible for the burst water mains. Did it burst because of the condition of the water, or was it the fault of the person who dug it up? It is a grey area of the legislation which concerns me.

**Mr Johnston:** It is difficult to answer that in the context of this legislation. I sympathise with the Member, but she would have that problem without the Fisheries Act. However, I do not want to sound flippant.

**Ms McAuley:** The board will be able to give consent under the proposed provisions: from subsection 5 to subsection 9 of clause 3. There is nothing to stop the FCB giving consent because of a pressing need to prevent flooding. Perhaps that answers your question.

**Mr Shannon:** I have a question on exemptions.

**The Chairperson:** We will be coming to exemptions later.

**Mr Shannon.** The matter was raised, and I want to ask a question on it.

**The Chairperson:** I want to get section 208 and its effect on clause 3, subsection (5) legally clarified.

**Mr McMennamin:** Will Government bodies be absolved from prosecution if an offence is committed? Surely that would be totally wrong?

**The Chairperson:** We cannot ask for a moral opinion, only a legal one.

**Ms McAuley:** I must emphasise that clause 3 of the Bill will amend the 1966 Act so that it will not be an offence to remove material from the bed of a river if the board has given its consent.

**The Chairperson:** Is the Committee content with the advice so far on that issue?

*Members indicated assent.*

**The Chairperson:** Does section 208 contravene the EC Habitats Directive on the conservation of natural habitats?

**Ms McAuley:** The short answer is no. Section 208 does not contravene the 1992 EC Directive, which is aimed at member states, not at those operating fish farms or who own streams. It calls on member states, in this case the United Kingdom, to take certain measures to conserve certain natural habitats, certain species of habitats and certain types of fauna and flora. These are the three categories which are to be protected and

conserved by member states under this Directive, the purpose of which is to maintain and restore them to a favourable conservation status. Member states must designate certain conservation areas and under article 6 must take steps to avoid, in those designated areas, the deterioration or disturbance of natural habitats.

Section 208 is a saving provision and simply says that all the rights of stream owners are preserved but subject to offences created under the 1966 Act or any licensing requirements created by that Act. Section 208 does not contravene the Directive, which is implemented here by the Conservation (Natural Habitats, etc) (Northern Ireland) Regulations 1995.

Under these Regulations, the Department of the Environment must take steps to designate conservation areas, and when the Department does that, within those designated areas certain rules apply. They become regulated areas, and the Department must enter into management agreements with stream owners to regulate use of any stream. This is to comply with the EC Directive, and the UK must do that.

Most streams will not be designated as conservation areas; this will only affect a small number. It is hard to say what exactly the practice is on the 1995 Regulations, but most streams will lie outside them. There is no clash between section 208 and the Directive, because section 208 tells those who own streams that they can do what they want subject to the offences created in the 1966 Act and the licensing system under section 11 of that Act. There is no clash between section 208 and the EC Directive as implemented by the 1995 Regulations.

**Mr J Wilson:** Section 208 of the Act reads

“Nothing in this Act shall prejudice the right of any owner to take materials from any stream.”

As most of the sand and gravel is removed by riparian owners, clause 3 will have minimal impact unless section 208 is removed. What is the legal view?

**The Chairperson:** That has more to do with the previous issue.

**Mr J Wilson:** I know, but it is related to the Directive.

**The Chairperson:** We have covered clause 3. We are now dealing with the EC Directive and section 208.

**Mr Johnston:** I understand the Member’s worry. The concern is that if section 208 remains, allowing someone to dig as he likes might contravene the Directive. First, one is protected by the fact that if it is an area where spawn are likely to be, one must seek the consent of the FCB. Secondly, regulation 3(4) of the 1995 Regulations provides that every competent authority, of which the board is one, has to exercise its functions with regard to the Directive. The board cannot give digging consent willy-nilly — anywhere it likes — ignoring the Directive.

**Mr J Wilson:** It does.

**Ms McAuley:** I should have said earlier that under the 1995 Regulations, if the Department designates an area as a conservation area, owners of streams in that area are notified. There is no question of their not knowing that their streams are within an area that has been designated a conservation area.

**The Chairperson:** Next is the use of the word “wilfully” in section 48(1)(a) of the Fisheries Act (Northern Ireland) 1966. It has been contended that “wilfully” refers only to “takes” and not to “sells, purchases or has in his possession”. Farmers cannot take the smolts or fry of wild salmon, trout or eels out of their fish farms and break the law daily. What is your advice?

**Mr Johnston:** “Wilfully”, in my opinion, governs the verbs that follow it. The provision could read: “wilfully takes, wilfully sells, wilfully purchases or wilfully has in his possession spawn” and so on. Wilful taking, selling and purchasing are all covered.

Will the Chairman repeat the poor farmers’ concerns about breaking the law every day?

**The Chairperson:** Wild salmon or trout get into fish farms in spite of farmers’ best efforts, so they are in possession.

**Mr Johnston:** They are not breaking the law.

**The Chairperson:** One of the best examples is eels. As you know, they can manoeuvre themselves anywhere and everywhere, in and out of anything that is damp, never mind something that is filled with water. It is impossible for fish farmers to keep them out if there is high water or flooding.

**Ms McAuley:** The word “wilfully” was included in section 48 to acknowledge the problem of eels. It is difficult to keep them out of some parts of streams, but if a person can show that he has taken reasonable steps to prevent eels from getting in he will avoid committing an offence under this section.

**Mr Shannon:** I welcome the clarification. The Committee is concerned about ensuring that fish farmers who find that eels, smolts or fry have got into their farms without their knowing, even though they took reasonable steps to keep them out, are protected by law. Your interpretation is that there is sufficient protection in the legislation with “wilfully takes, wilfully sells, wilfully purchases, wilfully has in his possession”. So, if a fish farmer has taken all possible precautions — such as reducing the gauge of the fencing — to prevent eels, and so on, from getting into his fish farm, he should not be seen as contravening the law if they do get in. I hoped that the legislation would be clearer. The Minister thinks it is very clear, and Ms McAuley thinks the same. However, the courts are not entirely sure that the present law is sufficient to protect fish farmers.

**The Chairperson:** When we publish our report to accompany the Bill, will your legal advice be part of it?

Anyone who has any difficulty with the legal opinion could consult it.

**Ms McAuley:** This is a public session and our advice is given in public. If anyone wants to read the report, he will see our advice in it. A person could quote from the report in the event of prosecution.

**The Chairperson:** You are concerned about the courts' interpretations. We might be benchmarking to some extent.

**Mr Shannon:** What implications will the information which you have given us today have for court cases? If you have ensured that a fish farmer has protection against "wilfully" having fry, et cetera "in his possession", we have made good progress.

**Mr Johnston:** Further clarification may be needed. When the word "wilfully" is used, it means that a prosecutor has to prove that someone who had an eel in his possession had it wilfully, not just inadvertently or negligently but wilfully. If a prosecutor can persuade a magistrate beyond reasonable doubt that a person was in possession of an eel wilfully, that person will be convicted. Otherwise he will not be. If he is convicted in a Magistrate's Court, he can appeal to the County Court, and he has the right to appeal to the Court of Appeal. I need not bore you with the procedural details.

**Mr Shannon:** Is it not imperative that the legislation contain such a reference to the fish farmers and their farms? Could an exemption be given to fish farmers? It is small comfort for them to be told that they can appeal a conviction. We need reassurance that the legislation will protect fish farmers and that they will not have to go through an appeals process because we did not get this right today. We have heard it said that "the law is a ass." If it does not work, it is a ass.

**Ms McAuley:** Are your concerns based on prosecutions that have been taken when fish farmers have done all they could do to prevent the commission of an offence under section 48?

**Mr Shannon:** I understand that prosecutions are pending. There is a grey area.

**Ms McAuley:** It seems to be a hypothetical area rather than a grey area.

**Mr Shannon:** Possibly, but we want to clarify the matter now. We are not bringing this matter up just to kill half an hour; we have a genuine concern. We want to make absolutely sure that fish farmers will not find themselves in trouble. Their interpretation and mine is that

"wilfully has in his possession the spawn, smolts or fry"

will be sufficient to warrant prosecution. Mr Johnston said that it is his opinion that it will not be and he tells us that the law of the land will decide. I am saying that we should get it right now.

**Ms McAuley:** Mr Johnston is saying that the word "wilfully" is a word which has a legal definition. It is used in a technical way not just in the Fisheries Act (Northern Ireland) 1966, but in many pieces of GB, Northern Ireland and European legislation. It is not a word for interpretation by a lay person. I am sorry if that sounds patronising — that is not my intention. This is a technical word with a legal meaning. I could show you books with scores of cases in which this word has been interpreted. It means and has meant over some considerable time "deliberately", that is, with intention. A very significant defence is built into the wording of section 48(1)(a) and (b).

**The Chairperson:** Are you saying that there is no case history to the contrary?

**Ms McAuley:** Yes.

**The Chairperson:** So our concerns about possible interpretations can be allayed by the fact that "wilfully" applies to all the actions within those paragraphs and not just to "takes".

**Ms McAuley:** That is correct.

**The Chairperson:** That is the significant point. Once we get that clear, we can proceed.

**Mr Shannon:** The deputation today has very clearly said that that is a benchmark for the Committee. We would feel a bit more assured if there were a clause dealing with it, and fish farmers feel likewise.

**Mr McMenamin:** Mr Shannon put my question very well. When we visited a fish farm last week, that was one of the owner's major worries. "Wilfully" would solve a lot of problems if it ever went to court.

**Ms McAuley:** That is certainly the word the court would focus on.

**Mr McCarthy:** Mr Johnston said that no one would be charged, but people said to us last week that they had heard this before but that someone had been charged.

**Ms McAuley:** Yes, but no one is found guilty until an offence is proven. People can be charged with all sorts of offences, but that does not mean that they are guilty.

**The Chairperson:** We looked at the evidence that we received and we could not find any record of such a finding. This is why Ms McAuley's reference to case history is so significant.

**Mr J Wilson:** The advice on the word "wilfully" is clear as it relates to "takes, sells, purchases or has". What about the word "wilfully" when a person has something in his possession due to negligence?

**Mr Johnston:** The best way is to look at these things like bus stops along a route. You start with accidentally, carelessly, negligently, and recklessly. The prosecution does not jump the hurdle until it comes to "wilfully". The answer

is that a prosecution based on mere negligence would be bound to fail.

**The Chairperson:** We move to the next point about whether “trout” should include “rainbow trout”, and I refer to section 48 of the Fisheries Act (Northern Ireland) 1966, as amended by article 12(c) of the Fisheries (Amendment) (Northern Ireland) Order 1991. It has been contended that “to have in his possession the smolt or fry of trout” if “trout” includes “rainbow trout” means that some farmers, who are in the business of the breeding of rainbow trout, are in constant breach of the law.

The Department says that a fish farmer is covered by article 6 of the Fisheries (Amendment) Order 1991, which specifies the culture of the fish to be farmed under licence. Is this sufficient cover for farmers, or should it be spelt out in the Bill? The Department replied in writing on this.

**Mr Johnston:** Yes. The licensing system allows a person to do things that would otherwise be illegal. So, if I have a rainbow trout in my possession wilfully, I commit an offence. However, if I have a fish farm, I have a licence from the Department to which different conditions can be attached or revoked, and I can ask for various amendments to it, subject to a range of safeguards. That is how the licensing system fits with the offences in section 48 of the 1966 Act. They look as if they are on a collision course, but they are not, and the system allows one to breed rainbow trout.

Originally, the definition of “trout” in section 206 of the 1966 Act excluded rainbow trout. It says on the bottom line “does not include sea trout and rainbow trout”. However, that gives way to a contrary intention in section 48, for there the word “trout” includes rainbow trout. Wilful possession of a rainbow trout is an offence; farming it without a licence is an offence; and farming it in breach of one of the conditions of the licence is an offence. So, fish farmers, provided they abide by their licence conditions, are not committing any offence.

**The Chairperson:** I think that is very clear. Are there any questions? Are members content with the advice?

*Members indicated assent.*

**The Chairperson:** We move to section 59 of the Fisheries Act (Northern Ireland) 1966, one of the more controversial ones, which specifies the size of gratings and when they should be put in place in watercourses. It has been contended that since the smolt or fry of salmon, trout or eels are very small, they cannot be kept out of fish farms by the gratings as specified. It has also been contended that making the space between the bars smaller would mean that the gratings would collect more debris and stop the flow of water to fish farms, thus killing the fish in them. The Department’s response of 15 November about exemptions has been circulated.

Are Members content that these exemption arrangements are sufficient?

**Mr McMenamin:** Referring back to fish farmers having fish, I think that is covered by section 59.

**The Chairperson:** If members are content, we will now deal with the clause-by-clause scrutiny of those clauses that come within the remit of the Committee. I refer members to the Bill and to the memorandum.

### **Clause 3 (Disturbing spawning beds, etc.)**

**The Chairperson:** This clause will be added to the end of section 48 of the Fisheries Act (Northern Ireland) 1966 and will remove the prohibition on trading in farmed salmon roe while retaining the protections for wild stocks. It will also give the Fisheries Conservancy Board powers to control the removal of material from rivers.

*Clause 3 agreed to.*

### **Clause 4 (Charges for fishing permits)**

**The Chairperson:** Clause 4 removes the need for the Department of Finance and Personnel to approve permit fees.

*Clause 4 agreed to.*

### **Clause 5 (Power of Board to make byelaws)**

**The Chairperson:** Clause 5 paragraph (a) amends section 26 of the Fisheries Act (Northern Ireland) 1966 and gives the FCB powers to make by-laws in respect of anything to do with the management and protection of fisheries. Those powers will enable the FCB to make by-laws to facilitate the implementation of a salmon carcass tagging scheme throughout the island of Ireland.

**Mrs Nelis:** Page 4 of the memorandum says that the existing legislation authorises the FCB to introduce by-laws requiring identification tags to be attached to any captured salmon, but it does not authorise the FCB to make by-laws to control the use and distribution of tags and prohibit the sale of untagged salmon. I do not understand what that means.

**Mr McMenamin:** On the one hand, they say they will tag them, while on the other, they say they will not.

**The Chairperson:** Is there a legal contradiction?

**Mr Johnston:** No. The first paragraph of the Explanatory and Financial Memorandum sets out the existing state of the law, under which the FCB does not have the power to make by-laws about tags. If the proposed amendment is passed, it will give very wide powers to make by-laws on anything relating in any way to the management and protection of fisheries. The FCB will be able to introduce a tagging regime if clause 5 is passed, whereas under the present legislation it cannot.

**The Chairperson:** In response to your concern, paragraph (a) amends section 26, the present state of affairs. It goes on to show how it would change under the recommendations for alterations to the 1966 Act.

**Mrs Nelis:** The legislative change hinges on the part dealing with the management and protection of fisheries and the paragraph following.

**The Chairperson:** Yes. The next paragraph gives the effect of the legislation, which is that the FCB will have powers to make by-laws on anything relating to the management or protection of fisheries, including appropriate by-laws to facilitate the implementation of salmon carcass tagging schemes throughout the island of Ireland. The first paragraph gives the status quo, while the next says what the change will be. The memorandum is a guide to where we are and where we are trying to get to.

**Mr McMenamain:** Does that mean that in two years' time a hotel which had untagged salmon could be prosecuted?

**Mr Agnew:** In two years the salmon will be a bit off.

**Mr McMenamain:** I meant when the legislation is introduced.

**The Chairperson:** When the legislation is introduced, will all salmon have to be tagged? My understanding is that this will be the case once the by-laws are in force.

**Mr Johnston:** This power enables the FCB to make by-laws, including by-laws for tagging. It occurs to me that if it tried to implement a by-law about a long-dead salmon, it would be acting outside the ambit of its by-law-making powers, and the by-law would therefore not be valid.

**Mr McMenamain:** What about a local angler who sells salmon to a restaurant? Will he be breaking the law if it is not tagged?

**The Chairperson:** We are legislating to enable the FCB to pass by-laws. When it passes the by-laws, we should ask about the effect they are having. Is that fair enough?

**Mr J Wilson:** Clause 5 will be welcomed by the FCB and the angling community.

**The Chairperson:** Subsection (b) of this clause amends section 26 of the Fisheries Act (Northern Ireland) 1966 by giving the FCB powers to regulate salmon and marine fishing for environmental purposes.

**Mrs Nelis:** In this instance, how are environmental purposes defined?

**The Chairperson:** Clause 5 refers to the conservation of flora and fauna which depend on or are associated with marine or coastal environments. What we are doing will empower the FCB "to make by-laws under this section in relation to the regulation of fishing for salmon which may be exercised for" (a) and (b), and (b) deals with the conservation of flora or fauna. Does that help?

**Mrs Nelis:** Yes, a little. Especially if you do not know anything about it.

**Mr Johnston:** The point has a legal angle. The member has asked if the words are defined. They are not defined

in the 1966 Act and therefore bear their dictionary or ordinary meaning, if you like. They do not have a special meaning within the 1966 Act. Maybe that is a rather negative explanation.

**The Chairperson:** What might the implications of that be?

**Mr Johnston:** The words look as though they are taken from other conservation legislation. However, that does not mean that if they are defined in that legislation, the definition is the same in this. Here they mean what the dictionary says they mean.

**Ms McAuley:** Under the 1995 Regulations, the board must exercise its powers with regard to the EC Habitats Directive. The wording used in subsection 3 (a) and (b) is similar, if not identical, to that used in the Directive, which is possibly where it came from. The board must, of course, exercise all its powers, including its powers to make by-laws, with an eye on what is required of a member state of the European Union by the Habitats Directive.

**The Chairperson:** The Directive might be a guide for the board when constructing this by-law.

**Ms McAuley:** Yes. The Directive could filter through the board, which is a medium for its implementation.

**The Chairperson:** Would that help with the definition problem?

**Mr Johnston:** In exercising its functions, including the by-law-making function, the Habitats Directive may help it to understand what the words mean and to use its powers accordingly.

**The Chairperson:** Should we be considering an amendment requiring a legal definition?

**Ms McAuley:** No — otherwise you will end up defining, defining and defining until the cows come home. The meaning of the words is clear: the board will be restricted in its by-law-making powers to using them only for these purposes. The by-law-making power may be used to enforce the Directive. My advice is not to play around with the wording, which may, in part, originate from it.

**Mrs Nelis:** It would be interesting to see the Directive, because it says here that the power to make by-laws "may be exercised". It does not say that it "should be" or "will be". There is that discretion.

**Ms McAuley:** The powers to make by-laws may or may not be exercised. If they are, they must be exercised for the purposes contained in (3)(a) or (b).

**Mr J Wilson:** The angling and conservation interests are taken account of in the Directive, and the board will have to have regard to that. We should not put in anything that would make it difficult, or impossible, for the board, such as "having to have regard to the Directive".

**The Chairperson:** You are right, but it is a very important issue for us. I talked about our walking shakily through this. It is a case of the Committee's learning from it. Mary Nelis's point is a very good one — to try to extrapolate matters to see what we are actually talking about. It has been interesting to see how the EC Directive has an impact and the reassurance that it gives to Mr Wilson.

**Mr J Wilson:** Yes. The conservation measure is built in.

*Clause 5 agreed to*

**Clause 6 (Reduced duties for Fisheries Conservancy Board Licences)**

**The Chairperson:** Page 5 of the memorandum and page 4 of the Bill are relevant here. The clause amends section 37 of the 1966 Act to enable the FCB to issue licences at concessionary rates for

“persons of such class or description as is specified in the byelaws”.

Are members clear about that?

**Mr McMenamini:** I can see that that includes people with disabilities. Are there others?

**Mrs Nelis:** Senior citizens, such as myself.

**The Chairperson:** We put that to the Minister. Mr McMenamini asked him about the unemployed, and he was sympathetic. I think he agreed to that.

**Mr McMenamini:** Yes.

**The Chairperson:** We are giving the legal power to the board to make these by-laws. In doing that, I hope that we will play a part in deciding who is included on that list.

*Clause 6 agreed to.*

**Clause 7 (Reinstatement of Polluted Waters)**

**The Chairperson:** The memorandum to the Bill deals with the relevant sections on pages 4 and 5. This clause amends section 47 of the 1966 Act by replacing the term “restocking” with the term “reinstatement.” This will provide the FCB with the power to reinstate the habitat of a river after a pollution incident. It is intended that the term “reinstatement” should include the restocking, restoration and enhancement of the habitat as deemed necessary to return the habitat to the state it was in prior to the pollution offence.

**Mrs Nelis:** I am concerned by the word “may”, that the FCB “may” carry out such restocking. It does not have to. It is discretionary. It may give it an opt out.

**Mr Johnston:** Section 47(3) was added to the 1966 Act in 1991. It begins with the words

“that where a person has been convicted of an offence under subsection (1), the Board, after consulting the owner of the fishing rights in the waters affected by the pollution may, among other things, recover the cost from the person convicted.”

That is the scheme of things. The amendment appears to widen the term “restocking.” One could argue that “restocking” was just putting fish back, but “reinstatement” has a wider meaning, so the board can chase a convicted person for more costs than merely the cost of putting fish back.

**The Chairperson:** The point made by Mrs Nelis is that there is no compulsion.

**Mr Johnston:** That is right. There is no compulsion.

**The Chairperson:** What do you think of the use of the word “may?” Is it down to the board to decide?

**Mr Johnston:** The board is responsible for exercising its discretion reasonably and properly. If it fails to do so, somebody could challenge it. For example, if I were convicted and fined £2, the board might want to charge me for restocking the River Lagan. That would be an unreasonable use of its reinstatement discretion, which I could challenge by judicial review. It must exercise its discretion reasonably and properly. Certainly, it is not compelled. It is not a “shall”; it is a “may.”

**Mrs Nelis:** There should be a compulsory element.

**The Chairperson:** Given a hypothetical case, what would your advice be?

**Ms McAuley:** This is a policy issue and, therefore, for the Committee to decide. It is within your powers to suggest an amendment along those lines.

**Mr Johnston:** Rather than just taking dry legal advice, it might be wise to speak to the technical people who deal with this — perhaps someone from the board. There is a big difference between leaving the board with discretion and telling it what to do. This is more than a purely legal question.

**The Chairperson:** Graduations of penalties can be used — for example, from people who accidentally or unintentionally cause pollution to someone who does not take care.

**Mr Agnew:** That is why the word “may” is used.

**The Chairperson:** Possibly.

**Mr McMenamini:** What happens in the event of a major pollution incident for which there is no conviction?

**Mr Johnston:** The point of section 47(3) is to enable a person who has been convicted to be followed up so that the owner recovers the cost of restocking from the convicted polluter. There will always be offences which are not prosecuted and people who are not caught.

**Mr McMenamini:** This is a major grey area that needs to be looked at.

**The Chairperson:** A person must be found guilty of the pollution — his guilt has to be established. If we change the wording from “may” to “shall” or “must”, will we not create a situation in which the cost of reinstating



a river could be considerable? What happens if he has not got the money to pay?

**Mr McMenamin:** In many cases of pollution, no one is ever found guilty or convicted.

**The Chairperson:** We cannot deal with that. If a wrong is perpetrated and a person is found guilty, action can be taken. Otherwise nothing can be done. If somebody did it, you have to prove it. This section is about the action we can take. We may not be making good law by introducing “shall” unless we know exactly what the consequences will be. The desire is to make it “shall” because we want to see wrong turned into right.

The Committee Clerk has just advised me that FCB may be liable if the person responsible does not have the money. We may need to take more advice on that.

**Mr J Wilson:** This is a most welcome piece of legislation, for which the angling community has been waiting a long time. With regard to the words “may” and “shall”, I am very content with the word “may”.

There are circumstances in which the word “should” or “must” would be totally inappropriate and would place the board in an awkward position. Some pollution is traced to riparian owners, farmers and landowners, and it would be totally inappropriate in certain circumstances for the word “must” or “should” to apply. The discretion should remain with the board.

**Mrs Nelis:** I am not happy with this because the other small change will still give the board a lot of discretionary powers. We have heard evidence that the board has not pursued many polluters and has not carried out its duties as it should have. Perhaps, Mr Chairman, your suggestion that we take some advice on how to tighten this up is wise, advice on whether we change the word “may” or “shall” and on how we might seek to ensure that the board pursues the matter.

**Mr Agnew:** Mr Chairman, can we use “should” where appropriate?

**The Chairperson:** You are right. We heard that the FCB did not follow up evidence given by people in an attempt to find the perpetrators. We are not dealing with that type of situation; rather this is about dealing with perpetrators after they have been found guilty. There is a difference, Mrs Nelis, and —

**Mr Agnew:** It is just a suggestion. If “should” were appropriate, would that cover it?

**Mr Johnston:** As I have already said, Mr Chairman, it is covered by the words

“may carry out such restocking”

or, if you accept the amendment in the Bill,

“reinstatement to restore the fish population of the waters as is reasonable in the circumstances, and recover the cost from the person convicted”.

**The Chairperson:** Members, while I am anxious to get more advice, we are in a corner because we have no time. We need to ensure that we are satisfied that the explanation and extension that are available under the point raised by Ms McAuley will satisfy everyone.

**Mrs Nelis:** I always take cognisance of Mr Wilson, who is an angler, because the legislation must protect anglers. I do not know anything about fishing. I have to go by the papers in front of me and from what I hear from people with experience. If the anglers are satisfied that the legislation, discretionary as it is, will give the board the enforcement powers to deal with those convicted, I am happy to let it remain as it is.

**The Chairperson:** You touch on a point that the Committee should be aware of. Perhaps later, when matters have settled down, we should look at how these things operate and their level of success. If necessary, we can return to the legislation to see whether we can make any improvements.

**Mr J Wilson:** We are looking at an area between legality and policy. Here we are concentrating on the legal point of view, and, in the circumstances, the word “may” is better than “must” or “should”.

*Clause 7 agreed to.*

*Clause 8 agreed to.*

**The Chairperson:** We have got through the business quicker than I thought we would, largely due to our legal advisers’ good advice. I would like to thank them very much on behalf of the Committee. They clarified a number of matters very quickly and clearly for us, and we appreciate that.



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**NORTHERN IRELAND  
ASSEMBLY**

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**ENVIRONMENT  
COMMITTEE**

Thursday 23 November 2000

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**PLANNING  
(COMPENSATION, ETC) BILL  
(NIA 7/00)**

**The Chairperson (Rev Dr William McCrea):** The Planning (Compensation, etc.) Bill will be taken clause by clause, and Members can raise concerns and suggest amendments for the Committee's consideration. Members should read the clauses in the Bill carefully, along with the Explanatory and Financial Memorandum. If a Member has a personal interest, he or she should declare it. At our last meeting, Members were asked to submit queries to the Committee Clerk for consideration; none was submitted.

The Bill has seven clauses and three schedules. Each clause, and any subsections or schedules, has to be considered in turn. There are three procedural options open to the Committee: the first is to agree that the clause, section or schedule, where appropriate, stand part of the Bill; the second is to agree any proposed amendments; and the third is to seek further information from the Department on any unresolved issue.

We welcome Mr Damien Campbell, a principal officer of the Department of the Environment, who will assist us. Mr Campbell, have you been sacrificed by the Department to appear on your own?

**Mr Campbell:** Yes.

**The Chairperson:** The Department must feel that you are quite capable of taking on a Committee.

**Mr Campbell:** I am looking over my past record to see what I did wrong.

**The Chairperson:** I welcome you and thank you for your help with the Committee Stage of this Bill. Mr Campbell, do you wish to explain to us the purpose of the Bill and its provisions?

**Mr Campbell:** I can go over the purpose of the Bill, if that is what Members would like, without going into the same detail as the Minister did at Second Stage.

**The Chairperson:** Briefly.

**Mr Campbell:** The main purpose of the Bill is to repeal various compensation provisions, the most significant of which are in the Land Development Values (Compensation) Act (Northern Ireland) 1965 and the Planning (Northern Ireland) Order 1972, which deals with listed buildings. Its other purpose is to amend a cross referencing-error in the Planning (Northern Ireland) Order 1991 on rights of entry.

The main purpose of the Bill concerns the 1965 Act which created circumstances in which compensation could be paid if planning permission were refused. Parts I and II are now obsolete. Many of the payments under them have fizzled out because the 1965 Act restricted them to 1963 prices. So taking those obsolete provisions off the statute book is a tidying-up exercise

Section 29 of the 1965 Act is a more significant matter that has given rise to payments of roughly £100,000 a year for the past nine or 10 years. Over the past couple of years, liability has increased significantly. As the Minister said, it is estimated to be at £2 million given the value of claims received. We hope to dismiss some of those claims or, at least, reduce their quantum.

**The Chairperson:** Thank you very much. Does anyone have a general question for Mr Campbell? Specific questions will be left until the clauses and schedules to which they relate come up in the detailed scrutiny.

**Mr McLaughlin:** Are some people unaware that they are entitled to claim compensation? How do you treat them?

**Mr Campbell:** I cannot say whether people are unaware that they have an entitlement to compensation. The number of claims received lately and the consequent increase in the Department's liability suggests that there is an increase in awareness of the compensation provision. We are not sure why. The Hansard record from 1965 shows that the Act was given a lot of publicity. I suspect that, at that time, parts I and II were the most significant. Section 29 was thought of as an exceptional clause, because it was going to compensate somebody who was refused permission for what was known as an existing use. Section 29 may not have been given the same publicity, and there may not have been the same awareness of it as of the other sections. We have not been doing anything to publicise it over past years.

**Mr McLaughlin:** How will the proposed change affect someone who discovers that he has a right to compensation?

**Mr Campbell:** Clause 4 says that the repeal of those provisions is effective from 23 October 2000, the date on which the Bill was introduced. The effect is that the refusal of any planning application received on or after that date will not entitle the applicant to compensation whereas before it might have.

**Mr McLaughlin:** I understand that. With planning applications between 1965 and, say, 1981 is there any possibility of trailing edges?

**Mr Campbell:** No. It is a guillotine. We will not consider anything received after that date. If somebody says that he meant to do this in 1987 but did not get round to it, we will say that that is tough luck.

**Mr Poots:** If someone made an application last year and was refused, will he be able to apply for compensation?

**Mr Campbell:** Yes, he will. I will make it absolutely clear. If an application for planning permission was received before 23 October this year and there would have been an entitlement to compensation under the 1965 Act, the Bill will not change the treatment of such a case in any way.

**Mr Poots:** My next question is about listed buildings. Are you trying to stop people from applying for permission to make changes to a listed building and, when they are refused, from receiving compensation?

**Mr Campbell:** England and Wales got rid of that system in 1991. We can see no reason to retain it. Additional controls were built into the system, over and above normal planning controls, to protect listed buildings. It seemed anomalous to have a compensation system in place for cases subject to those controls. That system has had no recent financial effect here, but we know that just as the authorities in England were getting rid of it, they got a bill for £1.8 million under a similar provision. So it could give rise to significant payments. However, the main reason for the repeal is one of principle: there is no argument for compensation in cases in which we impose a listed building control.

**Mr Ford:** One of the few concerns that we raised earlier was whether people were being cut off because of the lack of consultation. Have you received representations from individuals or professional bodies about the Bill's having retrospective effect from the date of its First Stage in the House?

**Mr Campbell:** I have received no representations, and there is no record of anyone telephoning my branch.

**Mr Ford:** That would suggest that there are no real concerns about the lack of consultation.

**Mr Campbell:** I have one little bit of anecdotal evidence. On three or four occasions over the past year, there have been enquiries from land agents. When told that these provisions are still in force, they shout with glee that they cannot believe it but are happy about it, and they then run off to tell people. People trawl the countryside for rubble that looks like the remains of a house 40 years ago.

**Mr A Doherty:** What criteria were used to determine whether a person had a right to expect that his land had development value when the 1965 Act was introduced? Have there been any major changes to the criteria since then?

**Mr Campbell:** Development value is dealt with in part I of the Land Development Values (Compensation) Act (Northern Ireland) 1965, which has become virtually obsolete. To secure entitlement to compensation under that part, an applicant had to get a determination on the development value of the land in 1965. He had only two years to do that, and the value placed on the land was based on 1963 prices. After that criterion had been satisfied, the planning application had to be refused, and he had to prove that the refusal had led to a depreciation in the value of the land. Only then was he entitled to compensation. There was no entitlement if he omitted to do all that.

The practice of determining development value in 1965 has no relevance to current compensation. Under section 29, compensation does not require a development value. In 1965, to get a determination, an applicant had to make the point to the Department that the land as it sat and apart from its existing use had potential for greater use.

Let us take the example of someone who owned two or three acres on which housing was beginning to encroach. He might have argued that the community around that land had expanded and that his land was ripe for housing development. He would have made an application on the basis that there was demand for 30 or 40 houses in the area and that his land was a prime site for that. That argument would have been assessed and, if accepted, a development value given. Say the value of the land without housing was assessed at £1,000 and with housing at £4,000. The development value would therefore have been £3,000. If a planning application was subsequently submitted and refused, compensation up to that sum would have been paid. If there was another development 10 years later, and the landowner argued that it was worth £20,000, he would have been refused, because the relevant development value had been determined in 1966 or 1967.

**The Chairperson:** What has been the average payment?

**Mr Campbell:** The average payment has been about £20,000. Normally we do not pay what is claimed; the figure is always beaten down by negotiation. Recent applications may force the average up to about £30,000. We recently agreed a case at £275,000. The individual in question is waiting for confirmation of a refusal and on receiving that, he will be awarded £275,000.

**Clause 1 (Abolition of compensation for planning decisions restricting new development)**

**Mr Campbell:** Clause 1 repeals parts I and II of the Land Development Values (Compensation) Act (Northern Ireland) 1965, which determined the development value and the possibility of compensation. Claims under those parts fizzled out in the 1970s mainly because of the restriction to 1963 prices.

*Clause 1 agreed to.*

**Clause 2 (Abolition of compensation for planning decisions restricting development other than new development)**

**Mr Campbell:** Section 29 of the 1965 Act is the most significant for current payments, and clause 2 says that it shall cease to have effect. Clauses 1, 2 and 3 tie in with clause 4, which says when it will happen.

*Clause 2 agreed to.*

**Clause 3 (Abolition of compensation for refusal of consent to alteration etc. of listed building)**

**Mr Campbell:** Clause 3 repeals article 64 of the Planning (Northern Ireland) Order 1972, which deals with compensation that may be paid if consent to alter or extend a listed building if the changes would not constitute development is refused. We have no record of any payments under that article.

**The Chairperson:** There was general agreement in the House when the Minister made the initial presentation on the Bill. That is why you are getting it so easy today.

**Mr Campbell:** I am grateful to the House.

*Clause 3 agreed to.*

**Clause 4 (Application of Act)**

**Mr Campbell:** Under clause 4 planning applications or applications for consent to alter a listed building received on or after 23 October 2000 will not be considered and any application made before that date will be treated in the normal way. In addition, the clause retrospectively applies the repeal of the provisions to 23 October 2000, which means that the provisions that entitle the Department to recover money where development is later permitted will stay in effect for any existing entitlement. Therefore, if planning permission is given after compensation has been paid, the Department will have the right to tell the landowner that it will claw back that money.

**Mrs Carson:** I had some concerns about that. Do individuals have the same rights as the Department to claw back money if they are not happy with the decision, or are individuals being penalised?

**Mr Campbell:** Say the Department paid compensation to a person who applied for planning permission to build a house but was refused. Five years later, when policies changed, that person might re-apply and be granted permission. The Department feels it proper that such people should not benefit twice. The Department paid compensation for his being unable to develop and, within a short time, he got what he wanted originally. It is proper to retain the right to recover that money.

**Mrs Carson:** How many years does the Department intend to go back?

**Mr Campbell:** There is no time limit. Payment of compensation is registered by the Land Registry and any change in ownership of land or planning applications is always registered. As soon as such development took place, the Department would start the process to recover the money.

**Mrs Carson:** Would the Department claim the money back from the original person or from the developer?

**Mr Campbell:** The charge is on the land. Land planning law affects the land, not an individual. If someone applied for planning permission 10 years earlier and was refused, he might have received £20,000. If that person then sold the land, the buyer would be buying that liability, so it was up to him to see what he was buying and negotiate the price accordingly. The buyer should not pay the full whack, because he would face that liability. It is the existing owner who faces the liability — not the person who received the compensation. The charge is on the land, not a person.

**Mr McLaughlin:** The legal position is clear, but how does the recovery work out in practice?

**Mr Campbell:** We have recovered £0.5 million.

**Mr McLaughlin:** What is your success rate?

**Mr Campbell:** It is not a hit-and-miss situation; we pursue cases. The greatest difficulty is that some people are slow to pay, especially some of the bigger developers. It is like any legal process.

**Mr McLaughlin:** Is the implementation effective?

**Mr Campbell:** Ultimately it is a legal issue. We keep pursuing and, once the hook is in, developers cannot avoid it. They do not pay as quickly as they should; they obfuscate a bit, but we eventually get there.

**Mr McLaughlin:** Is there no discretion, whether at departmental level or wherever?

**Mr Campbell:** There is no legal discretion, but there is official discretion within the Department. These recoveries also apply to payments made in 1965 and 1966. I see from old files that a number of payments were for £22 — that is a figure stuck in my head. We do not hunt people for £22.

**Mr A Doherty:** When this Bill takes effect, what will happen to claims that are currently in the pipeline?

**Mr Campbell:** They will still be honoured and processed in the normal way.

*Clause 4 agreed to.*

**Clause 5 (Amendment of the Planning (Northern Ireland) Order 1991)**

**Mr Campbell:** Clause 5 amends the cross-referencing error in the 1991 Order. It refers to article 121(1)(c). Our legal advisers have said that there is no practical effect. The error occurred during the consolidation of all planning legislation into the 1991 Order. It was an oversight and is clearly meaningless. It could only have made sense if it had referred to sub-paragraph (a)(v) and not to sub-paragraph (a)(iv) as it does. The Department is taking the opportunity to tidy that up.

*Clause 5 agreed to.*

**Clause 6 (Amendments, savings and repeals)**

**Mr Campbell:** This clause is largely technical and gives effect to the amendments in schedule 1, which takes into account the changes being made and reflects those changes in other legislation as needed. Legislation exists that makes reference to various parts of the Land Development Values (Compensation) Act (Northern Ireland) 1965. We need to take those references out, but we also need to keep some of the provisions of the 1965 Act because they are still relevant and give meaning and effect to other provisions that are not to be repealed.

**The Chairperson:** It is a simple cross reference?

**Mr Campbell:** It is a cross reference. All legislative cross references complement each other.

**The Chairperson:** I notice that the amendments in schedule 1 make reference to the Planning (Northern Ireland) Order 1972, the Planning (Northern Ireland) Order 1991, the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 and the Water (Northern Ireland) Order 1999.

**Mr Campbell:** It is a technical cross reference. If the provisions in the 1965 Act referring to those Orders are repealed, other pieces of legislation need to be tidied up to take those references out. If references are changed in some way, the change needs to be reflected, so it is technical.

The reference

“without prejudice to section 28 of the Interpretation Act”

is to section 28 of the Interpretation Act (Northern Ireland) 1954 which provides for general guidelines and rules on the saving of provisions. This is a very common clause in most pieces of legislation.

The savings in schedule 2 are similar to those in schedule 1. While you may repeal most of a clause, there may be some part of it which refers to another still in existence. For instance, in the 1965 Act, section 26 provides for compensation when planning permission is revoked, and we are not planning to change that at all. But if that section makes reference to some part of the 1965 Act which is to be repealed, we need to retain that element to give sense to section 26. That is the effect of the savings.

Clause 6(3) gives effect to schedule 3, and schedule 3 is a detailed list of repeals that sets out, very specifically, what is to be repealed. This is how legislation provides for repeals. As well as dealing with them generally, it also goes through them specifically.

*Clause 6 agreed to.*

*Clause 7 agreed to.*

*Schedules 1 to 3 agreed to.*

**The Chairperson:** That completes the Committee Stage of the Bill. The draft report will be presented to the Committee for consideration on 30 November. As we know, we cannot guarantee that the Committee’s report will be printed by 7 December. We have no control over the printing, et cetera, so we are going to request an extension when the Committee’s 30 days expire.

**The Committee Clerk:** We were going to suggest a motion for extension, which we can then withdraw.

**The Chairperson:** That is to cover us for technical implications such as printing delays.

**Mr A Doherty:** May I ask a technical question about language? In schedule 1 we are inserting a section that reads

“where a public body are entitled to a compensatable estate.”

Why is “a public body” considered to be plural?

**Mr Campbell:** That wording is from 1965. That is an amendment to the provision that was already in the 1965 Act. The honest answer is that I do not know.

**Mr A Doherty:** Is a body considered to be a single entity or a number of disparate individuals?

**Mr Campbell:** It must have decided at the time that a public body was considered to be made up of more than one person. The people in the Office of the Legislative Counsel are probably better qualified to explain that than I am.

**The Chairperson:** You can tell your colleagues that their grammar is being carefully scrutinised by the Committee. Thank you for your help.

**Mr Campbell:** Thank you.

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**NORTHERN IRELAND  
ASSEMBLY**

—————  
**SOCIAL DEVELOPMENT  
COMMITTEE**

Thursday 23 November 2000

—————

**STREET TRADING BILL  
(NIA 2/00)**

**The Chairperson (Mr Cobain):** I welcome Mr Gordon Gibson and Mr Ivan McMaster from the Department for Social Development again. We have your paper containing responses to our queries. Perhaps you will take us through it.

**Mr Gibson:** We do not have anything to add to what is in the paper. However, if it would be of help to the Committee, we could suggest in the guidance notes that councils may wish to recommend to traders that they take out public liability insurance.

**The Chairperson:** We only received the paper at 2.00 pm and have not had sufficient time to read it. It would be useful if you could run through it clause by clause, starting at clause 3.

**Clause 3 (Designated streets)**

**Mr Gibson:** This was about the designation of streets and the insertion of the words “as it thinks fit”. There are two issues that we would like to highlight. We have received advice from the draftsman that he does not think that the addition of those words to clause 3 would make a difference with judicial review. Our other point is that, as there is no right of appeal, we do not wish the option of judicial review to be removed from an individual. The Minister also wishes to see it retained.

**The Chairperson:** These matters are always open to judicial review.

**Mr Gibson:** That is right, but it was suggested that the words “as it thinks fit” or “as it may think fit” could remove that possibility.

**The Chairperson:** That is not legally possible. Everyone is entitled to a judicial review of any part of legislation.

**Mr S Wilson:** The record will show that the point was that where a street had not been designated, you could have appeals or applications for judicial review from everyone who wished to trade in it, which could be costly and gum up the system. Inclusion of the words “as it sees fit” ensures that a council, if it had abided by procedures that were clearly laid down and understood by

the public, could defend any application for judicial review on the basis of its having done that.

All it has to do is designate streets as it sees fit — in other words, on the basis of clearly laid down criteria. I asked for that to be included in our legislation because it is in the Great Britain legislation. Obviously, it does have some additional meaning, otherwise it would not be there.

**Mr McMaster:** Our legislation is parallel to the Local Government (Miscellaneous Provisions) Act 1982. The legislation in Great Britain states, as ours does, that a council may pass a resolution. Our clause 4(6) is equivalent to its schedule 4, paragraph 2(8), which says that

“After the council has considered those representations, it may if it thinks fit ...”

That is parallel to the 1982 Act. After a council has published its intention to designate, invited representations and considered them, it may, if it thinks fit, pass the designating resolution.

**Mr S Wilson:** No, it is not the same. In GB, after a council has gone through the procedure, it may, as it thinks fit, pass a designating resolution. Clause 3(1) puts that at the start of the process: the council, as it sees fit, may pass a resolution designating a street. In other words, the council lays down criteria, and those are the criteria on which it judges whether or not a street should be designated. Then, after having gone through that, it may, as it sees fit, decide to pass a designating resolution.

There is a difference. If you put the phrase “as it sees fit” into clause 3(1), that will cover the council, if it has laid down clear criteria before it even starts the designation. Clause 4(6) says that after it has gone through that process, it may then see fit. There is a lack of cover here. Legal advisers tell me that the English legislation gives councils some cover. It is not total cover; it does not take away people’s right to seek a judicial review when a council has not abided by its rules, and I am happy with that, but it stops spurious people saying “That street has not been designated. Let us get a judicial review regardless of whether the council has followed the set criteria or not.”

**Mr McMaster:** I take your point about putting those words into clause 3(1). My point was that the words “if they think fit” only come into play in the 1982 Act after a council has announced its intention to designate and seek representations, as we have done here.

**Mr S Wilson:** If the Bill does not make provision for how the council should designate streets, councils will be wide open to judicial reviews. I take the points that were made by the officials at the last meeting. You cannot say that the council must address criteria a, b, c, d and e. That would be nonsense, because there are different circumstances in each locality. Criteria a, b, c, d and e might not apply in Coleraine as they apply in Belfast. The only way you can enable councils to set

their criteria is to include the term “as it sees fit.” That gives a council cover, because it lays down that criterion, and providing that it is reasonable and has been followed, a court will find it difficult to accede to any requests for a judicial review, so it will stop spurious ones. If courts allow judicial reviews because the legislation has not given councils the cover required, councils could find themselves in court almost weekly. As well as being expensive, as we know, that would gum up the works.

I do not know if including that phrase would penalise street traders, but it would give a lot of cover. The officials here will not have to implement the legislation. Councils will have to implement it, and people with years of experience, who have scratched their heads wondering how to protect towns from illegal trading, are saying that that is a safeguard that they need. The Department ought to listen to the people who will be implementing and to the councils that will bear the cost, rather than hide behind the notion that we must be fair to everybody. I am not sure that you are being fair to ratepayers and councils if you do not include that.

**Mr Tierney:** Did the officials just consider that the legislation was the same as that in Britain, and therefore not consider that argument? If that is the case, perhaps they should consider the argument now. We accept that they are saying that the legislation is the same.

**Mr S Wilson:** No, it is not the same, and that is the important thing. Without the inclusion of “as the council sees fit”, the legislation does not make it clear that the designation, or non-designation, of a street lies absolutely within the discretion of the council. That is the implication of the phrase “as it sees fit”. It is at the total discretion of a council whether it designates.

**Mr Tierney:** I accept your argument, but the officials said that the legislation is the same.

**Mr McMaster:** No. We said that we sought advice on it after last week’s meeting. The draftsman does not think that it will make any difference to whether anyone brings a judicial review.

**The Chairperson:** Then he could put it in.

**Mr McMaster:** The line that officials were taking was in case he did. There is no way that we want to prevent anyone from having a judicial review.

**The Chairperson:** I understand that.

**Mr McMaster:** The point was raised that we are not parallel to GB legislation — that is a separate issue. That is not the sole reason for our coming to that decision.

**The Chairperson:** Nobody here wants to stop anyone from using the law if he thinks his rights are being infringed. That is important. However, it is also important, as Mr Sammy Wilson has said, that there be a balance between councils and traders — councils also need

protection. As Mr Wilson has argued, including “as it thinks fit” would give additional cover to councils.

If you are saying that the Department is not going to accept “as it sees fit” in the context that Mr Wilson has put it, the Committee may agree that we must amend the legislation. We do not want to do that because it is important that we go through the Committee Stage. This is a scrutiny Committee. We do not want to head-butt our way through the legislation, but the Department must take the Committee’s views on board, and “as it sees fit” should be in the legislation. If the Department ignores that view, we may have to amend the legislation, but I do not want to do that. We feel very strongly about that and want you to look at it again.

**Mr Tierney:** It is important to say that we are not taking away anybody’s right. If we do not say that, we could be accused of trying to.

**Mr S Wilson:** It is my understanding that if there were an element of doubt as far as a judge was concerned, he would look at the discussion that took place on public record in the Committee or in the Assembly to try to understand the thinking behind a clause in the legislation. So it is on the record here that no one wishes to curtail people’s ability to appeal a genuine grievance. However, there also needs to be a mechanism in place to ensure that there are no spurious appeals. Given the ingenuity of some street traders, some will be determined to trade illegally.

**Mr Gibson:** I find it difficult to accept that there will be spurious appeals. A judicial review is not something that most people take lightly. Our legal opinion is perhaps different from Mr Wilson’s. We should be working together, and that is what we are trying to do. We have consulted extensively on this.

**The Chairperson:** Your legal opinion is that “as it sees fit” would not stop a judicial review.

**Mr Gibson:** Legal opinion is that it may not make a difference, but our concern is in case it does.

**The Chairperson:** All legislation is open to be tested in court. What we pass here is not sacrosanct. All this can be judicially reviewed. You have said that your legal opinion is that “as it thinks fit” would not save a council from judicial review. If that is so, we would like that phrase inserted.

**Mr Gibson:** I am not sure that it is as strong as that; it was simply thought that it would not make a difference.

**The Chairperson:** I am not a lawyer, but we all understand that all legislation is open to judicial review.

**Sir John Gorman:** That is my understanding. This discussion will be made public. We must remember the opening words, which were to the effect that unless “if it thinks fit” were included, there would be the chance of a



judicial review. We ought not to be on the side of preventing any judicial review — forget the word “spurious”.

**The Chairperson:** All action under legislation is open to judicial review. No matter what the law says, if it is judicially reviewed and found to be ultra vires, it will be changed. Will you have another look at that for us?

*Clause 3 referred for further consideration.*

**Clause 5 (Applications for the grant, renewal or variation of street trading licences)**

**The Chairperson:** Will you respond to Mr Kelly’s point about a specific time frame for responding to applications?

**Mr Gibson:** We understood that that was something that the Committee wanted to discuss, but our initial view is that a time frame for councils would be difficult. We do not want to limit councils to a certain period for an application process. It is unrealistic and would be unusual.

**Ms Gildernew:** The point that Mr Gerry Kelly was making was that if a council is trying to withhold a licence, it can keep putting it on the long finger. It is important to have a time limit in which —31 days or whatever — the council must say whether a person is to get a licence.

**Mr Gibson:** Different councils do it differently, and it may be difficult to get a time limit that all councils would find acceptable. It takes longer in Belfast than in some other councils. The difficulty with setting a time limit is that it could create a stranglehold. I am open to the views of the Committee on that.

**Mr Tierney:** It is not a case of a stranglehold. We are not saying that the length of time should be shortened. If you put a time limit on it, that stops a council from stalling somebody, hoping that he will go away. If Belfast takes the longest time, that is the time limit that we could use.

**Mr S Wilson:** I am concerned about the length of time that Belfast takes, and I spoke to some of the officers about it, because that was raised before. They were able to give me some statistics, and I do not know how you would get round it. What happens if a trader with a dodgy application knows that if he strings matters out, the council will be under pressure to make a quick decision? Perhaps he does not give the required information, or you have to consult the police or the Roads Service. We all know from planning applications about delays with the Road Service. What if another agency is responsible for the delay? How do you build that into the legislation? What do you do when something beyond the council’s control holds up the processing of an application? Do you take a decision with inadequate information? That is the problem with deadlines.

**Mr Tierney:** I accept that, but if the only argument is that the application is a “dodgy one” the council has the

right, if it does not have the full information, to turn it down.

**Mr S Wilson:** If it is a genuine application, what impact will that have?

**Ms Gildernew:** You could have an extension. If a council is concerned about somebody’s application and does not say so or withholds the licence, it could drag on for years, if it is not willing or obliged to make a decision in a given time frame. A time limit would encourage other agencies to get their parts done and returned to the council as quickly as possible.

**The Chairperson:** It says “a reasonable time” in the legislation. All council committee meetings are open to public scrutiny, and I cannot see a council’s being able to hold up an application from a trader for years. The legislation is open to challenge in court, so it would be a judge’s interpretation, not the council’s of “a reasonable time” that would count. Is that right?

**Mr Gibson:** Yes, I think so.

**The Chairperson:** I take Mr Sammy Wilson’s point that there are difficulties in processing these matters.

**Mr Tierney:** I accept that.

**The Chairperson:** Are we agreed?

**Ms Gildernew:** No. I do not agree. There must be a specified time frame. A council could hold back for some reason. Public scrutiny will not necessarily hurry a council up. There might be a judicial review if an application is turned down, but a pending decision cannot be judicially reviewed.

**The Chairperson:** It can, because a council has to act “within a reasonable time”. The argument is not about whether an application should be granted; it is about whether a decision should be made within a reasonable time.

**Mr Tierney:** The applicant could argue that the time taken was not reasonable.

**The Chairperson:** Yes, if he had waited 18 months for a decision.

**Mr Tierney:** Yes, that would be unreasonable.

**Mr Gibson:** It might be difficult to set an exact time in the legislation. It may not leave room for flexibility, and there may be situations in which it would tie a council down.

**Mr S Wilson:** You are trying to say that the legislation is vague, and if you can make it even vaguer, you will.

**The Chairperson:** Can you run through the point about personal liability claims again?

**Mr Gibson:** We were not sure about that when Mr Sammy Wilson raised it. There is no legal requirement for any business or shop to take out insurance. It might be unfair to insist that street traders take it out if other

businesses do not have to. The cost of public liability cover is likely to be £200 plus per annum, depending on what is being sold — different articles attract different premiums.

**The Chairperson:** Do shop owners in the city centre not have public liability insurance?

**Mr S Wilson:** They are not obliged to have it.

**Mr Gibson:** I am not saying that they do not have it. There is no legal requirement for them to have it, but I expect that most of them do.

**The Chairperson:** It would be very foolish not to have it.

**Mr Gibson:** It gives them added protection.

**Mr S Wilson:** Although shopkeepers are not obliged to have it, there is a difference between a transitory street trader and somebody who has a fixed location. It is easier to claim assets from someone who has permanent premises than it is from a street trader. With some of these stalls, stuff is spread out all over the place, and a number of people have been injured as a result. I take the point in your letter that it will not stop people coming after the council, because they are more likely to get money from the council than they are from a trader. However, the requirement to have some public liability insurance would give some cover for claims resulting from traders' activities.

**Mr Gibson:** I understand that. To a certain extent we share your view that every trader should have insurance, whether a street trader or shop keeper. I agree that street traders will probably have more difficulties, because of pedestrian access to the street.

**The Chairperson:** Is there no way to legislate for that?

**Mr Gibson:** There is nothing to make it a legislative requirement. I proposed earlier that we could put a part in the guide for councils suggesting that when they issue street trading licenses they recommend that the traders take out public liability insurance. Some may already have it — we do not know.

**The Chairperson:** OK. Are we agreed?

**Mr S Wilson:** No. However I accept that if one group were treated differently from another, it could leave the way open for a judicial review.

**The Chairperson:** Ms Gildernew, do you agree with clause 5, subsection (8)?

**Ms Gildernew:** No, I do not.

**The Chairperson:** We need to take a vote to clear this clause up.

**Mr S Wilson:** Are we going to include something in the Bill to encourage the use of public liability insurance?

**The Chairperson:** No. It will be in the guidelines.

**Mr Gibson:** It will be in the guide on the legislation. If the Committee wishes, we will insert a paragraph about public liability insurance suggesting that councils should recommend it to each trader when a trading licence is issued.

*Question put, that the clause be agreed to.*

*The Committee divided: Ayes 4; Noes 1.*

AYES

*Fred Cobain, John Gorman, Mark Robinson, Sammy Wilson.*

NOES

*Michelle Gildernew.*

*Question accordingly agreed to.*

*Clause 5 agreed to.*

**Clause 9 (Discretionary grounds for refusing an application)**

**Mr S Wilson:** I am still of the view that we must provide a safeguard. There should be adequate provision in the legislation. The arguments given last week for omitting such provision were not convincing. Limits on space or the number of stalls do not cover that. There could be 10 metres of stalls of the same nature in a street, and the legislation does not allow a council to prevent that kind of concentration. Adequacy of provision ought to be a ground for discretionary refusal.

**Mr Gibson:** I understand your point. As you know, councils have a right to decide the number of pitches and the types of goods. Legal advice argues that to prohibit some traders from operating on the basis of adequacy could leave a council open to a challenge. It is hard for us to go against that. It might infringe European Union requirements on the free movement of goods.

**Mr S Wilson:** Clearly that is not the case in planning law, and we are familiar with planning policy in our council areas. The planners draw a line. They are doing that in conservation areas with the development of apartment blocks. If there is such a concentration of apartment blocks in an area that it changes the nature of the area, any further applications are deemed unacceptable.

In Ballyhackamore, in my constituency, the planners have a policy document that says that they will not look favourably on any further applications for hot food bars because of their existing concentration there. Parts of the Lisburn Road are exactly the same. If that stands up under planning legislation, why should there be a legal difficulty with applying it to street trading? I do not understand why one aspect can be affected by adequacy and another one not.

**Mr Gibson:** I am not familiar with that. I am not a legal expert and I can only go by the legal advice that we have been given.

**Mr S Wilson:** You were fairly careful in the way you worded your response. You said that it might cause a difficult situation.

**Mr Gibson:** Yes. There can be no guarantee.

**Mr S Wilson:** That is right. No one can guarantee it. If we had the provision in clause 9, councils could defend it on a legal basis. A court might well say later that the law was unreasonable, as happens with some planning policy guidance notes. Significantly, no applicant who has been turned down to date on the basis of those guidance notes, which do not have the force of law behind them — and some of them have been in place for 10 years — has ever sought a judicial review against the divisional planning office in Belfast. It might happen, but a council would have more chance of defending a decision on the grounds of adequacy if the Bill gave it that authority.

**Mr Gibson:** I agree that it would. However, the purpose of the Bill is to prevent undue nuisance and inconvenience. A council can determine through its designation process if undue nuisance and inconvenience have been caused, but it cannot decide on the basis of unfair competition.

**Mr S Wilson:** In view of how the law currently stands, you must bow to the views of the practitioners. Undue nuisance is an environmental issue or part of some other legislation. Belfast has stores that sell clothes and have burger stalls outside. The clothes are impregnated with smells from the burger stalls, and nothing can be done about it under nuisance legislation. That argument has already been lost. Public health officers say that those laws are inadequate to deal with nuisance caused by a concentration of certain activities. Adequacy should be included for that reason, and if there is a legal challenge, let the council, not the Department, deal with it.

**Mr Gibson:** The main purpose of the Bill, and of clause 9, is to prevent undue nuisance and inconvenience, not to prevent street trading — it is to allow it to be controlled so that it does not cause undue nuisance and inconvenience. Our solicitor advises that it is possible to allow a council to decide not to grant a street trader a licence on the grounds of unfair competition. That would leave it vulnerable to challenge, and the Minister for Social Development cannot support that.

**Sir John Gorman:** What harm would it do to include adequacy? Is it not sensible? I cannot see what disadvantage it would cause. Mr Sammy Wilson believes that a similar measure has been included in Great Britain legislation. Have you been able to check that?

**Mr S Wilson:** If that is the case, and if there is a quibble about the use of the word “adequacy”, can a

clause about adverse effects on the amenity of an area not be included?

**Mr Gibson:** Could you repeat that, please?

**Mr S Wilson:** Adverse effects on the amenity of an area caused by odour, litter, noise and so forth. The word “adequacy” is not used, but a council can interpret it as that. Two or three of those nuisances will have an adverse impact on the amenity, so no further permission will be granted for it. It is a roundabout way of addressing the matter, but it gives wider grounds than the term “adequacy”.

**Mr McMaster:** Clause 9(1)(a)(i) states

“the location at which the applicant wishes to trade as a stationary trader is unsuitable”.

That was included for almost the reasons you are giving — for it to be sufficiently wide to allow councils to use any sort of site-specific issue.

**Mr S Wilson:** That was discussed last week. If the site is unsuitable, none of those activities should be allowed. Take a case in which it might be acceptable to say, “This street is suitable for one burger stall, but unsuitable for five.” The unsuitability ground does not cover that. A council could deem it suitable for Mark Robinson to sell burgers on this street, but not for me to do so. Immediately we are being treated differently, and I would be in a strong position to challenge that.

**Mr McMaster:** You are suggesting that something be included in the Bill to deal with any effect on the amenity of an area. Would the same difficulty not arise? One stall might fit in, while another might not.

**Mr S Wilson:** I am concerned about possible adverse effects on the amenity of an area: let us take Royal Avenue as an example. It might be suitable to have a hot food stall at Castle junction, well away from the entrance to any shops. However, it might not be suitable to allow a burger bar on every pitch on Royal Avenue; the concentration of smell and nuisance would make it a nightmare. That is not covered in the legislation, so let us include a clause about the adverse effects of concentration.

**Mr Gibson:** We will consider Mr Sammy Wilson’s suggestion and try to find a way round that problem.

**Ms Gildernew:** Clause 9(1)(c) refers to

“misconduct or some other reason relating to trading activities”.

That is slightly confusing. First, are the misconduct and the other reasons disjunctive? Should we treat them separately? Can we have some clarification?

**Mr Gibson:** They are separate. The Bill says

“on account of misconduct or some other reason”.

The reasons must relate to street trading activities, so speeding would not count in that context.

**The Chairperson:** It would be misconduct in relation to the terms of his licence.

*Clause 9 referred for further consideration.*

**Clause 10 (Revocation, etc. of street trading licences)**

**The Chairperson:** Clause 10 deals with the revocation of a licence. You said that there was no precedent for that.

**Mr Gibson:** We checked that out. There is no legal precedent. The legislation on entertainment licences has a similar clause on revocation, and there is no compensation for that either.

**The Chairperson:** Shall we raise that issue?

**Ms Gildernew:** What does the word “persistently” in clause 10(1)(h) mean? How many times must a trader fail to comply? Will the decision be at a council’s discretion?

**Mr Gibson:** “Persistently” means more than once; after that, it is at the council’s discretion. We expect that a council would give someone either a written or an oral warning.

**Mr McMaster:** There is a statutory requirement to give one written warning. That does not stop a council giving as many warnings as it wants. “Persistently” means more than once or any number of times.

*Clause 10 agreed to.*

**Clause 12 (Notice and representations)**

**Mr Gibson:** We reconsidered that clause and are still of the opinion that 21 days is reasonable. When Mr Wilson spoke about planning, he was referring to a process that includes placing a notice in a paper to give people 14 days from the date on which it is published. In this process, the notice will go out in the post, so we lose a couple of days at the beginning and a couple of days at the end waiting for somebody to reply. They will have less than 21 days, and 14 days is just too tight.

**Mr S Wilson:** I come back to the point made earlier about the delay in processing. There are a number of stages under clause 12: the council receives an application and deals with it; people make representations; after receiving the representations, the council considers it again. That could take as long as four or five months, depending on the timing of a council’s cycle of meetings.

In smaller councils, in which everything goes through the main council, the monthly council meeting could deal with it. In larger councils with subcommittees because of the volume of work, it could take longer. I want to shorten the process. People should know that the legislation means that it could take a five-month cycle to deal with an application that the council initially refused.

**Ms Gildernew:** Can you clarify that?

**Mr S Wilson:** Under clause 12, the council must first consider the application. Depending on when it is received, when committees meet and whether a subcommittee

deals with it, that could take up to two months. Then there are 21 days for representations, and then the council must go through the process again. That is not always going to happen, but it means a five-month cycle.

Depending on when an application is received, it might be a week or two before the committee meets. The committee meets, deliberates on it and makes a decision, which goes to the council. After it is turned down, people have 21 days to make representations, and then it goes through the cycle again. That could be a very long-drawn-out process. If people are happy that that must be done to ensure proper consideration of an application, fair enough. I am just spelling out the implications of that for dealing with an application that has been refused.

**The Chairperson:** I do not think there is any shortcut.

**Ms Gildernew:** In the meantime, somebody’s livelihood could be badly affected.

**The Chairperson:** Yes, but there is no shortcut.

**Mr McMaster:** If it were affecting someone’s livelihood, I do not think they would be likely to wait 21 days. They would be likely to have their representations in sooner than that.

**The Chairperson:** Irrespective of when representations were received, you would still need another cycle of meetings.

**Mr McMaster:** I fully accept that.

**Mr Tierney:** We are arguing over seven days, whether there should be 21 days or 14 days for representations.

**Mr S Wilson:** I take your point that they might respond quicker than that, but if 21 days is the period set down, then, even if representations are received within 21 days, the council cannot do anything with them until the 21 days are up. Even if I respond within a day, I still have to wait another 20 days before the council will look at it again.

*Clause 12 agreed to.*

**Clause 15 (Fees and charges)**

**Mr Gibson:** The advice we got from the solicitor is that as it is presently worded, clause 15 allows councils to allocate the costs to the licence holders or elsewhere, because it refers to reasonable costs. If a council decides that court costs are not reasonable, it does not have to take them.

**Mr S Wilson:** No, with respect it does not say that; it says “reasonable administrative or other costs.” All you have to show is that the costs levied for administration in the council are reasonable. The court costs themselves are reasonable, because the council has to bear them. It would be unreasonable to allocate court costs plus a 20% surcharge. That would be unreasonable, because the court cost has only been £100 or what ever. The council cannot charge £120. If hugely inflated administrative

costs were passed to a trader by the council, that would be unreasonable, but all court costs are considered reasonable, and the council must bear them. The council cannot escape.

I made the point last week that it is unfair to expect legal traders to bear the court costs that a council incurs as a result of the activities of illegal traders, and yet councils always have to look over their shoulders at the local government auditor. He could say “You got £100,000 from street traders in fees, and it cost you £600,000 to run street trading last year. You have not recovered £500,000 of your costs. The council has not dealt with this properly”. He might not impose a surcharge in such an instance. He might well warn the council not to have such a deficit next time, because the law says that all reasonable administrative and other costs should be recovered.

Last week it was asked whether ratepayers should bear it. The one group which should not bear it is traders who abide by the law. In some councils, for example, Belfast City Council, court costs are horrendous and often are not recovered from illegal traders. It may well be that court costs will decrease as a result of better street trading legislation. That depends on clause 18, by the way. Nevertheless, I can foresee a situation in which a local government auditor would say “The law requires you to be doing something, and you are not doing it. You are not passing those costs on, and I want you to do that.”

**Mr Gibson:** The legal advice that we have from the draftsman does not say that. It gives discretion to the councils. They can decide that it is unreasonable for administrative costs to go against the trader.

**Mr S Wilson:** It says that you must cover any reasonable administrative and other costs.

**Mr McGrath:** It says a council may charge

“such fees as the council may determine and may be sufficient”

There is a level of discretion.

**Mr S Wilson:** What is sufficient to cover any reasonable administrative costs?

**The Chairperson:** There are only two sources of revenue — the legal trader and the council. Irrespective of the money needed to take people who trade illegally to court, costs will not be recovered. It is fair that legal traders should not be burdened with additional moneys. Whether we like it or not, that burden should be carried by the ratepayers. It has to be either the council or the traders, and I think it should be the council. That does not stop the council charging a fee towards administration and other costs. It is hard to know at the beginning of any financial year how much court costs will be. It will be retrospective, so I assume that licences will reflect whatever the costs are.

**Mr McMaster:** Or an estimate will be made and readjusted.

**Mr S Wilson:** Given that court costs — at least at present — are a high proportion of the costs of running street trading, and given the way in which that is worded, I do not see any interpretation other than that fees must include any administrative and other costs that are reasonable. If a court says that the cost of a case is £700, you do not argue that it is unreasonable, because the court has passed that as the amount.

**Mr McMaster:** We would not argue that. However, the provision sets the maximum amount that a council can charge. It cannot go above that level. In court, for example, costs may amount to £3,000 per licence. A council may claim that that is totally unreasonable and, instead, decide to set that figure at between £50,000 and £100,000. The provision merely sets a maximum amount that a council can charge for a licence fee, and it cannot exceed that amount.

**Mr S Wilson:** Mr Buchanan, the local government auditor, goes through council expenditure with a fine toothcomb. He would look at it and say that we must cover any reasonable administrative and other costs. He would say “The law requires you to do that, and you did not do it. Do it in future.”

**Mr McMaster:** It gives you the power to do that.

**Mr S Wilson:** That is a likely interpretation which must be considered when drafting the legislation. It could be argued that that ought to pass on to the traders. However, at present, the provision does not give councils cover to do that. Whether or not that excludes court costs, it might be a possibility.

**Mr Gibson:** In the past, we had not considered the amount of court costs. It is now being suggested that that be changed in some way to ensure that councils do not have to consider such things.

**The Chairperson:** Last year, our council’s costs amounted to £100,000. That included court costs for administering the Street Trading Bill. Some of that can be passed on to legal street traders through licences, and we can bear some costs ourselves.

**Mr Gibson:** The worry is that an auditor might be unclear about that.

**The Chairperson:** We will have our legal people take another look at this.

**Ms Gildernew:** It is possible that, after being advised by an auditor one year, the council could raise the street trading licences up from, say, £100 one year to between £500 and £1,000 the next year. There needs to be something here to protect legal street traders.

**Mr Gibson:** If the licences are too low in the first year, surely that indicates that everybody has got off lightly.

**Ms Gildernew:** The costs of licences have not been too low. They have been at the correct amount to cover

administrative costs, which they reflect. If court charges are to be taken into account as well, that is unreasonable. That simply adds to the cost of a legal licence.

**Mr Gibson:** We are proposing that the council should not be in a position in which it must bear court costs.

**The Chairperson:** This is a Street Trading Bill, and the council is the administrator. Ratepayers should not have to pay for street trading. The street traders should pay for street trading and the administrative costs, including court costs, that come with that. The council must strike a balance. Neither the councils nor the ratepayers should be expected to pay ever penny of administrative costs.

**Ms Gildernew:** If street trading is properly regulated, if there is a market for shoppers to come to and a spin-off for the retailers, surely street trading will benefit the retailers. To say that the street traders are the ratepayers is simply too black and white. Street trading can add value to ratepayers' property.

**The Chairperson:** I do not doubt that, but I am referring to ratepayers who are not street traders. The majority of ratepayers are those who live in Housing Executive homes or own their homes. The council administers the Street Trading Bill. It should not bear that burden. It may bear some of the burden but the street traders should bear the burden, too. We will come back to that next week.

*Clause 15 referred for further consideration.*

#### **Clause 18 (Powers of seizure)**

**The Chairperson:** Mr Gibson, this is the most important clause for councils. If there are not sufficient powers of seizure, we might as well rip this up.

**Mr G Gibson:** The point was made last week about the Royal Parks (Trading) Act 2000, under which they could lift without having to take for evidence. Our legal advice is that if we were to change it, take out the words "which may be required to be used as evidence" and allow authorised officers to seize and give back in 28 days, that would be akin to the council official's acting as judge and jury and would be likely to attract a legal challenge. That is what we have been told. The purpose of having those words "may be required to be used as evidence" is to show the intention to take the person to court. If those words are taken out and the goods are taken, the council official is making a judgement and the person has no right to a trial.

**The Chairperson:** Does that relate to illegal trading without a licence?

**Mr Gibson:** Yes — only illegal trading.

**Mr S Wilson:** If an officer seizes goods from an illegal street trader, given that the reason that councils send an officer out in the first place is to find the illegal street trader, it is highly unlikely that the council has no intention of following that through to a court case. I

cannot think of any reason for not intending to follow that through to court, and not simply for punitive reasons. It is to show, first of all, that someone has committed an offence and the goods taken will have been used in the commission of that offence. You will wish to ensure that that offence cannot be committed again until the court case is heard. You will also want to ensure that if and when the case goes against the illegal trader and he refuses to pay the costs, you have something to take as a forfeit.

I do not see any legal difficulty in defending the seizing of goods. The wording in the Royal Parks (Trading) Act 2000 about the constable seizing goods that he believes have been used to commit an offence, covers that. I have a letter from the Minister in which he says

"The extent of seizure will therefore be a matter for the officer or the council concerned".

Once the Minister puts something like that in writing, it is a matter of public record and the law says that all you need are these articles as evidence in court. After the first time that it goes to court, any solicitor or barrister worth his salt will tell the judge that there is no reason for all goods to be seized in future. An officer can confirm that he took certain goods from a particular stall on a particular date, and that is all you need — and the teeth of the legislation will be gone.

I have spoken to concerned officers in Belfast who say that that is the one change that must be achieved, otherwise we will have legislation that leaves us unable to enforce as we can at present, and they are people who have to deal with that on a day-to-day basis. I repeat: you will not be dealing with that — environmental health officers will have to deal with that. These people, who go to court week in, week out, say that the courts will drive a horse and cart through the clause.

**Mr Gibson:** How do they know that if the legislation is not in place?

**Mr S Wilson:** They know from the wording.

**Mr Gibson:** Are they not making an assumption that the magistrate will say "No"?

**Mr S Wilson:** I can make assumptions. If it is raining, my experience tells me that if I go outside, I will get wet.

**Mr Gibson:** You have walked in the rain before, but we have not seized goods before.

**Mr S Wilson:** No, you have not, but officers who deal with these issues are aware of the liberal interpretations that the courts have made in the past. Last week, we discussed the £5 fine of the past. The courts will make the most liberal interpretation, and even if they do not do that, a barrister could say "Why did that man take everything that was in my client's stall?" If he needed evidence — and the law requires him to collect evidence — he needed one item alone, so it was unreasonable of

him to seize all the goods. The barrister would then add “And in the meantime, my Lord, my poor client has not been able to trade because this officer seized unnecessary goods.”

**Sir John Gorman:** Mr Wilson said that that could apply to vehicles used in illegal trading, which gives a new dimension to the issue. The vehicles used in most markets in France are ones whose sides you can let down, sell from quickly and move on. Mr Wilson has a good point when he says that if we cannot seize a vehicle, we must take the ice cream, the cornets, the whole shebang. If you take the vehicle away, that will stop illegal trading.

**The Chairperson:** Mr Gibson, this is possibly the most important clause in the Bill.

**Mr Gibson:** I accept that, and our legal opinion is strong. To include the clause in the way that the Committee suggests would make it open to legal challenge. A solicitor has said that we could face a legal challenge if goods were taken without giving a person rights. I accept your point —

**The Chairperson:** But the point is that the goods are being traded illegally.

**Mr McMaster:** I fully accept your point. The person seizing illegally traded goods makes a decision. The goods are taken, and the judge, jury and executioner are there on the spot. Our solicitor has said that you remove the human right to a fair hearing if you take goods on the spot.

**The Chairperson:** Just to get this absolutely clear, the argument is that an authorised officer has reasonable grounds for suspecting that a person has committed an offence.

**Mr Gibson:** That applies to a person trading without a licence. An officer may seize any article.

**The Chairperson:** You say that if an officer has reasonable grounds for suspecting illegal trading, he can take one article.

**Mr Gibson:** He can take everything, the stall, the vehicle, everything, that he thinks may be required for evidence. An officer who finds someone trading illegally can take every single thing that that trader has.

**Mr S Wilson:** If Mr Cobain were the officer and I were the judge, I could ask him in court “Mr Cobain, why did you seize everything in this stall?” All the officer needs to do is bring one item as evidence and verify that he seized it.

**Ms Gildernew:** This causes me concern — and far be it from me to defend the Minister — for if there are human rights implications, we cannot insist on changing it.

**The Chairperson:** We can. We are arguing about its interpretation.

**Mr Gibson:** No, we are not, Mr Chairman; we are arguing about taking out the words of clause 18(1)(c)

“may be required to be used as evidence”.

We are arguing about changing the clause.

**The Chairperson:** So if an officer thinks that it is reasonable to take every item, including the car, he can. Does that breach that individual’s human rights?

**Mr McMaster:** Not at all, because the officer is taking the goods for evidential purposes.

**Mr Gibson:** That is what protects the officer — that the goods are being taken to be used as evidence. I accept the point that Mr Wilson made earlier that most cases will go to court. We are considering legislation to give a council another option, which would mean not necessarily having to go to court.

**Mr McMaster:** That is my point. If one takes out the “for evidential purposes”, one makes legislation which allows a council powers of seizure but does not oblige it to do anything more.

**The Chairperson:** If an illegal trader were selling socks, and an officer took a pair as evidence, the trader could wait for half an hour, set up his stall and start trading again. Another officer might take another pair of socks, but the illegal trader could work on for another six weeks before being brought to court to face a paltry fine. Where is the disincentive in that for illegal traders?

**Mr Gibson:** There are a number of possibilities. The first is to seize a pair of socks and go to court, and then take another pair when the trader is found to be trading illegally again. Another is to seize everything for the first offence before going to court. Or one could seize some of the goods when the first offence is committed and everything when the second is committed, as the illegal trader will already have been warned that if he continues to trade illegally, all his goods will be seized.

**Mr S Wilson:** That is not in the legislation. There is nothing about progressive seizure for repeated offences.

**Mr Gibson:** There is nothing to stop it.

**Mr S Wilson:** There is, because it means that all an officer needs to have when he goes to court is something to be used as evidence. You have actually specified the reasons.

**Mr Gibson:** It says “may be required” as evidence and not “must be required”.

**Mr McMaster:** It is either at the discretion of the person who seizes it, or perhaps subject to a forfeit order.

**Mr S Wilson:** There is nothing in the legislation, despite your best attempts to make it seem that there is, which allows more goods to be seized because someone has committed another offence. No clause covers that.

**Mr Gibson:** Legislation does not always say what you can do. It is what is not in it that allows some freedom.

**Mr McMaster:** Clause 18(1) states that

“if an authorised officer or constable has reasonable grounds for suspecting that a person has committed an offence under section 17, he may seize...”

That is one who commits the offence of trading without a street trading licence. That permits an officer to turn up at 9.00 am while an illegal trader is operating to seize his goods. If the officer comes along at 9.30 am, and the trader is still trading without a licence, the trader is committing a separate offence in the same way that one would be committing separate offences if one were caught speeding at different times of the day. The officer can seize goods again if the illegal trader is still trading with other goods.

**Mr S Wilson:** Yes, that is right, but what Mr Gibson said was that if you see him committing a second offence, you can say “We have given you a warning — we will take all your goods this time.”

**Mr Gibson:** You do not have to seize the goods the first time. The council officer could say “I am giving you a warning. I will be back in half an hour.” He does not have to seize the goods, but he may do.

**Mr S Wilson:** There are two reasons for seizing the goods. The first is that they will be used as evidence. Once you have a judgement from a court saying that you only need one item, an officer will find it impossible to justify seizing all the goods, and that will do away with any teeth in the legislation.

The second reason is if the officer thinks that they would be subject to a forfeiture application. That is an even weaker reason. How could I stand up in court and say that I had reason to believe that this man would not pay his court costs when he was found guilty? That is ludicrous. If a council officer did that, it would leave him wide open to any barrister defending an illegal trader. As the legislation stands, all that one can justifiably take is a sample item. That is all that is required as evidence — not the whole lot.

**Mr Gibson:** How do you know?

**Mr S Wilson:** If you were a judge, under what circumstance would you say “Mr Wilson, I require you to prove that this man was trading illegally. I want to see 5,000 pairs of socks, not one.”?

**Mr Gibson:** I am not a judge.

**Mr S Wilson:** No, you are not a judge — that is quite right. But can you think of any reasonable grounds on which a judge would say that?

**Mr Gibson:** Forfeiture is not linked to court costs. The council could ask for a forfeiture order afterwards. Forfeiture is not just to get costs back — it is to forfeit the goods.

**The Chairperson:** We need to return to this. We need to speak to our legal people again and get their views.

**Mr S Wilson:** I would like the officials to tell us on how many occasions the provision contained in the Royal Parks (Trading) Act 2000 has been contested.

**Mr Gibson:** That is irrelevant since we are looking at street trading, and we have great difficulty getting any information about the Royal Parks (Trading) Act.

**Mr S Wilson:** The Royal Parks (Trading) Act was to stop trading in the parks. That is similar to street trading. It gives an officer the right to seize goods which he

“reasonably believes to have been used in the commission of the offence”.

You are saying that that would be open to legal challenge, so it is not unreasonable for us to request information on whether that clause in the Royal Parks (Trading) Act has been challenged in court. If it has not been, it is reasonable for us to ask why it should not be included in our legislation.

**Mr Gibson:** It may not have been challenged for a number of reasons. In the Minister’s view, the legal opinion that has been received suggests that it would infringe a person’s human rights to take goods other than for the purpose of evidence. The opinion that we have received is strong, and we are not in a position to disagree with it. The Committee may decide that it wants to get its own opinion and put an amendment forward. That is, perhaps, the way we should proceed.

**The Chairperson:** Before we start doing that, we must discuss it among ourselves. These are legal arguments, and we need to consult our legal people. If the Minister is concerned that the seizures could have human rights implications, I agree with Mr Wilson’s point on that. A judge would say “One pair of socks is as good as 500 pairs. All I need from you is proof that this man was trading illegally. I do not need you to drive the ice-cream van into court.” If the Minister thinks that that is an infringement of human rights, I do not see any possibility of seizing more than one item.

**Mr Tierney:** The Committee is not all at one, and that is why we are still in discussion. It is not a case of the Committee’s putting down an amendment. One or two members of the Committee may move an amendment. I would like to hear more argument before I would agree to an amendment.

**The Chairperson:** We will ask our legal people to give us an opinion, and we will then return to the three clauses we have parked. It may be that we will reach agreement, and that members will want to move amendments. We hope to avoid that and to do that, it is important, Mr Gibson, that you realise the Committee’s view on certain issues.

**Mr Gibson:** I fully accept that.



**The Chairperson** There is no point in your coming to us and saying that anything is a fait accompli. That would mean that we were not functioning as a scrutiny Committee.

**Mr Gibson:** The purpose of our coming here is to give the Committee evidence based on our consultations.

**The Chairperson:** I appreciate that.

**Mr Gibson:** We will not always be able to agree, and there will be times when the Minister will take one view and the Committee a different one and suggest an amendment. That will not be a problem.

**The Chairperson:** Once again, thank you very much for your time.

*Clause 18 referred for further consideration.*



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**NORTHERN IRELAND  
ASSEMBLY**

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**AGRICULTURE AND RURAL  
DEVELOPMENT COMMITTEE**

Friday 24 November 2000

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**FISHERIES (AMENDMENT)  
BILL (NIA 9/99)**

**The Committee Clerk:** Members may recall that the Committee almost completed its consideration of the Fisheries (Amendment) Bill at its last meeting. There was, however, the outstanding item of the issues relating to the Bill raised by Prof Dickson of the Northern Ireland Human Rights Commission, who was concerned about the possible human rights implications of two provisions in the draft Bill. First, he was concerned that an inspection could take place without reasonable suspicion and about other cases, particularly involving searches, which the Human Rights Commission thought would breach the various human rights conventions.

The second area of concern to the commission was that materials could be seized without a judicial warrant, which, it believed, could also breach the various human rights conventions. At last week's meeting, the Department obtained the legal advice now before us. Hilda Hagan took us through the letter, but we did not have it in front of us, which we now do. The letter in question was to Ms Hilda Hagan, dated 16 November and headed "Fisheries (Amendment) Bill — Comments by the Northern Ireland Human Rights Commission". Copies are in your folders.

The second letter, which we circulated today, since we only received it yesterday, is one that I requested as a additional reassurance for the Committee. It is from Percy Johnston and addressed to me. Mr Johnston is a legal adviser to the Assembly, and both pieces of advice address the issues raised by Prof Dickson.

The Minister's legal adviser first suggests that the Human Rights Commission's comments are based on two flawed propositions about convention rights and a misunderstanding of domestic law. He doubts whether article 8 of the European Convention on Human Rights can be applied to provisions such as those in the Fisheries (Amendment) Bill. He assesses the case of *Niemetz v Germany* and claims that it demonstrates that

"the reasoning of the Court (of Human Rights) has no application to the powers in subsection (2)(1) of the Bill".

The Human Rights Commission letter makes no attempt to argue why the *Niemetz* principle applies in this case,

and the view of the Department's adviser is that the argument can be rejected on that basis alone. The Human Rights Commission's assertion that the powers in subsection (2)(1) may constitute an infringement of the right first protocol is accepted.

The fact that provisions interfere does not constitute a breach of human rights if the interference is justified. The Department's legal adviser suggests that where there is justification for any search or inspection, there may not be a breach of the conventions. The court uses a "fair balance test" in such cases, and the adviser can see no reason to suggest that clause 2(1) fails this test. The Court of Human Rights has explicitly endorsed the power of seizure in two cases. First,

"where property has been used in unlawful activity there is ample authority for the proposition that it does not constitute a breach of the owner's human rights to seize it".

In other words, seizure is accepted by the Court of Human Rights when unlawful activity has been involved. The Human Rights Commission, in the view of the Department's adviser, has overstated the requirements for procedural fairness. There are general safeguards against irrationality and unfairness in the exercise of statutory authority. The adviser believes that

"these are entirely adequate to provide the safeguards required by the Human Rights Commission".

He says that in the procedures envisaged in Bill and in the way that the fisheries laws work in general, there are safeguards against irrationality and unfairness in the application of those laws.

Finally, the adviser concludes that there is no merit in the objections raised by the Human Rights Commission, and that is a summary of the advice provided to the Minister.

Mr Percy Johnston, our legal adviser, has provided us with some advice in a minute received on 22 November. In summary, he believes that the Bill's powers are to be used only for the purpose of enforcing regulations made under section 124 of the Fisheries Act (Northern Ireland) 1966. These powers relate to entering and examination, and he focuses on the word "examination". The Bill refers to entering and examining a vehicle or premises, and Mr Johnston believes that that is distinct from search powers — the words used by Mr Brice Dickson on this matter.

**The Deputy Chairperson (Mr Savage):** This line is fairly strong:

"without the consent of the owner/occupier and with force".

**The Committee Clerk:** It is quite clear that Mr Johnston believes the inspection powers would not involve the use of force, whereas powers which the police might use when searching premises could involve force.

He concludes that they do not require the strict safeguards which must accompany search powers. It is accepted that "reasonable suspicion" is not required before the

powers to enter and examine can be invoked. However, it is argued that it is impossible to suspect that a breach of sea fisheries regulations has occurred without entry and examination. Mr Johnston says that at sea it is necessary to board a vehicle without suspicion to establish whether there is reason for suspicion. You cannot be suspicious until you have been on board.

**Mr Paisley Jnr:** They board to do their job, which is to inspect. That does not breach anyone's human rights.

**The Committee Clerk:** That is the argument here. Our adviser contends that to require reasonable suspicion would render the regulations unenforceable. In other words, if you had to be suspicious before you boarded a vehicle it would not be possible to apply the law.

The need for a warrant or judicial authorisation would similarly make the regulations unenforceable. The authorised person would have to leave the vehicle to obtain judicial authorisation, allowing evidence to be disposed of. The adviser acknowledges that there may be issues under article 8 of the Convention and article 1 of the first protocol. The advice continues that the powers of entry, examination and seizure are justifiable if they are in the public interest.

In determining adequacy of safeguards, the nature of the powers and rationale must be taken into account. The existing safeguards are given in detail, and the Assembly's adviser concludes

"that the existing safeguards are adequate in view of the nature of the powers and their necessity in the effective enforcement of sea fishing regulations."

The advice of both the Minister's legal adviser and the Assembly's legal adviser is that the case put forward by the Human Rights Commission is overstated. They also believe that the requirements for procedural fairness are

adequate to provide the necessary safeguards and that there is no merit in the objections of the Commission.

**Mr Paisley Jnr:** Prof Dickson is in danger of making a fool of himself. His organisation is so eager to have a case against the Government that it is making a fool of itself by pursuing the matter. As that letter contends, he has overstated the case. This is a last-minute attempt to get the Committee to examine a human rights aspect that does not exist in the Bill. It demeans him and his organisation, and it is important that that goes on record. I hope that in future the Human Rights Commission will pursue real injustices instead of such shadows.

**Mr Ford:** That is not entirely accurate. The issues that can be raised are acknowledged at the top of the second page of the memorandum. We may think that it has gone over the top, but it is not clutching at a straw that does not exist. The tenor of the advice is that the HRC has gone too far.

**Mr McHugh:** I do not agree with Mr Paisley's statement. Any issue, however small, has to be followed, as every area is part of the human rights issue. I am not against people examining things in detail to determine if they infringe. As we know, the use of force is a grey area. I have reservations about this use of force. If there were a similar situation on land, the use of force could be overdone.

**The Deputy Chairperson:** Force cannot be used under the Act. Are we agreed?

*Members indicated assent.*

**The Committee Clerk:** In conclusion, the Committee does not believe that there is any need to make further amendments to the Bill, so its formal consideration of the Bill is complete.

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**NORTHERN IRELAND  
ASSEMBLY**

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**SOCIAL DEVELOPMENT  
COMMITTEE**

Thursday 30 November 2000

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**STREET TRADING BILL  
(NIA 2/00)**

**The Chairperson (Mr Cobain):** I welcome Ms Imelda McAuley, Assembly Legal Adviser, Mr Gordon Gibson and Mr Ivan McMaster from the Department of Social Development. We need clarification on a number of clauses in the Street Trading Bill. Will you work through them in chronological order?

**Clause 3 (Designated streets)**

**The Chairperson:** Our concern about clause 3 is on the “as it thinks fit” issue. One Committee member is concerned that the clause would be weakened by the exclusion of this term, without which he feels the council could be open to judicial review by individuals. Can you clarify this point?

**Ms McAuley:** The inclusion of these words would not oust the judicial review jurisdiction or make any difference to whether a person will challenge a council’s decision to designate a street or not. Their inclusion would not lessen the number of judicial reviews which could be brought or oust the jurisdiction that judges have on the council’s decisions. In short, they would not make any difference to the meaning or the implications of clause 3 and do not need to be included.

**The Chairperson:** The Member was concerned that their inclusion might assist the council. We discussed in detail the issue of judicial review — we do not want to restrict anyone’s right to one. All legislation here is open to judicial review, and we understand that. Mr S Wilson was concerned about the council’s position on this clause. Would the inclusion of “as it thinks fit” assist the council with the designation of streets? You say that it would not make any difference.

**Ms McAuley:** It would not assist with defending a judicial review. Is that what you are thinking about?

**The Chairperson:** Yes.

**Ms McAuley:** As far as defending a judicial review is concerned, the words “as it thinks fit” would not strengthen the council’s arguments, because it must still act reasonably, for proper purposes and within the law, the

principles of administrative law with which the council must conform.

**The Chairperson:** Would it make any difference whether that phrase was in or out?

**Ms McAuley:** It would make a difference if the words were included, because they would not sit easily as the Bill is currently drafted. Are you thinking of including them after “a council may pass a resolution”?

**The Chairperson:** “As it thinks fit” — yes.

**Ms McAuley:** That would not sit easily with clause 4 because before a council may decide to designate a street as one where street trading can take place it must, for example, consult with certain people under clause 4 and advertise — i.e. it must publish notice of its intention in the newspapers. The council may not pass a resolution as it thinks fit. It must pass a resolution that conforms with clause 4, and including these words would not add up with that — hence the difficulty.

**The Chairperson:** Does anyone want to clarify anything in this?

**Sir John Gorman:** This is a housekeeping point, but the Lord Mayor of Belfast is not present. What if he comes back and says that his lawyer does not agree with Ms McAuley? Will we be back where we started?

**Mr Tierney:** No. We agreed that any unhappy Member can, individually, put down an amendment to the Bill. Mr S Wilson is entitled to do that if he or any other Member is not happy with what we agree.

**Mr G Kelly:** It is the same for me. I have a problem with clause 5. I was not at the last meeting, but I intend to put down an amendment to the Bill. Mr S Wilson can do the same, and we can move on.

**The Chairperson:** It does not stop any Member from amending the Bill.

**Ms McAuley:** Mr S Wilson referred to the Local Government (Miscellaneous Provisions) Act 1982 and said that the wording was different and that he would like the wording of the 1982 Act, which does not apply here, to be used. I have checked the 1982 Act, and the wording of clause 3 in this Bill is exactly the same. There is no disparity between the Bill and the 1982 Act.

**Mr G Kelly:** I wish Mr S Wilson were here.

**Mr B Hutchinson:** For the record, as Lord Mayor of Belfast, Mr S Wilson, is away signing an agreement with Cardiff today — just in case people think he has not bothered turning up.

*Clause 3 agreed to.*

**Clause 9 (Discretionary grounds for refusing an application)**

**The Chairperson:** In clause 9, the issue is adequacy.

**Ms McAuley:** Clause 9 contains a number of discretionary grounds on which the council can refuse an application for a licence under clause 5. The concern is that there is not a ground that relates to adequacy, if there are already enough people selling the same goods. There is a concern that including this provision would infringe human rights law or European Union law.

The concern about human rights is straightforward. To include a discretionary ground relating to adequacy would have no Convention rights implications whatsoever. Under section 6 of the Northern Ireland Act 1998 the Assembly cannot legislate incompatibly with the Convention rights, which are most of the rights contained in the European Convention on Human Rights. Including the provision that Mr S Wilson would like would not raise any Convention issues since there is no right to work in it. There is also no right to trade or to trade in a particular location. That is completely outwith the Convention rights and so raises no human rights issues. It is up to the Committee to suggest an amendment to include an adequacy ground if it is so minded.

An amendment of this nature does not raise issues under the Convention or European Union law. I am not an expert on European Union law, but I have looked into this and it relates principally to the freedom of movement of workers within the EU which is now governed by part 3, title 3, chapter 1 of the EC treaty. In article 39 of the treaty the free movement of workers is defined, and that article provides for that free movement to be secured within the EU. That is straightforward and, under article 39(2), entails the abolition of discrimination based on nationality between workers of the member states in employment, remuneration and other conditions of work. Article 39(3) is probably the most important provision in respect of this query. It provides that the free movement of workers entails the right to stay in a member state for the purpose of employment in accordance with the provisions governing the employment of nationals of that state as laid down by law, regulation or administrative action.

So, let us apply this information to your query about a discretionary provision based on adequacy. To include such a provision in national law means that it would apply equally to Northern Ireland people and those who wish to engage in street trading here but are from other parts of the EU. As long as there is no discrimination between those who live in Northern Ireland and those who normally reside in other parts of the EU, the law is compatible with the EC Treaty.

**The Chairperson:** So it is quite permissible to include that provision?

**Ms McAuley:** Yes. In my view, adding this discretionary provision for councils would not breach the Convention rights or have any implications for EU law.

**The Chairperson:** Human rights legislation applies in Great Britain as it does in Northern Ireland. Is that correct?

**Ms McAuley:** We would be looking primarily at section 6 of the Northern Ireland Act 1998 in relation to the amendment of a Bill, not to the Human Rights Act. There are no legal implications for the Committee if it wishes to put down an amendment of this nature to the clause, but there may be some practical problems. I do not think they are insurmountable, however.

**The Chairperson:** That would be a matter for the councils who will be implementing the Act.

**Ms McAuley:** It would be for the councils to work out how they would approach that provision in practice — ultimately with an eye on judicial review.

**Mr Tierney:** What is your recommendation, Ms McAuley? Should we amend this clause or not?

**Ms McAuley:** I cannot comment on that because I am here to check the legal implications of the Bill only.

**Mr Tierney:** You are here to advise us. Forget the word “recommendation”; what do you advise?

**The Chairperson:** Ms McAuley is here to advise the Committee only. Political decisions must be taken by politicians.

*The Committee agreed to recommend to the Assembly an amendment to clause 9.*

#### **Clause 15 (Fees and charges)**

**Ms McAuley:** The concern about clause 15, which I have been asked to clarify, relates to 15(2)(c).

**The Chairperson:** The concern is about administration costs and whether court costs are recoverable in an illegal trading case.

**Ms McAuley:** Are you referring to a council’s power to recover legal costs?

**The Chairperson:** As I understand it, there are only two means of recovering costs — the council can do so through the rates or by increasing the licence fees for legitimate traders.

**Ms McAuley:** Your latter suggestion for recovering court costs is not allowed under clause 15(2)(c). I will clarify the powers of a council under clause 15(2)(c) as it is currently drafted. Clause 15(2) says:

“A council may recover from holders of street trading licences or temporary licences such charges as may be sufficient in the aggregate, taking one year with another, to cover the reasonable costs.”

A list is included — paragraph (a) cites the collection, removal and disposal of refuse, and (b) cites the cleansing of streets. Paragraph (c), the part which is giving rise to concern, refers to

“any reasonable administrative or other costs not otherwise recovered under this Act in connection with the services mentioned in paragraphs (a) and (b).”

Paragraph (c) relates only to paragraph (a) and (b).” There is nothing in clause 15(2)(c) which empowers a council to recover legal costs from a licence holder. To do so would be unlawful and the action could be successfully challenged by judicial review.

**The Chairperson:** The council then has to pay from its rates any costs incurred by the prosecution of illegal traders?

**Ms McAuley:** As clause 15(2)(c) is drafted at present, that is the only way in which they could be recovered.

**The Chairperson:** We need to speak to the officials, who gave a different answer to that when they attended the Committee last week. I would like clarification. We argued about this for half an hour last week.

I now welcome Mr Gibson and Mr McMaster to the meeting.

Mr Gibson, last week you said that the council could recover court costs by increasing street trading licence fees or rates. Is that correct?

**Mr Gibson:** Our view was that this would not stop the councils from recovering costs from ratepayers; it would simply allow them to recover reasonable costs. We gave the opinion that if court costs were not deemed reasonable, it would be open to a council to recover them by other means. They could not recover the costs from rates under the Bill, but there must be separate legislation which allows councils to recover costs or make charges.

**The Chairperson:** It is totally confusing because it would be difficult for councils to recover costs from some other body, except those who are taken to court. If we take illegal traders to court, the only way we can recover costs is by fining them or taking them from the rates.

**Mr Gibson:** Or from the licence fees, which is what we are talking about now.

**The Chairperson:** We cannot increase the licence fees to recover costs. Do you not agree?

**Mr Gibson:** That is not our advice. I do not think we could include in the Bill that the council could recover the costs from the rates. I am not sure that that would be legally acceptable. There must be other legislation which allows councils to recover costs or make charges.

**The Chairperson:** To whom would the council make the charge?

**Mr Gibson:** If it were to be the rate payers would there not be other legislation to cover that?

**The Chairperson:** Councils draw their finance from the rates. The council takes the illegal street trader to court. Court costs are awarded to the council against the trader. He does not pay costs. Every single ratepayer in Belfast then has to pay towards recovering them. There is no other avenue.

**Mr Tierney:** It is not only Belfast.

**The Chairperson:** I beg your pardon; it is not only Belfast. Last week you gave the impression that a council could, through increasing licence fees to legal traders — and that is what the argument is about — recover court costs. Now we hear that the legislation which you drafted specifically rejects that.

**Mr Gibson:** That is contrary to the advice that we have been given.

**Mr McMaster:** Does the advice given relate to clause 15(2)? Our understanding was that through clause 15(1) the council might charge a fee for granting a licence as would be sufficient in aggregate to cover reasonable administration costs of the street trading scheme. I accept advice that under clause 15(2) the administration or other costs are related to charges such as refuse and litter collection. Clause 15(1) provides for the general administration of the scheme, and that is where I understood the council had discretion on whether to include court costs.

**Ms McAuley:** May I respond, Mr Chairman?

**The Chairperson:** Ms McAuley is here to give us independent advice. Rather than turn this into a court case, Ms McAuley can respond, and if we need further clarification we can seek that from the Department.

**Ms McAuley:** Clause 15 subsections (1) and (2) are separate powers that are being given to councils. They must have legislative powers to administer a street trading scheme. Under subsection (1) councils are being given power to charge for licences. Subsection (2) deals with the recovery of costs. Legal costs are not mentioned, and the subsection is specific about exactly what costs can be recovered. That is clearly spelt out, and any reasonable administrative or other costs in subsection (2)(c) are qualified in that the subsection relates only to what is itemised in paragraphs (a) and (b).

**The Chairperson:** We need to have another look at that. Clearly the council, through licensing, will not be able to recover its costs incurred.

**Ms McAuley:** It cannot recover legal costs through licensing and pass those on to traders.

**The Chairperson:** That would be improper. We will look at that again.

*Clause 15 referred for further consideration.*

#### **Clause 18 (Powers of seizure)**

**The Chairperson:** This is the most important clause. It enables a council to seize illegal goods. Last week we discussed whether only one pair of socks was needed for a court case, which allows illegal traders to hold onto the rest of their stock and keep trading. Some Members were concerned about this. If an authorised officer or constable has reasonable grounds to suspect that somebody is illegally trading, he could take one pair of socks as evidence for court. Then the illegal trader could take all other goods away, come out the next day and start trading

again. There is legislation across the water that allows constables to seize all illegal goods. May we have advice on that?

**Ms McAuley:** The legislation you refer to is the Royal Parks (Trading) Act 2000. Under clause 18, if an authorised officer or constable has reasonable grounds for suspecting that a person has committed an offence, he may seize any article, receptacle or equipment. In saying any article, any receptacle, any equipment, any other article or thing of a similar nature, the draftsman has used standard wording, and the reference includes the plural. A constable or an authorised officer of the council could go along and take everything from the stall; there is no question about how the wording here would be interpreted.

**The Chairperson:** So this gives sufficient powers to enable councils to seize all the illegal goods?

**Ms McAuley:** Yes, if the authorised officer or constable reasonably suspected —

**The Chairperson:** It is all reasonable.

**Ms McAuley:** Of course, reasonableness is the qualification. If a constable or authorised officer tapped a person on the shoulder and said “Where is your licence; let me see it” and had grounds for suspecting that an offence had been committed, the constable or authorised officer could seize everything.

**The Chairperson:** Mr S Wilson was concerned that the courts might take a different view. If one article is sufficient to prove illegal trading, why seize all of it? Yet you are saying that that is perfectly legal.

**Ms McAuley:** Yes, it is. The courts would not be too concerned about the number of items taken because they are interested in seeing whether the elements of the offence have been made out.

**Sir John Gorman:** On the continent, particularly in France, there are very few shops in villages because the marketing and trading is all done from specialist vehicles, on which the side drops down. That fashion might spread here, for reasons already attested. If this occurred here, would the constable or authorised officer be entitled to seize the vehicle?

**Ms McAuley:** In clause 25 the definition of “receptacle” includes a vehicle, trailer or stalls, so he would be entitled.

Would you like me to comment on the Royal Parks (Trading) Act 2000 that you mentioned?

**The Chairperson:** No, as long as you are happy that the constable or council officer has sufficient powers under this Act to seize all.

**Mr B Hutchinson:** Sammy Wilson had an issue with the Royal Parks (Trading) Act 2000, so it would be useful if we heard about it as well.

**Ms McAuley:** I was given notice of the queries, and it might be worth putting this further information in the

transcript. I had a look at the Act that Sammy Wilson was concerned about.

This recent Act contains a section on the seizure of property, dealing with trading and parks. Section 4 does not contain the same wording as the clause that we are looking at, in that it does not require seizure for evidential purposes. That clause is not in section 4 of the Royal Parks (Trading) Act. That legislation differs from the Bill that we are looking at. The enforcement system is different, so we are not comparing like with like. Section 4 of the Act contains a seizure power. In section 5 there is also a retention power, which is given to the Secretary of State. There is nothing in the Act that requires any goods to be produced before a court before a forfeiture order can be made. The goods do not have to be produced as evidence in court, and that is where the difference in the wording is justifiable.

*Clause 18 agreed to.*

#### **Clause 15 (Fees and charges)**

**The Chairperson:** We need to clarify clause 15 and agree it. Mr Gibson, last week, when asked about this, you said that the advice we had from the solicitor was that

“It allows councils to allocate the costs either to the licence holder or elsewhere because it mentions reasonable costs. If the council decides that court costs are not reasonable it does not”

et cetera. Could you reconsider that, after the advice that you have been given?

**Mr Gibson:** I can go only on the advice that we are given, Mr Chairman. I appreciate that that is different from the advice that the Committee has been given.

**The Chairperson:** Yes, but we are making law, and we do not want to spend an enormous time arguing over points from solicitors, barristers or whoever. We are trying to get this right.

**Mr Gibson:** I appreciate that.

**The Chairperson:** I know perfectly well what is going to happen — councils will have to bear the cost. If people trade illegally, they go to court three or four times and are fined. When the fines mount up to £1000, they go to jail for three days and are clear. There is no way in which councils will be able to recover costs. You know that, I know that and everybody else knows that.

**Mr Tierney:** Do we have to make a decision on this today?

**The Chairperson:** We have to clear the Bill today.

**Mr Tierney:** If we have received two different pieces of legal advice, can we decide to examine them later?

**Mr B Hutchinson:** I am a bit confused about the argument. We are talking about who bears the cost. If you send someone to prison, the taxpayer bears the cost. Are we getting bogged down in semantics?



**The Chairperson:** No. The Department's argument is that if a council runs up figures of, for example, £50,000 over a year in court costs, rather than the ratepayers bearing that, it needs to increase the licence fees to cover the money lost. Our legal advisers say that that would be illegal, that there is no such provision in the Act. We were told last week that there was; our legal advisers say that there is not. We have two options: you either charge the legal traders additional money to cover the costs of taking illegal traders to court, or the council bears the costs. It is highly unlikely that legal traders would allow the council to charge them. We are only seeking clarification. Our legal advisers say that under no circumstances can councils directly charge legal traders for costs.

**Mr Tierney:** We would not want them to either.

**Mr B Hutchinson:** Are we not saying that ratepayers are going to bear the cost anyway? If the council is going to take on these powers, the ratepayers will pay.

**The Chairperson:** That is what we say, but the Department says "No, that is not true. You can charge the legal traders".

**Mr Hutchinson:** Would the council want to do that?

**Mr Tierney:** If it is in the legislation, the council could be in bother if it did not recoup its losses. That is the problem. If the legislation says that the council can, and should, take it from the traders, it would have to put up fees. We do not agree that legal traders should be penalised for illegal traders

**The Chairperson:** Our difficulty is in knowing how the auditor is going to interpret these things.

**Mr Tierney:** The local government auditor would say that you have the right to recoup.

**Mr Hutchinson:** Why are you not doing it?

**The Chairperson:** Our legal advisers say there is no provision to do that.

**Mr Gibson:** What do you want us to do, Mr Chairman?

**The Chairperson:** I want you to have another look at the legislation and clarify the position. You could speak to the Local Government Audit Office to ensure that councils are not going to be left having to charge legal traders the court costs of illegal ones.

**Mr Gibson:** We can only go to our legal adviser — we cannot go to the Local Government Audit Office.

**The Chairperson:** Can you find out who will be auditing the councils' books and ask for their view?

**Mr Gibson:** That is not for us to do, Mr Chairman.

**The Chairperson:** I am asking whether you would do that, please?

**Mr Gibson:** The other option is for the Committee to suggest an amendment.

**The Chairperson:** We will pass amendments if we think fit. We are trying to resolve this Bill rather than have amendments running through the House. This needs to be clarified. I am asking your Department — or we will write to the Minister if you do not think this appropriate — to speak to the auditors to find out what their interpretation will be.

**Mr Gibson:** It is not for us to speak to the audit people, but we will speak to our legal adviser if that is helpful.

**The Chairperson:** I will write to the Minister and ask him to do it. If you cannot do it, the Minister can. Thank you.

*Clause 15 referred for further consideration.*



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**NORTHERN IRELAND  
ASSEMBLY**

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**CULTURE, ARTS AND  
LEISURE COMMITTEE**

Monday 4 December 2000

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**FISHERIES (AMENDMENT)  
BILL (NIA 9/99)**

**The Chairperson (Mr O'Neill):** Good morning. I would like to welcome Ms Imelda McAuley, the Assembly legal adviser. This is an emergency meeting. As you know, our report on the Fisheries (Amendment) Bill is all but complete, but we received some evidence late last week that conflicted with what we received from our own legal advisers. In an attempt to clarify the issue and enable the Committee to make a clearer decision, I have invited Ms McAuley to give her reaction to the legal advice that we received from the Department. After that, we will have a question-and-answer session and see if we can work out the best way forward.

**Ms McAuley:** The first part of this letter, which relates to what we are considering today, argues that section 208 of the Fisheries Act (NI) 1966 might affect the new section 48(5). That is the issue which we looked at last time. Section 208 — the saving provision in the 1966 Act — says that

“Nothing in this Act shall prejudice the right of any owner to take materials from any stream.”

This letter argues that section 208 could be used in defence of someone prosecuted under section 48. He might be able to argue that, in not getting the consent of the Fisheries Conservancy Board (FCB), he was covered by the saving provision in section 208 and had the right to remove materials from any stream. My advice was that section 208 is a general saving provision that does not affect section 48. I will elaborate on this, because we may not have considered it in sufficient detail last time.

Section 208 is a provision that affects and qualifies every other section in the 1966 Act; it affects the Act in its entirety. It affects not just section 48, but every other provision apart from section 208 itself. I said last time that section 208 does not affect the offences in section 48, and that advice stands. My argument was that section 208 cannot nullify section 48. It cannot trump section 48, because there would have been no point in the Northern Ireland Parliament's including the offences in section 48 in 1966 if that were the case. It could not have gone on in the same Act to have a saving provision in section 208 which nullified the offences in section 48.

Saving provisions normally qualify everything else in an Act, so the inclusion of section 208 looks a bit strange because the offences contained in section 48 may involve the taking of materials from a stream. It seems that there is a head-on collision between section 48(1) and the saving provision in section 208. That is really the crux of the matter. How do we resolve this contradiction, if indeed there is one? My argument is based on reasoning that the two can and do add up, whereas Mr McGinn takes the contrary position. Ultimately, however, sections 48 and 208 are open to interpretation.

The reason I argue that section 208 does not affect the offences in section 48 is that, in days gone by, saving provisions were worded in a general and loose way. Section 208 is a very good example of that; it does not mention any specific provisions of the 1966 Act as lying outside the general saving. However, it is now drafting practice to do so. For example, section 208 might now be worded

“Nothing in this Act, other than certain sections, shall prejudice the right of any owner to take materials from any stream.”

In 1966, some considerable time ago, saving provisions were worded quite loosely. They did not normally include any exemptions from the saving, because saving provisions were included to reassure certain groups of people affected by the legislation. They were a way of saying “Look, we are only restricting your rights in these very narrowly defined areas; we are not making any other inroads into those rights.” It was a reassuring measure more than anything else.

Saving provisions are notorious for their unsatisfactory nature, and that is why there have been changes in drafting practice in more recent years. They have been unsatisfactory in the past, because they have caused the kind of confusion that we are faced with today, whereby a saving provision can appear to be in conflict with other provisions of the Act.

My argument is an elaboration on what I said when I last gave evidence to the Committee. Section 208 does not conflict with section 48, because section 48 was included specifically to create certain offences, one of which is the removal of materials from the bed of a stream or river which have an adverse impact on young or breeding fish. It could not have been the intention of the Northern Ireland Parliament in 1966 to create those offences on the one hand and then take them away on the other by virtue of the saving provision. That would have been an absurdity.

The only way to resolve the apparent conflict between these two provisions is to interpret the saving provision in such a way that it is read subject to the offences created in section 48 and the licensing system created in section 11. It is still my view that section 208 should stand. I strongly advise against repealing it. I will give my reasons for that, and then I will discuss other options

open to the Committee if it is still concerned about the effects of section 208.

The argument against repealing section 208 — and this was very much in my mind last time, if not explicit in my evidence — is that section 208, being a saving provision, affects every other provision of the 1966 Act. Unless either the Department or the Committee goes through every provision of the 1966 Act to assess its relationship with the saving provision, we would be treading in unfamiliar and unknown territory. The removal of section 208 might have an impact on other provisions in the 1966 Act. There is a danger therefore that, in repealing section 208, we might create some changes that we would not necessarily be aware of.

The other option open to the Committee is to amend section 208 to exclude section 48 from the effect of the saving provision, leaving absolutely no doubt about the enforceability of section 48. Perhaps I should have put that option to you last time. Although I am not a draftsman, an amended section 208 could read something like

“Nothing in this Act, other than section 48, shall prejudice the right of any owner to take materials from any stream.”

That would clarify the issue completely, and section 48 would trump section 208 in any proceedings that might arise.

**The Chairperson:** Thank you very much. We respect your interpretation. Clearly there are doubts, and, as you said, it is open to interpretation. If we are to make good law, we must reduce opportunities for interpretation and go for a belt-and-braces operation if necessary. You are wise to argue against the repeal of section 208, but an amendment might satisfy the need that we have identified.

**Ms McAuley:** Is the Committee only concerned that under section 48 someone would be prosecuted because he had not gone to the FCB and received consent?

**The Chairperson:** We want to protect the ecosystem of rivers to ensure that fish can thrive as freely as possible. We want to make sure that the law is stacked in favour of the natural life of rivers. Removal of material can upset the ecosystem of a river and disturb spawning beds, food sources, and so on.

**Ms McAuley:** The new section 48(5) relates only to the section 48 offence of disturbing the bed of a river where there may be young and breeding fish.

**The Chairperson:** It is also possible that further down the river is an ecosystem on which young fish may depend for their food as they begin to move. If material is removed, that might be upset.

**Ms McAuley:** That is covered in the new section 48(5).

**The Chairperson:** I know that you do not give instructions on drafting, but can you give us your recommendation a little more slowly, so that we can get it down accurately?

**Ms McAuley:** Section 208, as it currently stands, says that:

“Nothing in this Act shall prejudice the right of any owner to take materials from any stream.”

An amendment could read as follows:

“Nothing in this Act, other than section 48, shall prejudice the right of any owner to take materials from any stream.”

It is a matter of inserting the words “other than section 48” after the word “Act.”

**The Chairperson:** Do members see any problems or difficulties or require additional information?

**Mr J Wilson:** Can you explain how the phrase “other than” would strengthen the Act?

**Ms McAuley:** It would strengthen it by clarifying the saving provision. There has been confusion over how the offences in section 48(1) stand with section 208, which preserves the right of an owner of a stream to take materials from it. There seems to be a head-on collision in the 1966 Act between those two provisions, and that is a matter of concern to the Committee.

The suggested new wording of section 208 would say that section 48 stands above section 208. The saving would not affect section 48, so that in any proceedings brought for an offence under section 48(1), a person would not be able to argue “I took material from the bed of this stream; it affected young and breeding fish, but I did not need to get consent from the FCB, because the saving provision says that the owner of a stream can take any materials from it.”

I think there is a very small chance that section 208 might be interpreted in such a way so as to nullify section 48 altogether, but Mr McGinn from the Department’s solicitor’s office thinks the chance of that happening is greater. That is the slight difference in opinion between us.

**Mr McMenamin:** I do not have a legal mind, but my reading of

“Nothing in this Act shall prejudice the right of any owner to take materials from any stream.”

is that nothing can stop people doing that without permission.

**Ms McAuley:** Is that what you want section 208 to do?

**Mr McMenamin:** It says that

“Nothing in this Act shall prejudice the right of any owner to take materials from any stream.”

In other words, he can go ahead.

**Ms McAuley:** Surely that is not what the Committee wants.

**Mr McMenamain:** That is exactly what I am saying.

**Ms McAuley:** That is a possible reason for amending section 208. Then the legal position would be clear.

**Mrs Nelis:** In amending section 208, we are putting responsibility on the FCB to ensure that the legislation is enforced. While respecting the rights of an owner, the legislation will give protection by requiring him to get consent from the FCB. The owner of a river will not be able to remove gravel or whatever from a river. That is where the responsibility lies. That is contained in the legislation.

**Ms McAuley:** Yes. The new section 48 will require anyone who wants to remove material from a stream, if that may have an adverse impact on young and breeding fish, to get consent from the FCB.

**Mrs Nelis:** That is not going to change.

**Ms McAuley:** That is not going to change, and we may be moving towards an amendment to make section 208 stronger. A person will not be able to argue successfully that he did not need the consent of the FCB because of section 208.

**The Chairperson:** I do not want to “muddy the waters,” and I understand your recommending that we do not repeal section 208, but what other areas of the 1966 Fisheries Act might section 208 be protecting?

**Ms McAuley:** I have only looked at sections that are relevant to the Bill. The 1966 Act is substantial legislation that has been heavily amended over the years. It would take time to answer that. I would have to research the relationship between section 208 and the other sections of the Act.

**The Chairperson:** We do not need to do that. I thought you might have some indication of what would be involved.

The other issue is the European Convention on Human Rights. What would you think of our introducing a piece of legislation that would restrict the rights of individual landowners?

**Ms McAuley:** There are no implications as far as Convention rights are concerned. The potential issue arises under article 1 of the first protocol of the European Convention on Human Rights, which protects the right of property. That is not an absolute right under the Convention; it is a right that may be subject to restrictions. However, those restrictions must be in the public interest.

The restriction that we are considering, section 48(5), whereby a person would be required to get the consent of the FCB, is a limit on what someone can do with his property. There is no doubt about that, but it is clear in my view and Mr McGinn’s view, that that would not constitute a violation of article 1. This restriction is in the public interest for environmental reasons, which is a

ground recognised by the Convention as justifying restrictions on the right of property.

**The Chairperson:** Presumably if you and Mr McGinn agree, this is likely to be a sound piece of advice.

**Ms McAuley:** We do agree on this. I am familiar with the jurisprudence of the European Court of Human Rights on article 1 of the first protocol, and this will not give rise to any breach of the Convention rights.

**The Chairperson:** You will have seen reference to article 6 of the Convention in Mr McGinn’s letter. What is your view on that?

**Ms McAuley:** Mr McGinn concludes that there is no violation of article 6 with the right of appeal to the Water Appeals Commission. The important thing is that the legislation includes an appeal provision, a fair procedure that complies with article 6. He concludes that it is fair, and does not give rise to any problems with article 6. That is my conclusion as well.

**The Chairperson:** If we amend section 208, will there be any implications under article 6?

**Ms McAuley:** It does not have any implications for the Convention rights. Section 208 is a saving provision, preserving the rights of owners, but section 48 does not have any implications for the Convention rights because of the public interest limitation which is built in. Amending to remove section 48 from the effect of the saving provision would have no implications for the Convention rights.

**Mrs Nelis:** In the second paragraph on page 2 of his letter Mr McGinn says that

“The offences in sections 48(1) and (5) of the 1966 Act would operate to prevent the owner from removing the material in question. But under section 48(5) and (9) the owner is in any event entitled to remove material in accordance with the conditions of a consent under sub-section (6).”

Your analysis is that that does not prevent the owner of a stream from removing material, but Mr McGinn says that if we conclude that those rights are extinguished by section 48, there is a contradictory position here. Can you clarify that passage for me? It seems a bit contradictory.

**Ms McAuley:** Are you referring to the third sentence of that paragraph?

**Mrs Nelis:** “And all that remains of those rights is the right to act under a consent.”

**Mr McMenamain:** Just to reinforce my argument, Mr McGinn concludes that this section does preserve the right of the owner of a stream to take material from it without the consent of the FCB.

**Mrs Nelis:** That is contrary to what we have already heard.

**The Chairperson:** Ms McAuley will stick to her interpretation, and Mr McGinn will stick to his, so clearly it is open to interpretation. If we are to make good legislation,

we must avoid opportunities for varying interpretations. That is why we are going to suggest an amendment. It must be drafted properly, so the Assistant Committee Clerk has arranged for the drafting office to work on it. We will look at it shortly and maybe Ms McAuley will look at it as well. Does that answer your question?

**Mrs Nelis:** Yes. We want legislation to protect owners' rights, though they are not absolute. An owner has responsibility for the environment, especially that of spawning fish, and that must be clear.

**Mr McMenemy:** An owner has to get permission prior to the extraction.

**Mr Hilditch:** How would we deal with an emergency flood, when an owner might not have time to seek permission from the FCB?

**The Chairperson:** Are you suggesting that during a flood a riparian owner might need to remove material from the bottom of a stream? He cannot do that without consent. Would that be a problem during a flood?

**Mr Hilditch:** Is there not a timescale?

**The Chairperson:** I am trying to think what kind of an emergency would require the removal of material from the bed of a river. That is not covered. I asked about this in relation to other parts of the Bill. For example, if there was a flood and a huge tree was washed into a river bed causing serious damage to surrounding property, the removal of that impediment, whatever it might be, is not what we are talking about here. We are not asking a landowner to get permission to remove that.

**Ms McAuley:** If it lies on the bed of the river?

**Mr Hilditch:** It ends up being one person's word against that of another.

**Mr McMenemy:** Maybe that is where the word "wilfully" would be appropriate.

**Ms McAuley:** The reason for removing the tree in that event, if it did lie on part on the riverbed, would lie outside section 48. As you say, the word "wilfully" qualifies the offences in section 48(1), so there would be no intention to disturb the young fry or spawn. The intention would

be to remove something that had to be removed. Yes, the word "wilfully" would act as a defence.

**Mrs Nelis:** You told us before that it would not be an offence to remove material if the FCB had consent. There is nothing to stop the FCB, in a flooding emergency, from giving consent.

**The Chairperson:** The amendment reads as follows:

Clause 3, page 3, line 36: at the end, insert

"2. Section 208 of the principal Act be amended as follows:

"Nothing in this Act, other than section 48, shall prejudice the right of any owner to take material from any stream.""

**Mr McMenemy:** That was my argument from day one. That is more or less saying "Go ahead and do it."

**Dr Adamson:** That sounds OK to me.

**Mrs Nelis:** Section 48 covers the right to act under consent, but a person must have consent.

**The Chairperson:** Are members in agreement?

*Members indicated assent.*

**The Chairperson:** We have to make a formal amendment to the report. The report is all but ready to go, but we want to replace the line "The Committee sought legal advice on the repeal of section 208." in paragraph 11(2) with "The Committee sought legal advice on amending section 208 of the Fisheries Act (NI) 1966." Are members agreed?

*Members indicated assent.*

**The Chairperson:** We will amend the report accordingly.

**Mr Davis:** Does what we have agreed to this morning go back to Mr McGinn again?

**The Chairperson:** I think Mr McGinn would be satisfied with our amendment.

**Ms McAuley:** Yes, because the Department has concerns about the effect of section 208 trumping section 48.

**The Chairperson:** Thank you again for coming along and helping us out. That concludes the business.

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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND  
PERSONNEL COMMITTEE**

Wednesday 5 December 2000

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**GOVERNMENT RESOURCES  
AND ACCOUNTS BILL  
(NIA 6/00)**

**The Deputy Chairperson (Mr Leslie):** I welcome Ms Eileen Regan and Mr Malachy Finnegan from the Assembly's Research and Library Services. We will continue our normal practice of having our advisers take us through their comments. They have provided a very weighty document.

**Ms Regan:** The paper helps streamline the process. It goes systematically through each of the clauses and outlines what each means. It flags up minor amendments and major amendments that could be made and looks at comparable provisions in the Westminster Bill, the Government Resources and Accounts Act 2000, and the Public Finance and Accountability (Scotland) Act 2000. The major amendments are not worded as precisely as they might be. The paper simply flags up concepts that were expressed in documents sent by various parties to the Chairperson.

I will talk the Committee through the paper. There are three annexes. Annex A is the Exchequer and Audit Act (Northern Ireland) 1921 (the 1921 Act), which some members said they wanted to see. Annex B is the Committee of Public Accounts Fourth Report, which speaks about issues concerning the Comptroller and Auditor General's access and performance measurements. Annex C is the Public Finance and Accountability (Scotland) Act 2000. The Westminster Government Resources and Accounts Act 2000 is not included as the Bill before you mirrors that.

***Clause 10 (Comptroller and Auditor General: access to information)***

**Ms Regan:** Clause 10 defines the scope of the Comptroller and Auditor General's powers to access information for the purpose of examining the accounts of Northern Ireland Departments. Subsection (1)(a) is the provision which says that there must be access at "all reasonable times".

**Mr P Robinson:** What is the definition of "reasonable times"? It would be at whose convenience?

**Ms Regan:** Subsection (1)(a) is framed in a way that gives the Comptroller and Auditor General a right of access at all reasonable times to any documents.

**Mr P Robinson:** That is what I am saying — what are "reasonable times"?

**Ms Regan:** I am acknowledging your question. However, it was thought that the best way was to go through the Bill reviewing the clauses and then flag up minor amendments that should be made and then move on to major amendments. You are suggesting that this would be a minor amendment.

**Mr P Robinson:** I will not be talking about an amendment at all, if you can satisfy me about the meaning.

**The Deputy Chairperson:** It may not be reasonable for us to ask Ms Regan that question. It is the Department that has to answer that. We are identifying issues that we will put to the Department.

**Mr B Bell:** That is a reasonable issue.

**The Deputy Chairperson:** It is a reasonable issue to put on our list of queries for the Department.

**Ms Regan:** Reasonableness would be viewed under the law as an objective standard, so it would be understood. The Department's officers could answer that more specifically.

Is it better to go through each of the subsections of the clauses and while doing so flag up potential minor amendments, or is it best to run through an entire clause and then go back?

**The Deputy Chairperson:** I would prefer to go through a clause to the end so that we have the thrust of its general intention and then take it bit by bit to see how it carries out its intention. Are members happy with that?

**Mr P Robinson:** You will have a problem when you come to some of the longer clauses.

**The Deputy Chairperson:** I know what you mean. It is a matter of identifying the general idea of a clause and then going back. Depending on the nature of the clause, we could go through it and then come back to it piece by piece. We will see how we get on. If it proves intractable then we will slow down.

**Ms Regan:** I will now move to the specific provisions of clause 10, flagging up issues of minor concern and potential minor amendments. Subsection (1)(a) refers to the Comptroller and Auditor General's access to the Northern Ireland Departments' accounts. An issue of concern, as Mr P Robinson has pointed out, is the definition of "reasonable times". Generally, reasonableness is an objective standard, so that is something to ask the Department's officials about.

The second important thing is about the term "accounts". In subsection (1) you need to clarify whether "accounts" refers to resource accounts, as defined under clause 7, as

well as to other accounts, as defined under clause 9 of the Bill, and whether there are any other accounts to be considered. Subsection (1) could be amended so that the term “accounts” was clearly defined.

**The Committee Clerk:** Mr Chairman, do you want to ask the Department precisely what accounts are referred to here?

**The Deputy Chairperson:** My feeling is that clause 10 applies to clause 7 and clause 11 applies to clause 9.

**Mr B Bell:** We need to get that clarified by the Department.

**The Deputy Chairperson:** We will do that.

**Ms Regan:** The Explanatory and Financial Memorandum does not provide enough clarity.

**Mr B Bell:** That is right.

**The Deputy Chairperson:** Subsection(2) has the effect of narrowing the impact of this access.

**Ms Regan:** Yes, but subsection (1)(b) says that the Comptroller and Auditor General’s access is to “any assistance, information or explanation”. I suggest that that should be “any relevant assistance, information or explanation”.

**The Deputy Chairperson:** I would resist that, as “any relevant” is less than “any”. I would stick with “any”.

**Ms Regan:** Just as we have to acknowledge concerns about the Department of Finance and Personnel’s wide discretion, equally we have to be concerned about the potential for the Comptroller and Auditor General. There has to be consistency and no potential for misuse of discretion.

**Mr Weir:** I tend to go with the Deputy Chairperson and prefer the wider discretion of “any assistance”. It is well enough drafted as is.

**The Deputy Chairperson:** My sentiment is to give the Comptroller and Auditor General as wide a discretion as possible. By that token, one is trying to narrow the range of what the Department can do without overview.

**Mr Weir:** If you refer to “any relevant assistance” it comes back to who defines “relevant”. A person in the Department could say “I am not going to give this information because I do not consider it relevant.” That could become an issue, whereas what we have at the moment is fairly clear-cut.

**Mr P Robinson:** The possibility that the Comptroller and Auditor General would act unreasonably and irrelevantly is addressed by the use of the words “reasonable” and “relevant”.

**The Deputy Chairperson:** It is probably part of his rules of office to behave reasonably. Are we content with subsection (1) paragraph (b)? We will move on to subsection (2).

**Ms Regan:** Subsection(2) restricts the prescribed power of the Comptroller and Auditor General. It allows him access only to documents held or controlled by the Department or managed by a third party. There is no minor amendment to this subsection.

**Mr P Robinson:** If the Comptroller and Auditor General wanted to cast his net wider, what would we have to do, and who would we encompass that we are not already encompassing under this subsection?

**Ms Regan:** If major amendments are to be moved, the issue of the Comptroller and Auditor General’s general access is raised in relation to the inclusion of parties beyond those also mentioned in clause 11.

**The Deputy Chairperson:** We need to determine if there is any expenditure of Government money that is not covered by clauses 10 and 11. If there is, the Comptroller and Auditor General needs to be able to examine it. He is coming on 7 December and is the person best placed to answer that.

**Mr B Bell:** It is a big issue and there are other agencies over which he does not have power.

**Mr P Robinson:** That is what I am trying to get at. Who is escaping the net that clauses 10 and 11 are casting?

**Mr B Bell:** The Comptroller and Auditor General was not allowed to look at the Positively Belfast scheme two or three years ago — that is the sort of agency that should be looked at.

**The Committee Clerk:** Clause 11 makes it clear that the Comptroller and Auditor General only has access to estimates approved by the Assembly for which resource accounts are to be produced. At this point —

**Mr P Robinson:** Sorry to stop you in your tracks, but, as I understand it, once the Assembly approves the estimate for a Department, that Department can then start spending. Can the Comptroller and Auditor General follow the money?

**The Committee Clerk:** The question of how far you can go on the basis that the Assembly has approved an estimate is important. We need to ask the experts, and the Comptroller and Auditor General is the expert, but I feel it would include agencies, which are possibly other non-departmental Government bodies. It probably would not include limited companies which are publicly funded. That is where we need clarity, and that clarity will show those areas at which he does not have a right to look.

**Mr Weir:** It does not include limited companies. Is the cross-border tourism body going to be a limited company because it was set up by the Assembly and the Irish Government? One would think that if you had the right to look at agencies, you would have the right to look at other bodies.

**Mr B Bell:** Those are the types of things we want to include.



**The Deputy Chairperson:** This is a stage-by-stage process. The Comptroller and Auditor General has to establish, first, his current position and, secondly, where he would be if this were enacted. We then have to consider whether that is satisfactory, or whether his ability to look at other bodies should be added. Can we make sure that our notes reflect these issues? We do not want to miss any of them.

**Mr B Bell:** The Sharman Committee at Westminster is looking at this from the UK's point of view.

**Mr P Robinson:** A mirror image of the Government Resources and Accounts Act 2000 occurred when the Committee was dealing with the Northern Ireland Act. The Tories tried to amend the Act so that they could follow the money after it arrived in Northern Ireland. They were cut off at that point, so I suppose there are some similarities with their wanting to see where the resources were going.

**Mr B Bell:** We want to make sure that we get our procedures right here, irrespective of what happens at Westminster. If the Sharman Report suggests that something should not happen at Westminster, I do not see why we should go along with it. We need to make things happen here.

**Mr P Robinson:** There may be more questions we need to take up with the Comptroller and Auditor General, such as resource implications issues. For instance, the local government auditor, by and large, spends his time looking at sexy issues, such as small amounts of money over which there has been some public controversy, instead of looking at large chunks of money which may not be being prudently spent. If the Comptroller and Auditor General is busy looking at small groups around the place, he will not be concentrating on the ball.

**Mr B Bell:** There is a happy medium.

**Mr P Robinson:** In this instance I suppose it is his right to do so.

**The Deputy Chairperson:** In the research document, you can see that the Audit Committee has raised, almost exactly, the issues that you have been driving at. We have a letter from John Dallat, the Chairperson, and the Deputy Chairperson is coming this week with the Comptroller and Auditor General.

We have these points well flagged up, and the Public Accounts Committee and we are driving in the same direction. It is a matter of ensuring that all the questions are answered. However, that is outside the scope of what we can do today, which is identify what we will ask on Thursday.

**Mr B Bell:** We will have to revisit it.

**The Committee Clerk:** The Audit Committee has indicated that the Comptroller and Auditor General should be appointed as auditor of all executive, non-departmental

bodies and that he should be appointed the auditor of, for instance, limited companies established by central government bodies. In other words, the Audit Committee thinks that he should be the full auditor, the number one auditor.

The Public Accounts Committee, however, proposed a change to clause 18, which is slightly different. It does not seek to make the Comptroller and Auditor General the auditor of these organisations; rather it wants him to have unrestricted inspection rights. That probably needs to be put in. Whether the Comptroller and Auditor General will be satisfied with that as a solution, at least in the short term, is one of the questions the Committee will put to him.

**The Deputy Chairperson:** I know that this argument was circulated in a debate at Westminster. Are there any matters relating to that that you want to highlight?

**Ms Regan:** In relation to Westminster, on page 3 of Annex B I have included extracts from the Fourth Report which refer to access and external validation of the Comptroller and Auditor General. As clause 10 mirrors section 8 of the Government Resources and Accounts Act 2000, it would be worth the Committee's while to go through those pages. Specifically, I would like to draw attention to paragraph 38. It explains the deficiencies, and paragraphs 43 to 45 identify the deficiencies in the Government Resources and Accounts Act. The same arguments will apply to this Bill.

**The Deputy Chairperson:** We see the problems, and we must find a solution to them, which is not what we are doing today. Today we are identifying the problems; on Thursday we will try to identify the solutions.

**Mr B Bell:** That is all we can do.

**The Deputy Chairperson:** We are at the tail-end of clause 10; are there any other matters?

**Ms Regan:** The Committee should bear in mind that any changes it makes to clause 10 might trigger amendments to clauses 7, 8 and 9, which might involve a major reworking of the Bill. Clause 10 cannot be amended in isolation.

**The Deputy Chairperson:** Our job is to identify the issues; we can argue with the Department later about the extent to which the Bill should be amended.

*Clause 10 referred for further consideration.*

**Clause 11 (Resource accounts: non-departmental bodies and other persons)**

**The Deputy Chairperson:** The Committee asked if the scope of clause 11 was wide enough. Did the Scottish Parliament set a test for limited companies of 50% funded?

**Ms Regan:** Yes.

**The Deputy Chairperson:** Are there any other questions on clause 11?

**The Committee Clerk:** Glancing at clause 11 one might fail to spot the fact that it restricts the access of the Comptroller and Auditor General and stipulates that bodies not covered by this clause do not have to produce resource accounts. Access is not the only question. A body which does not have its estimate approved by the Assembly does not need to produce resource accounts. It is because of this that the Comptroller and Auditor General does not get access?

**Ms Regan:** If clauses 10 and 11 are amended, clauses 7, 8 and 9 will have to be amended as well.

**The Deputy Chairperson:** We can cross that bridge when we come to it.

*Clause 11 referred for further consideration.*

### **Clause 12 (Preparation)**

**Ms Regan:** Clause 12 permits the Department of Finance and Personnel to prepare consolidated accounts that are Whole of Government Accounts for the Northern Ireland public sector. It also permits the Department to determine their content and form.

Subsection (1) specifically empowers the Department to determine which bodies are to be included in the Whole of Government Accounts. Paragraphs (a) and (b) prescribe boundaries in which such discretionary powers are to be exercised. The bodies are to exercise functions of a public nature or are to be entirely or substantially funded from public money. The Explanatory and Financial Memorandum explains that the discretion is to enable the Department to expand coverage of the accounts as required. It says that the consolidated accounts will initially be prepared for central Government but will, over time, include all public-sector bodies.

Clause 13 will be read in view of what is said about clause 12. Clause 12(2) extends the Department's power in relation to clause 12(1) and allows us to include information referring wholly or partly to activities which are not activities of bodies falling within clause 12(1) but appear to the Department to be activities of a public nature. It gives the Department wider discretion to catch those that fall outside clause 12(1). The Explanatory and Financial Memorandum says that the wider discretion will allow the Department to extend the scope of Whole of Government Accounts so that they encompass accounts, such as the social fund, that are administered by Northern Ireland Departments but which are not included in their accounts.

Subsection (3) gives the Department authority to determine the content and form of Whole of Government Accounts. The authority is broad and empowers the Department to do as it thinks fit.

Subsections (4) and (5) are guiding principles for the Department when determining the form and content of Whole of Government Accounts. Subsection (4)

requires that the form and content ensure that they present a true and fair view and that they conform to generally accepted accounting practice, subject to such adaptations as are necessary, the Explanatory and Financial Memorandum says, to meet the needs of the public sector.

Subsection (5)(a) elaborates on subsection (4). It requires the Department to have regard to guidance issued by the Accounting Standards Board Limited or any other such body responsible for setting the standards for accounts prepared under the Companies Act 1985. Subsection (5)(b) further requires the accounts to include three main statements: a statement of financial performance; a statement of financial position; and a cash flow statement. The Explanatory and Financial Memorandum says that the description of the statements is that adopted by the Accounting Standards Board Limited in its statement of principles for financial reporting. The approach is intended to prevent the legislation's becoming outdated quickly.

There are a few minor amendments that would tighten up the Department's discretion under clause 12. Subsection (2) requires the Department, rather than leave it to its discretion, to include activities that are not activities of bodies falling within subsection (1) but which appear to it to be activities of a public nature. It is imposing this requirement, so that all activities are included.

**Mr P Robinson:** The difficulty with that is that you are requiring the Department to do something subjective. It has to determine whether it appears that the activities are of a public nature.

**The Deputy Chairperson:** The Department's instinct is to demand accounts in all directions. It is essentially the same as ours. However, how do we get a device to ensure that if something falls through the net, we can get it back into the net, given that the Department may, for some perverse reason, exercise its discretion not to do so?

**Mr P Robinson:** I do not see the value of making the "may" a "shall", and then giving the Department a get-out clause in paragraph (b).

**Ms Regan:** Subsection (2)(b) could be amended to read "the Department reasonably determines to be activities of a public nature." This imposes a requirement to be reasonable on the Department. It still affords it some discretion, but it is a much narrower discretion.

**The Deputy Chairperson:** We need the Department to have fairly wide discretion in this respect. If the Committee felt that it was not using it widely enough, we could say so, and the Department would have to justify itself. I am looking at the practical application of the clause, which is probably OK. Are we generally content with it?

**Mr Weir:** Do you mean subsection (2), or clause 12 in general?

**The Deputy Chairperson:** Subsection (2) is what we are discussing at the moment.

**Mr P Robinson:** The premise in subsection (1) is that the Department shall prepare accounts. Is it the Department that does the preparation?

**Ms Regan:** It prepares Whole of Government Accounts when it gets information from organisations designated under clause 13. Then clause 13, subsections (2) and (3), explain what type of information the Department will be looking for.

**Mr P Robinson:** It is the word “prepare” that I am questioning. The Department produces the accounts, but the groups prepare them.

**Ms Regan:** No, it is the Department.

**The Committee Clerk:** The Whole of Government Accounts is an attempt to present the Assembly with a comprehensive picture of where every single penny of the £9 billion or thereabouts goes to. Information about expenditure will presumably be fed into them by all the bodies which will be designated under clause 13, and the Department will use that information to prepare the accounts. “Prepare” relates to the final document, which is the culmination of all the information gathered, while “account” describes the end result, rather than its components. We can seek clarification.

**Mr McClelland:** Are you leaving “prepare” in?

**The Deputy Chairperson:** I have not heard any violent objections to it. Do you object to its use?

**Mr McClelland:** No, but as has already been said, it is slightly misleading. Is the Department preparing the end result rather than doing the actual work? However, it is not of tremendous significance.

**Mr P Robinson:** Is the Department preparing or producing the accounts? It could prepare them, but is anybody going to see them? Why is the Department preparing them?

**The Deputy Chairperson:** So that it knows what is going on.

**Mr P Robinson:** What does that do for us with regard to public accountability?

**The Committee Clerk:** That comes up in clause 14, which is the scrutiny clause. It says that that will be scrutinised by the Comptroller and Auditor General on behalf of the Assembly.

**Mr P Robinson:** Does the Committee have a right to see such accounts prepared under the Assembly functions of asking for papers?

**The Committee Clerk:** It is intended that the Comptroller and Auditor General will produce a report as a result of his scrutiny under clause 14. I suppose that the Public Accounts Committee can seek whatever documents it requires.

**Mr B Bell:** That is the opinion of the Committee, but I do not think it is the opinion of the Speaker.

**The Committee Clerk:** The Committee for Finance and Personnel can demand documents so long as they relate to devolved matters.

**Mr B Bell:** In some ways the Public Accounts Committee is an extension of the Northern Ireland Audit Office. They work hand in hand, and the Public Accounts Committee scrutinises reports from the Comptroller and Auditor General. The Committee believes that its remit is wider than that. The public and the Assembly can bring matters to the Public Accounts Committee, and the Committee will deal with them.

**The Deputy Chairperson:** Clause 12 is about who will produce accounts and in what form. Clause 14 is concerned with looking at the produced accounts. The right of scrutiny is not intended to be under this section.

**Mr B Bell:** I realise that. I was responding to Mr P Robinson’s question.

**The Deputy Chairperson:** Subsections (1) and (2) relate to what the Department is going to do. Are we content with the methodology in those subsections subject to the questions we are going to ask the Department?

Subsection (3) is an extension of that. The Committee must ask the Department what it means by “such information as the Department thinks fit”. That is a loose term.

**The Committee Clerk:** The paper indicates that a tighter definition might be “as the Department reasonably determines”. This introduces both the concept of reasonableness and the idea that there will be a process behind it — “thinks fit” does not give much of either.

**Mr B Bell:** “Thinks fit” is an odd expression, is it not?

**The Deputy Chairperson:** The thrust of this is that you could have a situation in which the Department had quite draconian powers to know absolutely everything. It is not clear if anybody else will have the same power to access that information. We have to deal with the impact of clause 12 by looking at clause 14.

**The Committee Clerk:** On subsection (3), do we want to ask the Department about using the revised form of words?

**The Deputy Chairperson:** Yes. We want to know what it means by “thinks fit” and propose that it should be amended. Are there any comments on subsection (4)? Are we happy?

**Mr Weir:** I do not know whether any changes should be made, but I am wondering if “shall aim to ensure” is a little bit loose. I do not know if change is needed or whether it is just too aspirational.

**The Committee Clerk:** I suppose it is so hard to measure the following tests.

**Mr McClelland:** I suggest we leave out “aim to”.

**Mr Weir:** I just wonder whether subsection (4) and (5) are just a bit too loose and whether that is to allow

themselves more flexibility. It should be easy enough to ensure that you are conforming with generally accepted accounting standards. That is perhaps where paragraphs (a) and (b) in subsection (4) differ a little. If you are aiming to present “a true and fair view”, I can understand that that is more reasonable than saying “aim to ensure” that you are conforming with generally accepted accounting practice.

**The Deputy Chairperson:** You can prepare accounts to generally accepted standards that do not give a true and fair view.

**Mr Weir:** Maybe the two things need to be separated. There is a slight query in my mind about the wording.

**The Committee Clerk:** We could ask what the impact of deleting the words “aim to” would be.

**The Deputy Chairperson:** You should aim to conform to the general standards. That takes us to subsection (5).

**Ms Regan:** The Accounting Standards Board Limited asked whether clause 12(5)(b) refers to the Companies (Northern Ireland) Order 1986, clause 264(1), or to clause 256 of the Companies Act 1985 in its written correspondence to the Committee. The Department should be able to clarify that.

**The Deputy Chairperson:** I was not here when we dealt with clause 7, but I had a query about the role of the Financial Reporting Advisory Board (FRAB). It relates to having the same third-party check here as under clause 7(3)(b).

**Ms Regan:** It is one of the places where FRAB potentially arises.

**The Deputy Chairperson:** If it is going to be the arbiter on clause 7, it should, by like account, be the arbiter here rather than the Accounting Standards Board, which is a fairly toothless body. Subsection 4(b) accepts the accounting standards that are set under clauses 7(3) to 12(4). Are there any further issues arising?

**Ms Regan:** No. However, there remains concern about clause 10.

**The Deputy Chairperson:** We cannot unravel those until we have consulted with the Comptroller and Auditor General. Clearly those clauses will have to be discussed in further detail.

**Mr B Bell:** We are not able to deal with that today.

*Clause 12 referred for further consideration.*

### **Clause 13 (Obtaining information)**

**Ms Regan:** Clause 13 gives the Department of Finance and Personnel the power to designate public bodies to be included in all Government accounts and the power to obtain relevant information from them.

**The Committee Clerk:** Designation will be carried out by a statutory rule, which will be presented to the

Assembly for approval, setting out the designation of organisations and bodies to which clause 12 applies.

**The Deputy Chairperson:** Can we now go through the suggested minor amendments?

**Ms Regan:** In subsection (1), it may be necessary to change the word “may” to “shall,” which will tighten up the discretion that has been afforded there. It will then read: “the Department shall by order subject to negative resolution designate that body for the purposes of this section”. We require the Department to designate any body that meets the requirements of clause 12 (1), exercises functions of a public nature, or is entirely or substantially funded from public money.

**The Deputy Chairperson:** I am not convinced that this is necessary. If the Department intends to do something, then it will.

**Ms Regan:** It is more a matter for the Committee.

**The Deputy Chairperson:** I consider this to be satisfactory. Any contrary view?

**Ms Regan:** I suggest amending clause 13(2)(a) by inserting “reasonably” in the appropriate place so that it reads “as the Department may reasonably request” to tighten discretion in the way it is exercised.

**Mr P Robinson:** That is to weaken it, is it not?

**The Deputy Chairperson:** That weakens it.

**Ms Regan:** How you view it is up to you.

**The Deputy Chairperson:** We are on the side of the Department on looking at somebody’s books, because we want them to be examined as rigorously as possible, and clause 14 is to enable us or the Comptroller and Auditor General to look at whatever has been examined with equal rigour.

**Ms Regan:** Should I move on?

**The Deputy Chairperson:** Yes. That covers the whole of subsection (2).

**Ms Regan:** In subsection (3) “as the Department may reasonably request” would again be inserted.

**The Deputy Chairperson:** Again, I think the thrust of our argument is that the Department should be unreasonable.

**The Deputy Chairperson:** That takes us to the end of clause 13. Do the members have any other questions on clause 13?

*Clause 13 agreed to.*

### **Clause 14 (Scrutiny)**

**Ms Regan:** Clause 14 empowers the Comptroller and Auditor General to audit the Whole of Government Accounts and lay them before the Assembly. Clause 14 only applies to those bodies or persons who have been

designated by the Department under clause 13, subsection (1).

**The Deputy Chairperson:** Where did you get that from? Clause 12 is designated by clause 13.

**The Committee Clerk:** Clauses 12, 13 and 14 are closely intertwined. Clause 12 says that these bodies will prepare accounts to be incorporated into the Whole of Government Accounts.

**Mr P Robinson:** In clause 14(1) does the word “accounts” necessarily mean all accounts?

**The Committee Clerk:** I think it is a reference to “accounts” in the first two lines of clause 12.

**Mr P Robinson:** I know that it is, but is it all of the accounts from clause 12? It does not say “all accounts”.

**The Committee Clerk:** I think it is just the account that they have prepared.

**Mr P Robinson:** That is plural “accounts”. That is why I am wondering if it is all accounts, or just some.

**Mr Weir:** Would an amendment such as “all the accounts prepared under clause 12” cover it and make sure it was explicitly clear that it meant all accounts?

**The Deputy Chairperson:** It is a question for the Department.

**Mr P Robinson:** Let us see what it says. If it gives us an undertaking that it is all accounts, so be it.

**The Deputy Chairperson:** It has to tell us why it might be less than all. Under clause 14 (2), the Comptroller and Auditor General satisfies himself on the basis of what is sent to him. The question is whether he has been sent everything that he might reasonably want to see?

**Mr P Robinson:** Clause 14(4) says that the Department has to

“lay accounts and reports received under subsection 3(b)”,

which is all of the ones under clause 14(1) “before the Assembly”. Therefore, you would have all of them.

**The Committee Clerk:** Yes, that is true. It is not dependent on the Comptroller and Auditor General’s producing a report. Obviously, if he does not produce a report, they still have to be laid.

**Mr P Robinson:** He has to produce a report. In clause 14(2), it says

“shall examine accounts sent to him under this section, with a view to satisfying himself”.

**The Committee Clerk:** That is right — that is under 14(3).

**Mr P Robinson:** Why, according to subsection (2), has he to do an examination, when in subsection (3) it says “where” the Comptroller and Auditor General conducts an examination he has to produce a report, which would be in every case.

**The Committee Clerk:** I suppose that all subsection (3) is saying is that the examination must result in a report.

**Mr Close:** That must go to the Department.

**The Deputy Chairperson:** So at the end of the exercise, all of those accounts, if we get them all, will be laid before the Assembly having been certified by him. Does that take us happily to subsection (4)? I think it does. There seem to be some issues on subsection (5), which Ms Regan has flagged up.

**Ms Regan:** I am fine with clause 14(5), but I wish to comment on the term “certify” in subsection (2).

**Mr P Robinson:** Can somebody explain the substance of Des McConaghy’s concerns about clause 10?

**Ms Regan:** I thought it was agreed that they would be looked at later when we are discussing clause 10.

**The Committee Clerk:** Can we look at it now briefly?

**Mr P Robinson:** First, who is Des McConaghy?

**Ms Regan:** I understand that he is a retired civil servant from across the water.

**Mr P Robinson:** Someone who is taking the revenge of the civil servant.

**The Committee Clerk:** Someone who takes an inordinate interest in everything to do with the resource accounting.

**The Deputy Chairperson:** The thrust of his position is that the Comptroller and Auditor General should be heavily empowered. We are probably in sympathy with that, subject to our meeting with the Comptroller and Auditor General.

**The Committee Clerk:** The other big issue that he brings in is performance monitoring.

**The Deputy Chairperson:** We will be in a better position to assess Mr McConaghy’s views once we have seen the Comptroller and Auditor General.

**Ms Regan:** I am suggesting another minor amendment to subsection (2): after the word “section”, insert the phrase “and reasonably determine whether they present the true and fair view”. However, the Committee may not view that to be necessary.

**Mr Close:** Accounts that are certified generally present a true and fair view. If you are certifying accounts, that is how you would do it.

**Ms Regan:** That can be so, but it is a subjective determination. This is about trying to introduce some objectivity.

**The Deputy Chairperson:** I would not be inclined to change it. Does anybody else feel strongly on that? Clause 14 will come bouncing back once we have seen the Comptroller and Auditor General. The rest is fairly mechanical.

*Clause 14 agreed to.*

**Clause 15 (Supplies by departments)**

**Ms Regan:** Clause 15 concerns the Department of Finance and Personnel's exercising discretion to prescribe the methods of accounting for supplies of goods or services that are taxable under VAT. It prescribes how such receipts and payments should be handled for the purposes of sections 7 and 9. It then makes an exemption.

**The Deputy Chairperson:** That seems to be a fairly mechanical clause.

**Mr P Robinson:** Is that a VAT exemption?

**Ms Regan:** Subsection (2)(b) relates to

"the exemption of receipts in respect of value added tax to such extent and on such conditions as may be specified, from any requirement for payment into the Consolidated Fund."

**Mr P Robinson:** Can you give me an example of mixed supplies of goods or services? What are we talking about?

**Ms Regan:** I could not give you an example.

**The Deputy Chairperson:** The Department needs to explain how this works in practice, because it has an impact on the accounts. It says how it will treat VAT for the purpose of the accounts under sections 7 and 9.

**Mr Close:** It is effectively where a Department supplies a good that is eligible for VAT under the VAT regulations. It could be that the Department would provide a service that was eligible for VAT.

**Mr P Robinson:** I am trying to think of an example.

**Mr Close:** If you provide a service, it is eligible for VAT.

**Mr P Robinson:** It must be a service to the private sector or to the public in some way, outside of Government. I am trying to think where they are going with these franchised operations.

**Mr Close:** Yes.

**Mr McClelland:** I am trying to second guess. If the Department of the Environment were to provide cleansing service to a private function, would that be eligible for VAT?

**The Deputy Chairperson:** I am trying to remember whether you pay VAT on a house building certificate.

**Mr Close:** We have been involved in one recently in the Public Accounts Committee. If the Water Service provided the services to clean up the pollution in a river —

**Mr P Robinson:** You mean stop polluting the river?

**Mr Close:** No, if it provided the services to clean up a river after a pollution incident, it would charge the Department for the service, and there would be VAT at 17.5%.

**The Deputy Chairperson:** Rather than idly speculate, we should put that to the Department and request an explanation.

**Mr P Robinson:** Suppose that was the example, would the Department not have to pay VAT on it?

**Mr Close:** I assume that it would. If the bill received was £100, there would be 17.5% VAT. That 17.5% would have to be accounted for as an input tax, as opposed to an output one, for VAT purposes.

**The Deputy Chairperson:** If a service eligible for VAT is sold, the books must account for 82.5% of the gross. It is then a question of where and when the VAT is paid. It relates to that sort of exercise. Short of asking the Department, however, I do not know how we can get to the bottom of it. We will refer this clause.

*Clause 15 referred for further consideration.*

**Clause 16 (Alteration of timetables for accounts)**

**Ms Regan:** Clause 16 gives the Department discretion to issue an Order subject to negative resolution. That changes timetables, specifically dates in clauses 7, 8, and 9, for all or for specified purposes. The Explanatory and Financial Memorandum refers to the possibility that in the future clause 16 will enable the Department to shorten the stated dates to encourage quicker completion of accounts. Such power can be exercised only after consultation with the Comptroller and Auditor General.

**The Deputy Chairperson:** The Department is empowering itself to set dates subject only to consultation with the Comptroller and Auditor General.

**Ms Regan:** However, it does so by an Order subject to negative resolution.

**The Committee Clerk:** There are several areas in which dates are quite specifically stated on the face of a Bill. They are pretty much set in stone. The Department is allowing itself flexibility so that, should finances be managed by computers or whatever in the future, it will be able to change those dates. Otherwise a new Act would have to be prepared. If the timetabling changes in future, a new Bill will not need to be drafted, as the dates on the face of this Bill can be changed by a Statutory Rule.

**The Deputy Chairperson:** We should, however, have this on our list, and ask the Comptroller and Auditor General whether he thinks it is right for the Department to monkey about with the dates. I know it is subject to consultation, but suppose he thought it wrong and the Department went ahead and did it.

**Mr Dodds:** It is also subject to Assembly approval.

**The Committee Clerk:** It would be subject to negative resolution. The likelihood is that he would have flagged it up in his consultations if he were concerned about it.

**The Deputy Chairperson:** For all of that, we should just leave this as it is.

*Clause 16 agreed to.*

**Clause 17 (Directions of the Department)**

**Ms Regan:** This clause empowers the Department to revoke or amend by further direction any direction that it made under the Act. Such directions relate to clauses 7 and 9. The memorandum explains that such power is needed so that the Department can issue directions as and when accounting requirements necessitate such change.

**The Deputy Chairperson:** It is saying that the Department does not bind itself. How much of the 1921 Act is actually left after all the repeals?

**Ms Regan:** Very little, but that does not give you a precise answer.

**The Deputy Chairperson:** I just wanted the general feel of it.

**Mr P Robinson:** There must still be some power of direction under the 1921 Act.

**Mr Finnegan:** The only excepted sections are section 19 on the examination of accounts of receipts of revenue, section 28 on tenure of office, salary and officers of the Comptroller and Auditor General, section 29 on the definition of Department and section 31 — the short title.

**The Deputy Chairperson:** I was just wondering if the Department was empowering itself in a way in which the 1921 Act had not previously empowered it. That was what I wanted to identify, and it does not seem likely. Are we content to let the Department overrule itself in future? That seems sensible enough.

*Clause 17 agreed to.*

**Clause 18 (Advisory Group).**

**The Deputy Chairperson:** If we can deal with clause 18 today, that will have been a good afternoon's work.

**Mr P Robinson:** Agreed.

**The Deputy Chairperson:** Is clause 18 capable of being described in general terms?

**Ms Regan:** Very general terms.

**The Deputy Chairperson:** Give us a general description, and then we will attend to the subsections.

**Ms Regan:** Clauses 8, 9, 10 and 14 qualify the Comptroller and Auditor General's scope for examining accounts anywhere that he is given a power under clauses 8, 9, 10 and 14.

**The Deputy Chairperson:** The Public Accounts Committee wrote to us about amending clause 18. As we have its Chairman here, perhaps he will tell us if one amendment can have a significant impact.

**Mr B Bell:** Yes.

**Ms Regan:** The amendment about which we are speaking is on page 13 of the paper.

**The Deputy Chairperson:** Perhaps we might cut straight to that and consider its impact.

**Ms Regan:** It is under the heading "Assembly's Public Accounts Committee", paragraph 2.

**The Committee Clerk:** Perhaps I might say one or two words to help focus the discussion. Clause 18(6) says

"The Department may by order provide for the accounts of a body to be audited by the Comptroller and Auditor General."

It goes on to reflect certain earlier conditions, stating that the body must in essence be carrying out public functions or ones substantially funded from public money. It is quite clear that the Comptroller and Auditor General is being given access to almost any organisation within those parameters, but, very significantly, subject to direction by order of the Department. That means there would have to be an Order in Council for that to happen.

In other words, it is very restricted. The Comptroller and Auditor General's power to carry out such audits is heavily circumscribed, since the Department must initiate it by Order. To overcome that, the Public Accounts Committee suggests an additional section to the clause to give him power of inspection — not examination, which means audit. That inspection power would be unfettered and independent of the Department's taking any step, by Order or otherwise. It simply gives the Comptroller and Auditor General the ability to inspect. We must concentrate our minds when we are with the Comptroller and Auditor General on what an inspection means. What is he able to do, and what access does he have to documents? What powers does he have to call people in front of him and produce papers?

**Mr B Bell:** Indeed, for he has no powers at present in relation to other bodies.

**Mr Weir:** I have a good deal of sympathy with the suggestion of some sort of catch-all category to allow the Comptroller and Auditor General access to these things. Is inspection sufficient or do we need to go further. If there are to be inspections or some form of examination, assuming we accept the amendment or a variation of it, consequential amendments might also arise.

Depending on the exact nature of the inspection, there will presumably be a requirement for some form of reporting. Whether or not that proves necessary, consequential amendments may arise. I am in favour of the general thrust to allow a catch-all category so it is not as restricted.

**Mr Close:** The Comptroller and Auditor General carries out an inspection and then produces a report which comes before the Public Accounts Committee. The Committee opens up the arena of what is right or

wrong. The responsibility of the Public Accounts Committee is to question the accounting officer for the Department or Departments upon which the report was drawn. After that the Public Accounts Committee makes its report and recommendations to which the Department of Finance and Personnel has to reply to ensure that various things are done. The inspections open up that avenue and make it accountable at a political level through the Committee and thus the Assembly.

**Mr P Robinson:** Generally speaking, the Departments and those bodies that are immediately answerable to them probably prepare their accounts to a fairly high standard. The further down the line the money goes, the more questionable the accounting practices become — particularly if the money is issued by way of grants. For example, yesterday in the Assembly Michael McGimpsey answered a question about football grounds. In his response he indicated that the Department would give money but that the football club had to put up 15% itself. I know that there are football clubs that do not have the 15%, but they have friendly builders. So you will get inflated bills being presented to the Department that will end up paying 100%. In those circumstances the public purse is being cheated. Has the Comptroller and Auditor General got the power to follow the money at least to see if what was intended by the Department is what happened?

**Mr Close:** Under those inspection rights he would examine that.

**Mr P Robinson:** I am not sure under this that he has the right. I do not think he gets that far.

**The Deputy Chairperson:** We have to be satisfied that he has got sufficient right. On the face of it, I do not think he has.

**Mr P Robinson:** Even under the building amendment I do not think he would have the power, because I am not sure that the reference in the Public Accounts Committee's proposed amendment to a body that exercises functions of a public nature would catch it.

**The Committee Clerk:** That is the definition we got in section 12.

**Mr Weir:** Could it be covered and entirely or substantially funded from public money?

**Mr P Robinson:** The body would not but the project would. If you want to catch that kind of situation, you certainly need to amend it.

**Ms Regan:** There is one final point about the proposed amendment: if there is no statutory authority saying that certain groups have to prepare resource accounts, this provision will only catch certain types of accounts. If you are want to get those groups that are now outside the provisions to prepare accounts as well, that must be reflected in the Bill; it has to impose that kind of a duty.

While that amendment is important, it is limited to the information that is being prepared by the body. If they do not have to prepare resource accounts, although there is an inspection power, there is no information available for the Comptroller and Auditor General to inspect.

**Mr Weir:** Is there any pressure on them to produce accounts of some nature? The reference in the amendment, for instance, is to the accounts of an authority board?

**Ms Regan:** It does acknowledge that, but there is the other issue of the resource accounts, which is a different form of accounting. However, you should be cognisant of that while viewing the amendment.

**The Committee Clerk:** This is a resource accounting Bill. The power that is being sought may not give you access to the resource accounts of these bodies, because clause 11 says that they do not have to produce them.

**Mr Weir:** Are you required to produce any sort of accounts?

**The Committee Clerk:** They would have to produce cash-based accounts.

**Mr Weir:** This amendment, or some variation of it, may need consequential amendments throughout. Perhaps Mr Bell has raised a wider issue?

**Mr B Bell:** The Comptroller and Auditor General has no power to go into anything at this stage, but we would like him to have power to inspect what is going on. The reason we are not using the word "audit" is that most of these bodies have their own audits. We are not seeking audit powers for the Auditor General, rather we are seeking powers for him to inspect the results of the audit, which he cannot do now. With "Positively Belfast", he had no power at all. The Committee has gone into this in some depth, and this amendment would give him the power to inspect.

The Comptroller and Auditor General does not only deal with fraud; he also deals with best value. A lot of money is wasted, but not necessarily through fraud. However, he must be able to inspect, so that he can form a judgement on the matter as Comptroller and Auditor General.

**The Deputy Chairperson:** The inability of the Department of Finance and Personnel to keep account of all Government money is not a particular worry, but, as Mr Bell says, the Auditor General should be able to inspect what is going on.

**Mr B Bell:** That is exactly what we want, and we feel that this amendment will deal with that.

**The Deputy Chairperson:** We hope to achieve a simple amendment with a wide-ranging impact.

**Mr Close:** Accountability is the key here. We need to ensure that money from the public purse is spent on the



purpose for which it was granted. The Transport Holding example may help to crystallise this. The accounts of this organisation are certified and proper accountancy procedures are followed. However, we would only know through an inspection and political input through the Auditor General to the Public Accounts Committee if the money was being put to proper use.

**Mr B Bell:** It is encouraging that there are members who believe this is strong enough.

**Mr Weir:** We will need to test it before we consider it strong enough. I have no doubt that something of this nature is required, but we will need to check if it goes far enough. The evidence from the Comptroller may give some indication of what we need to change.

**The Deputy Chairperson:** We will use a “howlometer” to judge the reaction from the Department.

**Mr B Bell:** He is aware of this amendment. He helped us to draft it.

**The Deputy Chairperson:** Are there any outstanding matters concerning clause 18, other than this substantive matter?

**Ms Regan:** There were a number of minor amendments under which the Department would be required to be reasonable in relation to clause 18 7(a) and 7(b). In the light of the Committee’s position on other similar amendments, it is possible that it does not believe those amendments to be necessary.

**The Deputy Chairperson:** We have to ask the Department about certain matters, and there are others on which we need to consult with the Comptroller and Auditor General — do not tell one what the other has said.

**Mr B Bell:** How can that be done when we are in public session?

**The Deputy Chairperson:** They will no doubt send their spies along.

*Clause 18 referred for further consideration.*

**The Committee Clerk:** On the point raised by the Minister in his letter of 20 November, I will read out the relevant paragraph:

“We will also need to discuss further the precise approach to an additional clause for the Bill on the way in which DFP guidance on accounting matters to Departments would be overseen by some independent check. Since this was last discussed, I understand that the Scottish Executive is considering the extension of the remit of the Financial Reporting Advisory Board (FRAB) to cover their guidance. This would still allow for guidance and analysis on these

issues to be tailored to our own circumstances rather than necessarily following the approach agreed, under FRAB’s direction, by the Treasury in London. We do not necessarily have to follow this approach although it is indeed the simplest way of proceeding. In any case, I think that it will be possible to find a satisfactory approach to this issue and I would be grateful for the Committee’s views.”

The Public Accounts Committee has commented on this in a letter to us, in which it said

“A further issue on FRAB, raised by the Minister in correspondence, was the need to include an additional clause on how DFP guidance on accounting matters to Departments would be overseen by some independent check. We consider that since we are part of the UK public expenditure framework and normally closely follow all Treasury guidance on financial reporting matters (which are based on accounting standards) there can be little scope for divergence. We would also be keen to avoid the establishment of another quango unless this was really necessary. In view of this we agree with the Minister that extending of the remit of FRAB, as agreed in Scotland, is the simplest way of proceeding.”

FRAB is the representative group of all the professional accounting institutions. It is entirely independent from the Government. The Committee must therefore decide if it agrees with the proposal from the Public Accounts Committee and whether to propose that the Public Accounts Committee tell the Minister to introduce the proposed amendment along those lines.

**The Deputy Chairperson:** Do we need to look at this yet? We will look at it in its entirety when we have spoken to the Comptroller and Auditor General.

**The Committee Clerk:** Yes, but the sooner we indicate to the Minister that an amendment is needed, the more likely it is that it will be drawn up in time to be included in the Bill.

**The Deputy Chairperson:** Is there a view on that? If we write to the Minister and say that we want this amendment to be included, the snag is that we are committing ourselves before we have completed our exercise.

**Mr B Bell:** We ought to wait until we speak to the Comptroller and Auditor General in two days.

**The Deputy Chairperson:** Yes, my feeling is to hold off.

**The Committee Clerk:** I will flag that up as a matter for discussion with the Comptroller and Auditor General.

**Mr B Bell:** We want that amendment, but if somebody proposes something stronger —

**The Deputy Chairperson:** That concludes our consideration of the Bill. May I thank our researchers.



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NORTHERN IRELAND  
ASSEMBLY

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HEALTH, SOCIAL SERVICES AND  
PUBLIC SAFETY COMMITTEE

Thursday 6 December 2000

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HEALTH AND PERSONAL  
SOCIAL SERVICES BILL  
(NIA 3/00)

*Clause 2 (“Social care worker”, etc.)*

**The Chairperson:** I would like to welcome Mr Paul Martin and Ms Pat McAuley from the Department of Health, Social Services and Public Safety. Mr Martin was to inform the Committee Clerk about the registration of staff working in criminal justice settings. The reply from the Department of Health, Social Services and Public Safety is before us but, for the record, Mr Martin will speak on it.

**Mr Martin:** Since we last met, we have had another meeting with officials from the Northern Ireland Office (NIO). They verbally confirmed that care staff working in criminal justice settings would rightly be subject to regulation by the Social Care Council. That has been confirmed in writing.

**The Chairperson:** Is the committee content with that?

**Ms Ramsey:** The NIO and the Department are taking a very positive step in recognising the need for work in the juvenile justice setting. In our report on children’s services we should make a note to that effect.

*Clause 2 agreed to.*

*Clause 18 (Rules)*

**The Chairperson:** It was agreed that Mr Martin would supply further details of the anticipated Social Care Council budget covering establishment and running costs. He was also to provide details of the consultation that took place between the Department and the Northern Ireland Public Service Alliance (NIPSA) before drafting the Bill on whether social care workers can remain in, or become members of, a trade union when they are registered with the Social Care Council.

**Ms McAuley:** The budget breakdown was supplied as an annex to the letter you received. The annual operating costs of the Central Council for Education and Training in Social Work (CCETSW) and Training Organisation for the Personal Social Services (TOPSS) are £720,000. In our projected budget, we have registrations bringing

in fees of approximately £300,000. That means that by 2005-06 there will be a shortfall of about £400,000. We were asked whether registration fees would be sufficiently high to cover the costs, and members were concerned that the fees would be prohibitively high. The budget breakdown is based on fees ranging from £20 to £5, and that is where the shortfall arises.

**Mr Martin:** NIPSA and other unions have been fully involved in this.

**The Chairperson:** Thank you for sending us the copies.

**Mr Martin:** Since we prepared our answers, we have had a further meeting with officials from NIPSA, which was constructive. They sought assurances that they would continue to be involved in discussions on the codes of conduct and practice and on the registration scheme. We were able to give those assurances.

*Clause 18 agreed to.*

*Clause 20 (Interpretation of this Part — “children’s home”)*

**The Chairperson:** Mr Martin was to respond on whether an amendment would be needed to cover establishments such as residential summer camps under the definition of “children’s home” in clause 20(3)(e).

**Mr Martin:** Members were concerned that, as the legislation stood, those working with children in residential summer camps would be excluded from regulation and registration by the Social Care Council. Our answer says that registered persons engaged in providing personal care will include those who care for children. They are covered, and so the extra rigour of regulation applies to those involved with children, albeit in temporary situations such as residential summer camps.

**Rev Robert Coulter:** Does this cover the Boys’ Brigade?

**Mr Martin:** It is possible for them to be included. The Bill is inclusive and makes provision for that. After consultation with the Committee, if such a step is considered appropriate they may be included.

On the point about extra protection, the Committee will be able to comment on the proposed Protection of Children Bill in the new year. That additional safeguard will put our existing pre-employment consultancy service onto a legal standing.

**The Chairperson:** I was wondering whether we need to suggest an amendment there, but what you are saying is important.

*Clause 20 agreed to.*

*Clause 22 (Interpretation of this Part – general)*

**The Chairperson:** We had two queries on this. Mr Martin was to inform the Clerk of the result of discussions with NIO about the inconsistency of the ages in the

definitions of “child” in this Bill and in the Criminal Justice (Children) (Northern Ireland) Order 1998. He was also to provide the definition of “school,” as set out in the Education and Libraries (Northern Ireland) Order 1986, as a result of concerns raised over changes in educational settings since 1986.

**Mr Martin:** The written definition of “school” is as set out in the 1986 Order. School means an institution that provides primary education, secondary education, or both, and is either grant-aided or independent. When used without qualification, it means either or both kinds of school, as the context may require.

I have set out our answer on the anomaly that the Committee identified with age. Seventeen is specified in the 1998 Order, and 18 in the Children (Northern Ireland) Order 1995. I have given you the historical position of the 1998 Order, in which the age of 17 was identified as the age after which a person can be defined as an adult. I have offered an explanation, though the anomaly still remains. When consideration was given to this previously, advice was taken on the position in England. The view offered was that the inclusion of those aged between 17 and 18 results in overloading in the youth courts. The peak age for those who offend most is 17. It was suggested that youth courts were no longer giving the desired consideration to the needs of younger offenders. As a result of that, NIO decided to restrict its jurisdiction to children and young people under 17. The matter will be addressed as part of the criminal justice review, and it may be worth keeping an eye on.

**The Chairperson:** That was the advice from the Home Office to NIO?

**Mr Martin:** What happened in England gave rise to concerns that the youth court system was being clogged up and proper attention was not being given to the younger children. That is the history, as I understand it. There is an anomaly, and the matter will be addressed in the criminal justice review. Our childcare legislation, the 1995 Order and our adoption legislation, sets the age at 18, not 17.

**The Chairperson:** I am aware of that. We will comment on what you have said in our report. I do take your point, and I understand the reason that was given.

*Clause 22 agreed to.*

**Clause 21 (Interpretation of this Part - “residential care home” and “nursing home”)**

**The Chairperson:** The Committee has already approved this clause, but members asked that we write to the Department of the Environment about the wording of planning applications for residential homes. We have the reply in front of us. Do you have a copy, Mr Martin?

**Mr Martin:** Yes.

**The Chairperson:** I am relieved.

**Mr Martin:** I am not sure that I would like to speak for the Department of the Environment on this.

**The Chairperson:** We can make reference to it in our report. Our concern was that the two Departments, the Department of Health, Social Services and Public Safety and the Department of the Environment, were using the word “residential” to mean different things in the terms “residential use” and “residential care.” We will put a note about that in our report. Does anyone wish to make a comment?

**Mr Gallagher:** Is there anything we can do apart from just noting it? The problem will remain and could create difficulties, particularly since there will be more development of the Department of the Environment. Although it is a Department of the Environment problem, how do we try to bring about change?

**The Chairperson:** We could ask the Executive to sort it out for the two Departments, because it is unsatisfactory.

**Mr Berry:** Both Departments should get together to address this issue. It needs to be clarified.

**The Chairperson:** It should be sorted out, and the best way is to refer it to the Executive.

*Clause 21 agreed to.*

**The Chairperson:** Mr Martin and Ms McAuley, thank you very much.

We shall now hear from Mr John McGrath, Mr Hugh Farren and Ms Margaret McNaughton from the Department of Health, Social Services and Public Safety. You are very welcome.

**Clause 50 (Disclosure of information by the Commissioner for Complaints)**

**The Chairperson:** Thank you for coming. Three sets of people are mentioned in the clause. Can the wording be made any clearer? Secondly, has the Department considered the human rights of an individual about whom the Commissioner has disclosed information, and does that individual have the right of appeal?

**Mr McGrath:** We have discussed the issue of clarity with the Minister of Health, Social Services and Public Safety. The Minister proposes to move an amendment at the next stage with clearer wording. Along with the legislative draftsman, we will try to come up with simpler wording that will cover your point.

The issue of human rights was raised when the original legislation on this, the Commissioner for Complaints (Northern Ireland) Order 1996, was brought forward. The right for the Commissioner to disclose was set under that 1996 Order. An important view that the Minister endorses is that both the conferral of this right and the clarification of it in this Bill are justified because of the potential threat to the health or even life of another person.

Where information is disclosed, it would be for the person to whom the information is disclosed to decide what action, if any, to take. If action were taken by an employer or a regulatory body, there would be procedures in place for that and for the individual at the heart of that action to appeal and make his case. We do not consider it appropriate for this legislation to set out a right of appeal.

**Rev Robert Coulter:** Is there any conflict between this and the Data Protection Act 1998?

**Mr McGrath:** There is no conflict at all.

*Clause 50 agreed to.*

**Clause 54 (Public access to meetings of certain bodies)**

**The Chairperson:** First, are the health and social services councils included in this or the earlier legislation? Secondly, can you confirm that the Department will issue a directive to cover the arrangements for public meetings, such as publicity, venue, location, accessibility, agenda, minutes and the rights of members of the public to ask questions from the floor? Please also confirm that the Committee will be further consulted on the directive before it is issued.

**Mr McGrath:** The requirement for health and social services councils to meet in public is not set down in earlier legislation, and it is not covered in the Bill as currently framed. The Minister noted this and thanks the Committee for raising it. Again, she will move an amendment at the next stage to extend the remit of clause 54 to cover health and social services councils in the same way as other bodies.

Secondly, when we are framing detailed guidance to health and personal social services bodies about what that means and the issues of access, publicity and the rights of members of the public, we will be very happy to discuss it with the Committee.

**Rev Robert Coulter:** May I have some clarification on the amendment.

**Mr McGrath:** Yes. The Minister will move an amendment at the next stage, so that health and social services councils will be included.

*Clause 54 agreed to.*

**The Chairperson:** Thank you.

We shall now hear from Mr A Hamilton and Mr S Popplestone from the Department of Health, Social Services and Public Safety. You are very welcome.

**Clause 37 (Interpretation of this Part)**

**The Chairperson:** At a previous meeting, it was decided that Mr Hamilton would check the definition of the word "owner" and see whether it covers authorised drivers and company car insurance. Mr Hamilton also agreed to consider whether road racing is covered by clause 23.

**Mr Hamilton:** The word "owner" is defined in article 2(2) of the Road Traffic (NI) Order 1995 as

"in relation to a vehicle which is the subject of a hiring or a hire-purchase agreement means ... the person in possession of the vehicle under that agreement."

In effect, within the narrow definitions of that clause, authorised drivers and company car insurance are not covered by the statutory definition. But that is not a relevant issue because the word "owner" is only used in connection with clauses 23(3)(b) and 23(3)(c). Those paragraphs refer to occasions on which the owners of vehicles do not have insurance but, instead, have agreed to place a deposit with the courts to cover any liability associated with their driving. The main thrust of the Bill applies to those drivers who do have insurance and whose insurance companies will pay for any Health Service charges associated with the care of the victims.

**The Chairperson:** Do members wish to raise any points about road racing ?

**Mr Hamilton:** This legislation does not apply to road races because, in effect, the roads on which races are run are not recognised as roads.

**The Chairperson:** They are closed off.

*Clause 37 agreed to.*

**The Chairperson:** Thank you, Mr Hamilton and Mr Popplestone.



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NORTHERN IRELAND  
ASSEMBLY

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FINANCE AND  
PERSONNEL COMMITTEE

Thursday 7 December 2000

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GOVERNMENT RESOURCES  
AND ACCOUNTS BILL  
(NIA 6/00)

*Clause 19 (Reports of Comptroller and Auditor General)*

**The Chairperson (Mr Molloy):** I would like to welcome Mr Billy Hutchinson, MLA, Assembly Audit Committee, Mr John Dowdall, Comptroller and Auditor General and Ms Eileen Regan, Assembly Adviser. Let us see if we can cover some of the clauses we have not dealt with yet. We are dealing mainly with technical situations, so I ask Ms Regan to take us through the first stage of clause 19.

**Ms Regan:** Subsections (1) and (2) provide an additional safeguard for the Assembly. Together they give an independent power for the Comptroller and Auditor General to lay before the Assembly his report on accounts, which is made pursuant to the various provisions of the Bill if the Department of Finance and Personnel fails to do so within the time frame specified.

Subsection (3) repeals section 18 of the Exchequer and Audit Act (Northern Ireland) 1921, implying that the presentation of reports will no longer go to the House of Commons but to the Assembly. The only possible minor amendment can be to subsection (2), which, at the moment, says “as soon as possible”. The subsection could be amended to say at the very end “as soon as is reasonably possible in the circumstances”.

**Mr Close:** Is that “as soon as possible” not covered by the months referred to earlier — July, October and November?

**Ms Regan:** On the face of the Bill, it does not mean that. The words “as soon as possible” stand on their own. If the Department of Finance and Personnel fails to lay reports before the Assembly within the stated time frames, the Comptroller and Auditor General can lay reports. The words “as soon as is reasonably possible in the circumstances” would tighten the clause up a little bit.

**Mr P Robinson:** The term “as soon as possible” is not very technical or legal. Why can it not be “immediately”?

**Ms Regan:** I can only speculate, and this is something the Department should be asked about. In speculating,

there might be events that will have to be waited for or papers to be put in order. This provision might not be used often but will ensure that reports are taken care of as soon as is possible in the circumstances. “As soon as is reasonably possible” qualifies the time frame so that the Comptroller and Auditor General can do it not whenever but when it is reasonably possible.

**Mr P Robinson:** But it is a report, and when it becomes a report, we must assume that it is finalised; and if it is finalised, why can it not be immediately laid on the Table?

**Ms Regan:** There may be unforeseen circumstances that you are I are not contemplating. That is why it is best to ask the Department of Finance and Personnel.

**Mr P Robinson:** Can we take that up with the Department?

**Mr Attwood:** The word might be “immediately” unless there were exceptional or unforeseen circumstances.

**The Chairperson:** Does anybody want to make any other points on clause 19?

*Clause 19 referred for further consideration.*

*Clause 23 (Public bank accounts)*

**Ms Regan:** Clause 23 concerns public bank accounts. Subsection (1) empowers the Department of Finance and Personnel to determine, where necessary, the banks and accounts to be used by the Northern Ireland Departments. Subsection (2) appears to give the Department discretionary powers to consolidate accounts in such way as it thinks most convenient for the public service.

Subsection (3) repeals sections 7 and 8 of the Exchequer and Audit Act (Northern Ireland) 1921 (the 1921 Act), implying that the Treasury’s determination to deem public accounts and consolidation of public accounts at banks will cease to have effect. Instead, the Department will have such authority. Committee members can have a look at annex A in the 1921 Act.

**Mr P Robinson:** When we talked about banks before, there were questions of a general nature that we wanted to raise with the Department, such as: what objective criteria are used when choosing which bank the Department will be placing an account with? This is something that will lie behind the legislation rather than on the face of it.

**Ms Regan:** There are two minor amendments to subsection (1). It is intended to tidy it up to read

“may reasonably determine in the circumstances”.

At present it says

“may from time to time determine”.

That affords wide discretion.

Subsection (2) may be amended to read

“as the Department reasonably believes is most relevant for the public service.”

The intention is to tidy that subsection so that wide discretion is not afforded.

**Mr P Robinson:** What is “convenient” for the public service may not be in the best interests of the public.

**Ms Regan:** That is why the suggested amendment would read “is most relevant” rather than “most convenient”. The Department should be asked what is meant by “convenient”.

**Mr P Robinson:** “Most appropriate” may be preferable.

**The Chairperson:** That will be brought to the attention of the Department of Finance and Personnel next week.

Mr Hutchinson, the Deputy Chairperson of the Audit Committee, will now make a statement, and some questions will follow.

**Mr B Hutchinson:** I hope that I will assist your deliberations on the Government Resources and Accounts Bill. The Committee Stage must be completed by the end of January so that the new resource accounting arrangements can be in place for the new financial year. Mr Durkan attended a joint meeting of the Audit and Public Accounts Committees on 7 November and answered questions on the implications of the Bill, especially for the access of the Comptroller and Auditor General.

The Public Accounts Committee’s main interest is to ensure that the Comptroller and Auditor General has sufficient access to follow public money wherever it goes. I cannot speak for that Committee and its views on the Government Resources and Accounts Bill legislation, but Mr Bell, its Chairperson, will keep you informed. However, the views of the Audit Committee are similar to those of the Public Accounts Committee, as expressed in Mr Bell’s letter of 28 November to the Finance and Personnel Committee.

The Audit Committee’s role is to scrutinise the Comptroller and Auditor General and the expenses of the Northern Ireland Audit Office to ensure that it gives value for money to the Assembly. However, to ensure that it is giving value for money and that the Comptroller and Auditor General can fulfil his role fully and properly on behalf of the Assembly, it is important that the Audit Office’s access to public money is not restricted.

The Audit Committee will watch to see how the Government Resources and Accounts Bill impacts on the workload of the Comptroller and Auditor General’s office and whether additional resources will be required to enable him to carry out his work adequately. Following the joint meeting, John Dallat wrote to Mr Molloy on 9 November to register formally the Committee’s concerns about the Bill as currently drafted. Those concerns mirror issues raised by the Public Accounts Committee at Westminster when it examined similar legislation last July.

The Audit Committee feels that there is a need for increased statutory access for the Comptroller and Auditor General to be enshrined in legislation and not be at the discretion of the Department of Finance and Personnel, as is currently the case. The Audit Office needs to be able to follow public money in areas that could be described as on the margins of Government. Such areas include new forms of service provider, for example, public-private partnerships, non-departmental public bodies and limited companies established by central Government, such as the student loans company that deals with Northern Ireland students.

In addition, the Audit Committee believes that the Audit Office should do work to validate departmental performance against the public service agreements to be included in the finalised Programme for Government. The Committee welcomed Mr Durkan’s commitment on 20 November to provide new powers to enable the Comptroller and Auditor General’s role to be encompassed in the proposed audit reorganisation legislation that is to follow the Sharman review. However, the Public Accounts Committee has not been given an assurance that the Bill will give him access to all public money, nor does it know when it will be introduced.

The opportunity now exists to strengthen the Comptroller and Auditor General’s statutory access by introducing necessary amendments to the Government Resources and Accounts Bill at this stage. The Audit Committee does not see how such amendments would require substantial redrafting or adversely affect the timetable for the legislation. Again, I concur with the opinion of the Public Accounts Committee that there should be this addition to clause 18(7) (a):

“The accounts of an authority or body which are not otherwise required to be examined and certified by the Comptroller and Auditor General should be open to his inspection if that body exercises functions of public nature or is entirely or substantially funded from public money.”

This would give the Comptroller and Auditor General prompt access, on the Assembly’s behalf, to all bodies mainly funded from public funds. He could report on them and bring any matters of concern to the Public Accounts Committee as appropriate.

Finally, I wish to thank the Committee for the opportunity to give the Audit Committee’s views on this important legislation. The Audit Committee eagerly anticipates the publication of the Sharman review so that it can see what implications it may have for the Comptroller and Auditor General’s carrying out his work on behalf of the Assembly.

**Mr Dowdall:** I have nothing to add to what the Deputy Chairman of the Audit Committee has said. I gave my views in discussion with the Audit Committee and the Public Accounts Committee, and they are represented in the two letters that the Committees sent to you.



**Mr Leslie:** The Department seems to reserve to itself completely all the powers to set accounting policy. The snag with that is that if it wants to paint a different picture it can change the policy. The other area relates to the matters that Mr Hutchinson raised which are the auditing of moneys and access to all accounts. We are wondering what third-party view we can have on this.

**Mr Dowdall:** I do not have any concerns on that. It has always been proper for the Treasury to prescribe formal accounts. That is the United Kingdom tradition. It is also the way it is done in Scotland, subject to the views of the Financial Reporting and Advisory Board that was set up because resource accounting has been brought in, and it aspires to apply full commercial accounting standards to the public sector. It made sense to have an advisory board to help to sort out the difficult technical issues that that were presenting themselves, but the Treasury reserves the right to prescribe the form of those accounts.

As Comptroller and Auditor General, I have no difficulty with the public-sector tradition. It seems to be proper. I am unsure, but I expect it is common practice in any developed democracy.

**Mr B Hutchinson:** The Audit Committee agrees with the letter the Public Accounts Committee sent to Mr Molloy on 28 November. Assembly Members do not want to set up another quango, as it is unnecessary.

The Financial Reporting Advisory Board has already been set up in the UK. The Scottish Parliament has decided not to establish one but to use a United Kingdom body. That is what we should do. If we consider finance and so forth from Westminster already scrutinised, it would be better to follow the Scottish pattern rather than set up another quango here.

**Mr Dowdall:** I would like to comment on your point about auditing.

**The Chairperson:** You may be subject to more probing by others, but go ahead.

**Mr Dowdall:** I am glad to be able to make it clear that I am happy with the auditing provisions in the Bill. They are complex, but we have looked at them carefully. They are a straightforward read across and update of the powers of the Exchequer and Audit Act (Northern Ireland) 1921, so they do not diminish my power to scrutinise Government financial accounts and certify them on behalf of the Assembly. The job of reading across and updating the powers of the Exchequer and Audit Act had to be done, because we now examine resource accounts, and it has been done adequately.

Our difficulties with the Bill, reflected in what the Public Accounts Committee and the Audit Committee said, are not with what it says about my audit powers, but with the fact that it has not updated those 1921 powers in line with modern government.

**Mr Close:** We in Northern Ireland are expected to accept second best. As a new Assembly, we should take the opportunity we have to create the Rolls Royce of accountability and follow other schemes, for example those in New Zealand and, to a degree, in Scotland.

Can you satisfy us that the proposed amendment, accepted by Mr Hutchinson as reasonable, is sufficient to assure full accountability to us and the public? Can such assurances be given by the proposed audit reorganisation legislation and written assurances from the Minister?

**Mr Dowdall:** I agree that the problem with the Bill is that to meet the requirements of resource accounting, it has to be dealt with in a tight time constraint. I agree with the Department that it is extremely important that we do not fall further behind the timetable for this. We must ensure that this key part of the legislation is in place on time. Nothing I say about extending or addressing my powers is intended to jeopardise that primary issue. That is why you as legislators have reason to feel that the timetable does not give you scope to do a complete updating job on audit. The Scottish Committee was able to do that, because it had more time and no auditing legislation. The difference here is that we have had satisfactory auditing since 1921.

If you accept that there are time constraints, it is not unreasonable for a Committee such as yours, which will have a long-term interest in this, to work on this step now, with clear undertakings, and on the other steps later. Mr Hutchinson spelt out this step, and it has been put in the correspondence to you. It is a significant extension of my ability to research and report on financial issues and, therefore, of the Assembly's ability to follow them through.

Perhaps it would help if I were to explain exactly what I think the clause is attempting to do. It is establishing for me an inspection right in every part of the public sector that is spending significant sums of the money that you vote them. That is different from an audit. The strongest power would be to make me the auditor for every public-sector body or every body that gets significant sums from the Assembly. I would not even ask for that in the long run.

Inspection rights constitute a lesser role than that of an auditor. An auditor has to do a detailed piece of professional audit work every year and certify the accounts. I have to put my signature to them and say to the Assembly that they are a true and a fair view. Significant work underlies that statement. Every year I find out quite a bit about the financial operations of any organisation that I audit, which is pretty proactive.

If an Assembly Member comes to me and says "There is a problem — I hear this is going on in the Transport Holding Company. What do you know about it? Can you look at it?", I have to say "I am sorry, but that is outside my remit. I do not know how I could advise you

to take it forward.” If I have an inspection right, that means that on my initiative or at the request of any Assembly Member or Committee, I can exercise that right at any time. It is a powerful right.

Once I am in there, I can look at whatever I want to. People have to give me the full co-operation that they give me when I am exercising my statutory powers on an audit. I have the full powers that go with that — either to publish a report or to report in a memorandum to the Assembly. If this proposed amendment is made, there will be virtually no part of the public sector or any body receiving significant public funds that I could not look at and report to you on.

**Mr Weir:** Given what you have said, I presume that you share Mr Hutchinson’s view on the proposed audit reorganisation legislation. You do not have to wait for the provisions that may come in there, since your role can be extended by way of the amendment to this Bill.

**Mr Dowdall:** Yes. The attractive thing about this amendment is that it does not require outside consultation — it has been framed with that in mind. It does not require bodies with other auditors to upset their arrangement, because I am not seeking to audit them. I am only seeking a reserve power on behalf of the Assembly: if they get Assembly money, I want to be able to see how they spend it.

**Mr Weir:** Essentially you are saying that your principal concern with the legislation, as currently drafted and without the amendment or any other changes, is that it is a missed opportunity to extend your remit. With the expertise of your team, have you examined the fine detail of the Bill to see if you are happy with all its technical aspects? Are there any minor amendments you would want?

**Mr Dowdall:** I can give you an absolute assurance on that. My team have fine-toothed-combed the Bill and are happy with every element in it.

**Mr B Hutchinson:** It is important that the Audit Committee feels that this is about missed opportunities. These are the opportunities that Westminster missed. The difficulty is that some people are suggesting that we wait until after the Sharman review. Our view is that we should not. We should do this now. As Mr Close said, we are a new Assembly, and we should make things happen. We can do this now, and the Sharman review will give us an insight into what we should do in future legislation.

**The Chairperson:** What additional powers do you wish to see in the Audit Reorganisation Bill? Have you a number of proposals?

**Mr Dowdall:** Yes. It is a chance to take a root-and-branch look at modernising the Comptroller and Auditor General’s powers, and I want to keep broadly in step with best practice in the rest of the UK and the Republic of Ireland. What John Dallat sent you in his letter of 9 Nov-

ember is the shopping list that I, as Comptroller and Auditor General, suggest needs to be addressed in that Bill.

**Mr P Robinson:** I would like to follow the money to see where your scrutiny ends. Under existing legislation, you can scrutinise the Departments. How far can you go in scrutinising what happens after the Departments allocate money? You mentioned the Transport Holding Company — you seem to have come up against a statutory block there? Can you not go beyond a Department at present?

**Mr Dowdall:** Not in that area. I am glad you asked that. The nature of my current powers is a patchwork that has built up over the years to become really powerful. Central Government Departments are the big spenders, and that is what the 1921 Act was getting a grip on. Legislatures were perfectly competent then, and they got a very good grip on it. But government has changed enormously since then, and many powers have been devolved.

The next stage of devolution is to agencies which are departmental bodies, so I have full cover there. Then devolution will be to non-departmental bodies, and the patchwork begins at that point. Some non-departmental bodies are not covered, because they were not envisaged on their current scale at the time of the original Act. I have statutory access to some of them if that was allowed for when the legislation was being framed. An important example is the education and library boards, where I have statutory access. I am as powerful an auditor in my access rights to the education and library boards as I am in a central Government Department.

As you move into the outer reaches of the public sector, it gets more fragmented. I can give some examples. Organisations such as LEDU, universities, voluntary grammar schools and grant-maintained schools are all done by what is called “agreement inspection”. I can inspect LEDU in the inspection sense, as in the amendment we are proposing, but only with the agreement of the Department. There is no such right in statute. One of the great advantages of the proposed amendment is that all those agreement inspections will be put on a statutory basis.

What is even more important is that I will not have to keep this frenetic watch on all the new public-sector bodies that are popping up to make sure that legislation is not slipping through without giving me inspection rights or without proper agreements being established. When the Equality Commission was set up, I had to argue with the Department of Enterprise, Trade and Investment that I should have statutory inspection rights there. I won the argument eventually, but I should not have had to waste my time on it. Such an enormously politically sensitive body was clearly going to have to be fully accountable to the Assembly or Parliament. This amendment would be a useful step towards underpinning the need for such statutory inspection rights.

**Mr P Robinson:** I was wondering, more out of curiosity than anything else, if you have attempted to quantify the extent of the resources that are beyond your reach and which you cannot inspect?

**Mr Dowdall:** They are not enormous, because we have tried to police this over the years. I cannot give the figures for the Transport Holding Company off the top of my head, but they involve very large sums indeed. I did a report for Parliament on the Transport Holding Company a while ago, but without access to the company itself. I had to work through the Department's dealings with it.

Housing associations are another area of concern in Great Britain. They take very large sums of public money, and I would like access to them too. They are a clear example of the way in which the pattern of Government spending has switched from allocating large sums to build social houses themselves to channelling substantial funds into housing associations. About £50 million is paid to housing associations each year, and I have not been able to follow that money.

We are talking about very big sums in some areas, but I do not want you to get the impression that this represents more than, say, 5% of what is spent in Northern Ireland. I do have good powers, and it is a matter of ensuring that they are extended fully, in line with best practice, to the margins of the public sector.

**Mr P Robinson:** I assume that when you do not have powers of inspection or audit that the Transport Holding Company and the housing associations, for instance, do produce accounts. Is it "hands off" as far as you are concerned? Is it "I am not responsible, so I am not going to even look at this"?

**Mr Dowdall:** If I have not audited them myself, I cannot be responsible for reporting on them to the Assembly in the same way that I do on every other element of public expenditure. If I spotted an anomaly in a published account — and I am speculating here because I have never done so — I could draw it to the attention of the Assembly. However, I would not be able to say to the Assembly "I have probed and audited the books myself." The degree of the scrutiny would be fairly limited.

**Mr P Robinson:** Would the Audit Committee's amendment bring everybody under the scope of the Comptroller and Auditor General?

**Mr B Hutchinson:** The Audit Committee has been very careful with the amendment, and the key word is "inspection". The reason is that the Audit Committee views it as reactive rather than proactive. If we were to be proactive with every penny that the Assembly gave out, huge resources would be required to cover and pay for the Comptroller and Auditor General's work.

Every Member here will have seen instances of public money not being spent in the best possible way in his constituency. Those of us from Belfast were very critical at one stage of what was happening in Belfast, but that money could not be tracked by the Comptroller and Auditor General. If this amendment were made, a procedure could be established to allow the Comptroller and Auditor General to look into a matter which was of particular concern to any one of us.

As he would only have inspection rights, it would be reactive rather than proactive. The Audit Committee is of the opinion that that is probably the best way to proceed without spending large amounts of public money on tracking public money. The approach is one of opening things up and examining them if they are of concern, rather than doing audits proactively all the time. That is why the word "inspection" was used instead of "audit".

**Mr P Robinson:** May I ask a final question, which perhaps reflects some of my scepticism about auditors? You may be able to set me right. Is there not a great danger that if you have the power to inspect you will react to every trendy complaint, over probably small amounts of money, and take your eye off the important ball which is how the large sums of public money are being spent?

**Mr Dowdall:** I have a lot of grounds for scepticism about auditors. That is not usually one of the main ones. You are quite right that prioritisation is enormously important in a job such as mine, where I am looking at what is virtually an £8 billion block. It has been a problem for us in the past. I now have the advantage of being assisted in that prioritisation process by two Assembly Committees, an active Public Accounts Committee, and an active Audit Committee, and any number of Assembly Members who are only too anxious to tell me which are the important areas to look at. My ability to make those judgements is enormously better informed than it used to be.

**Mr B Hutchinson:** I think that that is what Mr P Robinson is worried about.

**Mr P Robinson:** I am not sure that having all those groups helping you will add to the time you have to do all the other tasks.

**Mr Dowdall:** The best use of my time and the resources I need to do the job are very much part of the dialogue between me and the Audit Committee. I have been looking at this amendment and, to my mind, it does not require a significant amount of extra resources. I have a lot of flexibility in my programme, in terms of what I decide to look at, and I am sure that this flexibility will be able to accommodate the extra bodies that would be caught up by this amendment. Bear in mind that they represent less than 5% of the audit burden that the office bears.

**The Chairperson:** Does the International Fund for Ireland, for instance, come under your remit?

**Mr Dowdall:** No, it does not. I always look at the International Fund for Ireland funding when I see it in packages alongside Government money, because it is an important element in the total non-private funding which goes into any project. However, I have no audit access to International Fund for Ireland matters, nor am I seeking it.

**Mr Attwood:** Yesterday I met the oversight commissioner who is responsible for policing change. He was talking about setting performance measures against which to judge that change. I understand that your ability to audit performance measures is not included in the Bill. How do you view having that power, and what mechanism might you propose to have that power in the future?

**Mr Dowdall:** I am glad you asked that question. I detect, in some of the concerns that I have seen on paper from the Committee, that you think that the Scots have these powers, whereas I do not. The Scots have largely the same powers as I do on performance measures. No auditor in the United Kingdom yet has the duty to audit the Government's performance measures, and we are suggesting that this would be a sensible thing to have. As performance measures become a larger part of the way Departments present their achievements, with your money, to the public, it seems sensible for a Department to have the assurance of independent validation.

I would like to see — and I am in line with the Comptroller and Auditor General in England, Wales and Scotland on this — a statutory requirement in the future for Departments to have performance indicators independently validated as they put them in the public domain. I readily acknowledge that departmental performance indicators are at a very early stage of development.

I am not bursting to get my hands on the performance indicators as they currently stand, but they are developing quickly. More significance is being attached to them, and they are getting to the stage where they need independent validation, and that should be required by statute. At the moment, if I am dissatisfied with a Department's performance indicators or spot one that I think is wrong, I have power to look at it and say it is wrong. However, there is no statutory requirement for me to examine each one to ensure that it is everything the Minister says it is.

**Mr Attwood:** Under section 75 of the Northern Ireland Act public authorities have to submit their performance measures or equality schemes to the Equality Commission, which has to approve it. This means they are drawing up further measures for the enforcement of that equality duty.

**Mr Dowdall:** That is why it is such a rapidly developing field.

**The Chairperson:** Are you happy for performance measures to become part of the next Bill and not this one?

**Mr Dowdall:** It is more appropriate for the next Bill.

**Mr Close:** Audit up to now has been — dare I use the word — reactionary. It depends on what happens when you do an audit. Through the performance measurements, what you should be seeking is to ensure that the results will be right before rather than after an event. Is there not a danger — if we are obliged to wait — that bad habits may develop that will be difficult to change?

**Mr Dowdall:** That is a danger, but I do not put a lot of weight on it. I sense from my contacts with Government Departments, non-departmental public bodies and other bodies that they are striving to improve the quality of performance indicators, but none of them is yet able to say "This is it, and we are satisfied with it." While they are developing, I do not feel a burning need to be statutorily required to validate them. But they are getting close to that stage, and it is important, as Departments begin to put substantial weight on their performance measures, that statutory powers are in place so they know that their efforts will be examined and certified. That will be some inducement to quality no matter what practices they have been employing up until then.

**Mr Close:** We are going to have many such indicators, targets and benchmarks presented to us, presumably in January, to fill the gaps in the Programme for Government, and some are concerned that this is looking forward for some years. Could things inadvertently slip through that we would never be able to catch up with?

**Mr Dowdall:** There is really not a problem there. The ones you will get in January will be forward looking. The real issue for you, as scrutinisers, is to judge how a Department reports its performance against the target it sets itself in January. It seems that we would be reasonably well placed to do that if this other piece of legislation goes through in the expected timescale which, assuming it is not hurried, means that it would be in place around the end of next year or early the following year.

**Mr Close:** Mr Weir mentioned your inspection rights as requested by way of the amendment to clause 18. If those inspection rights are granted, will that enable you to prepare a report which would go to the Public Accounts Committee which would then have the right to call the accounting officer, or the chief executive of whatever the body may be, to be answerable?

**Mr Dowdall:** That amendment would fully embrace into the whole structure of the Assembly accountability any issue that I chose to investigate.

**Mr Weir:** The amendment to section 18 will more or less cover your concerns about the current situation. If it goes through as proposed, will there be a need for consequential minor amendments to any other clause? One example is clause 10(1), which gives the Comptroller and Auditor General a specific right of access at all reasonable times to any documents relating

to a Department's accounts. Does that need to be widened in any way?

**Mr Dowdall:** Under the 1987 Audit Order, without relying on this Act, that amendment, as worded now, gives me inspection rights and would trigger my other powers of access with reasonable co-operation.

**Mr Weir:** Are you confident that if the amendment goes through, no consequential amendments will be needed?

**Mr Dowdall:** Yes, not in this legislation.

**Mr Dodds:** To clarify the position with the amendment to clause 18, where public money is allocated for a project to a body or organisation that is not entirely or substantially funded from public money, is it open to you to see that that money is spent as was intended? Or does that rest with the Department that allocates the money?

**Mr Dowdall:** Primarily it is always the Department's job, but it is always my job as a public-sector auditor to check what we call regularity, that the money has been spent precisely as the Assembly intended it to be. The major difference between a public-sector auditor and a private-sector one is that regularity is a big part of our work, whereas in the private sector it is not usually a consideration.

**Mr Dodds:** So if it were drawn to your attention, could you look into it and report on it?

**Mr Dowdall:** I would wish to look into and report on it. We attach a lot of importance to regularity.

**Mr P Robinson:** I would like to check if you can investigate this. If, for instance, the Minister of Culture, Arts and Leisure were to make a grant to football clubs for improvements to their grounds, that grant would be subject to their providing 15% of the funding themselves. Some honest clubs say "We are sorry, but we cannot even raise the 15% and so cannot take advantage of the grant." Other craftier clubs say "We have a friendly building contractor on our board. He will give us an inflated estimate for the work, so the Department will end up paying 100% in real terms." Can you go investigate that?

**Mr Dowdall:** I am embarrassed to say, Mr Robinson, that, having told you that this new clause would give me power to follow virtually every penny the Government put up, you have picked one example that I had not thought of. It would not apply here because a football club is not a public body, nor would it be caught by the second part as it would not be receiving substantial funding.

**Mr P Robinson:** But a substantial part of the funding for the project would come from Government sources.

**Mr Dowdall:** Yes, I would have to take legal advice on that, but it is not obvious that it extends that far out. The kind of amendments we envisage in the longer term will be much tighter in relation to absolute authority to follow all public money as far as it goes, and they will

seek to give the auditor the right to follow money going to private-sector contractors dealing with public-sector issues. The example you quote would be covered by the Sharman committee and what it has envisaged. I have to confess that I do not think this proposed amendment would cover that.

**Mr Dodds:** Mr Robinson's was a specific example of what I was getting at in my earlier question. Do you think there is room to look at the wording of the amendment so that it would cover that situation?

**Mr Dowdall:** Yes. You would have to replace "A substantial proportion of their funding" with "Any funding". I am getting into an area here where I would need legal advice. You would have to try to project-define it, which might get quite complicated.

**Mr P Robinson:** A significant proportion.

**Mr Dowdall:** When the Committee, the PAC and the Audit Committee asked me to discuss this briefly with them they were looking for a simple form of words which could readily be put in.

**Mr Dodds:** Obviously we cannot find the proper words off the tops of our heads; we have to consider it. However, is this something you would welcome or something you would not seek?

**Mr Dowdall:** In principle I would seek to be the statutory auditor of anything in which the Assembly has a financial interest; otherwise how can I do the job that I am supposed to do?

**Mr B Hutchinson:** The Audit Committee — and I assume the PAC thinks the same — felt a number of things would be picked up by the Sharman review and that this would be one of them because of what has happened with English football. Obviously it would be directly read across here. If we take the Taylor Report, we know that money has been given by the Government through different trusts. That is something we expect the Sharman review to pick up. We were trying to have something in place which would allow us to track money now. We hope that the Sharman review will give us more information about what we should be doing to improve matters.

**Mr B Bell:** We did not really want to wait for the Sharman review. We wanted to get this thing through in the meantime. We had this debate at the last meeting, and I know Members are concerned that the amendment is not strong enough. I tried to assure them that it is strong enough for our purpose, and that is what the Auditor General is telling us now. We need to get this through really quickly. If we change the wording now, it might delay the whole thing, and we do not want that.

**Mr Dowdall:** In looking at the strength of the amendment, I went back to what Mr Durkan said when he came to the two Committees — there should be no no-go areas for the Assembly's auditor. It does seem

subject to the kind of loophole which Mr Robinson had just found, and that established the point that there would be no no-go areas for me. I am not the auditor in everything, but I could inspect any significant sums of public money that were spent for public purposes.

**Mr B Hutchinson:** The Audit Committee wants people to understand that this amendment is about trying to take advantage of the opportunities that were missed at Westminster. That is important. We judge this in terms of whether it helps the Auditor General to inspect, and it is about best practice as well.

**The Chairperson:** Thank you very much, Mr Hutchinson and Mr Dowdall, for taking all the questions.

*Clause 23 referred for further consideration.*

#### **Clause 24 (Interpretation)**

**Ms Regan:** Clause 24 (1) defines “the use of resources” as

“a reference to their expenditure, consumption or reduction in value.”

Subsection (2) defines various terms. The only suggestion is including “examination” particularly if the Committee adopts the amendment of the Public Accounts Committee, so the term “inspection” would be defined for clarification.

**The Chairperson:** Are there minor amendments in that case?

**Ms Regan:** They relate to a definition of “examination”.

**The Chairperson:** I would like to move to the term “certify”.

**Ms Regan:** “Examination” and “inspection” are presumably more important amendments, although they are not listed here, but I am coming to “certify”. The other suggestion was to define “certify” as used in clauses 8 and 9 to ensure that it is not interpreted to indicate approval.

**Mr Leslie:** I do not take “certify” to indicate approval. Things are certified if they stand as indicated.

**The Committee Clerk:** That is my understanding.

**Ms Regan:** The issue may not be patently obvious to those without an accountancy background, so it is used for clarification. The Committee may find that it is not important or necessary.

**Mr Leslie:** If the exact meaning of “certified” were raised, you would go to the Accounting Standards Authority, which knows what is meant. When accounts are certified, a bland statement is produced, and it can more than qualify. I meant to ask the Comptroller and Auditor General to define “qualification”.

**The Committee Clerk:** He more or less said what he does when he certifies. He produces a report on the fairness and appropriateness of accounts. That is not the point, however.

**Mr P Robinson:** If the Audit Committee’s amendment were accepted, would we need an interpretation of “body”?

**Ms Regan:** That is at the discretion of the Committee.

**The Chairperson:** That would be done by further amendment.

**The Committee Clerk:** We would also need an interpretation of “inspect”.

**Mr Leslie:** The amendment partially defined this body. It discusses inspection by the Comptroller and Auditor General and then goes on to say

“if that body exercises the functions of public nature or is entirely or substantially funded from public money.”

It was, therefore, getting at the money rather than the function.

**Mr P Robinson:** It subdivides “body”. For example, would a football club be considered a body or are we talking about public bodies? That is what I understand a “body” to be. Will “body” be defined to include, for example, community groups — one area they may want to take — and other private-sector organisations that receive money?

**Mr Leslie:** Yes. However, I should argue the opposite. The advantage of having an undefined term is that it is as wide as the Comptroller and Auditor General wishes and only then subject to challenge by the body, whereas if one defines “body” and leaves something out —

**Mr P Robinson:** The difficulty is that there is an Interpretation Act, and if the term is defined elsewhere in a more limited fashion, we might well wish to expand beyond “authority” or “body” to include other categories with a wider scope. I suspect that “body” has been interpreted. Perhaps Mr Weir has come across such cases.

**Mr Weir:** Quite apart from that, we must check the Interpretation Act 1978 to see if the term is defined.

**Mr Leslie:** One sometimes sees “body corporate”, which is clearly a narrower term than “body”.

**Mr Weir:** We do not wish to restrict ourselves unduly. If there already a definition of “body”, a court would use it.

**Mr P Robinson:** Yes. We should therefore have to be satisfied that it is wide enough.

**The Chairperson:** The other term is “inspect”. Do you feel it needs to be defined?

**Mr Leslie:** I feel it is to the amendment’s advantage not to define “inspect”.

**The Chairperson:** The Comptroller and Auditor General seems to be saying that if he secured the right to inspect, the other Act, which already defines “inspection”, would take over.

**Mr Leslie:** So he believes he has a defined meaning for “inspect”. Perhaps we should see how “inspection” is defined in the Audit (Northern Ireland) Order 1987, since we might refer to it.

*Clause 24 agreed to.*

#### **Clause 25 (Amendments and Repeals)**

**Ms Regan:** Clause 25(1) essentially gives effect to schedule 1, which amends existing legislation. Subsection (2) gives effect to schedule 2, once again amending existing legislation.

*Clause 25 agreed to.*

#### **Clause 26 (Commencement)**

**Ms Regan:** Clause 23(1) explains that the Act will become effective on a date ordered by the Department. The Explanatory and Financial Memorandum says that the Department intends the date to be at the beginning of the financial year 2001-02. Officials informed the Committee in November that the intended date is 1 April 2001.

Subsection (2) qualifies subsection (1) and enables the Department to make provisions to ensure a smooth transition from the cash accounting system to the resource accounting system.

Subsection (3) increases the scope of the Department’s power under clause 13. It allows the Department to issue an order, subject to negative resolution, requiring bodies which it does not formally require under clause 13(1) — that is, bodies which the Department will designate — to provide it with information needed for Government accounts pursuant to subsections (2), (3), (4) and (5) of clause 13. It effectively increases the Department’s power so it can have more bodies included in Government accounts. Those clause 13 subsections address form and content.

**The Chairperson:** So in the absence of any changes to the Act by negative resolution, the Department can add a body. Is there any need for that list of bodies at this stage?

**Ms Regan:** No. One would only know who fell outside when the Department issued an order.

**The Chairperson:** The Explanatory and Financial Memorandum states that the discretion afforded under subsection (3) will enable the Department to require another Department to pilot the necessary consolidation procedures for public corporations to prepare for the extension of scope of Whole Government Accounts from central Government to the whole of the public sector. This will enable the Department to take a phased approach, which includes the preparation and publishing of audited accounts for central Government as the first stage.

This enables the Department to require public corporations and other bodies to prepare “dry-run” information

prior to the formal extension of the coverage of audited and published accounts to the whole of the public sector. Other Departments are permitted to consolidate this to test the systems and procedures required.

*Clause 26 agreed to.*

#### **Clause 27 (Short title)**

**The Chairperson:** Is there any debate on the short title?

**Ms Regan:** It is simply how the Act will commonly be referred to.

*Clause 27 agreed to.*

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

##### **Schedule 2 (Repeals)**

**Ms Regan:** To go through the schedules is to ask a legal question, and that goes beyond the remit of research.

**The Committee Clerk:** These are technical devices to make minor consequential amendments and repeal other pieces of legislation that are made redundant. The Office of Legislative Counsel has done a wonderful job and will take on board any other necessary amendments.

**Ms Regan:** The Committee received a letter from NIPSA, dated 7 November. It stated

“That the provisions on RAB in the Bill will not affect public service manpower. To the extent that the move to RAB has resulted in changes in manpower then these have already taken place as departments have set up the necessary accounting systems and strengthened finance functions”.

NIPSA maintains that resource accounting and budgeting (RAB) is likely to be more labour intensive than the current cash accounting system. It is expected that more will have to be invested in training for those required to operate RAB.

**The Committee Clerk:** Set out in the amendment are the assurances needed for the Committee to decide whether it will go for the amendment proposed by the Public Accounts Committee. Certain undertakings are necessary from the Minister and Mr Dowdall. John Dallat’s letter indicated that he wishes to see any future follow-up legislation to extend the Comptroller and Auditor General’s powers giving him the power to undertake performance measurement.

Mr Durkan is to brief the Committee on his Budget statement. He has agreed to extend that session, so the Committee can ask for an assurance in writing that the audit remit of the Comptroller and Auditor General will be extended after the forthcoming audit reorganisation.

**Mr B Bell:** Is an assurance from the Minister enough? The Public Accounts Committee would like to have this amendment included. I have perhaps misunderstood.

**The Committee Clerk:** I think you have. Before the Committee makes its final conclusion it will limit itself to your amendment.

**Mr B Bell:** That is OK.

**The Committee Clerk:** Before limiting itself to that amendment, the Committee will probably wish to receive the Minister's assurances in writing that he will address the matters referred to by John Dallat on behalf of the Audit Committee — in other words, that the forthcoming audit reorganisation Bill will address the remit of the Auditor General and the issue identified by Mr Dowdall about performance measurement. Those are the two absolute minimum issues, but the Committee may feel that there are others.

**Mr B Bell:** We want to get the amendment into the Bill, because it is important.

**Mr Leslie:** Even if we believe those undertakings, this will not be the only amendment.

**Mr B Bell:** That is OK.

**The Chairperson:** We have a list of steps to be taken. Do you want to deal with the amendment to the Bill? You have it in front of you. We have been advised that it covers all the different issues and that it is the first stage of the inspection. Are Members content?

**Mr Weir:** I am happy at one level with the thrust of the amendment. Could there be some tweaking of "substantially" — some slightly different wording? I worry that it does not cover absolutely everything. If "substantially" were changed to "significantly", or there was some other slight change, it would cover exactly the point we are looking at, but more comprehensively.

**The Chairperson:** It is the same form of words as in clause 12, which deals with Whole Government Accounts. There may be a linkage which requires to be continued.

**Mr Weir:** The complication is the fact that specific statutory powers of audit on all the Government departmental stuff may mean that because this is more of a reactive or an inspection power you need something stronger and wider than with the purely departmental stuff.

**Mr P Robinson:** May we have a grammatical insert — the indefinite article in front of "public nature"? I assume that is a typographical error.

**Mr Dodds:** The Comptroller seemed to be indicating that he would welcome something which took account of the point that Mr Peter Robinson and I were making. Mr Robinson gave a very specific example. Peter Weir then mentioned changing "substantially" to "significantly" or whatever, but I still think that that would leave a gap. A football club is an organisation which could be said to be not entirely or significantly funded by public money, yet it still gets money for particular projects. Every single penny which comes from the public purse should be open to inspection.

**Mr P Robinson:** It may get a substantial amount of its funding for that year, but it might not be a body that is substantially funded from the public purse.

**Mr Leslie:** Is that similar to the situation in Scotland?

**The Committee Clerk:** It may have been in the Whole Government Accounts, but the principle is the same.

**Mr P Robinson:** I suggest that "has received significant public funds" or "is entirely or substantially funded from public money" be included after "public nature".

**Mr B Bell:** The Public Accounts Committee had a meeting with the Minister on the Bill and the Finance and Personnel Committee had a question-and-answer session with him. The Bill has been examined in reasonable depth. The Committee has discussed it with the Comptroller and Auditor General, and that amendment is a result of that. It is a bit loose because we do not want it to delay the powers. It may delay the Bill if we start to make major amendments to it.

**Mr Weir:** I disagree. The amendment would cover the loophole that we have uncovered. It would not delay the Bill because it only amounts to the addition of about half a dozen words, but it does mean that we would be covering a situation where public funds may be abused.

**Mr P Robinson:** I did not get the impression that the Comptroller and Auditor General had any emotional capital tied up in the specific words in the amendment. He was more interested in outcomes. I cannot see how those additional words would delay the Bill. It will go through at the same time as it would otherwise have gone through. It is not that significant an amendment.

**The Chairperson:** May we have the wording again?

**Mr P Robinson:** After "public nature," insert "has received significant public funds" or "is entirely or substantially funded from public money".

**The Chairperson:** If it is dealt with now, we might discover that other wordings should be included.

**Mr P Robinson:** It will go to the legislative draftsmen anyway.

**The Committee Clerk:** If the Committee made that amendment there is nothing to prevent the Minister from putting in an alternative one which might refine it and be more practicable. If we make that amendment, it may trigger a reaction from the Minister, but it is the Assembly that will finally decide.

**The Chairperson:** We are not making the amendment today, so we have a wee bit of time. The Committee is meeting the Department and the Minister again, and if we had that amendment to the amendment it would cover it.

**Mr Dodds:** That is the point. We are not setting the Bill in concrete today. Mr Bell said that he has dealt with the Bill in detail, but it is clear that the Comptroller



and Auditor General, as he admitted himself, had not thought about that area. He is now quite receptive to the idea that he should have a power of inspection in such cases. Not to pursue that would be remiss of the Committee.

**Mr B Bell:** I have no objection to its being pursued, but I got the impression that we were going to pass the new wording in an amendment now.

**The Chairperson:** No, we are not.

**Mr Dodds:** We do not want to delay the amendment either.

**The Chairperson:** We are not taking a vote on the matter; we are simply taking your minds on the proposed change. Before it becomes an amendment on paper we will come back to the issue. In the meantime the two Committees can discuss it and see if they have any major problems with it. If the Clerk has the matter in writing, we can have a look at it again.

**The Committee Clerk:** In order to get maximum benefit from any discussion with the Minister, it might be appropriate, if the Committee agrees, to ask him those questions in writing. Then, when he appears before the Committee, he will know what he is being asked. We also need the Minister's reassurance about the Comptroller and Auditor General's remit being extended in the forthcoming audit reorganisation Bill and about his having a remit to audit performance measures. We could put the proposed amendment to the Minister simply for comment.

**Mr Leslie:** We want to recruit him to the amendment as soon as possible.

**The Chairperson:** We also want to involve the Audit Committee and the Public Accounts Committee.

**Mr Leslie:** Then we can tease the matter out.

**Mr Dodds:** The Minister might raise some valid points.

**The Committee Clerk:** It might be possible to formalise the Committee's view on the use of FRAB when scrutinising and approving the Department of Finance and Personnel's advice to other Departments about how resource accounts are formatted. Mr Dowdall and the Audit Committee were happy with that, and we already know that the Public Accounts Committee is also content. We might include the Committee's view in our letter to the Minister that this is the proper approach. We could suggest accepting the Minister's offer to bring forward an amendment to introduce that.

**The Chairperson:** Are we agreed on that course of action?

*Schedules 1 and 2 referred for further consideration.*

**The Committee Clerk:** Since we have finished our internal examination of the Bill I suggest that we formally invite the Department of Finance and Personnel officials to our Tuesday meeting following our meeting with the Minister to begin the formal process of working through the clauses. Our time is limited, and we need to use each moment to meet our deadline of 26 January 2001.

**Mr Weir:** By that stage we will have been fully informed of all the minor issues.

**The Committee Clerk:** The Department has already responded to most of the queries raised on the early part of the Bill, so on Tuesday we should reach clause 9 at least.

**The Chairperson:** Part of the papers today are responses to the matter.

**The Committee Clerk:** The Department will take us through the Bill.

**The Chairperson:** On Tuesday we will go through the Bill with the Department clause by clause and make progress.



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**NORTHERN IRELAND  
ASSEMBLY**

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**SOCIAL DEVELOPMENT  
COMMITTEE**

Thursday 7 December 2000

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**STREET TRADING BILL  
(NIA 2/00)**

**The Chairperson (Mr Cobain):** I welcome Ms Imelda McAuley the Assembly Legal Adviser.

**Clause 15 (Fees and charges)**

**Ms McAuley:** Last week I was asked to clarify the effects of paragraph 15(2)(c). The query was whether a council could recover legal costs under this provision, and my answer was that it could not. However, the Committee's concern about the recovery of legal costs arises under clause 15(1). That is where the confusion arose at last week's meeting between the Department's officials and me. They were referring to clause 15(1), but I had been asked to clarify 15(2)(c).

Under clause 15(2)(c) a council cannot recover any legal costs arising from proceedings in relation to this Bill. However, under clause 15(1), which I did not elaborate on last week, a council could recover legal costs in connection with any proceedings brought in relation to its functions under this Bill. I understood that the Committee was concerned about the possibility that a council could recover legal costs, so I submitted a memo to you setting out the options.

There are two options open to the Committee. Option A would be an amendment to clause 15(1) to exclude power being given to a council to recover legal costs. Option B would be to leave clause 15(1) as it stands. The implication of that is that a council would have discretion over whether it increased the licence fee to include a charge for the legal costs that accrued over the year. In leaving the clause as it stands the council would have discretion, but not unlimited discretion. It could be challenged because, under clause 15(1), any costs passed on to a licence holder must be reasonable. A challenge could come by judicial review if the costs passed on were unreasonable: a judge in the High Court would decide on the question of reasonableness.

**The Chairperson:** Are we saying that if a council incurs legal costs during the year in dealing with illegal traders, some of that, or a reasonable amount, may be

passed on in the following year to bona fide traders through an increase in the licence fee?

**Ms McAuley:** Yes, under clause 15(1), as it currently stands, a council may charge for the grant or renewal of a street trading licence

“such fees as the council may determine and as may be sufficient... to cover any reasonable administrative or other costs”

It is the reference to “other costs” that potentially covers legal costs.

**The Chairperson:** Potentially or does?

**Ms McAuley:** The council has discretion over whether to do that. It might decide not to use these powers.

**The Chairperson:** But it could use these powers, could it?

**Ms McAuley:** These powers could be used in that way.

**The Chairperson:** Does the Bill as drafted cover that?

**Ms McAuley:** Yes. As currently drafted, a council has discretion to take legal costs into account. The question is whether you want to leave the discretion with the council or amend clause 15(1) to ensure that it could not take legal costs into account.

**The Chairperson:** No, we need to leave it to the discretion of the council.

*Clause 15 agreed to.*

**Clause 9 (Discretionary grounds for refusing an application)**

**The Chairperson:** This clause is to ensure that products are not oversold. It is about adequacy. For instance, if six people applied for a licence to sell burgers in the street, a council would be able to decide that a sufficient number of traders, from shops or otherwise, were already selling burgers. We are considering an amendment to the proposed clause.

**Ms McAuley:** It is proposed to add a fourth paragraph to clause 9(1)(a) to include a ground for refusal, based on adequacy, as we agreed last week.

**The Chairperson:** Would that give the council discretion when dealing with adequacy?

**Ms McAuley:** Yes, the council would be able to take into account the fact that other traders in the street were trading in the same goods when deciding whether to grant a street trading licence.

*Clause 9, as amended, agreed to.*

**The Clerk:** We will put the amendment down and, based on that, prepare our report for next week.

*Street Trading Bill, as amended, agreed to.*



# **Written Answers**



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# NORTHERN IRELAND ASSEMBLY

Friday 10 November 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Quangos

**Mrs I Robinson** asked the Office of the First Minister and the Deputy First Minister to detail (a) the number of quangos in Northern Ireland, (b) the remit of each quango, (c) who chairs each quango, and (d) what plans there are to abolish any of them. (AQW 385/00)

**Reply** [*holding answer 26 October 2000*]: The information sought regarding points (a) to (c) in the question is available in the 'Public Bodies' publication, produced annually by the Cabinet Office and made available through the Stationery Office. Details of the bodies attached to the Northern Ireland Office and Northern Ireland Departments are included in the publication. The current edition of the publication, 'Public Bodies 1999', is available in the Assembly Library. An updated version for 2000, listing the bodies under the new Northern Ireland Departments, will be published by the Cabinet Office before the end of the year.

(d) It is proposed to abolish the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland in September 2001. Its functions will be assumed as part of the responsibilities of the new United Kingdom Nursing and Midwifery Council.

There are no plans to abolish any other public bodies at this time. However, the Child Support, Pensions and Social Security Bill has measures to align the arrangements for decision making and appeals in respect of housing benefit with those applying to other social security benefits. Under the revised arrangements, the functions of the housing benefit review boards would transfer to the Office of the President of Appeal Tribunals at 1 April 2001.

The future role of non-departmental public bodies (NDPBs) will be considered within the context of the proposed review of public administration that was included in the Agenda for Government announced on 29 June

2000 and is an important action in the draft Programme for Government.

Officials are carrying out initial preparatory work on the review for the Executive, and it is planned that the terms of reference and organisation of the review should be considered further by the Executive later in November.

#### Department: Special Advisers

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister to provide a list of those appointed as special advisers in the Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered. (AQW 470/00)

**Reply:** The following are employed as special advisers in the Office of the First Minister and the Deputy First Minister (OFMDFM). During the period of their employment, special advisers have the status of temporary civil servants.

Mr David Campbell

Mr David Kerr

Dr Graham Gudgin

Mr Brian Barrington

These individuals were initially employed in OFMDFM with effect from 2 December 1999. Following suspension, their appointments were terminated with effect from 11 February 2000.

They were re-engaged following restoration. In each case the information requested is as follows:

- a. 30 May 2000;
- b. 30 May 2000;
- c. male;
- d. it is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability;
- e. special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3(2) of which disapplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration;
- f. all civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role.

Information on membership of a political party is not held for special advisers or any other civil servants.

In addition to the above, Mr Hugh Logue and Mr Colm Larkin act as advisers to the Deputy First Minister. Unlike the other four advisers, who are on contract to the Office of the First Minister and the Deputy First Minister, Messrs Logue and Larkin are seconded from the European Commission under the terms of an exchange scheme for member countries. The European Commission is responsible for the payment of salary and expenses to Mr Logue and Mr Larkin during the period of their secondment.

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister if any special advisers employed by the Department have taken part in a parliamentary election campaign since their appointment. (AQW 471/00)

**Reply:** No. Special advisers may not, under the terms of their contracts, take part in national political activity. They may provide specialist or political advice to their Minister during an election campaign, but may not otherwise take part actively in an election campaign. We are satisfied, on the basis of the information available to us, that all those employed in the Office of the First Minister and the Deputy First Minister as special advisers have complied with their terms and conditions of employment.

### **Executive Committee: Non-Attendance of Ministers**

**Mr Kennedy** asked the Office of the First Minister and the Deputy First Minister to make a statement on written and oral communication between the Executive Committee and the Minister for Social Development. (AQO 261/00)

**Reply:** The Minister for Regional Development and the Minister for Social Development have refused to attend meetings of the Executive. Their non-attendance has a detrimental effect on the work of their own Departments, because they deprive themselves of the benefit of discussion with their ministerial colleagues. They submit papers to the Executive, but their proposals cannot always be fully considered since questions arising have to be referred back for further written input — an inefficient way for those Departments to advance policy objectives. Their absence also deprives their Departments of the benefit of contributing to discussions on cross-cutting policies being considered by the Executive.

Unlike the two Ministers, the Executive are determined to work in a co-ordinated way for the good of all the people of Northern Ireland. Despite the Ministers' refusal to attend Executive and other ministerial meetings, the Executive have taken forward its work on the Agenda for Government, the draft Programme for Government and the Budget with full regard to the interests of the Departments for Regional Development and Social Development. That is clear from the increased allocations for those Depart-

ments as set out by the Minister of Finance and Personnel in his Budget statement to the Assembly on 17 October.

**Mrs Carson** asked the Office of the First Minister and the Deputy First Minister to make a statement on written and oral communication between the Executive Committee and the Minister for Regional Development. (AQO 260/00)

**Reply:** The Minister for Regional Development and the Minister for Social Development have refused to attend meetings of the Executive. Their non-attendance has a detrimental effect on the work of their own Departments, because they deprive themselves of the benefit of discussion with their ministerial colleagues. They submit papers to the Executive, but their proposals cannot always be fully considered since questions arising have to be referred back for further written input — an inefficient way for those Departments to advance policy objectives. Their absence also deprives their Departments of the benefit of contributing to discussions on cross-cutting policies being considered by the Executive.

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### **Executive Policies: Impact on Children**

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister to detail the steps taken to ensure that all policies put forward by the Executive will be appraised for their impact on children. (AQO 258/00)

**Reply:** Under the terms of section 75 of the Northern Ireland Act 1998, public authorities (which includes central Government Departments) shall, in carrying out their functions, have due regard to the need to promote equality of opportunity between a number of social categories. One of the categories is "age" and among the groups making up that category is "children". There is therefore a statutory duty on Departments to assess the impact of both existing policies and new ones put forward or approved by the Executive in terms of promotion of equality of opportunity, including with regard to children. The means of achieving this is set out in the departmental equality schemes, which were submitted to the Equality Commission for approval at



the end of June. The commission's comments on these schemes are expected shortly.

In OFMDFM's equality scheme, an undertaking was given to organise a conference on consultation involving representatives of those section 75 groups that have traditionally been marginalised. The conference is planned for late November or early December, and one of the groups involved will be Putting Children First. The aim will be to bring representatives of the public sector who are required to produce equality schemes into direct contact with representatives of the voluntary and community sector with whom they may have little or no experience of communicating in the past and facilitate an exchange of views on how such public authorities should consult with these groups to the mutual benefit of both.

### **New TSN: Area Designation**

**Mr McGrady** asked the Office of the First Minister and the Deputy First Minister to provide an update on progress on the redesignation of new areas for targeting social need (TSN); and to make a statement.

(AQO 223/00)

**Reply:** The Office of the First Minister and the Deputy First Minister does not designate specific areas for New TSN purposes. Areas for targeting are identified by Departments using objective measures of deprivation. To date our Office has recommended to Departments that they use the indicators of multiple deprivation developed by Prof Robson on the basis of 1991 census data, except where more appropriate indicators exist.

The Minister of Finance and Personnel recently announced that the Northern Ireland Statistics and Research Agency had commissioned the development of new indicators of multiple deprivation for Northern Ireland. These should be available in the spring of 2001. On the completion of this work we, together with the Northern Ireland Statistics and Research Agency and the Northern Ireland Departments, will consider the use of these indicators for New TSN purposes.

### **Executive Policies: Impact on Shared Society**

**Mr Neeson** asked the Office of the First Minister and the Deputy First Minister what steps have been taken to ensure that all policies put forward by the Executive are appraised for their impact on the creation of a shared society in Northern Ireland.

(AQO 249/00)

**Reply:** There is no specific procedure for assessing the impact of policies on the creation of a shared society in Northern Ireland. However, section 75 of the Northern Ireland Act 1998 imposes a statutory obligation on Northern Ireland Departments, in carrying out their functions, to have regard to the desirability of promoting good relations

between persons of different religious belief, political opinion or racial group.

Although the 1998 Act does not require formal assessment of the impact of policies on the promotion of good relations, OFMDFM has recommended to Departments that, in their equality schemes, they indicate that, where relevant, an equality impact assessment should include an annex on the promotion of good relations. With regard to the OFMDFM equality scheme, there is a commitment to consult with the Community Relations Council and other relevant organisations in relation to an assessment that deals with the promotion of good relations.

### **Executive Committee: Non-Attendance of Ministers**

**Mr Savage** asked the Office of the First Minister and Deputy First Minister to detail the effect on Executive Committee business of the non-attendance at meetings of the Minister for Regional Development and the Minister for Social Development.

(AQO 239/00)

**Reply:** The Minister for Regional Development and the Minister for Social Development have refused to attend meetings of the Executive. Their non-attendance has a detrimental effect on the work of their own Departments, because they deprive themselves of the benefit of discussion with their ministerial colleagues. They submit papers to the Executive, but their proposals cannot always be fully considered since questions arising have to be referred back for further written input — an inefficient way for those Departments to advance policy objectives. Their absence also deprives their Departments of the benefit of contributing to discussions on cross-cutting policies being considered by the Executive.

Unlike the two Ministers, the Executive are determined to work in a co-ordinated way for the good of all the people of Northern Ireland. Despite the Ministers' refusal to attend Executive and other ministerial meetings, the Executive have taken forward its work on the Agenda for Government, the draft Programme for Government and the Budget with full regard to the interests of the Departments for Regional Development and Social Development. That is clear from the increased allocations for those Departments as set out by the Minister of Finance and Personnel in his Budget statement to the Assembly on 17 October.

### **Economic Development Strategy**

**Mr Byrne** asked the Office of the First Minister and the Deputy First Minister what progress the Economic Policy Unit has made toward devising an economic development strategy.

(AQO 262/00)

**Reply:** The Executive Committee's proposals for the Programme for Government were presented to the

Assembly on 24 October. This exercise involved all Departments and was co-ordinated by our Department's Economic Policy Unit.

The draft Programme for Government has as its vision a dynamic, competitive economy, creating opportunities for all in a wide range of sectors, with many more new, skilled jobs in the new knowledge-based economy.

The programme contains two priorities — “Securing a Competitive Economy” and “Investing in Education and Skills” — which are very closely linked to achieving its economic development goals. Within these two priorities, the programme proposes a wide range of actions that will contribute to the achievement of a modern, high-skilled, knowledge-based economy. These include actions on improving our infrastructure; attracting inward investment; promoting enterprise and innovation; regenerating the rural economy; and improving the education and training of our young people. This approach builds on the ‘Strategy 2010’ proposals for an economic development strategy. It focuses on creating the right conditions for economic growth and involves actions across a range of Departments. Our strategy for economic development will be a central element of the Programme for Government.

The Minister of Enterprise, Trade and Investment, Sir Reg Empey, will be reviewing future enterprise, trade and investment policy in the light of what has been agreed in the Programme for Government and in light of the findings of the Enterprise, Trade and Investment Committee inquiry into ‘Strategy 2010’. How this review will be taken forward will be published in the Department of Enterprise's corporate plan in the new year.

The five new programme funds will help to support the Executive's economic development and other objectives. The funds will help to promote policy and service innovation, to address weaknesses in infrastructure and ensure effective targeting of programmes on individuals, groups and areas in greatest need.

### Ministers: Meetings with Scottish and Welsh Counterparts

**Mr Benson** asked the Office of the First Minister and the Deputy First Minister to detail the number of meetings each Minister in the Executive Committee has attended with his or her counterparts in the Scottish Parliament and the National Assembly for Wales. (AQO 238/00)

**Reply:** Up to 26 October, there have been a total of 15 meetings between Ministers of the Northern Ireland Executive Committee and their counterparts in Scotland and Wales.

A number of these meetings involved more than one Minister of the Northern Ireland Executive Committee.

The details requested are listed below:

Minister	Scottish Executive	Welsh Executive	Both
Agriculture and Rural Development	0	0	4
Culture, Arts and Leisure	0	0	0
Education	0	0	1
Enterprise, Trade and Investment	0	0	1
Environment	1	0	1
Finance and Personnel	0	1	2
Health, Social Services and Public Safety	0	0	3
Higher and Further Education, Training and Employment	2	0	0
Office of the First Minister and the Deputy First Minister	0	0	10
Regional Development	0	0	0
Social Development	0	0	0

## AGRICULTURE AND RURAL DEVELOPMENT

### Vision Steering Group

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to explain why there are no retailers in the vision group. (AQW 426/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** It was necessary to keep the size of the vision steering group to manageable proportions while, at the same time, including the main production, processing, environmental and rural development interests. I was also keen to make room for a number of independent members.

I feel that the group is balanced and that the method of working enables the views of sectors not directly represented to be obtained. The four subgroups take evidence from different interests, including retailers. In any case, the processors in the group are able to advise on the requirements of retailers.

### Agriculture: Productivity

**Mr Kane** asked the Minister of Agriculture and Rural Development to give consideration to electronic tagging, alternative land use and objective beef carcass grading in order to improve productivity in Northern Ireland agriculture. (AQW 428/00)

**Ms Rodgers:** Electronic identification is currently being trialled in a number of EU countries under the control of the European Commission. The Commission is due to report on the trials by 31 December 2001. Since cattle identification is governed by EU rules, any

action on electronic identification can only be taken forward on foot of proposals from the Commission.

Grants to encourage tree planting on farms as an alternative land use are already available. The Woodland Grant Scheme provides the basic grant assistance for tree planting, while the Farm Woodland Premium Scheme provides an annual payment to farmers over a period of 10 or 15 years depending on the type of woodland planted. The latter is intended to compensate for income foregone in taking the land out of agriculture.

Automated machines, which seek to develop a system of objective classification of carcasses, are currently under field trials in various EU member states. As the results of those trials will have to be assessed by EU experts, I am not in a position to consider their use in Northern Ireland at this stage.

While I would be happy to see the machines trialled in Northern Ireland conditions, if that were helpful, the relevant EU legislation would have to be changed before a mechanised system of classification could be introduced in any region or member state.

### Brucellosis

**Mr McHugh** asked the Minister of Agriculture and Rural Development if she will outline her policy regarding the removal of animals from farms where animals have tested positive for brucellosis and indicate the timescale involved. (AQW 452/00)

**Ms Rodgers:** Where reactors to brucellosis are identified and active infection confirmed in the laboratory, our policy is to remove for slaughter all reactors and all other breeding and potential breeding animals in the herd. Where active infection is not confirmed, removal of animals for slaughter normally involves only those animals reacting to the test. It is our policy to remove animals for slaughter without delay and, if possible, within 15 working days of the blood sample being taken. However, because of the increased incidence of brucellosis, the average timescale involved over the last year is about 18 to 20 working days.

### Farm Incomes

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development what assessment she has made of the 90% drop in farm incomes and if she will detail her plans to assist the farming community. (AQW 455/00)

**Ms Rodgers:** The report in the press that farm incomes have dropped by 90% over the past five years refers to farms in England. However, comparable falls in farm incomes have occurred in Northern Ireland. My Department's assessment of the fall in incomes indicates

that, in the main, it has been caused by the strength of sterling relative to the euro, weak international markets and the continuing impact of the BSE crisis.

A number of initiatives to assist the farming industry have been announced this year. These include the measures announced following the summit on 30 March, including the payment of agri-monetary compensation, for which I pressed the case prior to suspension of devolution, and a pig industry restructuring scheme. There are also measures aimed at improving the longer-term competitiveness of the industry. I have continued to argue for the payment of optional agri-monetary compensation, but that must be agreed on a UK basis; there is no provision for regional payments. The additional funding for agriculture and rural development announced in the Northern Ireland Budget will help to develop skill levels and the use of information and communication technology and improve quality and competitiveness.

Approval for the Northern Ireland Rural Development Plan, worth £266 million, has recently been given by the EU Committee on Agricultural Structures and Rural Development. This includes extra funding for less favoured areas, an expanded agri-environment programme and measures to increase private forestry plantings.

The steering group set up to develop a vision for the future of the agrifood sector in Northern Ireland is considering issues surrounding the longer-term competitiveness of the agrifood industry. When I have the group's report, early next year, I will respond to it in detail.

### Beef and Sheep Farmers: Payments

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will confirm that the payments to beef and sheep farmers announced recently are funded from Europe and to detail what new funds have been targeted towards farmers over the past 12 months. (AQW 456/00)

**Ms Rodgers:** My announcement of 12 October detailed payments worth £59 million on their way to beef and sheep farmers. I can confirm that these payments are all fully funded by the EU, though the agrimonetary compensation payments represent a further 71% cost to the Exchequer because of the implications of the Fontainebleau rebate. Some of these payments reflect the implementation for the first time of the Agenda 2000 agreement on reform of the common agricultural policy — for example, payments under the slaughter premium scheme.

You also ask what new funds have been targeted at farmers over the last 12 months. In addition to increases or changes forthcoming from implementation of Agenda 2000 and agrimonetary compensation payments, the following have been paid or announced within that period:

- £8.5 million additional assistance for hill farmers paid out to farmers earlier this year as increased payments under the 2000 hill livestock compensatory allowances scheme;
- the Downing Street summit announcement included further assistance of £7.1 million for hill farmers to be paid out under the new LFA support scheme to apply in 2001 (this announcement also included £1.4 million to provide better skills training for farmers);
- a total of £24.6 million between 2001 and 2004 to further increase support for hill farmers under the new LFA scheme and provide safety net arrangements to ease the financial impact of the transition from support based on headage to support based on land area farmed;
- £66 million over three years for a UK pig industry restructuring scheme, in which Northern Ireland will share.

### Department: Special Advisers

**Mr Ford** asked the Minister of Agriculture and Rural Development to provide a list of those appointed as special advisers in her Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered.

(AQW 463/00)

**Ms Rodgers:** I have appointed Conall McDevitt as a special adviser. My special adviser holds the status of a temporary civil servant during the period of his service. The additional information requested is as follows:

- He was offered appointment on 18 June 2000.
- The employment commenced with effect from 1 July 2000.
- He is male.
- It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.
- Appointment was made under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3(2) of which disapplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration.
- All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

### Beef Tracing System

**Mr Shannon** asked the Minister of Agriculture and Rural Development, in relation to the computer system used to maintain the Northern Ireland beef tracing system, to detail (a) how many times this computer has crashed in the last year, (b) how many orders have been affected, (c) the amount of money lost due to these breakdowns, and (d) what steps she is taking to correct these difficulties. (AQW 490/00)

**Ms Rodgers:** The information requested is as follows:

- the Animal and Public Health Information System (APHIS) computer has failed seven times in the last year;
- we have no evidence that any orders have been affected;
- we are not aware of any financial loss incurred; and
- we have set up a group involving industry interests to address the level of service and availability of APHIS in relation to the developing needs of the industry.

### Republic of Ireland Cattle: Imports for Slaughter

**Mr Shannon** asked the Minister of Agriculture and Rural Development to detail the number of cattle brought into Northern Ireland from the Republic of Ireland for slaughter. (AQW 494/00)

**Ms Rodgers:** During 1999 a total of 18,054 cattle were imported from the Republic of Ireland into Northern Ireland meat plants for direct slaughter. This represents approximately 5% of the total slaughtering, 370,036 in 1999.

In 2000, to date, there have been 17,657 such imports.

### Republic of Ireland Cattle Imports: BSE Contamination

**Mr Shannon** asked the Minister of Agriculture and Rural Development to detail what procedures are in place to prevent bovine spongiform encephalopathy (BSE) contamination of beef stocks by cattle from the Republic of Ireland. (AQW 495/00)

**Ms Rodgers:** Cattle imported from any country, including the Republic of Ireland, are identified as imported animals on the Department's Animal and Public Health Information System. All such cattle are subject to the full range of BSE controls that are applied to Northern Ireland cattle, including:

- eligibility for human consumption only if they are under 30 months of age at the time of slaughter;
- removal of specified risk material immediately following slaughter.

These precautions are recognised as being an effective way of preventing transmission of the BSE agent in beef, even in animals that may have been incubating the disease. Thus, there is no reason to believe that the importation of animals from any country, including the Republic of Ireland, will contaminate beef stocks in Northern Ireland.

### Flooding (Castlereagh)

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development whether (a) she has made an assessment of the effectiveness of articles 17(1) and (38) of the Drainage (Northern Ireland) Order 1973, (b) she will conduct a review of those articles in the light of recent complaints and (c) she will make a statement on the operation of those articles in relation to recent flooding in Castlereagh. (AQW 497/00)

**Ms Rodgers:** I have assessed articles 17(1) and 38 of the Drainage (Northern Ireland) Order 1973 and I am satisfied that they are effective in their separate contexts and purposes. These articles provide for payment of reasonable compensation in circumstances where the Department by its actions or negligence causes loss or damage to land or property.

Article 17(1) specifically provides for reasonable compensation to be paid by the Department if loss arises from the Department's Rivers Agency, in the course of carrying out its functions under the Order, constructing drainage or sea defence works on land, or entering on to or interfering with land, water or fishery rights.

In a different context, article 38 makes reasonable compensation available where damage to land or property arising from flooding has been caused by the Department's negligent construction or repair of any embankment, dam or sluice for which it has responsibility.

Paragraph (1) of article 38, however, absolves the Department from liability in relation to the accidental overflowing of a watercourse or the failure of a flood defence structure arising from reasons other than negligent construction or repair. That reflects the general principle that Government does not pay compensation for abnormal weather conditions or for losses that are normally insurable.

The interpretation of these articles and their application to particular flooding events is a matter for the courts, and I have no plans to instigate a review at this stage.

Under the provisions of the 1973 Order, I do not consider that liability for damage arising from the recent flooding event at Dunlady in Castlereagh caused by exceptional weather conditions rests with my Department. The grille inlet structures on the culverted watercourses that overflowed on this occasion were inspected and maintained on a weekly basis, including during the week that the flooding occurred. In these circumstances I would

not accept that my Department was negligent in either inspection or maintenance of the watercourses in question.

### Agrimonetary Compensation

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development to (a) detail her plans for 2003 in relation to agrimonetary compensation and (b) outline her policy should such compensation end in that year.

(AQW 498/00)

**Ms Rodgers:** It is too soon for agrimonetary compensation to have been triggered in relation to 2003. The amount that may be paid to compensate for the effects of any appreciation of sterling relative to the euro in 2000 depends on the average exchange rate in December 2000. The sterling/euro exchange rate in July 2001 could also trigger compensation in the arable sector. No further compensation may be triggered after 2001 under the existing regulations.

If compensation is triggered in respect of 2000 or 2001, it will be payable in 2001, 2002 and 2003. Such compensation would be optional for the member state and degressive. You will be aware that, given the current state of the industry, I am in favour of the payment of optional compensation in the United Kingdom, but any such decision would require the agreement, not only of the Agriculture Ministers of the four countries, but also of the Treasury. There is no provision for payment of agrimonetary compensation on a regional basis.

Amendment of the regulations to extend agrimonetary compensation to appreciations occurring after 2001 would require an approach by the UK or another member state Government, a formal proposal by the EU Commission and support by a qualified majority of the 15 member states in the EU Council of Ministers. While I would support such a move, it will be for the United Kingdom Government to initiate and take forward this issue.

### Training: Use of Department Funds

**Mr Shannon** asked the Minister of Agriculture and Rural Development to explain why her Department's funds are being used in reskilling and computer training programmes and why such are not sourced at either the Department of Higher and Further Education, Training and Employment or the Department of Enterprise, Trade and Industry. (AQW 556/00)

**Ms Rodgers:**

1. My Department is authorised to provide education and training under the Agriculture Act (Northern Ireland) 1949 and the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970.
2. Any transfer of responsibility for education and training from my Department to DHFETE would

also mean the transfer of the funding to carry out the functions. There is no possibility of my Department transferring the responsibility and retaining the funding for other uses. The present arrangement has many advantages for the agrifood industry.

3. EU support for the training of farmers, farm families and others in rural areas is available from the European Agricultural Guidance and Guarantee Fund (EAGGF) under the terms of Council Regulation EC 1257/1999. In Northern Ireland, only the Department of Agriculture and Rural Development is authorised to draw down EAGGF funds.
4. Reskilling and computer training are two elements within a comprehensive measure being proposed by my Department for funding under Peace II. The measure was drawn up in response to representations from MLAs, the farming unions and others for action to help farm families to improve their incomes. The Department has consulted the two farming unions, which are supportive.
5. The Peace II measure is designed to provide farming families with opportunities to secure additional income via the three main methods open to them:
  - Achieve higher levels of performance in the farm business — both traditional and diversified enterprise;
  - Create new income-generating enterprise;
  - Secure alternative off-farm employment.

Further education (FE) colleges and other bodies funded by DHFETE provide general training in computer skills to all in the community. The unique contribution of the DARD colleges is to provide specialised training primarily aimed at improving the performance of farm businesses.

The reskilling element will be open to farmers, their spouses and other family members who are totally or partially dependent on the farm for income. It will provide counselling, signposting to training opportunities, financial support towards the costs of training which are not covered from other sources, mentoring through the training process and assistance to secure employment. The actual education/training course will typically be provided by a FE college or other DHFETE-funded organisation.

Computer training and reskilling represent excellent examples of effective joined-up government.

### **Agriculture Industry: Future Viability**

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she will outline her policy to sustain a viable agriculture industry and detail her plans for the industry for the next five years. (AQW 559/00)

**Ms Rodgers:** While the agriculture industry has had its difficulties in recent years, I do not believe that its future viability is in question. The size and structure of

the industry in the future will, however, be decided by how it responds to variations in exchange rates, policy changes and competitive pressures. That said, I have been active in pressing for short-term aid to help the industry through its current difficulties, most recently in relation to the arable agrimonetary compensation announced on 2 November.

I am, of course, a firm believer in longer-term measures to improve the industry's efficiency and competitiveness. This was one of the reasons why I proposed the setting up of a group to develop a vision for the future of the agrifood sector. As you know, this group began work in May of this year and has produced a paper on emerging themes, which has been discussed with the Assembly Committee for Agriculture and Rural Development. This paper focuses on measures likely to have an impact on the industry's competitiveness. I have asked the vision group to report to me by the end of February 2001 and will publish its report and my response to it as soon as possible after that. This will help to inform my strategic view of the industry's long-term future and needs.

### **Vision Steering Group: Membership**

**Mr Kane** asked the Minister of Agriculture and Rural Development whether she will introduce a diversity of membership within the vision group to provide greater coverage across the agrifood chain. (AQO 256/00)

**Ms Rodgers:** I have already ensured that the steering group set up to develop a strategic vision for the future development of the Northern Ireland agrifood sector has considerable diversity of membership. Farming, food processing, input supply, environmental and rural development interests are all represented. It also includes members drawn from Government Departments and academia. In addition, the group, through the activities of its subgroups, has taken evidence from a wide range of interests including banking, education, retailing, currency experts and others.

### **Organophosphate Sheep Dips**

**Mr Bradley** asked the Minister of Agriculture and Rural Development if she will sanction the return of organophosphate (OP) sheep dips to the local market. (AQO 229/00)

**Ms Rodgers:** Following advice from the Veterinary Products Committee, I, along with the Minister of Health, Social Services and Public Safety and ministerial colleagues in Great Britain, approved applications from two suppliers to have suspensions on their OP sheep dip products lifted. That allows the products to return to the UK market in the short term with the addition of a vented tap to their existing containers. The two companies aim to have relaunched the products by late October.

The terms of this latest authorisation will expire on 31 August 2001 unless further specific improvements are made before then to introduce entirely enclosed systems for transferring the dip concentrate into the dip bath.

### **Flooding (Newcastle)**

**Mr O'Neill** asked the Minister of Agriculture and Rural Development to detail what progress has been made in the implementation of a viable flood alleviation scheme for Newcastle, County Down; and to make a statement. (AQO 221/00)

**Ms Rodgers:** I am very conscious of local concerns about a long-standing flooding problem at the Burren River, Newcastle, affecting existing property and preventing further development on the Burren flood plain. Investigations have been ongoing. A proposal for a previous scheme exhibited for public comment did not command the necessary public support to proceed. I am pleased to say that technical advances in flood estimation have allowed the Rivers Agency to take a fresh look at the problem. It has commissioned a new study, which has identified a different and viable solution using flood banks. This scheme would reduce the risk of flooding to existing property to currently accepted standards and at the same time take account of development pressures and the fishery interest in the Burren River.

The outcome of the current study will be the subject of wide public consultation commencing with Down District Council. Subject to the necessary approvals and statutory consultations, I am hopeful that a flood alleviation scheme will commence in 2002-03.

### **Farmers: Training**

**Ms Lewsley** asked the Minister of Agriculture and Rural Development if she will outline her plans for business and environmental training for farmers; and to make a statement. (AQO 252/00)

**Ms Rodgers:** Over the next three years I will be allocating £1.4 million each year to a training programme specifically developed for hill farmers. This will focus on developing business skills to enable producers to manage their farms more efficiently and to encourage farming practices compatible with the need to safeguard the environment and maintain the countryside. The target for this programme is to provide an additional 12,000 business development training places and 12,000 environmental training places by March 2004.

This is part of my Department's wider competence development programme aimed at enabling the industry to adjust to and meet the demands of current and future business and environmental challenges.

### **Vision Steering Group: Report**

**Mr Ford** asked the Minister of Agriculture and Rural Development when she will publish the report of the vision group. (AQO 243/00)

**Ms Rodgers:** I have asked the vision exercise steering group to provide me with its final report by the end of February 2001. I will publish the report and my response to it as soon as possible thereafter.

### **Programme for Government: Rural Proofing**

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will confirm that the Programme for Government has been rural-proofed. (AQO 220/00)

**Ms Rodgers:** Rural issues were accorded due prominence in the draft Programme for Government laid before the Assembly on 24 October, and I am satisfied that the document meets the spirit of rural proofing.

It is my intention — and this is a commitment in the Programme for Government — to establish a group to ensure that all major Government policies and programmes are rural proofed. By this I mean that policies and programmes will be reviewed in a structured way to ensure that any rural dimension has been fully taken into account at the formulation stage.

### **Budget Proposals: Grants to Farmers**

**Mr McHugh** asked the Minister of Agriculture and Rural Development if there is provision in her budget proposals to assist farming businesses by way of grants for maintenance, repairs and animal welfare. (AQO 228/00)

**Ms Rodgers:** There is no provision in the budget proposals laid before the Assembly on 17 October for any new capital grant schemes for farmers. Provision remains for the continuation of existing schemes relating to environmentally sensitive areas, countryside management and organic farming, and processing and marketing in relation to food processing businesses.

### **Flooding (West Tyrone)**

**Mr McMenamin** asked the Minister of Agriculture and Rural Development what plans she has to address the flooding in West Tyrone, particularly in the Cloughcor and Lisdiven areas of Strabane. (AQO 230/00)

**Ms Rodgers:** Having first-hand knowledge of the flooding problems experienced in West Tyrone, I understand the urgency of seeking solutions. I am pleased to say that a comprehensive study of the flooding problems in the Lisdivin and Cloughcor areas of Strabane is at an

advanced stage and is now expected to be completed in December.

Meanwhile, following the serious flooding incidents since winter 1999-2000 in the Burndennet catchment, essential repairs have been carried out to vulnerable stretches of the earthen flood banks, including that at Cloughcor. Regular inspections of these flood banks are ongoing in order to ensure that potential problems are identified in good time and that repairs are carried out as a matter of priority.

The major flood alleviation scheme for Castlederg was completed at the end of October, and localised improvements on urban drains at Castlederg have been carried out. Newtown Stewart has also benefited from interim remedial works pending a wider study expected to be completed by the end of December 2000.

### LEADER+ Programme

**Mr A Doherty** asked the Minister of Agriculture and Rural Development when the LEADER+ programme will be approved; and if she will make a statement.

(AQO 219/00)

**Ms Rodgers:** The programme will be considered by the Executive Committee on 9 November and by the North/South Ministerial Council on 15 November. The approved final version of the programme will be submitted to the European Commission on 16 November.

The Commission has five months from the date of submission to approve the programme.

### Rural Proofing

**Mr Dallat** asked the Minister of Agriculture and Rural Development if she will introduce a policy of rural proofing in Northern Ireland; and to make a statement.

(AQO 257/00)

**Ms Rodgers:** It is my intention to introduce rural proofing of all major Government policies and programmes, and a commitment to that is contained in the draft Programme for Government presented to the Assembly last week. The draft Programme for Government identifies the need for a Minister-led group to carry out that function. I am confident that the commitment to rural proofing will be retained when the Assembly debates and finalises the Programme for Government, and I expect to be the Minister leading the group. I am determined that rural issues should remain high on the agenda of the Executive Committee and the Assembly, and I believe that rural proofing will play a very important part in achieving that goal.

### Tuberculosis Testing: Defective Serum

**Mr Savage** asked the Minister of Agriculture and Rural Development if she will confirm that her Department purchased serum for use in tuberculosis-testing injections which was subsequently scientifically proven to be defective; and if she will also confirm that use of the said defective serum has resulted in inaccurate readings; and to make a statement. (AQO 233/00)

**Ms Rodgers:** There is no question of my Department using defective tuberculin, nor is there any evidence from our monitoring procedures that any tuberculin used has given rise to inaccurate readings.

The product that is presumably being referred to is a batch of tuberculin that earlier this year passed its potency test but gave anomalous readings to a sensitivity test.

The Veterinary Medicines Directorate, which is responsible for authorising the use of tuberculin in the United Kingdom, reviewed the data and deemed the batch to be acceptable for use. The batch was therefore released and, as required in such situations, the EU Commission was informed.

### CULTURE, ARTS AND LEISURE

#### Department: Special Advisers

**Mr Ford** asked the Minister of Culture, Arts and Leisure if he will provide a list of those appointed as special advisers in his Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered. (AQW 442/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I can confirm that: one special adviser has been appointed in the Department of Culture, Arts and Leisure; the appointment was offered on 22 August 2000 and employment commenced on 29 August 2000; the appointee is male.

Special advisers have the status of temporary civil servants during the period of their service and, as it is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability, I am unable to disclose the information you request in relation to disability.

Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999,



article 3(2) of which disapplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration.

All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

### Irish Language

**Ms McWilliams** asked the Minister of Culture, Arts and Leisure if he will outline his guidelines for the promotion of the Irish language. (AQW 454/00)

**Mr McGimpsey:** Policy in respect of languages is informed and underpinned by the commitment in the Belfast Agreement to respect, understanding and tolerance of linguistic diversity.

The UK Government on 2 March 2000 signed the Council of Europe Charter for Regional or Minority Languages, recognising Irish and Ulster-Scots in Northern Ireland for Part II, which contains general principles of recognition and non-discrimination. It will ratify it shortly, specifying Irish as a language to which the more specific provisions of Part III will apply.

On 28 September the Executive Committee noted a paper covering the provisions of Part III, which can be applied in relation to Irish when the Charter comes into force early next year. A standing interdepartmental Charter group chaired by my Department will draw up an action plan for implementing the Charter. The plan will be ready by April 2001. That group will also consider draft guidance on the use of Irish in official business. The guidance will be submitted to the Executive Committee for approval.

My Department has commissioned a consultant to produce an action plan for a pilot Irish-language film and television production project to test demand. The pilot should be ready to start by April 2001.

In order to obtain quality information on various aspects of the current situation regarding the Irish language sector and demand for its use in public life, my Department has commissioned and planned a number of research projects. The results of these will help us to develop policy.

An important component of language promotion is the work undertaken by the North/South Language Body. The two component agencies of the Body, Foras na Gaeilge and Tha Boord o Ulster Scotch, will in due course bring forward to the North/South Ministerial Council corporate

plans setting out how they propose to implement their obligations in respect of the Belfast Agreement.

In developing policy guidelines we will also listen to advice from the North/South Language Body, the departmental Assembly Committee, ministerial colleagues, the Human Rights Commission subcommittee on languages, and individuals or organisations with expertise or an interest in this area.

### Ulster-Scots Day

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure what plans he has to designate a specific Ulster-Scots day annually to celebrate the contribution of the Ulster-Scots diaspora throughout the world and which will allow those of all cultures to join in such celebrations; and if he will make a statement. (AQW 492/00)

**Mr McGimpsey:** At present, Ulster-Scots language and culture is promoted and supported in many ways throughout the year. My Department is involved in promoting or supporting some of this through its arts, heritage and cultural diversity programmes, as is Tha Boord o Ulster Scotch.

The idea of designating a specific day to mark the contribution of the Ulster-Scots diaspora is an interesting one. Before going any further than that, however, I should like to take the views of Lord Laird, who, as you know, is chairperson of Tha Boord o Ulster Scotch, on this. I will write to you again when I have done so.

### Salmonid Enhancement Project (Strangford Lough)

**Mr Shannon** asked the Minister of Culture, Arts and Leisure if he is familiar with the Ards and Down Salmonid Enhancement Association project in Strangford Lough and if he will outline his plans to assist in its implementation. (AQW 510/00)

**Mr McGimpsey:** I have only recently become aware of this project, which I understand seeks to enhance sea trout in the Strangford Lough and Dundrum Bay areas to produce a quality sea angling resource.

Officials from the previous Department of Agriculture appraised the project on a number of occasions as it had been submitted to various bodies seeking grant aid support. While the Department was supportive of the objectives of the project and believed that they could be achieved with current technology, it had concerns about the cost of the project and the project outputs as outlined in the original applications and the economic appraisal prepared by Capita management consultants.

Prior to devolution, Department of Agriculture officials met with the project sponsors and Capita to discuss its

reservations. The Department had concerns about the scale of the project, which sought to cover all sea trout angling from Newcastle to Bangor, and because this is currently a free public fishery, consent would be required from both the Department of Agriculture and Rural Development and the Department of Culture, Arts and Leisure, which could possibly precipitate a local public inquiry. The Department of Agriculture, therefore, encouraged the team to review the scale of the application to ensure that outputs are achievable and costs more attractive to funding agencies.

I understand that the project is currently under review by the cross-border aquaculture initiative team, and I hope that the project will emerge in a form that we will find easier to support.

### Ulster Treasures

**Dr Adamson** asked the Minister of Culture, Arts and Leisure if he will outline his plans to secure the return to Northern Ireland of ancient Ulster treasures such as the Brougher Gold Hoard, the Shankill Crozier, the Book of Armagh and the Bangor Antiphonary; and if he will make a statement. (AQO 242/00)

**Mr McGimpsey:** I have no powers to require the return on a permanent basis of any historical or archaeological objects of local origin that are owned by institutions outside Northern Ireland. I do, however, believe that people here should, where possible, have the opportunity to see these treasures in a local setting, and arrangements can usually be made to borrow these and other treasures through short-term loan agreements.

### Film Production

**Mr Ford** asked the Minister of Culture, Arts and Leisure if he will outline the steps he will take to encourage film production in Northern Ireland. (AQO 245/00)

**Mr McGimpsey:** I recognise the value of film production as a significant sphere of activity within the growing creative industries sector in Northern Ireland. My Department has convened a creative industries action group that will seek to develop an interdepartmental strategy for raising the profile of the sector and realising its potential for growth. My Department will continue to co-operate with the Department of Enterprise, Trade and Investment in the promotion of an integrated approach to the development of film culture and the film and television production industry in Northern Ireland and will seek to encourage the growth of film production in the context of the development of the creative industries generally.

### Lagan Canal

**Mr Davis** asked the Minister of Culture, Arts and Leisure if he will give priority to the restoration of the Lagan Canal to link Belfast to Lough Neagh and, via a restored Ulster Canal, to the waterway network of Ireland. (AQO 254/00)

**Mr McGimpsey:** I am very aware of the public interest in restoring abandoned navigations, and I have set up a meeting with the key bodies with an interest in the Lagan Navigation — including district councils — on 15 November, with a view to developing a strategy for possible future restoration, including looking at potential sources of funding.

Waterways Ireland has commissioned consultants to update an earlier feasibility study on the Ulster Canal, and we have to await the outcome of that study before determining the way forward in relation to the Ulster Canal.

## EDUCATION

### Departmental Documents: Irish Language

**Mrs I Robinson** asked the Minister of Education if he will list (a) the documents produced by his Department in Irish, (b) the cost of their production, and (c) who receives them. (AQW 260/00)

**The Minister of Education (Mr M McGuinness):** At present, Irish language versions of departmental press notices are provided at their request to the following media outlets:

- 'The Irish News'
- RTE
- 'The Irish Times'
- the 'Irish Independent'
- 'Lá'
- Teilifís na Gaeilge
- BBC News
- the 'Derry People Donegal News'.

To date, the total cost of the production, including translation, of such press releases has been £2,460·87.

The Department's Research Briefing RB4/2000, 'The Effect of the Selective System on Secondary Education in Northern Ireland', has been provided in Irish to members of the public on request. The only additional cost was for translation, which amounted to £543.

During the summer term 2000, Inspection Services Branch began to issue relevant inspection documentation in Irish to Irish-speaking schools. There was no extra cost to the Department as translations were undertaken in-house by specialist inspectors of Irish and administrative support from the branch.

One advertisement, on behalf of Statistics and Research Branch, was published in both English and Irish. The estimated cost of publishing in Irish was £1,249.

### Primary Schools: Funding

**Mr Taylor** asked the Minister of Education if he will advise when the allocation of funding to primary schools, as provided for by the Chancellor of the Exchequer in his July 2000 statements, will be announced for Northern Ireland; and if he will make a statement. (AQW 430/00)

**Mr M McGuinness:** The additional allocations announced in the Chancellor's statement in July form part of the total resources available for distribution through the draft Assembly Budget statement of 17 October. Under current proposals this will provide an additional £20 million in 2001-02 for schools — not only primary schools — over and above formula-driven budgets, in addition to some £9 million for work on the schools' estate.

Following further consultation with the Education Committee, I expect to announce in the new year how these funds are to be allocated.

### Department: Special Advisers

**Mr Ford** asked the Minister of Education if he will provide a list of those appointed as special advisers within his Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered.

(AQW 444/00)

**Mr M McGuinness:** Mr Aidan McAteer has been appointed special adviser in the Department of Education and has the status of a temporary civil servant.

- Formal written offer of appointment was made on 10 January 2000.
- 1 December 1999.
- Male.
- It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.
- No. Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3(2) of which disapplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers and the Presiding Officer of the

Northern Ireland Assembly during a period terminating on or before the end of an Administration.

- All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

### St Paul's School (Bessbrook)

**Mr Fee** asked the Minister of Education if, in relation to the proposed new school for St Paul's Bessbrook, he will detail (a) the date an application for stage D approval was received by his Department, (b) the criteria applied when the concept of phased development was introduced, (c) what outstanding matters are preventing the issuing of stage D approval and (d) when a decision may be expected.

(AQW 453/00)

**Mr M McGuinness:** The application was received by my Department on 13 October 1999, but required a number of amendments. All outstanding matters have now been satisfactorily resolved and my Department has conveyed its approval to the school trustees. The phasing of development is considered for all capital works with a value of over £4 million in order to ensure affordability within the resources available.

### Pre-School Education

**Mr Fee** asked the Minister of Education if he will outline his proposals for the development of pre-school education with specific reference to the pre-school playgroups, nursery education, and reception classes.

(AQW 491/00)

**Mr M McGuinness:** My Department is investing £38 million over the four years from 1998-99 in the pre-school education expansion programme, which forms part of the Northern Ireland childcare strategy, Children First. Additional pre-school provision is being created by the establishment of new statutory nursery units and, for the first time, the funding of places in existing voluntary/private settings which meet the standards of the programme. By 2001-02 I expect that some 9,000 new pre-school education places will have been secured, making places available for 85% of all children in their final pre-school year. One of the objectives of the programme is, where possible, to replace reception classes and groups with alternative nursery or playgroup provision. While some reception provision is of a high standard, quality overall is uneven, and the continuation of such provision in certain circumstances can represent an unnecessary duplication of places. The draft Programme for Government outlines the objective of one year's pre-school education for every child.

## Nursery Schools: Principals' Pay

**Mrs I Robinson** asked the Minister of Education if he will, pursuant to AQW 354/00, (a) detail why a number of controlled nursery school principals in the Southern Education and Library Board (SELB) have not yet received the new pay scale, (b) outline why SELB has failed for over one year to introduce the new pay scale and (c) explain why maintained nursery schools in Newry have already received the new pay scale.

(AQW 500/00)

**Mr M McGuinness:** The Southern Education and Library Board has again confirmed to my Department that there are no controlled nursery schools in its area where the principal has not been placed on the new pay spine from 1 September 1999. In addition, the teachers' payroll system has been operating only the new pay rates for all principals since that date, irrespective of whether they are employed in controlled or maintained nursery schools.

## Controlled Nursery Schools

**Mrs I Robinson** asked the Minister of Education if he will, pursuant to AQW353/00, (a) detail why principals of controlled nursery schools in Lurgan, Portadown and Banbridge have not yet received the new pay scale, (b) outline his plans to remedy this, (c) ensure that principals' pensions are not affected, and (d) confirm that principals do not suffer financially because of these delays.

(AQW 501/00)

**Mr M McGuinness:** The Southern Education and Library Board has confirmed to my Department that the principals of controlled nursery schools in Lurgan, Portadown and Banbridge are being paid on the basis of the individual school range recommended by employing authorities, which takes account of schools of different sizes, using the school group determined by enrolment numbers as shown on the October 1998 schools' census preceding the 1 September 1999 implementation date for the new pay spine. Since they are being paid on the new pay spine, their pensions have not been affected, and they have not suffered financially.

## Primary Schools (South Down)

**Mr Bradley** asked the Minister of Education if he will detail the number of pupils currently enrolled at primary schools in the South Down constituency and provide the equivalent figures for each of the last five years.

(AQW 503/00)

**Mr M McGuinness:** The current enrolment figures for primary schools in the South Down constituency are not yet available. Enrolments for the past five years are listed below.

## PRIMARY AND PREPARATORY DEPARTMENT ENROLMENTS IN THE SOUTH DOWN CONSTITUENCY 1995/96 - 1999/00

School Name	95/96	96/97	97/98	98/99	99/00
Academy Primary School	315	329	325	336	328
All Children's Integrated School	167	191	190	197	204
All Saints Primary School	30	132	25	28	23
Annalong Primary School	194	191	169	154	145
Annsborough Integrated Primary School	47	42	52	48	51
Ballydown Primary School	223	243	260	248	248
Ballyholland Primary School	180	192	198	196	180
Ballynahinch Primary School	344	350	342	352	373
Ballyrone Primary School	68	63	61	64	68
Ballyward Primary School	66	65	64	66	64
Brackenagh West Primary School	110	117	113	111	119
Carrick Primary School	309	306	310	326	323
Castlewellan Primary School	54	67	62	62	60
Cedar Integrated Primary School	26	55	89	113	135
Clontifleece Primary School	48	51	47	45	57
Clough Primary School	117	118	120	122	136
Convent of Mercy Primary School	406	395	376	363	335
Croreagh Primary School	21	20	18	21	15
Crossgar Primary School	79	80	81	81	79
Dechomet Primary School	78	78	81	69	66
Down High School Prep Dept.	81	84	92	105	106
Downpatrick Primary School	197	207	192	200	189
Downshire Primary School	60	54	50	43	42
Dromore Road Primary School	68	71	76	73	72
Drumaghlin Primary School	67	65	64	61	59
Drumaness Primary School	167	172	173	179	172
Drumaroad Primary School	44	41	37	32	37
Edendale Primary School	31	26	27	23	21
Glaskermore Primary School	72	69	74	73	76
Grange Primary School	121	121	125	131	134
Guinness Primary School	59	48	47	39	34
Holy Cross Primary School	85	92	87	94	94

School Name	95/96	96/97	97/98	98/99	99/00
Holy Family Primary School	226	230	223	218	217
Iveagh Primary School	242	241	224	223	234
Katesbridge Primary School	24	24	22	25	24
Kilbroney Integrated Primary School	54	51	30	58	64
Kilkeel Primary School	595	590	596	586	589
Killowen Primary School	157	151	155	159	135
Legamaddy Primary School	157	155	165	168	179
Loughinisland Primary School	131	143	144	155	157
Magheramayo Primary School	51	51	56	48	49
Moneydarragh Primary School	103	109	108	95	103
Newcastle Primary School	153	154	151	142	149
Rostrevor Convent Of Mercy Ps	161	164	155	150	144
Sacred Heart Primary School	114	112	117	111	109
Spa Primary School	173	176	172	173	165
St Brigid's Primary School, Downpatrick	204	200	198	189	175
St Clare's Convent Primary School	491	473	431	399	354
St Colman's - Saval Primary School	118	128	129	124	125
St Colman's Primary School, Kilkeel	364	350	332	325	310
St Colman's Primary School, Annaclone	119	118	112	106	94
St Colmcille's Primary School	310	318	309	302	269
St John's (Glenn) Primary School	54	50	42	41	50
St Joseph's Primary School, Tyrella Road, Downpatrick	72	70	73	72	69
St Joseph's Primary School, Ballycruttle Road, Downpatrick	68	75	55	58	55
St Joseph's Primary School, Ballynahinch Road, Downpatrick	126	126	141	150	144
St Joseph's Primary School, Killough	106	109	110	111	104
St Joseph's Primary School, Newcastle	190	192	188	179	186
St Joseph's Primary School, Ballymartin	129	130	119	126	118
St Joseph's Primary School, Strangford	83	81	86	74	68
St Malachy's Primary School, Castlewellan	329	337	324	334	312
St Malachy's Primary School, Downpatrick	67	69	62	65	60
St Malachy's Primary School, Kilcoo	133	127	125	117	111
St Mary's Boy's Primary School Newcastle	239	228	207	206	205
St Mary's Boys Primary School, Rostrevor	158	157	147	143	144
St Mary's Girls Primary School, Newcastle	257	252	229	238	242
St Mary's Primary School, Annalong	103	102	99	93	85
St Mary's Primary School, Ardglass	66	67	66	67	72
St Mary's Primary School, Ballynahinch	62	66	67	64	60
St Mary's Primary School, Castlewellan	167	159	150	160	149
St Mary's Primary School, Jerrettspass	69	75	80	84	89
St Mary's Primary School, Rathfriland	81	84	92	83	77
St Nicholas' Primary School	168	185	175	177	175
St Patrick's Boy's Primary School, Downpatrick	400	385	358	323	309
St Patrick's Primary School, Ballynahinch	326	308	287	281	284

School Name	95/96	96/97	97/98	98/99	99/00
St Patrick's Primary School, Castlewellan	79	82	79	77	71
St Patrick's Primary School, Downpatrick	87	80	86	105	119
St Patrick's Primary School, Hilltown	283	286	275	281	274
St Patrick's Primary School, Mayobridge	299	290	280	286	274
St Patrick's Primary School, Rathfriland*	0	0	0	65	67
St Paul's Primary School, Cabra	62	68	72	72	70
St Peter's Boys Primary School	277	267	260	271	285
St Ronan's Primary School	265	318	353	378	401
Star Of The Sea Convent Ps	296	304	309	317	327
Tyrella Primary School	103	116	106	125	102

\* St Patrick's Primary School (5036605) opened on 1/9/98.

### Integrated Schools: Funding

**Mrs I Robinson** asked the Minister of Education if he will, pursuant to AQW 271/00, (a) confirm that integrated primary and integrated secondary schools received more per capita funding than comparable controlled and maintained schools in each of the last three years, and (b) detail the steps he is taking to redress this imbalance. (AQW 508/00)

**Mr M McGuinness:** Grant-maintained integrated primary and secondary schools did receive higher per capita funding than controlled and maintained schools. That reflects the range of services that such schools must fund themselves, such as landlord maintenance, accountancy, audit and insurance, but that are met centrally by education and library boards for controlled and maintained schools, and also the specific characteristics of such schools, particularly their generally smaller size. Controlled integrated schools are funded on the same basis as controlled and maintained schools.

The local management of schools (LMS) common formula that is being developed will ensure that all schools are funded using the same formula, but per capita funding will continue to vary according to the different characteristics of schools.

### Rural Schools (Cookstown Area)

**Mr Armstrong** asked the Minister of Education if his plans for rural schools in the Cookstown District Council area take account of the Northern Ireland Research and Statistics Agency estimate that there will be a decrease of 25% in the number of children in the area over the next 13 years. (AQW 517/00)

**Mr M McGuinness:** My Department is aware of the decline in birth rates in the Cookstown area and this is reflected in its long-term enrolment calculations for

schools in the area, which take account of trends over specific time periods.

That is one of the factors to be considered in relation to the provision of schools in that district council area.

### Literacy and Numeracy

**Mr Dallat** asked the Minister of Education if he is aware that the strategy for numeracy and literacy in Northern Ireland requires, from Autumn 2000, all grant-aided schools (except special schools) to publish their current position in terms of Key Stage assessment levels in English and mathematics and the targets they have set for themselves, and if he will detail when these will be made available to the public. (AQW 529/00)

**Mr M McGuinness:** Since the 1998-99 school year, all grant-aided primary and post-primary schools have been required to publish, in their prospectuses and boards of governors' annual reports, information about the proportions of pupils in the school attaining specified levels in English and in mathematics — and, at Key Stage 3, in science — in the statutory Key Stage assessments. Irish-speaking primary schools are required to publish information about performance in Irish and mathematics at Key Stage 1 and in Irish, English and mathematics at Key Stage 2.

Additionally, since September 1998 all such schools have been required to set targets for the overall performance of pupils at the school, both in relation to the outcomes of statutory assessment and against specified indicators of public examination performance, and to review those targets every year. While it was originally intended that schools should be required to publish the targets in their prospectuses from September 2000, it was subsequently decided that they should be given additional time to become familiar with the target-setting process before the requirement to publish was introduced, and it is not now intended that it should be introduced before September 2001.

**Mr Dallat** asked the Minister of Education if he is aware that the strategy for numeracy and literacy in Northern Ireland requires each education and library board to set annual targets for improvement in literacy and numeracy for its area by September 1998 and to produce a report annually on progress towards meeting these targets, and if he will outline the targets for each board and advise on progress to date. (AQW 530/00)

**Mr M McGuinness:** Challenging targets for 2002 were published in the strategy for the promotion of literacy and numeracy and remain in place. Education and library boards are determining targets for improvements in literacy and numeracy in their areas and, in the short term, the overall targets apply to them. Following the publication of the strategy document, 1998-99 was mainly a planning year and boards are currently

submitting to my Department their first annual reports on the action being taken to improve standards. The most recent information available on progress is shown below:

Targets (2002)	Overall position	Position in each Education and Library Board area 1998/99					
		98/99	BELB	WELB	NEELB	SEELB	SELB
<b>Key stage 1: level 2 or above</b>							
English	100%	93.9	94.6	91.7	94.7	95.3	93.0
Mathematics	100%	94.0	94.6	92.6	95.2	94.3	93.2
<b>Key Stage 2: level 4 or above</b>							
English	80%	69.0	60.6	67.0	69.4	74.7	71.9
Mathematics	80%	73.9	66.5	71.6	74.7	78.1	77.3
<b>Key Stage 3: level 5 or above</b>							
English	75%	67.7	70.6	63.1	68.7	65.3	70.0
Mathematics	85%	70.1	68.0	67.4	72.3	71.3	71.3
<b>Key Stage 3: Grammar schools level 5 or above</b>							
English	100%	96.9	97.2	95.4	96.0	98.1	98.2
Mathematics	100%	98.6	98.4	98.6	99.0	98.7	98.0
<b>Key Stage 3: Non-grammar schools level 5 or above</b>							
English	60%	52.3	47.0	47.8	52.9	49.1	60.9
Mathematics	75%	55.2	41.1	52.6	56.9	57.9	62.7

**Mr Dallat** asked the Minister of Education if he will confirm that he is still committed to achieving by 2002 the targets for English and mathematics published in the strategy for numeracy and literacy in Northern Ireland, and if he will detail the latest figures of achievements towards these targets. (AQW 533/00)

**Mr M McGuinness:** Challenging targets for 2002 were published in the strategy for the promotion of literacy and numeracy and remain in place. Education and library boards are determining targets for improvements in literacy and numeracy in their areas and in the short-term the overall targets apply to them. Following the publication of the strategy document, 1998-99 was mainly a planning year and boards are currently submitting to my Department their first annual reports on the action being taken to improve standards. The most recent information available on progress is shown below:

Targets (2002)	Overall position	Position in each Education and Library Board area 1998/99					
		1998/99	BELB	WELB	NEELB	SEELB	SELB
<b>Key stage 1: level 2 or above</b>							
English	100%	93.9	94.6	91.7	94.7	95.3	93.0
Mathematics	100%	94.0	94.6	92.6	95.2	94.3	93.2
<b>Key Stage 2: level 4 or above</b>							
English	80%	69.0	60.6	67.0	69.4	74.7	71.9
Mathematics	80%	73.9	66.5	71.6	74.7	78.1	77.3
<b>Key Stage 3: level 5 or above</b>							
English	75%	67.7	70.6	63.1	68.7	65.3	70.0
Mathematics	85%	70.1	68.0	67.4	72.3	71.3	71.3
<b>Key Stage 3: Grammar schools level 5 or above</b>							
English	100%	96.9	97.2	95.4	96.0	98.1	98.2
Mathematics	100%	98.6	98.4	98.6	99.0	98.7	98.0
<b>Key Stage 3: Non-grammar schools level 5 or above</b>							
English	60%	52.3	47.0	47.8	52.9	49.1	60.9
Mathematics	75%	55.2	41.1	52.6	56.9	57.9	62.7

## School Buses: Overcrowding

**Mr McGrady** asked the Minister of Education what steps he is taking to prevent overcrowding on education and library board-operated school buses in Northern Ireland; and if he will make a statement. (AQW 546/00)

**Mr M McGuinness:** Education and library boards' school buses operate under the Department of the Environment's bus permits scheme. There are no restrictions on the number of passengers who may be carried, but vehicles must comply with the Motor Vehicles (Construction and Use) Regulations (NI) 1999, which require them to be operated in a manner that ensures that no danger is caused, or is likely to be caused, to a person in or on the vehicle, or on the road.

Education and library boards do not permit standing passengers on their vehicles. Although the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations 1995, which set limits for the maximum number of passengers which can be carried on public service vehicles, do not apply to board vehicles, boards ensure at all times that the numbers carried are within the limits specified in those Regulations.

The Environment Committee is currently holding an inquiry into transport used for children travelling to and from school. The inquiry will address issues such as the number of passengers who can be carried on education and library board vehicles, and I will consider carefully any recommendations that the Committee makes.

## ENTERPRISE, TRADE AND INVESTMENT

### Shorts Missile Systems

**Dr O'Hagan** asked the Minister of Enterprise, Trade and Investment if he will detail the 56 armed forces around the world that have been supplied by Shorts Missile Systems, as referred to in a Northern Ireland Information Service press release of 7 October 1999. (AQW 437/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** It is a matter for the directors of Shorts Missile Systems (SMS) to determine whether it is in the interests of the company to disclose the identity of its customers.

### Arms Manufacturers: Special Financial Assistance

**Dr O'Hagan** asked the Minister of Enterprise, Trade and Investment if he will detail the companies with links

to the arms industry that have received special financial assistance since 1995 by (a) year and (b) amount. (AQW 438/00)

**Sir Reg Empey:** Shorts Missile Systems (SMS) is specifically engaged in the manufacture of products destined for use within the arms industry. The company received selective financial assistance (SFA) totalling £247,178 during 1999-2000. No other payments of SFA have been made to the company since 1995.

Industrial Research and Technology Unit (IRTU) support to SMS provided assistance under both the EU-funded technology development programme and the Start programme (pre-competitive research) as outlined in the attached table. SMS also received approximately £62,000 in assistance towards the development of its people by way of DETI's company development programme.

While a number of other Northern Ireland companies undertake defence industry-related contracts as part of their overall activities, such work generally forms a minor part of their business. As there is no requirement to notify the Department of Enterprise, Trade and Investment, or any of its agencies, that this work is undertaken, such detailed information is not compiled. It would, however, be for the directors of companies engaged in such work to determine whether it is in the interests of their companies to disclose any such information.

#### ASSISTANCE TO SMS UNDER THE EU FUNDED TECHNOLOGY DEVELOPMENT PROGRAMME

Year	Amount (£)
1997/98	148, 889
1998/99	431, 922
1999/00	267, 337
<b>Total</b>	<b>848, 148</b>

#### ASSISTANCE TO SMS UNDER THE START PROGRAMME (PRE-COMPETITIVE RESEARCH)

Year	Amount (£)
1994/95	120, 920
1995/96	132, 321
1996/97	433, 848
1997/98	209, 859
1998/99	74, 458
1999/00	139, 215
<b>Total</b>	<b>1,110, 621</b>

### Department: Special Advisers

**Mr Ford** asked the Minister of Enterprise, Trade and Investment if he will provide a list of those appointed as special advisers within his Department, detailing in each case (a) the date appointment was offered, (b) the date

employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered. (AQW 464/00)

**Sir Reg Empey:** I have recently appointed Mr Ray Hayden as my special adviser. Set out below is my response to the various parts of your question. The hon Member will wish to note that special advisers have the status of temporary civil servants during their period of service.

- (a) The above-named was formally offered the appointment on 26 October 2000.
- (b) The effective date of employment is 2 October 2000.
- (c) The gender of the appointee is male.
- (d) It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.
- (e) Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3(2) of which disapplies the principle of selection on merit on the basis of fair open competition when appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration.
- (f) All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

### **Tourism: Cross-Border Initiatives**

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will give an assurance that Northern Ireland will receive parity of representation in any future cross-border tourism initiatives; and if he will make a statement. (AQW 481/00)

**Sir Reg Empey:** On 27 October 2000 the North/South Ministerial Council agreed that a publicly owned limited company would be established by the Northern Ireland Tourist Board and Bord Fáilte Éireann to carry out functions aimed at promoting increased tourism to the island of Ireland. I intend to make a statement on the Council meeting to the Assembly on 13 November. This will include the issue of North/South representation on the board of the company.

### **Textile Industry**

**Mr P Doherty** asked the Minister of Enterprise, Trade and Investment what steps he intends to take to address the decline in the textile industry west of the Bann, given that such a high percentage of the population are dependent on it. (AQW 502/00)

**Sir Reg Empey:** The textiles and clothing sector has been enduring difficult market conditions since the mid-1990s. Regrettably, competitive pressures will continue, and we have to accept that many of the sector's processes are vulnerable. The situation is not unique to Northern Ireland – other regions have experienced even more severe pressures. Notwithstanding that, I appreciate the importance of the sector for employment west of the Bann.

There are opportunities to exploit through product differentiation and niche marketing, adding value through innovation, branding and design, developing sourcing skills and utilising new performance materials. My Department's agencies, together with the industry bodies, are working to promote these opportunities, and I hope to announce within the next month the outcome of a strategic review of the sector that will produce an action plan that will map out how this important industry can continue to play a significant role in the knowledge-based economy.

The Industrial Development Board (IDB) focuses on attracting new first-time inward investment to Northern Ireland that will lead to further economic growth as well as additional opportunities for sustainable employment and enhanced job quality.

IDB's research suggests that the majority of areas affected by the decline in the textiles and clothing sector are those that have been designated as having greatest social need, including west of the Bann. IDB is committed to achieving a target of 75% of first-time visits by potential investors to these disadvantaged areas and at least 75% of new inward investment locating in or adjacent to disadvantaged areas.

IDB is committed to work with local councils and community representatives, including those in areas that have been particularly affected by the problems facing the textiles and clothing sector, to understand local issues and to co-operate how best to market and promote their areas as investment locations.

### **Tourism: Investment**

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail the amount of investment in tourism in each constituency in each of the last five years. (AQW 509/00)



**Sir Reg Empey:** Over the last five years (1 January 1995 to date) £56.1 million of financial assistance has been provided by the Northern Ireland Tourist Board through a number of EU, IFI and central Government schemes for the development of tourism infrastructure. The details are contained in the attached Table A.

In addition, over the same period, some £4.9 million of assistance has been invested in marketing.

A breakdown of this figure, which is recorded by district council area, is contained in Table B.

**TABLE A - SELECTIVE FINANCIAL ASSISTANCE BY PARLIAMENTARY CONSTITUENCY:-**

Belfast East	£39,300.00
Belfast North	£498,075.00
Belfast South	£10,267,624.06
Belfast West	£756,820.00
East Antrim	£2,369,736.00
East Londonderry	£2,002,775.50
Fermanagh & South Tyrone	£6,340,480.00
Foyle	£7,126,608.00
Lagan Valley	£121,425.00
Mid Ulster	£1,059,531.00
Newry & Armagh	£5,500,799.00
North Antrim	£3,822,963.00
North Down	£214,985.00
South Antrim	£4,871,378.00
South Down	£7,507,286.49
Strangford	£1,340,102.40
Upper Bann	£733,726.00
West Tyrone	£1,544,862.50
<b>Total</b>	<b>£56,118,476.95</b>

**TABLE B - MARKETING SUPPORT SCHEME BY DISTRICT COUNCIL AREA:-**

Council	£
Antrim	£175,699.30
Ards	£370,217.33
Armagh	£293,285.31
Ballymena	£8,356.80
Ballymoney	£0.00
Banbridge	£188,613.80
Belfast	£1,472,183.06
Carrickfergus	£170,163.50
Castlereagh	£5,600.00
Coleraine	£739,965.92
Cookstown	£4,325.75
Craigavon	£15,325.00
Derry	£380,681.69
Down	£112,477.52
Dungannon	£9,145.20
Fermanagh	£522,397.76
Larne	£123,365.63
Limavady	£17,925.00
Lisburn	£19,151.60
Magherafelt	£43,629.00
Moyle	£36,902.50
Newry & Mourne	£77,675.40
Newtownabbey	£7,841.00
North Down	£28,211.00
Omagh	£25,559.00
Strabane	£86,662.00
<b>Total</b>	<b>£4,935,360.07</b>

### Game and Coarse Angling: Tourists

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail the number of tourists who visited Northern Ireland to take part in game and coarse fishing in each of the last five years and the average spending per capita by these visitors.

(AQW 513/00)

**Sir Reg Empey:** Four thousand, two hundred visitors came to Northern Ireland specifically to participate in game angling. Six thousand came to participate in coarse angling. Some 18,400 visitors, however, included game angling as part of their holiday, with 12,700 including coarse angling. The relevant figures are detailed in Tables A&B attached.

The Northern Ireland Tourist Board does not monitor the average spend per capita of visitors to Northern Ireland who take part in game and coarse angling.

**TABLE A – GAME/COARSE FISHING ACTUAL REASON FOR VISITING N.I.**

Year	Game Angling	Coarse Angling	Total
1998	1,000	1,100	2,100
1997	800	900	1,700
1996	1,200	1,000	2,200
1995	600	1,300	1,900
1994	600	1,700	2,300
<b>Total</b>	<b>4,200</b>	<b>6,000</b>	<b>10,200</b>

**TABLE B – PARTICIPATION IN GAME/COARSE FISHING WHILE VISITING N.I.**

Year	Game Angling	Coarse Angling	Total
1998	2,100	1,700	3,800
1997	3,800	1,300	5,100
1996	3,900	2,700	6,600
1995	4,500	2,600	7,100
1994	4,100	4,400	8,500
<b>Total</b>	<b>18,400</b>	<b>12,700</b>	<b>31,100</b>

Source: Northern Ireland Passenger Survey

Excludes ROI residents and visitors entering Northern Ireland via ROI.

1999 figures not yet available.

### IDB-Sponsored Visits

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail how many IDB-backed visits have been made to each parliamentary constituency in each of the past five years. (AQW 518/00)

**Sir Reg Empey:** The IDB records details of visits by district council area but does not maintain a separate record of visits by parliamentary constituency, and the information could only be compiled at disproportionate cost.

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail the number of jobs created in each parliamentary constituency as a direct result of IDB-backed visits in each of the past five years. (AQW 519/00)

**Sir Reg Empey:** The IDB seeks to promote inward investment from both new and existing investors. That is done through promoting visits and developing contacts overseas and locally.

Companies may visit more than once and look at different locations before deciding to invest. In addition, many companies choose to invest in Northern Ireland before selecting a final location. It is not therefore possible to link specific projects — and related jobs promoted — to a particular visit.

The attached table provides details of new jobs promoted in greenfield new inward investment projects by IDB in each parliamentary constituency between April 1994 and March 1999. All the jobs were promoted

as a direct result of IDB-backed visits. These do not include jobs promoted through expansions and competitiveness projects.

New Jobs Promoted in New Inward Investment Projects						
	94/95	95/96	96/97	97/98	98/99	99/00
East Belfast				57	225	14
North Belfast		106	25	338	1293	192
South Belfast	67		202	511	488	1673
West Belfast				153	75	
East Antrim	255			45	71	
North Antrim						
South Antrim	249		20			84
North Down						325
South Down		41		75	195	
Fermanagh and South Tyrone		118				130
Foyle	181	522				
Lagan Valley		240	551		147	
East Londonderry	60		759	52	150	
Mid Ulster		330				
Newry and Armagh			22			
Strangford				100	13	
West Tyrone						
Upper Bann	509	22		91		
<b>Total</b>	<b>1321</b>	<b>1379</b>	<b>1579</b>	<b>1422</b>	<b>2657</b>	<b>2418</b>

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail the number of jobs created in each local government area as a direct result of IDB-backed visits in each of the past five years. (AQW 520/00)

**Sir Reg Empey:** The IDB seeks to promote inward investment from both new and existing investors. That is done through promoting visits and developing contacts overseas and locally.

Companies may visit more than once and look at different locations before deciding to invest. In addition many companies choose to invest in Northern Ireland before selecting a final location. It is not therefore possible to link specific projects — and related jobs promoted — to a particular visit.

The attached table provides details of new jobs promoted in greenfield new inward investment projects by IDB in each district council area between April 1994 and March 1999. All the jobs were promoted as a direct result of IDB-backed visits. These do not include jobs promoted through expansions and competitiveness projects.

Details for 1999-2000 will be made available with the publication of the IDB annual report, which is expected in mid-November.

New Jobs Promoted in New Inward Investment Projects					
	94/95	95/96	96/97	97/98	98/99
Antrim	249		20		
Ards				100	13
Armagh					
Ballymena					
Ballymoney					
Banbridge					
Belfast	67	106	227	1059	2081
Carrickfergus	255				
Castlereagh					
Coleraine	60			52	
Cookstown		330			
Craigavon	509	22		91	
Derry	181	522			150
Down		41		75	
Dungannon					
Fermanagh		118			
Larne				45	71
Limavady			759		
Lisburn		240	551		147
Magherafelt					
Moyle					
Newry and Mourne			22		195
Newtownabbey					
North Down					
Omagh					
Strabane					
<b>Total</b>	<b>1321</b>	<b>1379</b>	<b>1579</b>	<b>1422</b>	<b>2657</b>

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail how many IDB-backed visits have been made to each local government area in each of the past five years. (AQW 521/00)

**Sir Reg Empey:** The attached table provides details of visits by potential inward investors to Northern Ireland district council areas arranged by the Industrial Development Board between April 1994 and March 1999.

Details for 1999-2000 will be made available with the publication of the IDB annual report, which is expected in mid-November.

Visits to District Council Areas by Potential Investors					
	94/95	95/96	96/97	97/98	98/99
Antrim	26	18	34	21	44
Ards	5	3	10	1	4
Armagh	1	1	4	2	2
Ballymena	13	3	0	5	4
Ballymoney	3	1	3	2	2
Banbridge	2	3	1	1	1
Belfast	65	55	62	82	78
Carrickfergus	13	7	22	15	11
Castlereagh	1	8	6	2	7
Coleraine	5	3	7	7	3
Cookstown	4	17	10	9	3
Craigavon	12	16	15	16	11
Derry	18	30	32	14	29
Down	10	2	3	4	5
Dungannon	13	9	4	3	1
Fermanagh	3	11	15	5	2
Larne	6	4	1	9	10
Limavady	3	2	7	2	2
Lisburn	19	41	31	23	35
Magherafelt	3	4	0	1	1
Moyle	0	0	0	0	0
Newry and Mourne	15	16	9	5	7
Newtownabbey	17	19	22	20	18
North Down	4	9	3	4	7
Omagh	2	6	8	5	5
Strabane	2	9	10	2	7
<b>Total</b>	<b>265</b>	<b>297</b>	<b>319</b>	<b>260</b>	<b>299</b>

Notes: Visits to Northern Ireland which do not include interest in specific Council areas are excluded from this table.

Total District Council visits may exceed total visits to Northern Ireland as companies may visit more than one District Council area.

### Fishing: Promotion by Northern Ireland Tourist Board

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail which areas of Northern Ireland are currently promoted for coarse and game fishing by the Northern Ireland Tourist Board.

(AQW 522/00)

**Sir Reg Empey:** The Northern Ireland Tourist Board's current angling guides highlight the main game and coarse fisheries. The guides cover the complete Erne system, Lough Neagh catchment, the Foyle system, the Lower and Upper Bann and the Bush. Both coarse and game angling opportunities Northern Ireland-wide are promoted on a generic basis.

## THE ENVIRONMENT

### Violet Street (West Belfast)

**Mr Adams** asked the Minister of the Environment to identify the steps he intends to take to reinstate Violet Street in West Belfast following the closure of Springfield Road police station. (AQW 192/00)

**The Minister of the Environment (Mr Foster)** [*holding answer 5 October 2000*]: As this is a reserved matter, it would be inappropriate for me to make any comment.

### Bull Bars: Accident Statistics

**Mr Wells** asked the Minister of the Environment if he will detail the number of people killed or injured in each of the last 10 years by vehicles fitted with bull bars. (AQW 409/00)

**Mr Foster:** I am unable to provide the information requested. Road casualty statistics are collated by the RUC. I understand that information on the number of people killed or injured by vehicles fitted with bull bars is not recorded.

**Mr Wells** asked the Minister of the Environment if he has any plans to introduce legislation to prevent vehicles fitted with bull bars from using public roads. (AQW 410/00)

**Mr Foster:** I have no plans to introduce legislation governing bull bars at this time. The European Commission is proposing to introduce a new pedestrian protection Directive to improve the safety of all new car fronts. That is considered the best way of preventing particularly dangerous bull bars being fitted to vehicles.

The UK Government have submitted technical proposals to the European Commission setting out how bull bars could be dealt with in the anticipated Directive.

When the proposed Directive is agreed, consideration will be given as to how it will be implemented in both Great Britain and Northern Ireland.

### Areas of Special Scientific Interest

**Mr Wells** asked the Minister of the Environment if he will complete the designation of all the Areas of Special Scientific Interest by the end of the year 2000. (AQW 431/00)

**Mr Foster:** It will not be possible to complete the declaration of Areas of Special Scientific Interest (ASSIs) by the end of the year 2000.

I understand that a previous direct rule Administration set a target of completion by 2001. I further understand

that it subsequently became clear that this target could not be met when the declaration programme had to be expanded to facilitate designations under the EC Habitats and Birds Directives.

In addition, the emergence of new scientific information, particularly relating to earth science sites, has meant that more sites are now known to merit declaration than previously estimated.

As many as 300 more sites may need to be declared, against a current total of 179, so it is likely to take some years to complete the programme.

I am pleased to note that the additional resources proposed for my Department in the draft Budget should expedite this work and secure more extensive protection for our natural heritage.

### Hare Coursing

**Mr Wells** asked the Minister of the Environment if he will detail the number of licences for the capture of hares that have been issued under the terms of the 1985 Wildlife (Northern Ireland) Order since 1 January 2000 and what were the reasons given for these applications. (AQW 434/00)

**Mr Foster:** Two permits were issued under the provisions of section 7(D) of the Game Preservation Act (NI) 1928 as amended by section 3 of the Game Law Amendment Act (NI) 1951 and schedule 12 to the Wildlife (Northern Ireland) Act 1985. The permits were issued to allow for the capture of hares for coursing.

### Historic Buildings: Grants

**Ms McWilliams** asked the Minister of the Environment when he will reinstate grants for the restoration of historic buildings. (AQW 447/00)

**Mr Foster:** Historic buildings grants continue to be paid in respect of approved applications received on or before 28 October 1999. I expect to spend the full allocation of £1.7 million in this financial year.

Because of the financial commitment resulting from earlier applications, acceptance of new applications received after 28 October 1999 has been suspended.

New grant applications will be accepted under a revised grants policy from April 2001 on the basis that grant payments resulting from these will not be made until the following financial year.

I will continue to seek sufficient additional resources for historic buildings grants in order to enable the suspension to be lifted at an earlier date.

## Townlands: Road Signage

**Mr Armstrong** asked the Minister of the Environment if he will make it his policy to promote local townlands by the provision of suitable road signage.

(AQW 451/00)

**Mr Foster:** The provision of road signage of this nature is not a matter for the Department of the Environment. However, article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 empowers district councils to erect nameplates showing the names of streets, roads or buildings in their districts. I understand that some councils also include the appropriate townland name in such nameplates.

## Area Plans

**Mr Taylor** asked the Minister of the Environment if he will detail (a) those area plans currently extant, (b) which area plans are currently in preparation, and (c) what is the estimated date for the completion of these area plans.

(AQW 460/00)

**Mr Foster:** (a) Extant area plans can be categorised into two types:

- (i) Those that have not yet reached their notional end date. These comprise:

Antrim (Dec. 2001)  
 Armagh (Dec. 2004)  
 Ballymena (Dec. 2001)  
 N. East (Ballymoney Coleraine and Moyle) (Dec. 2002)  
 Belfast Urban Area (Dec. 2001)  
 Carrickfergus (Dec. 2001)  
 Derry (Dec. 2011)  
 Fermanagh (Dec. 2007)  
 Larne (Dec. 2010)  
 Newtownabbey (Dec. 2005 although not yet adopted)  
 Omagh (Dec. 2002)  
 Strabane (Dec. 2001)

- (ii) Those that have passed their notional end date but remain as significant material consideration in planning decisions pending new plan coverage. These comprise:

North Down and Ards (Dec. 1995)  
 Banbridge (Dec. 1998)  
 East Tyrone (Cookstown and Dungannon) (Dec. 1994)  
 Down (Dec. 1997)  
 Limavady (Dec. 1999)  
 Lisburn (Dec. 1997)  
 Magherafelt (Dec. 1996)  
 Newry & Mourne (Dec. 1999).

- (b) & (c) There are seven area plans currently under preparation and the estimated dates for adoption are as follows: -

Lisburn (early 2001)  
 Cookstown (early 2002)  
 Craigavon (2002)  
 Dungannon and South Tyrone (2002)  
 Ards and Down (early 2003)  
 Magherafelt (2003)  
 Banbridge/Newry and Mourne (2003)

In addition, work is scheduled to commence this financial year on the preparation of a further three area plans. These comprise:

Belfast Metropolitan Area (Belfast, Carrickfergus, Castlereagh, Lisburn, Newtownabbey and North Down)

Antrim/Ballymena/Larne

North East/Limavady (Ballymoney, Coleraine, Moyle and Limavady).

## Tree Preservation Orders

**Mr Leslie** asked the Minister of the Environment if he will detail the number of prosecutions that have been brought for contravention of tree preservation orders (TPOs) in each of the last five years.

(AQW 468/00)

**Mr Foster:** There have been no prosecutions brought for contravention of TPOs in any of the last five years. Most landowners take a responsible attitude and seek the Department's prior consent to carry out works to protected trees. If, however, a TPO is contravened, the Department normally seeks compliance with the terms of the TPO or an appropriate remedy of any breach. This can be achieved through remedial works or a replanting scheme. If an appropriate remedy is not available then a prosecution through the courts is considered.

## Municipal Waste

**Mr Ford** asked the Minister of the Environment if he will detail the proportion of municipal waste from (a) domestic and (b) non domestic sources, recycled or composted by each of the 26 district councils in each of the last five years for which figures are available.

(AQW 477/00)

**Mr Foster:** This information is not available in the detail requested, as waste management data for Northern Ireland has, until recently, been very limited.

However, from a pilot survey of municipal waste carried out by the Department last year, I can tell you that the average household recycling rate for 1998-99 was just under 5%, with a total of 42,300 tonnes being recycled.

The findings from the recycling element of the survey, which included composting but related only to domestic waste, are shown by district council area on the table below.

A further survey is scheduled to commence this November.

**TABLE: ESTIMATED HOUSEHOLD WASTE RECYCLING RATE BY DISTRICT COUNCIL**

District Council	Estimated Rate
Antrim	7%
Ards	7%
Armagh	10%
Ballymena	2%
Ballymoney	1%
Banbridge	25%
Belfast	3%
Castlereagh	9%
Coleraine	3%
Cookstown	6%
Craigavon	10%
Down	12%
Dungannon	11%
Fermanagh	5%
Larne	1%
Limavady	3%
Lisburn	5%
Magherafelt	1%
Moyle	3%
Newry & Mourne	8%
Newtownabbey	8%
North Down	3%
Omagh	1%

(Data are not available for three District Councils)

### Ards Hospital: Listed Building Status

**Mr Shannon** asked the Minister of the Environment if he will confirm that Ards Hospital is a listed building and if he will give an assurance that there are no plans to alter this status. (AQW 485/00)

**Mr Foster:** Ards Hospital, which had been a grade B listed building since 1985, was recently delisted.

The Environment and Heritage Service (EHS) of my Department is currently undertaking a second survey of all buildings in Northern Ireland. As part of that, a detailed survey report on Ards Hospital was prepared. This indicated that, over the years since the complex was listed, many changes had taken place. These have proved detrimental to the historic fabric of the buildings.

EHS concluded that the buildings no longer met the criteria for listing and could not be considered as having special architectural and/or historic interest.

### Scrabo Tower

**Mr Shannon** asked the Minister of the Environment if he will undertake to provide the necessary funding to illuminate Scrabo Tower in Newtownards.

(AQW 486/00)

**Mr Foster:** In view of the cost, environmental impact and site management implications, I have no plans to provide funding for night-time illumination of Scrabo Tower.

### Water: Effluent Pollution

**Mrs Nelis** asked the Minister of the Environment if he will detail (a) the number of incidents of water pollution from trade effluent discharges in each of the last five years, (b) the amount of such discharges collected by the Water Service Agency with trade effluent consent, and (c) the total cost occasioned by such pollutant discharges. (AQW 504/00)

**Mr Foster:** There are two different regimes for issuing consents for trade effluent discharges. The Water Service of the Department for Regional Development administers consents for certain trade effluent discharges to the public sewer. The Environment and Heritage Service of my Department is responsible for consents under the Water Act (NI) 1977 for all discharges to waterways, including those from trade and industry.

(a) The number of incidents of water pollution from trade effluent discharges to waterways is as follows:

Year	Number of Incidents
1995	405
1996	528
1997	366
1998	435
1999	347
<b>Total</b>	<b>2438</b>

(b) I am advised by the Minister for Regional Development that the Water Service estimate of the total quantities of consented trade effluent discharges to the public sewerage system in each of the last five years is as shown in the table below, together with the actual number of trade effluent consents:

	Total number of trade effluent consents	Estimated total volume of trade effluent discharges to public sewerage system
1995	1055	9,088,500 m <sup>3</sup>
1996	1095	8,684,750 m <sup>3</sup>
1997	1188	8,655,500 m <sup>3</sup>
1998	1221	8,188,600 m <sup>3</sup>
1999	1241	8,249,000 m <sup>3</sup>

(c) Full information on total costs is not available. Since 1997, there have been 22 prosecutions under the 1977 Act, attracting legal costs of £11,293. The cost of restoration of waterways and fisheries associated with such incidents is not readily available and could only be collated at disproportionate cost.

### Storm Water Discharge

**Mr Leslie** asked the Minister of the Environment if he will outline what policy the Planning Service adopts to protect existing housing, downhill from new developments, from the impact of storm water draining from these developments. (AQW 534/00)

**Mr Foster:** During the preparation of development plans, Planning Service consults Rivers Agency, Water Service and Roads Service on the choice of sites for future development. The environmental implications of development lands, including drainage, are assessed during this process.

At planning application stage, proposals for major new development are subject to similar consultations and, in line with policy PSU10 of 'A Planning Strategy for Rural Northern Ireland', Rivers Agency is consulted on all aspects of storm water discharge and potential flooding.

There is a general presumption against development where such development would be at risk from flooding or would be likely to increase the risk of flooding elsewhere.

### Dipped Headlights

**Mr McMenemy** asked the Minister of the Environment if he will consider adopting a policy of dipped headlights on all vehicles during daylight hours. (AQW 540/00)

**Mr Foster:** I will wish to consider this matter in the light of the conclusions of the European Commission's current examination of the merits of using lights during daylight hours, including automatic daytime running lamps.

Rule 201 of the Highway Code for Northern Ireland sets out the legal requirement to use headlights when visibility is seriously reduced – generally when one cannot see for more than 100 metres.

### Irish Hare Population

**Mr Shannon** asked the Minister of the Environment if he will outline his plans to preserve the Irish hare population. (AQW 557/00)

**Mr Foster:** My Department's Environment and Heritage Service (EHS) published an action plan for the Irish hare on 4 October 2000. The plan's main aims are to:

- maintain the existing range and demonstrate a population increase by 2005;
- double the present population by the year 2010; and
- maintain and increase the area and quality of suitable hare habitat.

The plan lists 17 individual actions which fall to several other Departments, as well as the Department of the Environment, to achieve these aims.

The additional funding proposed for EHS in the draft Budget will be helpful in achieving the aims of this plan.

### Curlew Population

**Mr Shannon** asked the Minister of the Environment to detail the action he intends to take to reverse the decrease in curlew population as a result of predation by foxes. (AQW 558/00)

**Mr Foster:** My Department's Environment and Heritage Service (EHS) published an action plan for the curlew on 4 October 2000.

The plan's main aim is to reverse the decline in the numbers of curlew breeding in Northern Ireland. It includes two main actions for my Department that are aimed at addressing the effects of predation:

- to establish trials to determine the effects of predator control, and the removal of carcasses of fallen animals, on the abundance of foxes and crows and on the breeding success of curlew; and
- to carry out research into the diet of crows and foxes to determine which aspects of land-use change may be related to increases in predator populations.

EHS is currently initiating work in this area in co-operation with the Department of Agriculture and Rural Development and the Royal Society for the Protection of Birds. The additional funds proposed for EHS in the draft Budget will be helpful in progressing this important research.

## FINANCE AND PERSONNEL

### Strategic Development Partnerships

**Mr Maskey** asked the Minister of Finance and Personnel if he will detail his plans to establish strategic development partnerships as instruments to deliver Peace II funding. (AQW 435/00)

**The Minister of Finance and Personnel (Mr Durkan):** Much valuable work has been done by district partnerships and district councils during Peace I. For

Peace II it is recognised that a closer working relationship between partnerships and councils will produce further benefits and help develop structures at a local level that will be sustainable beyond the lifetime of Peace II. This could be achieved through the establishment of strategic development partnerships. One partnership would be created for each district council partnership area to assess the needs of the area on a comprehensive and integrated basis and to produce a strategic development plan for the application of the Peace II programme in the district.

It is fully recognised that further discussion and consultation with all the relevant sectors will be needed to develop these ideas as effectively as possible. I have established a working group comprised of representatives from the district councils, district partnerships and intermediary funding bodies to review the range of issues involved and to produce recommendations by the end of November 2000.

### Population Projections

**Mr Adams** asked the Minister of Finance and Personnel if he will detail the estimated population for the years 2000, 2005 and 2010 by local government area. (AQW 440/00)

**Mr Durkan:** Population projections by age and sex for Northern Ireland by local government district were produced for the first time by the Northern Ireland Statistics and Research Agency on 19 October 2000. The projections are based on 1998 local government district mid-year population estimates and on extrapolation of trends in fertility, mortality and migration. As such, they intentionally do not include any demographic effects of future planned social or economic policies. The specific statistics requested are detailed in the table below.

### POPULATION BY LOCAL GOVERNMENT DISTRICT - 2000, 2005 AND 2010

Local Government Area	2000	2005	2010
Antrim	51,200	53,600	55,400
Ards	71,700	74,200	75,700
Armagh	55,100	56,100	57,200
Ballymena	59,400	60,300	61,000
Ballymoney	25,800	26,400	26,900
Banbridge	40,000	41,500	42,500
Belfast	283,900	277,700	274,700
Carrickfergus	38,500	40,400	41,300
Castlereagh	67,500	69,300	69,700
Coleraine	55,900	56,900	57,500
Cookstown	31,800	31,900	32,300
Craigavon	79,700	81,300	82,900
Derry	107,600	112,600	117,300
Down	63,800	66,100	68,000
Dungannon	48,300	49,800	51,400
Fermanagh	57,800	59,600	61,400
Larne	30,800	31,100	31,300
Limavady	32,800	33,900	35,000
Lisburn	113,200	117,500	120,400
Magherafelt	39,000	40,400	41,900
Moyle	15,400	15,600	15,800
Newry & Mourne	87,700	91,200	94,800
Newtownabbey	81,700	83,500	84,400
North Down	76,000	76,400	76,400
Omagh	48,000	49,200	50,600
Strabane	37,600	38,600	39,800
Northern Ireland	1,700,100	1,735,300	1,765,600

Note: totals may not add due to rounding

### Children's Fund

**Ms McWilliams** asked the Minister of Finance and Personnel if he will ensure that any funds allocated to Northern Ireland from the Children's Fund are ring-fenced for expenditure on children in Northern Ireland. (AQW 448/00)

**Mr Durkan:** No spending within Northern Ireland's departmental expenditure limit (DEL) was ring-fenced for addressing the aims of the Chancellor's Children's Fund in the 2000 spending review announcement in July 2000.

However, the Executive programme funds detailed in the 2001-02 Budget proposals have made provision of £27 million (2001-02 — £2 million; 2002-03 — £10 million; & 2003-04 — £15 million) for the creation of a Children's Fund that would provide support for children in need and youth at risk.

The Chancellor allocated £450 million over three years (2001-02 — £100 million, 2002-03 — £150 million & 2003-04 — £200 million) to his Children's Fund. A



strict application of the Barnett formula would have delivered only £15 million to Northern Ireland, so the Budget proposals deliver more resources than would have been the case if the fund had been ring-fenced.

### Department: Special Advisers

**Mr Ford** asked the Minister of Finance and Personnel if he will provide a list of those appointed as special advisers within his Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered.

(AQW 465/00)

**Mr Durkan:** I have appointed one special adviser. Special advisers have the status of temporary civil servants.

Name: Damian Gerard McAteer

- a. Date appointment was offered: 14 September 2000
- b. Date employment commenced: 18 September 2000
- c. Gender of the appointee: Male
- d. It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.
- e. Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3(2) of which disapplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration.
- f. All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

### Peace II Programme

**Dr Birnie** asked the Minister of Finance and Personnel to confirm that economic sustainability will be included in the criteria for funding under the Peace II programme.

(AQO 241/00)

**Mr Durkan:** Economic and social sustainability is one of the horizontal principles contained in the Community Support Framework for Northern Ireland and will serve as a guideline for all those involved in the implementation of the Peace II programme. In

managing the Peace II programme, the programme monitoring committee, in consultation with the managing authority (the Special EU Programmes Body) will seek to ensure that an assessment of sustainability for all projects that might require public funding in order to continue will be of critical importance. In assessing projects, all funding bodies will be required to bear in mind that all operations funded should, by the end of the programming period, have developed an appropriate exit strategy, that is they should either have completed the task for which they have been funded, have become self-sustaining or have identified alternative sources of funding.

**Mr B Bell** asked the Minister of Finance and Personnel to detail input by local government into the consultation process on the Peace II programme; and to make a statement.

(AQO 236/00)

**Mr Durkan:** The consultation process on the development of the new EU structural funds programmes, including Peace II, has been underway since August 1998, when DFP invited written comments from over 200 local partners, including all 26 district councils, on the spending priorities to be included in the Northern Ireland structural funds plan. Two major consultation conferences were held in May 1999 and September 1999, which all district councils were invited to attend, and following these conferences a collective paper was forwarded by the councils in October 1999 that further informed the process of writing the plan. After the Executive Committee approved the plan as a basis for negotiation, an interim community support framework monitoring committee (ICSFMC) was established in April 2000 that also included district council representatives. This provided a mechanism for ongoing consultation during the negotiations with the European Commission on the new Community Support Framework (CSF) for Northern Ireland and enabled local partners, including the councils, to continue to input their views.

For the future, there will be local government representation on each of the three monitoring committees to be established to oversee and monitor the implementation of structural funds assistance; this includes a monitoring committee for the Peace II programme. The structure and membership of these committees was based on recommendations drawn up by a working group of the ICSFMC.

Separately from the ICSFMC, I have also met with the local government structural funds support group, which represents the district councils, on 19 July 2000 to discuss their proposals for the new round of structural funds.

Most recently I have also asked a working group consisting of representatives of district councils, district partnerships and intermediary funding bodies to let me have proposals for developing the role and intended functions of future partnerships in each local area of Northern Ireland.

**Mr Beggs** asked the Minister of Finance and Personnel to update the Assembly on the implementation of the Peace II programme; and to make a statement.

(AQO 235/00)

**Mr Durkan:** The Peace II programme is one of two operational programmes contained in the European Commission's Community Support Framework (CSF) for Northern Ireland 2000-2006. The Commission has not yet formally adopted its CSF, but I expect that to happen very shortly. In the meantime, negotiation meetings with the Commission to agree the Peace II operational programme have started and will continue for some weeks yet. Parallel to these negotiations, arrangements have been put in place to appoint members to the monitoring committee that is to be established, initially in shadow form pending the adoption of the operational programme. One of the responsibilities of the monitoring committee will be to agree the programme complement, setting out details such as eligibility criteria and designated final beneficiaries. Calls for projects are likely to be issued early next year and funds should be made available to project promoters shortly thereafter.

### Ex-Prisoners' Groups: Funding

**Mr Dodds** asked the Minister of Finance and Personnel if he will detail what funding was allocated from (a) the European Union and (b) other funds to projects and groups associated with ex-prisoners in each of the last five years.

(AQW 489/00)

**Mr Durkan:** The Northern Ireland Voluntary Trust (NIVT) is the intermediary funding body responsible for selecting the ex-prisoners' groups projects funded under the European Special Support Programme for Peace and Reconciliation (the Peace I programme) and the Northern Ireland Single Programme (Physical and Social Environment Programme). The following table shows the amount of EU and Government funding allocated by NIVT to ex-prisoners' groups under each programme over the last five years.

It should be noted that ex-prisoners' groups also have access to funding from other sources, such as private trusts, local and national charities and the Lottery, but this information is not held by Departments.

Year	Peace I Programme		NISP (PSEP)		Total £
	EU Funds	Govt Funds	EU Funds	Govt Funds	
1995-96	71,250	23,750	42,750	14,250	152,000
1996-97	1,166,704	388,901			1,555,605
1997-98	900,574	300,191	8,512	2,838	1,212,115
1998-99	942,629	314,210	21,844	7,281	1,285,964
1999-00	1,353,659	451,220			1,804,879
<b>Total</b>	<b>4,434,816</b>	<b>1,478,272</b>	<b>73,106</b>	<b>24,369</b>	<b>6,010,563</b>

### Barnett Formula

**Mrs I Robinson** asked the Minister of Finance and Personnel if he will detail (a) what changes he has sought to the Barnett formula, (b) what changes he has achieved, and (c) what further changes are pending. (AQW 507/00)

**Mr Durkan:** The First Minister and the Deputy First Minister and I have made representations to HM Treasury to press for expenditure allocations that reflect the higher levels of need in Northern Ireland.

In response, HM Treasury has agreed to a correction in the adjustment that is applied to reflect the difference in the treatment of VAT on spending programmes in Northern Ireland. Also, spending in England on the London Underground has been included in the coverage of the formula for the first time. These changes are worth some £40 million extra a year to Northern Ireland over the 2000 spending review period.

HM Treasury has also agreed to provide additional CAP funding for modulation payments of £3 million, £4 million and £4.5 million over the 2000 spending review period. This was an acknowledgement that a simple Barnett (population-based) allocation was insufficient for Northern Ireland.

I will continue to press for expenditure allocations that fully reflect the higher levels of need in Northern Ireland.

### North/South Bodies

**Mr Dodds** asked the Minister of Finance and Personnel if he will detail the costs of each of the seven North/South bodies for 2001-02. (AQW 523/00)

**Mr Durkan:** Final estimates for the implementation bodies have yet to be approved by the Northern Ireland Executive and the Irish Government. I shall write to you as soon as the allocations are confirmed.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Learning Disability Services (SHSSB Area)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will be allocating additional resources to health trusts to implement the changes recommended in the strategic review carried out by the Southern Health and Social Services Board of the services for people with learning disability, which identified specific groups requiring priority, a number of areas where there are service gaps and proposed areas for qualitative improvements. (AQW 408/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** It will be a matter for the Southern Health and Social Services Board to determine the allocation of the funds available to it against the priorities which it identifies for health and social care services in general, and learning disability services in particular, in its area.

De chinneadh Bhord Sláinte agus Seirbhísí Sóisialta an Deiscirt é dáileadh cistí de réir na dtosaíochtaí a aimsíonn sé do sheirbhísí chúram sláinte agus sóisialta go gineáralta, agus seirbhísí míchumais foghlama go háirithe, ina cheantar féin.

### Consultants

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail the number of consultants in each trust for cardiology, optometry, haematology and radiology. (AQW 414/00)

**Ms de Brún:** Information on the numbers of consultants in the specialties of cardiology, haematology and radiology for each local trust is given in the table below. Optometry is a non-medical healthcare profession and, therefore, the grading of “consultant” does not apply. However, the question has been interpreted as referring to consultant ophthalmologists, and information on this basis has been included in the table.

Consultants <sup>(1)</sup> by specialty and Trust, September 2000 <sup>(2)</sup>				
	Cardio-logy <sup>(3)</sup>	Haema-tology	Radio-logy	Ophth-almology
Royal Group of Hospitals HSS Trust	10	3	9	12
Belfast City Hospital HSS Trust	5	3	9	0
Altgelvin Group HSS Trust	2	2	7	4
Ulster Community & Hospitals HSS Trust	3	2	8	0
United Hospitals Group HSS Trust	3	2	7	0
Craigavon Group of Hospitals HSS Trust	3	3	5	0
Mater Infirmorum Hospital HSS Trust	0	0	3	2
Sperrin Lakeland HSS Trust	0	0	3	0
Green Park Healthcare HSS Trust	0	1	2	0
Down Lisburn HSS Trust	0	0	3	0
Newry & Mourne HSS Trust	0	0	2	0
Causeway HSS Trust	0	0	3	0

<sup>(1)</sup> A number of consultants provide services on more than one site and therefore there may be an element of double counting in the above table.

<sup>(2)</sup> Information for Ophthalmology refers to the position as at February 2000 (the latest date for which information is available).

<sup>(3)</sup> There are 11 General Medicine consultants in local Trusts who have a special interest in Cardiology and who devote approximately ½ their time to Cardiology. These are not included in the above figures.

Sa tábla thíos tá eolas ar líon na ndochtúirí comhairleacha i speisialtachaí na cairdeolaíochta, na haemeolaíochta agus na raideolaíochta i ngach iontaobhas áitiúil. Gairm neamhliachta í an optomaidreacht, mar sin de níl an rangú “comhairleach” infheidhme. Cibé, ba é an míniú a baineadh as an cheist gur thagair sí do oftailmeolaithe comhairleacha, agus tugtar an t-eolas sa tábla ar an bhonn sin.

Dochtúirí Comhairleacha <sup>(1)</sup> agus Ionntaobhas, Meán Fómhair 2000 <sup>(2)</sup>				
	Cairdeo-laíocht <sup>(3)</sup>	Haemite-olaíocht	Raideol-aíocht	Optailme-olaíocht
Iontaobhas SSS Otharlann Ríoga	10	3	9	12
Iontaobhas SSS Otharlann na Cathrach	5	3	9	0
Iontaobhas SSS Alt na nGealbhan	2	2	7	4
Iontaobhas SSS Otharlann Uladh	3	2	8	0
Iontaobhas SSS Otharlann Aontaithe	3	2	7	0
Iontaobhas SSS Otharlann Craigavon	3	3	5	0
Iontaobhas SSS Otharlann Mater Infirmorum	0	0	3	2
Sperrin Lakeland HSS Trust Iontaobhas SSS Sperrin	0	0	3	0
Iontaobhas SSS Green Park Healthcare	0	1	2	0
Iontaobhas SSS an Dúin agus Lios na gCearrbhach	0	0	3	0
Iontaobhas SSS an Iúir	0	0	2	0
Iontaobhas SSS Causeway	0	0	3	0

<sup>(1)</sup> Soláthraíonn roinnt dochtúirí comhairleacha seirbhísí ar níos mó ná aon suíomh amháin agus tá seans mar sin go ndearnadh cuntas faoi dhó i gcuid de na samplaí sa tábla thuas.

<sup>(2)</sup> Bainneann an t-eolas thuas i leith na hoptailmeolaíochta le Mí Feabhra (nuair a bhí an t-eolas is deireanaí ar fáil)

<sup>(3)</sup> Tá 11 dochtúir comhairleach sa mhíochaine ghineáralta in iontaobhais áitiúla a bhfuil suim ar leith acu sa chairdeolaíocht agus a thugann thart faoi leath dá gcuid ama don chairdeolaíocht. Níl siad seo sna figiúirí thuas.

### Surgery (Republic of Ireland Residents)

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if she will detail (a) the number of Republic of Ireland residents who underwent surgery in Northern Ireland hospitals in the last three years, and (b) the hospitals where these operations were performed. (AQW 417/00)

**Ms de Brún:** This information is given in the table below:

**FINISHED CONSULTANT EPISODES (FCES) IN THE SURGICAL SPECIALTIES AT LOCAL HOSPITALS FOR RESIDENTS OF THE SOUTH OF IRELAND, 1997/8 TO 1999/00**

Hospital	FCES for South of Ireland residents		
	1997/8	1998/9	1999/00
Belfast City	16	8	10
Ards	0	1	1
Musgrave Park	1	0	1
Ulster	19	16	16
Royal Victoria	36	27	12
RBHSC	1	0	0
Mater	2	2	4
Lagan Valley	0	2	0
Downe	2	2	2
Coleraine	7	0	1
Route	4	1	2
Mid Ulster	2	3	1
Antrim	2	4	0
South Tyrone	5	7	3
Craigavon	19	9	15
Daisy Hill	91	69	59
Altnagelvin	94	74	108
Erne	11	13	20
Tyrone County	201	216	222
<b>Total</b>	<b>513</b>	<b>454</b>	<b>477</b>

Tá an t-eolas seo sa tábla thíos:

**TRÉIMHÍS CRÍOCHNAITHE DOCHTÚIRÍ COMHAIRLEACHA (TCDC) I SPEISALTACHTAÍ MÁINLIACHTA IN OTHARLANNA ÁITIÚLA DO CHÓNAITHEOIRÍ DHEISCEART NA Héireann, 1997/8 go 1999/00**

Otharlann	TCDC do dhochtúirí an Deiscirt anseo		
	1997/8	1998/9	1999/00
Cathair Bhéal Feirste	16	8	10
Na hArda	0	1	1
Páirc Musgrave	1	0	1
Uladh	19	16	16
Royal Victoria	36	27	12
RBHSC	1	0	0
Mater	2	2	4
Lios na gCearrbhach	0	2	0
An Dún	2	2	2
Cúl Raithin	7	0	1
Route	4	1	2
Uladh Láir	2	3	1
Aontroim	2	4	0
Tír Eoghain Theas	5	7	3
Craigavon	19	9	15
Daisy Hill	91	69	59
Alt na nGealbhan	94	74	108
Eirne	11	13	20
Contae Thír Eoghain	201	216	222
<b>Iomlán</b>	<b>513</b>	<b>454</b>	<b>477</b>

## Physiotherapy (Cancer Patients)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will ensure that specialised physiotherapy services will be made available in rural hospitals for those who suffer from cancer; and if she will make a statement. (AQW 432/00)

**Ms de Brún:** As a result of the 1996 Campbell Report — ‘Cancer Services: Investing for the Future’ — which recommended that cancer care should be delivered by multidisciplinary, multiprofessional teams, the provision of cancer services has been reorganised, with cancer units established in each board area, linked to the cancer centre in Belfast. In line with this reorganisation, specialised physiotherapy services are provided in the cancer units at Craigavon Area, Ulster, Belfast City and Belvoir Park Hospitals. The other cancer units, at Altnagelvin and Antrim Area hospitals, are in the process of recruiting the staff required to provide a service in those units. In addition to these specialised services, cancer patients may avail of mainstream physiotherapy services, which are provided at a number of other hospitals.

De bharr thuarascáil Campbell — ‘Cancer Services: Investing for the Future’ — sa bhliain 1996 a mhol gur cheart go gcuirfeadh foirne ildisciplíneacha, ilghairmiúla cúram aille ar fáil, tá atheagrú déanta ar sholáthar seirbhísí aille. Tá aonaid aille bunaithe i ngach ceantar boird agus iad ceangailte den ionad aille i mBéal Feirste. Mar chuid den atheagrú seo tá sainseirbhísí fisiteiripe á soláthar sna hionaid aille in Ospidéal Craigavon, in Ospidéal Uladh, in Ospidéal Cathrach Bhéal Feirste agus in Ospidéal Pháirc Belvoir. Tá na haonaid aille eile in Ospidéal Alt na nGealbhan agus in Ospidéal Cheantar Aontroim i mbun earcú na foirne is gá le seirbhís a chur fáil sna haonaid sin. Chomh maith leis na sainseirbhísí seo, féadfaidh othair úsáid a bhaint as na príomhsheirbhísí fisiteiripe atá á soláthar i roinnt ospidéal eile.

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will detail which hospitals provide specialised physiotherapy services for individuals who suffer from cancer. (AQW 433/00)

**Ms de Brún:** Specialised physiotherapy services for individuals suffering from cancer are currently provided at the following hospitals:

- Belfast City Hospital
- Belvoir Park Hospital
- Craigavon Area Hospital
- Ulster Hospital, Dundonald

Both Altnagelvin and Antrim Area Hospitals are in the process of recruiting the staff required to provide specialised physiotherapy services for cancer patients.

Tá sainseirbhísí fisiteiripe á soláthar faoi láthair sna hospidéal seo a leanas do dhaoine aonair a bhfuil ailse orthu:

- Ospidéal Cathrach Bhéal Feirste
- Ospidéal Pháirc Belvoir
- Ospidéal Cheantar Craigavon
- Ospidéal Uladh, Dún Dónaill

Tá Ospidéal Alt na nGealbhan agus Ospidéal Cheantar Aontroma i mbun earcú na foirne is gá le sainseirbhísí fisiteiripe a chur fáil d'othair a bhfuil ailse orthu.

### Department: Special Advisers

**Mr Ford** asked the Minister of Health, Social Services and Public Safety if she will provide a list of those appointed as special advisers within her Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered.

(AQW 462/00)

**Ms de Brún:** I can confirm that I have appointed one special adviser.

- a. The appointment was originally offered on 11 February 2000 and re-offered on 31 May 2000.
- b. Employment commenced on 3 December 1999 and recommenced on 18 May 2000.
- c. My special adviser is male.
- d. It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.
- e. Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3(2) of which disappplies the principle of selection or merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration.
- f. All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

Thig liom a dhearbhu gur cheap mé comhairleoir speisialta amháin.

- a. Tairgeadh an ceapachán ar dtús ar an 11 Feabhra 2000 agus atairgeadh é ar an 31 Bealtaine 2000.

- b. Cuireadh tús leis an fhostaíocht ar an 3 Nollaig 1999 agus atosáíodh í ar an 18 Bealtaine 2000.

- c. Is fear é mo chomhairleoir speisialta.

- d. Is é polasaí na Státseirbhíse ardleibhéal rúndachta a chur i bhfeidhm maidir le heolas faireacháin, agus eolas ar mhíchumas san áireamh, i dtaobh daoine aonair.

- e. Ceaptar comhairleoirí speisialta faoin Civil Service Commissioners (Northern Ireland) Order 1999 agus le hAirteagal 3(2) den Ordú sin cuirtear ar ceal an prionsabal roghnaithe nó tuillteanais ar bhonn comórtais chothroim oscailte i gcás ceapacháin chuig post sa Státseirbhís atá á dhéanamh le comhairle a thabhairt d'Airí le linn tréimhse a chríochnóidh ag deireadh saolré Rialtais nó roimhe sin.

- f. Tá gach státseirbhíseach, agus comhairleoirí speisialta san áireamh, i dteideal a bheith ina mbaill de pháirtí polaitíochta cé go mbíonn a ngníomhaíocht pholaitíochta á teorannú de réir an ról a bhíonn acu. Ní choinnítear aon eolas faoi bhallraíocht i bpáirtithe polaitíochta i gcás comhairleoirí speisialta nó státseirbhíseach ar bith eile.

### Eggs: Consumption

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she is (a) aware of the recent research presented to the Royal Society of Medicine forum on food and health into the benefits and qualities of eggs, and (b) considering measures to encourage the public to make eggs an integral part of their diet.

(AQW 466/00)

**Ms de Brún:** I am aware that the Royal Society of Medicine held a forum to review the evidence on dietary cholesterol as a cardiac risk factor. The seminar concluded that intakes of dietary cholesterol of up to 500 mg per day (equivalent to that in about two egg yolks) had very little impact on blood cholesterol.

My Department does not issue specific advice on the number of eggs people should consume, and the Food Standards Agency does not class individual food as healthy or unhealthy. A varied, balanced diet, which includes plenty of fruit and vegetables and is high in complex carbohydrates and low in fat is recommended.

Tá a fhios agam gur thionóil an Royal Society of Medicine fóram le hathbhreithniú a dhéanamh ar an fhianaise ar ghuaiseanna cairdiacha an cholaistéaróil chothaithigh. Bhí an seimineár den bharúil gur beag a chuaigh glacadh isteach de cholaistéaról cothaitheach de suas le 500 mg sa lá (is ionann sin agus 2 bhuíocán uibhe) i bhfeidhm ar cholaistéaról na fola.

Ní eisíonn mo Roinn comhairle ar leith faoin mhéid uibheacha a ba chóir do dhaoine a ithe agus ní aicmíonn an Food Standards Agency bia áirithe folláin nó

mífholláin. Moltar aiste chothrom éagsúil bia, ina bhfuil tréan torthaí agus glasraí agus atá ard i gcarbaihíodráití coimpléascacha agus íseal i ngeir.

### Ambulance Service

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety to detail when she will make her response to the review of the Ambulance Service in Northern Ireland; and if she will make a statement.

(AQW 472/00)

**Ms de Brún:** The report of the strategic review of the Ambulance Service, received by my Department in February of this year, was circulated widely for comment. Although all the responses have now been received and collated, quite a bit of detailed work still needs to be done before I am in a position to reach final decisions on the way forward. A number of project groups are therefore being established to look more closely at how the report's recommendations could be implemented and the costs of doing so. I intend to make a public statement on progress shortly.

Fuair mo Roinn tuarascáil an athbhreithnithe straitéisigh ar an tSeirbhís Otharcharranna i mí Feabhra i mbliana agus scaipeadh go forleathan í le tuairimí a fháil. Cé go bhfuil na freagraí uile faighte anois agus curtha in eagar, tá neart oibre mionsonraithe le déanamh go fóill sula mbeidh mé i riocht na cinní deireanacha a dhéanamh maidir leis an bhealach chun tosaigh. Ar an ábhar sin tá roinnt grúpaí tionscadail á mbunú le scrúdu níos géire a dhéanamh ar an dóigh ar féidir na moltaí sa tuarascáil a fheidhmiú agus ar na costais a bheadh i gceist. Tá rún agam ráiteas poiblí a dhéanamh faoin dul chun cinn ar ball.

### Disposal of Drugs

**Ms Armitage** asked the Minister of Health, Social Services and Public Safety if, in relation to drugs and medicines past their sell-by date, she will detail (a) how they are disposed of, (b) the value of drugs disposed of for this reason, and (c) how these costs are monitored.

(AQW 476/00)

**Ms de Brún:** Medicines are classified as "special waste" under the Special Waste (NI) Regulations 1998 and are disposed of in accordance with those regulations.

Controlled drugs are a specific class of medicine which are, in addition, subject to disposal controls under the Misuse of Drugs Regulations 1985. The protocols for destruction of these medicines are agreed between pharmacists and my Department's Pharmaceutical Inspectorate.

The value of the drugs disposed of for this reason is not readily available and could only be obtained at a disproportionate cost.

The costs of out-of-date drugs and medicines are not monitored by my Department.

Aicmítear cógais mar "dramhail speisialta" faoi na Special Waste (NI) Regulations 1998 agus diúscaítear de réir na rialacha seo iad.

Baineann Drugaí Rialaithe le haicme ar leith cógas atá, lena chois sin, faoi réir rialacha diúscairthe sna Misuse of Drugs Regulations 1985. Déantar aontú idir poitigéirí agus cigireacht chógaisíochta mo Roinne faoi na prótacail maidir le díothú na gcógas seo.

Ar an ábhar sin ní féidir teacht go réidh ar luach na ndrugaí a dhiúscaítear agus ní fhéadfaí teacht air gan chostas diréireach.

Ní dhéanann mo Roinnse faireachán ar chostais drugaí agus cógais atá as dáta.

### Ulster Hospital: Orthopaedic Services

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will confirm that no new appointments are being offered to patients in the orthopaedic department of the Ulster Hospital.

(AQW 478/00)

**Ms de Brún:** New appointments are still being offered to patients at orthopaedic clinics at the Ulster Hospital. There are nine clinics held per week with a mix of new and review patients.

Tá coinní nua á dtairiscint go fóill d'othair i gclíní ortaipéideacha in Ospidéal Uladh. Reáchtáiltear naoi gclíní sa tseachtain agus bíonn meascán d'othair nua agus d'othair faoi athbhreithniú ann.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to detail how often orthopaedic clinics are held at the Ulster Hospital and to detail the number of patients awaiting appointments.

(AQW 479/00)

**Ms de Brún:** The Ulster Hospital currently holds nine orthopaedic outpatient clinics per week.

As at 30 September 2000 (the latest date for which information is available), there were 2,321 patients awaiting their first orthopaedic outpatient appointment at the Ulster Hospital.

Faoi láthair reáchtáilann Ospidéal Uladh naoi gclíní ortaipéideach sa tseachtain d'othair sheachtracha.

Amhail ar an 30 Meán Fómhair 2000 (an dáta is déanaí a bhfuil eolas ann ina leith), bhí 2,321 othar ag feitheamh lena gcéad choinne ortaipéideach a fháil mar othair sheachtracha in Ospidéal Uladh.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the number of orthopaedic consultants at the Ulster Hospital.

(AQW 480/00)

**Ms de Brún:** There are five orthopaedic consultants who currently provide services at the Ulster Hospital.

Faoi lathair tá cúig ortaipéidithe comhairleacha ann a chuireann seirbhísí ar fáil in Ospidéal Uladh.

### Dermatology Services (EHSSB Area)

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will (a) detail her assessment of dermatology services in the Eastern Health and Social Services Board area and the decision to locate such services at the Belfast City Hospital, (b) confirm her acceptance of the recommendation that such services should be centralised, and (c) confirm that its future will only be determined on the basis of scientific argument.

(AQW 527/00)

**Ms de Brún:** Dermatology services are currently provided at both the Belfast City and Royal Victoria Hospitals. There has been general agreement for some time among dermatologists that there should be a unified service based on one site. The future location of the service was one of the issues considered in the Eastern Health and Social Services Board's consultation paper on acute services published in May this year. Board officers are now considering the responses to the consultation exercise, including a number of representations from clinicians about the dermatology service. A package of recommendations is expected to be put before the Eastern Board's meeting in December.

Faoi láthair, cuirtear seirbhísí deirmeolaíochta ar fáil in Otharlann Chathair Bhéal Feirste agus in Otharlann Ríoga Victoria araon. Tá na deirmeolaithe den bharúil le tamall anuas gur cheart do sheirbhís chomhaontaithe a bheith ann agus í bunaithe ar aon suíomh amháin. Bhí suíomh na seirbhíse sa todhchaí ar cheann de na saincheistanna ar breathnaíodh orthu i bpáipéar comhairliúcháin Bhord an Oirthir ar sheirbhísí géarchúraim a foilsíodh i Mí Bhealtaine na bliana seo. Tá oifigigh boird ag breathnú ar na freagraí ar an pháipéar comhairliúcháin, lena n-áirítear ráitis ó chliniceoirí faoin tseirbhís deirmeolaíochta. Meastar go gcuirfear pacáiste moltaí os comhair chruinniú Bhord an Oirthir i Mí na Nollag.

### In Vitro Fertilisation

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail (a) the current position on in vitro fertilisation treatment in Northern Ireland, (b) how many patients receive such treatment in each board area, (c) why the Eastern Health

and Social Services Board (EHSSB) has instructed its GPs not to prescribe any drugs for in vitro fertilisation, and to give an assurance that the EHSSB falls into line on this issue with all the other boards whose GPs continue to issue such prescriptions. (AQW 528/00)

**Ms de Brún:**

- (a) None of the health and social services boards currently commissions in vitro fertilisation (IVF) services, which are provided by the regional fertility centre at the Royal Group of Hospitals. Patients receiving IVF treatment pay for it on a private basis, although drugs are usually prescribed by GPs. The provision of all sub-fertility services, including IVF, is at present being considered by a group established by the Regional Medical Services Consortium, which commissions regional services on behalf of the four health and social services boards. The group is due to report early next year on how services for people experiencing fertility problems can be improved.
- (b) The number of patients, by board of residence, who received IVF treatment at the regional fertility centre during 1999-2000 is shown in the table below:

Eastern Board	Northern Board	Southern Board	Western Board	Other
497	255	208	151	37

- (c) The Eastern Health and Social Services Board has not instructed its GPs to discontinue prescribing drugs for IVF. The position is that some GPs in the Eastern Board's area have indicated that, as the patients receiving IVF treatment are under the care of a hospital consultant, it is inappropriate for their drugs to be prescribed by GPs. Prescribing is one of the issues that will be addressed in the regional consortium's report.
- (a) Ní choimisiúnaíonn bord ar bith de na boird sláinte agus seirbhísí sóisialta seirbhísí thoirchiú in vitro (TIV), a sholraítear ag an ionad réigiúnach torthúlachta sa Ghrúpa Ríoga Otharlann. Is ar bhonn príobháideach a dhíolann othair atá ag fáil chóireáil TIV, cé go n-ordaítear drugaí de ghnáth ag liachleachtóirí. Tá soláthar gach seirbhís fothorthúlachta, lena n-áirítear toirchiú in vitro, á mheas san am i láthair ag grúpa a bunaíodh ag an Regional Medical Services Consortium, a choimisiúnaíonn seirbhísí ar son na gceithre bhord sláinte agus seirbhísí sóisialta. Tá an grúpa le tuairisciú go luath sa bhliain seo chugainn ar conas is féidir seirbhísí dóibh sin a bhfuil fadhbanna torthúlachta acu a fheabhsú.

- (b) Léiríonn an tábla thíos an líon othar, de réir chónaí i mbord, a fuair cóireáil TIV san ionad torthúlachta réigiúnach i 1999/2000:

Bord an Oirthir	Bord an Tuaiscirt	Bord an Deiscirt	Bord an Iarthair	Eile
497	255	208	151	37

- (c) Níor ordaigh Bord Sláinte agus Seirbhísí Sóisialta an Oirthir dá liachleachtóirí stad de dhrugaí a ordú don toirchiú in vitro. Dúirt roinnt liachleachtóirí i gceantar Bhord an Oirthir ós rud é go bhfuil na hothair atá ag fáil chóireáil TIV faoi chúram lia comhairleach otharlainne ní ceart do liachleachtóirí a gcuid drugaí a ordú. Tá an t-ordú drugaí ar cheann de na saincheistanna a bhreathnófar i dtuairisc an chuibhreannais réigiúnaigh.

### Ophthalmic Services

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety if she will detail the number of persons in Northern Ireland (a) currently awaiting cataract operations, and (b) currently awaiting diagnosis by ophthalmic consultants. (AQW 535/00)

**Ms de Brún:** Information on people waiting for inpatient treatment is collected on the basis of specialty rather than the type of operation that they are waiting for.

At 30 June 2000 — the latest date for which information is available — there were 5,253 people waiting for inpatient treatment in the ophthalmology specialty here.

Information on patients currently awaiting diagnosis by ophthalmic consultants is not collected centrally.

Déantar eolas ar dhaoine atá ag feitheamh le haghaidh cóireáil mar othair sheachtracha a bhailiú ar bhonn speisialtóireachtaí seachas ar bhonn an chineáil obráide lena bhfuil siad ag feitheamh.

Ar an 30 Meitheamh 2000 (an dáta is déanaí a bhfuil eolas ar fáil ina leith), bhí 5,253 duine ag feitheamh le cóireáil oftailmeolaíochta a fháil mar othair chónaitheacha anseo.

Ní bhailítear eolas go lárnach ar dhaoine atá ag feitheamh faoi láthair le fáthmheas ó oftailmeolaithe comhairleacha.

### Cataract Surgery

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety if she will outline her assessment of whether an increase in the numbers of persons receiving cataract surgery would contribute to a reduction in patient dependency on the community care system. (AQW 536/00)

**Ms de Brún:** It is not possible to assess the effect that an increase in the numbers of persons receiving cataract surgery would have on community care services.

Níl sé indéanta a mheas cad é mar a rachadh an méadú ar líon na ndaoine atá ag fáil máinliacht chatarachta i bhfeidhm ar sheirbhísí cúraim phobail.

### Area Medical Advisory Committee

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail (a) the members of the Area Medical Advisory Committee (AMAC), (b) when they were each appointed and on what basis, (c) which hospitals they are from, (d) how long each appointee is to serve, (e) how frequently the AMAC has met and to list the dates of those meetings, (f) what reports have been issued by AMAC, and (g) what subcommittees exist, their membership and if any reports have been issued. (AQW 538/00)

**Ms de Brún:** The information requested is not held centrally and details in respect of all health and social services boards could only be obtained at disproportionate cost. Each Area Medical Advisory Committee — there are four of them — is set up by, and directly responsible to, the board in whose area it is based. Information in respect of two boards (the Eastern and Western) is as follows:



**EASTERN AREA MEDICAL ADVISORY COMMITTEE  
(A) MEMBERSHIP**

<b>Name</b>	<b>Relevant Specialty/Interest</b>	<b>Hospital Or Other Body Represented</b>
Dr DD Boyle (Chairman)		Royal Group of Hospitals
Professor J Adgey	Cardiology	Royal Group of Hospitals
Professor D Archer	Ophthalmology	Royal Group of Hospitals
Dr A Bell	Paediatric	Ulster Hospital
Mr J W Calderwood	Orthopaedic A&E	Greenpark Healthcare
Dr G Loughrey	Psychiatry	Knockbracken
Mrs P Donnelly	Psychology	Royal Group of Hospitals
Dr P Rea	Geriatric	Belfast City Hospital
Professor D R Hadden	Medical	Royal Group of Hospitals
Mr C Harvey	Surgical	Mater Hospital
Dr P Jackson	Infectious Diseases	Royal Group of Hospitals
Dr S R Keilty	Anaesthetics	Royal Group of Hospitals
Dr H Lamki	Obstetrics & Gynaecology	Royal Group of Hospitals
Dr J McCann	Disability	Royal Group of Hospitals
Dr T C Morris	Radiotherapy & Oncology	Belfast City Hospital
Mr J G Toner	Otolaryngology	Belfast City Hospital
Dr T R Trinick	Laboratory Medicine	Ulster Hospital
Dr Lawson	Radiology	Belfast City Hospital
Dr A Murray	NI Junior Doctors Committee	
Dr C Marriott		Muckamore Abbey Hospital
Dr J Egan		Purdysburn
Professor Hayes		Belfast City Hospital
Dr R Stranex		Belvoir Park Hospital
Dr W B Sproule		Lagan Valley Hospital
Dr D A J Keegan	Chairman of NI Council for Postgraduate Medical Education NI Council for Postgraduate Medical Education	
Dr J R McCluggage	Queen's University, Belfast	
Professor R W Stout		
Dr R Busby	Local Medical Committee	
Dr H Curran	Local Medical Committee	
Dr I Clements	GP Forum	
Dr D McCreary	GP Forum	
Dr D Stewart	Director of Public Health	Eastern Health & Social Services Board
Dr P Darragh	Consultant, Public Health Medicine	Eastern Health & Social Services Board

Council for Postgraduate Education and the Eastern Board.

- (c) See table at (a) above for hospital representation.
- (d) Members representing the various specialities usually serve a two-year term with an option to serve for another two years. Other members — for example, those representing postgraduate education and university interests — might serve longer periods.
- (e) The committee normally meets about 3 times each year. Meetings this year were held on:
- 16 February 2000
- 23 May 2000
- 5 September 2000
- (f) No reports have been issued this year. The committee provides responses to the board on various planning and consultation exercises and offers professional medical advice to the board.
- (g) The committee has 17 subcommittees, one for each speciality. These subcommittees produce working documents for consideration by the main committee to enable the main committee to provide advice to the Eastern Board.

- (b) Members are appointed to represent the various specialities within hospitals, GP interests, the medical faculty at Queen's University Belfast, the

**WESTERN AREA MEDICAL ADVISORY COMMITTEE  
(A) MEMBERSHIP**

Name	Relevant Speciality/Interest	Hospital Or Other Body Represented
Dr M P S Varma (Chairman)	Consultant Physician	Erne Hospital, Sperrin Lakeland Trust
Dr J Porteous (Vice-Chairman)	General Practitioner	Sperrin Lakeland HSS Trust
Dr J A F Beirne		Altnagelvin Hospital
Dr P Bradley	Consultant Geriatrician	Sperrin Lakeland HSS Trust
Dr E D M Deeny	General Practitioner	General Practice
Dr S Doherty	General Practitioner	BMA Junior Staff
Dr M G Curran	Junior Doctor Consultant Mental Handicap	Stradreagh Hospital, Foyle Trust Stradreagh Hospital
Dr D G Eyre	Consultant Psychiatrist in Mental Handicap	Foyle HSS Trust
Dr W P Finlay	General Practitioner	Tyrone County Hospital
Dr P Garrett	Consultant Physician	Sperrin Lakeland HSS Trust
Dr I U Hassan	General Practitioner	Altnagelvin Hospital
Dr M Madden	Consultant Pathologist	Foyle HSS Trust
Dr M McCloskey	General Practitioner	Western Health & Social Services Board Altnagelvin Hospital
Dr McConnell (ex officio)	Director of Public Health	
Dr C Morrison	Consultant Radiologist	Erne Hospital Altnagelvin Hospital
Dr O'Donoghue	Consultant Paediatrician	BMA Junior Staff
Dr M J R Parker	Consultant Obstetrician & Gynaecologist	
Dr G Riddell	Junior Doctor	Waterside Health Centre Altnagelvin Hospital
Dr J C Stone	GP Commissioner	
Mr Wray	Orthopaedic Consultant	

(b) Members are appointed to represent the various specialities within hospitals, GP interests, junior hospital staff, community health and board interests.

(c) See table at (a) above for hospital representation.

(d) Membership is normally reviewed and renewed every three years but individual members may be renominated and serve more than one period.

(e) The committee normally meets about five times each year. Meetings this year were held on:

18 January 2000

21 March 2000

16 May 2000

19 September 2000

(f) No reports have been issued this year. The committee does not usually issue reports but

provides professional medical advice to the board on a range of issues and services.

(g) There are nine subcommittees to provide advice to the main committee as and when required - one for each speciality. In addition, the main committee periodically sets up ad hoc subcommittees to consider specific issues.

Níl an t-eolas a iarradh á choinneáil go lárnach agus ní fhéadfaí mionsonraithe a fháil i leith gach boird sláinte agus seirbhísí sóisialta gan costas díreireach. Maidir le gach coiste comhairleach míochaine ceantair (a bhfuil ceithre cinn díobh ann), is é an bord a bhfuil siad suite ina cheantar, a bhunaíonn iad agus tá siad freagrach go díreach don bhord sin. Is mar a leanas atá an t-eolas i leith dhá bhord (Bord an Oirthir agus Bord an Iarthair):

**COISTE COMHAIRLEACH MÍOCHAINÉ CHEANTAR AN OIRTHIR - (A) BALLRAÍOCHT**

Ainm	Speisialtóireacht/ Sainábhhar Cúí	Ionadaíocht: Ospidéal Nó Comhlacht Eile
An Dr DD Boyle (Cathaoirleach) An tOll. J Adgey	Cairdeolaíocht	An Grúpa Ríoga Ospidéal An Grúpa Ríoga Ospidéal
An tOll. D Archer	Oftailmeolaíocht	An Grúpa Ríoga Ospidéal
An Dr A Bell An tUas. J W Calderwood	Péidiatraic T&É Ortaipéideach	Cúram Sláinte na Páirce Glaise Cnoc Bhreacáin An Grúpa Ríoga Ospidéal
An Dr G Loughrey An tUas. s P Donnelly	Siciatracht	An Grúpa Ríoga Ospidéal
An Dr P Rea An tOll. D R Hadden	Siceolaíocht Seanliacht	Ospidéal Cathrach BF An Grúpa Ríoga Ospidéal
An tUas. C Harvey An Dr P Jackson	Míochaine Máinliacht	Ospidéal an Mater An Grúpa Ríoga Ospidéal
An Dr S R Keilty	Galair Infhabhtaíochta	An Grúpa Ríoga Ospidéal
An Dr H Lamki	Ainéistéitic	An Grúpa Ríoga Ospidéal
An Dr J McCann	Cnáimhseachas & Gíniceolaíocht	An Grúpa Ríoga Ospidéal
An Dr T C Morris An tUas. J G Toner	Míchumas Radaiteiripe & Oinceolaíocht	Ospidéal Cathrach BF Ospidéal Cathrach BF
An Dr T R Trinick An Dr Lawson	Otalaraingeolaíocht Míochaine Saotharlann Raideolaíocht	Ospidéal Uladh Ospidéal Cathrach BF
An Dr A Murray	Coiste Dochtúirí Sóisearacha TÉ	

Ainm	Speisialtóireacht/ Sainábhhar Cuí	Ionadaíocht: Ospidéal Nó Comhlacht Eile
An Dr C Marriott		Ospidéal Mhainistir Mhaigh Chomair Purdysburn
An Dr J Egan An tOll. Hayes An Dr R Stranex		Ospidéal Cathrach BF Ospidéal Pháirc Belvoir
An Dr W B Sproule		Ospidéal Ghleann an Lagáin
An Dr D A J Keegan	Cathaoirleach Chomhairle Oideachas Míochaine Iarchéime TÉ Comhairle Oideachas Míochaine Iarchéime TÉ Ollscoil na Banríona, Béal Feirste	
An Dr J R McCluggage An tOll. R W Stout		
An Dr R Busby	Coiste Míochaine Áitiúil	
An Dr H Curran	Coiste Míochaine Áitiúil	
An Dr I Clements An Dr D McCreary	Fóram Liachleachtóirí Fóram Liachleachtóirí	
An Dr D Stewart	Stiúrthóir Sláinte Poiblí	Bord Sláinte & Seirbhísí Sóisialta an Oirthir
An Dr P Darragh	Lia Comhairleach, Míochaine Sláinte Poiblí	Bord Sláinte & Seirbhísí Sóisialta an Oirthir

(b) Ceaptar baill mar ionadaithe thar ceann na speisialtóireachtaí éagsúla sna hospidéal, leasanna liachleachtóirí, an dámh míochaine in Ollscoil na Banríona, an Chomhairle Oideachais Iarchéime agus Bord an Oirthir.

(c) Tá ionadaithe na n-ospidéal le féiceáil sa tábla ag (a).

(d) Go hiondúil caitheann na baill ar ionadaithe thar ceann speisialtóireachtaí iad téarma dhá bhliain ar an choiste agus bíonn rogha acu fanacht go ceann dhá bhliain eile. D'fhéadfadh baill eile tréimhse níos faide a chaitheamh, mar shampla, ionadaithe thar ceann leasanna an oideachais iarchéime agus na hollscoile.

(e) Tagann an coiste le chéile timpeall trí huair sa bhliain de ghnáth. Bhí na cruinnithe i mbliana ar na dátaí seo a leanas:

an 16 Feabhra 2000

an 23 Bealtaine 2000

an 5 Meán Fómhair 2000

(f) Níor eisíodh tuarascálacha ar bith i mbliana. Soláthraíonn an coiste freagraí don bhord nuair a thugtar faoi bhearta pleanála agus comhairliúcháin

agus cuireann sé comhairle ghairmiúil mhíochaine ar fáil don bhord.

(g) Tá 17 bhfochoiste ag an choiste – ceann do gach speisialtóireacht. Ullmhaíonn na fochoistí seo doiciméid oibriúcháin lena mbreithniú ag an príomhchoiste chun go mbeidh an príomhchoiste ábalta comhairle a sholáthar do Bhord an Oirthir.

#### COISTE COMHAIRLEACH MÍOCHÁINE CHEANTAR AN IARTHAIR - (A) BALLRAÍOCHT

Ainm	Speisialtóireacht/ Sainábhhar Cuí	Ionadaíocht: Ospidéal Nó Comhlacht Eile
An Dr M P S Varma (Cathaoirleach)	Lia Comhairleach	Ospidéal na hÉirne, I. Loch-Cheantar Speirín
An Dr J Porteous (Leas-Cathaoirleach)	Liachleachtóir	I. Loch-Cheantar Speirín
An Dr J A F Beirne	Lia Comhairleach Seanliachta	Ospidéal Alt na nGealbhan
An Dr P Bradley	Liachleachtóir	I. Loch-Cheantar Speirín
An Dr E D M Deeny An Dr S Doherty	Liachleachtóir Dochtúir Sóiseareach	Cleachtas Ginearálta Foireann Sóisearach BMA
An Dr M G Curran	Lia Comhairleach, Meabhair-Éislinn	Ospidéal na Sráide Riabhai, I.an Fheabhail
An Dr D G Eyre	Siciatraí Comhairleach, Meabhair-Éislinn	Ospidéal na Sráide Riabhai
An Dr W P Finlay An Dr P Garrett	Liachleachtóir Lia Comhairleach	I.an Fheabhail Ospidéal Cho. Thír Eoghain
An Dr I U Hassan	Liachleachtóir	I. Loch-Cheantar Speirín
An Dr M Madden	Paiteolaí Comhairleach	Ospidéal Alt na nGealbhan
An Dr M McCloskey An Dr McConnell (ex officio)	Liachleachtóir Stiúrthóir Sláinte Poiblí	I.an Fheabhail Bord Sláinte & Seirbhísí Sóisialta an Iarthair
An Dr C Morrison	Raideolaí Comhairleach	Ospidéal Alt na nGealbhan
An Dr O'Donoghue	Péidiatraí Comhairleach	Ospidéal na hÉirne Ospidéal Alt na nGealbhan
An Dr M J R Parker	Cnáimhseoir agus Ginéiceolaí Comhairleach	
An Dr G Riddell	Dochtúir Sóisearach	Foireann Shóisearach BMA
An Dr J C Stone	Coimisinéir Liachleachtóirí	Ionad Sláinte Thaobh na hAbhann
An tUas. Wray	Ortaipéidí Comhairleach	Ospidéal Alt na nGealbhan

(b) Ceaptar baill mar ionadaithe thar ceann na leasanna seo a leanas: speisialtóireachtaí éagsúla sna hospidéal, na liachleachtóirí, foireann shóisearach ospidéal, sláinte phobail agus na boird.

(c) Tá ionadaithe na n-ospidéal le féiceáil sa tábla ag (a).

(d) Déantar athbhreithniú agus athnuachan ar an bhallraíocht go hiondúil gach trí bliana ach féadtar

baill a athainmniú agus thig leo níos mó ná tréimhse amháin a chaitheamh ar an choiste.

- (e) Tagann an coiste le chéile timpeall cúig huaire sa bhliain de ghnáth. Bhí na cruinnithe i mbliana ar na dátaí seo a leanas:

an 18 Eanáir 2000

an 21 Márta 2000

an 16 Bealtaine 2000

an 19 Meán Fómhair 2000

- (f) Níor eisíodh tuarascálacha ar bith i mbliana. Ní gnách leis an choiste tuarascálacha a eisiúint ach cuireann sé comhairle ghairmiúil mhíochaine ar fáil don bhord faoi réimse ábhar agus seirbhísí.
- (g) Tá naoi bhfochoiste ann le comhairle a chur ar fáil don príomhchoiste má bhíonn feidhm léi – ceann do gach speisialtóireacht. Lena chois sin bunaíonn an príomhchoiste fochoistí ad-hoc ó am go céile le ceisteanna ar leith a mheas.

### Occupational Therapists (West Tyrone)

**Mr McMenamin** asked the Minister of Health, Social Services and Public Safety if she will detail when there will be extra occupational therapists employed to reduce the backlog of patients in West Tyrone.

(AQW 541/00)

**Ms de Brún:** Health and social services boards and trusts are responsible for ensuring that there are sufficient occupational therapists to provide the level of service to meet the assessed needs of their population. However, my Department has highlighted occupational therapy waiting times as a pressure to be addressed by boards in proposals for spending the £53 million recurrent funding announced earlier this year. The four boards have indicated that additional resources will be allocated to occupational therapy services in the current year. My Department will monitor the situation.

Tá boird agus iontaobhais sláinte agus seirbhísí sóisialta freagrach as cinntiú go bhfuil go leor teiripithe saothair ann leis an leibhéal seirbhíse a sholáthar le freastal ar riachtanais mheasta a ndaonra. Thug an mo Roinn chun suntais áfach uaireanta feithimh teiripe saothair mar bhrú a rachaidh na boird i ngleic leis sna moltaí ar chaiteachas an £53 milliún de mhaoiniú atréimhseach, a fógraíodh ní ba luaithe sa bhliain. Thug na ceithre bhord le fios go gcuirfear acmhainní breise ar fáil do sheirbhísí teiripe saothair i mbliana. Déanfaidh mo Roinn monatóireacht ar na dála.

### Ambulance Service: Strategic Review

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will respond to the ambulance review group's recommendations, which were published in February 2000; and if she will make a statement.

(AQW 547/00)

**Ms de Brún:** The report of the strategic review of the Ambulance Service, received by my Department in February of this year, was circulated widely for comment. Although all of the responses received have now been collated, quite a bit of detailed work still needs to be done before I am in a position to reach final decisions on the way forward. A number of project groups are therefore being established to look more closely at how the report's recommendations could be implemented and the costs of doing so. I intend to make a public statement on progress shortly.

Fuair mo Roinn tuarascáil an athbheithnithe straitéisigh ar an tSeirbhís Otharcharranna i mí Feabhra i mbliana agus scaipeadh go forleathan í le tuairimí a fháil. Cé go bhfuil na freagraí uilig faighte agam anois agus curtha in eagar, tá neart oibre mionsonraithe le déanamh go fóill sula mbeidh mé i riocht na cinní deireanacha a dhéanamh maidir leis an bhealach chun tosaigh. Ar an ábhar sin tá roinnt grúpaí tionscadail á mbunú le scrúdú níos géire a dhéanamh ar an dóigh ar féidir na moltaí sa tuarascáil a fheidmiú agus ar na costais a bheadh i gceist. Tá rún agam ráiteas poiblí a dhéanamh faoin dul chun cinn ar ball.

### Ambulance Service (Downpatrick Area)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will respond to the ambulance review group's recommendations in respect of the Downpatrick area, which were published in November 1999; and if she will make a statement.

(AQW 548/00)

**Ms de Brún:** This report was commissioned by the Ambulance Service Trust to specifically examine the provision of ambulance services in the Downpatrick area. In 1999, the Eastern Health and Social Services Board made an additional investment that enabled the trust to provide an additional accident and emergency ambulance in the Downpatrick area for 24 hours a day, seven days a week. The Ambulance Service is also currently finalising proposals with the board for the establishment of an ambulance station in Newcastle.

The November 1999 report will also need to be considered within the broader context of the strategic review of ambulance services here and its recommendations. I intend to make a public statement on progress on the strategic review report shortly.

Choimisiúnaigh Iontaobhas na Seirbhíse Otharcharranna an tuairisc seo le scrúdú faoi leith a dhéanamh ar sholáthar seirbhísí otharchairr i gceantar an Dúin. In 1999, rinne Bord Sláinte agus Seirbhísí Sóisialta an Oirthir infheistíocht bhreise a chuir ar chumas a iontaobhais otharcharr breise timpiste agus éigeandála a chur ar fáil i gceantar an Dúin 24 uair sa lá, seacht lá sa tseachtain. Tá an tSeirbhís Otharcharranna ag cur an dlaoi mhullaigh ar mholtaí leis an bhord ar bhunú staisiún otharcharranna sa Chaisleán Nua.

Caithfear breathnú ar thuairisc mhí na Samhna 1999 i gcomhthéasc an athbheithnithe straitéisigh ar sheirbhísí otharchairr agus a mholtaí. Tá rún agam ráiteas poiblí a dhéanamh ar dhul chun cinn thuairisc an athbheithnithe straitéisigh ar ball.

### Department: Consultancy Contracts

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety if, for the period since devolution, she will detail (a) the number of contracts for consultancy services which did not have to go out to public tender that have been awarded by her Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 549/00)

**Ms de Brún:** The information requested is as follows:

- (a) Since devolution the Department has awarded 29 contracts for consultancy services that did not have to go out to public tender.
- (b) Contracts were awarded to: Compaq, RA Haley, Nova, Public Private Consulting Ltd., LSE, Tundra, Nigel Rice, University of York, ERI Ltd, H Cuene – Grandidier, RJK Consulting, MSA Ferndale, EHSSB, QAS Systems, DFP, ISD Scotland, Donal Sheals, Economic & Social Research Institute, Centre For Public Services and Hay Management Consultants.
- (c) No contracts were awarded on the advice of these consultants.

Tá an t-eolas a iarradh mar a leanas.

- (a) Ó cineachadh cumhacht tá an Roinn i ndiaidh 29 gconradh a thabhairt i leith seirbhísí sainchomhairle, conarthaí nár lorgaíodh tairiscintí ina leith ón phobal.
- (b) Tugadh conarthaí dóibh seo a leanas- Compaq, RA Haley, Nova, Public Private Consulting Ltd., LSE, Tundra, Nigel Rice, University of York, ERI Ltd., H. Cuene – Grandidier, RJK Consulting, MSA Ferndale, EHSSB, QAS Systems, DFP, ISD Scotland, Donal Sheals, Economic & Social

Research Institute, Centre For Public Services agus Hay Management Consultants.

- (c) Níor tugadh conarthaí ar bith de bharr comhairle ó na sainchomhairleoirí seo.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Childcare Workers: Training

**Mr Adams** asked the Minister of Higher and Further Education, Training and Employment what steps he intends to take to ensure the harmonisation, on an all-Ireland basis, of the training of childcare workers.

(AQW 420/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** Following an independent review of childcare training arrangements in Northern Ireland, an action plan and strategic objectives to improve training arrangements in this expanding and evolving sector have been issued this week. That plan has been agreed with the Ministers of Education and of Health, Social Services and Public Safety.

A key issue is improving the qualification levels of existing childcare staff and increasing the number and quality of new entrants. This will require concerted action by various stakeholders.

As different qualifications arrangements apply North and South, and as the priority in the North is to improve both quality of training and qualifications levels of staff, harmonisation of North/South arrangements is not practical at present. However, as childcare has an important role to play in economic development both North and South, I have asked officials to explore with their Southern counterparts possible areas for co-operation.

### Third-Level Education: Equality of Opportunity

**Mr Adams** asked the Minister of Higher and Further Education, Training and Employment what assessment he has made of the exemption of third-level education providers from the requirements of section 75 of the Northern Ireland Act 1998. (AQW 421/00)

**Dr Farren:** Third-level education providers will not be exempt from the requirements of section 75 of the Northern Ireland Act 1998. They do not fall within the terms that are specifically defined in section 75(3)(a) to (c) of the Act. However, it is my intention to recommend their designation by the Secretary of State under section

75(3)(d) and their inclusion in the second designation Order, which is currently in preparation.

The tertiary sector welcomes the prospect of designation as a public demonstration of its commitment to equality of opportunity, and officials in my Department are working with sector representatives to see how best they can facilitate them to meet their statutory obligations under section 75.

### **Irish-Medium Further Education**

**Mr Adams** asked the Minister of Higher and Further Education, Training and Employment what funding he has made available for development of further education courses through the medium of Irish. (AQW 422/00)

**Dr Farren:** As incorporated bodies, further education colleges are responsible for the management of their own budgets in planning and delivering provision. It is a matter for each individual college to determine whether there is sufficient demand for Irish-medium provision and whether it can offer sufficient support to potential students in terms of lecturing, curriculum resources and assessment arrangements.

**Mr Adams** asked the Minister of Higher and Further Education, Training and Employment if he will detail the number and location of further education places available in childcare training through the medium of Irish at NVQ levels 2 and 3. (AQW 423/00)

**Dr Farren:** My Department has confirmed with all 17 local further education colleges that no places are currently provided in childcare at NVQ levels 2 and 3 through the medium of Irish.

In September of this year, one college sought to deliver a number of vocational programmes, including childcare, through the medium of Irish. The college reported a poor response to its recruitment campaign and took the decision not to proceed with the initiative. It remains prepared, nonetheless, to develop Irish-medium education provision should demand so merit.

### **Department: Special Advisers**

**Mr Ford** asked the Minister of Higher and Further Education, Training and Employment if he will provide a list of those appointed as special advisers within his Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered. (AQW 461/00)

**Dr Farren:** I can confirm that I have appointed Mr Brendan Mulgrew as my special adviser and that he has the status of a temporary civil servant. The rest of this response should be taken in that context.

In relation to the specific points raised:

- (a) 21 September 2000
- (b) 30 September 2000
- (c) Male
- (d) It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.
- (e) Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3 (2) of which disapplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purposes of providing advice to Ministers during a period terminating on or before the end of an Administration.
- (f) All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

### **East Down Institute of Further and Higher Education**

**Mr McGrady** asked the Minister of Higher and Further Education, Training and Employment to detail when the economic appraisal in respect of the new building for East Down Institute of Further and Higher Education in Downpatrick will be approved, and when the funding will be made available for the new purpose-built college. (AQW 473/00)

**Dr Farren:** The additional information requested from the East Down Institute in respect of its economic appraisal for the Downpatrick campus was received by my Department on 25 September 2000. The revised appraisal included a new preferred option: a new build college on the existing and extended site. This will require detailed examination by my Department's economic and technical advisers before it can be cleared. The Department hopes to be in a position to clear the appraisal in November 2000.

When approved, the next stage will be to consider the scheme in the light of the available capital resources and other capital priorities.

**Mr McGrady** asked the Minister of Higher and Further Education, Training and Employment to detail when approval will be given to East Down Institute of

Further and Higher Education in Downpatrick to undertake Higher National Diploma and degree-level courses; and if he will make a statement. (AQW 474/00)

**Dr Farren:** All further education (FE) colleges can offer part-time higher education (HE) provision subject to satisfactory franchising arrangements with either a university or an FE college with approval to deliver full-time HE and departmental approval for individual courses. East Down Institute of Further and Higher Education has been offering HE courses on a part-time basis for some time.

In 1999, the institute met the Department's criteria for approval to offer full-time HE provision for the first time and was eligible to bid for some of the additional 600 HE places under the comprehensive spending review. The institute was successful in receiving approval to deliver a HND in construction.

### Training (Standards)

**Mrs Nelis** asked the Minister of Higher and Further Education, Training and Employment if, in view of the KPMG report 'Qualitative Research with Key New Deal Players' (August 2000), he will detail what steps the Training and Employment Agency will take to ensure that standards of training are consistent throughout Northern Ireland. (AQW 505/00)

**Dr Farren:** New Deal provides advice, support and training to those who are most distanced from the labour market. The Training and Employment Agency continuously monitors the programme to ensure that high-quality training is delivered to the long-term unemployed to improve their employability so that they may compete more successfully for available jobs.

Ensuring that the required standard of training is being delivered by all New Deal consortia is important to the success of the programme. When New Deal was first introduced in April 1998, the Training and Employment Agency put in place arrangements for monitoring training delivery. These arrangements are now well established and involve regular inspections of New Deal consortia by the Education and Training Inspectorate, monitoring visits by New Deal personal advisers to ensure that the training agreed with the participant during gateway is being delivered, and an obligation for all New Deal consortia to meet the standards set out in the agency's quality and performance management framework for New Deal.

In addition, the Training and Employment Agency has commissioned a major programme of surveys to evaluate the impact New Deal has had on improving the employability of participants. The survey to which you refer was the first survey carried out on New Deal. Its purpose was to provide early indicators of how the New Deal 18-24 — which had been in operation for just one

year at the time — and the New Deal 25-plus pilots were being perceived by participants, personal advisers, employers, and New Deal consortia.

While the research was useful in identifying potential issues and problems, it was never intended to provide sufficient evidence to make definitive judgements or recommendations. A more substantial qualitative study is currently being undertaken on New Deal and the results will be available early in the new year.

### Further and Higher Education (Larne)

**Mr O'Connor** asked the Minister of Higher and Further Education, Training and Employment if he will outline his plans for the provision of a further and higher education facility for Larne and detail what progress had been made to date. (AQW 512/00)

**Dr Farren:** Following the decision by the board of governors of the East Antrim Institute of Further and Higher Education to close its Larne campus in June 1999, the institute commissioned an economic appraisal to address the long-term position regarding Larne. The preferred option, a new smaller building on the existing site at a cost of £1.5 million self-financed from the proceeds of the sale of part of the Larne site, was cleared by the Department on 28 February 2000.

Since that time, the institute has demolished the old campus and has appointed a commercial estate agent to handle the sale of the site. A number of sale options are currently being examined and the institute hopes to be in a position to report on progress within the next month.

### Higher Education Courses: Funding

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will explain why a student on a higher education course in a further education college attracts less funding than a student doing the same course at university. (AQW 514/00)

**Dr Farren:** Further education (FE) colleges and universities are funded by different funding mechanisms. It is very difficult, therefore, to make exact comparisons between them.

In 2000-01, FE colleges received recurrent funding for all their courses, including higher education courses, which was based 50% on the pre-incorporation funding mechanism and 50% on the new further education funding formula. The new formula includes weightings in respect of the subject area and age and category of student, for example, students with learning difficulties and/or disabilities and students meeting targeting social need criteria. The funding is provided to colleges in the form of a block grant.

In addition to the block grant, colleges receive funding from a number of earmarked funds. The sector also receives capital funding.

Funding for teaching in the Northern Ireland universities is based on the Higher Education Funding Council for England methodology, which distributes funds according to the numbers of full-time equivalent students (undergraduate and graduate) in each of four subject-related funding bands. The funding so derived is provided to the universities in the form of a block grant that universities allocate according to their own teaching priorities.

It differs from FE funding in that it also includes an element for capital expenditure in support of teaching.

### Further Education Colleges: Student Numbers

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will detail the student numbers of further education colleges as measured by (a) full-time enrolments, (b) part-time enrolments, (c) gross student numbers, and (d) net student numbers; and if he will make a statement.

(AQW 515/00)

**Dr Farren:** I attach a table detailing the numbers in the requested categories.

#### ENROLMENTS AT NORTHERN IRELAND FURTHER EDUCATION COLLEGES BY COLLEGE EXPRESSED BY MODE OF ATTENDANCE AND FULL TIME EQUIVALENTS (FTES): 1998/99 - 1999/2000

College / Institute	1998/99					1999/2000 <sup>3</sup>	
	Mode of Attendance					Mode of Attendance	
	Full-Time <sup>4</sup>	Part-Time <sup>4</sup>	Gross	Net <sup>1</sup>	Net for Funding <sup>2</sup>	Full-Time <sup>4</sup>	Part-Time <sup>4</sup>
Armagh College	1,295	613	1494.35	1305.08	1279.11	1,168	863
BIFHE	4,030	18,336	8705.73	7861.94	7688.43	4,061	18,281
Castlereagh College	767	2,487	1414	916.29	891.91	761	2,683
Causeway Institute	1,070	1,834	1630.37	1278.72	1229.76	1,054	1,765
East Antrim Institute	1,069	3,769	2019.44	1548.13	1493.79	990	3,738
East Down Institute	1,154	2,722	1939.48	1370.37	1298.64	1,221	2,864
East Tyrone College	828	1,879	1485.34	1139.15	1077.78	786	2,269
Fermanagh College	948	2,318	1745.66	1462.25	1403.66	968	3,102
Limavady College	934	1,374	1422.5	1119.98	1072.28	911	1,483
Lisburn College	1,097	2,417	1748.67	1298.23	1256.21	1,057	2,553
Newry & Kilkeel College	1,774	3,831	2531.6	1938.81	1862.06	1,974	3,601
NIHCC	395	158	464.41	433.66	408.35	333	209
North Down & Ards Institute	2,049	4,580	2868.74	2354.27	2231.91	2,140	4,768
North East Institute	2,107	3,915	3079.47	2386.03	2302.97	2,117	4,240
North West Institute	2,358	6,212	4261.53	3622.65	3409.08	2,528	6,407
Omagh College	778	1,715	1381.7	1026.03	988.32	893	2,241
Upper Bann Institute	1,201	4,286	2212.86	1938.1	1887.28	1,170	4,180
<b>Total</b>	<b>23,854</b>	<b>62,446</b>	<b>40,405.85</b>	<b>32,999.69</b>	<b>31,781.54</b>	<b>24,132</b>	<b>65,247</b>

Source: Further Education Statistical Record / Annual Monitoring Survey

<sup>1</sup> Gross less cost recovery students.

<sup>2</sup> Net less withdrawn students.

<sup>3</sup> Full Time Equivalent data is not presently available for this academic year.

<sup>4</sup> Full and part time figures are based on a snapshot of enrolments @ 1st November in the given academic year.



## NVQs and Modern Apprenticeship Training

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will (a) detail the resources allocated to further education colleges to provide National Vocational Qualifications and Modern Apprenticeship training in Northern Ireland, (b) detail the resources allocated for similar courses in Great Britain; and if he will make a statement. (AQW 516/00)

**Dr Farren:** National Vocational Qualifications and Modern Apprenticeships are work-based qualifications and the Department allocates funding to support this training principally through the Jobskills programme.

Further education (FE) colleges receive funding from the Department, either directly or as a subcontractor to training providers funded by the Department, in respect of their involvement in the delivery of the Training and Employment Agency's Jobskills training programme. The total funding received in relation to Jobskills-supported training during the year ended March 2000, and including the subcontract transactions of which the Department is aware, was some £19.4 million.

Apart from funding for training under the Jobskills programme, colleges receive a block grant for all their course provision. Excluding Jobskills trainees, total student enrolments in 1999-2000, the latest year for which figures are available, were 89,379. Of these, 7,581 (8.5%) were enrolled for National Vocational Qualifications.

Given the colleges' block grant funding arrangements and the subcontracting component of the Jobskills programme, it is not possible to further detail the resources attributed to National Vocational Qualifications and Modern Apprenticeships.

England, Scotland and Wales each have their own funding system and the information requested about funding in Great Britain is not available. The Department continues to support initiatives in the further education sector to raise the skill levels and qualifications of the Northern Ireland workforce.

In the current year, in addition to the funding mentioned above, the Department has provided earmarked funds of £1 million for the incentive/skills fund and £3.5 million for the strategic investment fund.

## Further Education: Capping

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment (a) what assessment he has made of capping in the further education sector, (b) what policy he intends to follow in light of the fact that in those subjects where capping has been removed, colleges have failed to recruit sufficient

numbers and in those subjects where capping is retained, students are being turned away. (AQW 524/00)

**Dr Farren:** It remains Department policy to control the number of publicly-funded full-time higher education (HE) places in the further education (FE) sector. The control is not generally specific to particular subjects and colleges are free to manage recruitment to particular courses and vocational areas within their overall maximum aggregate student number (MaSN) allocation.

The only exception to this policy relates to the additional places secured under the comprehensive spending review and skills funding in order to address skills shortages in vocational areas identified as being important to the development of the Northern Ireland economy. These places were allocated to particular courses in colleges' bids and cannot be "transferred" within a college's MaSN allocation to other vocational areas or courses. There has been virtually full recruitment to these courses by all colleges that received an allocation.

It should be noted that there is no restriction on part-time HE provision.

## Dearing Report

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will detail why the recommendations of the Dearing Report in regard to the expansion of higher education in the further education sector have not been implemented. (AQW 525/00)

**Dr Farren:** The report of the National Committee of Inquiry into Higher Education (the Dearing Report) made a number of recommendations relating to the provision of higher education (HE) places in the further education (FE) sector.

The report also recognised that in seeking to meet the growing "individual, local and national needs.... there may be different circumstances in the different countries of the UK".

In relation to Northern Ireland, any expansion in publicly funded full-time HE provision has a serious resource implication, and my Department has consistently advised that resources will be applied in light of existing priorities. It should be noted that there is no restriction on part-time HE provision.

My Department recently secured significant resources to provide an additional 600 publicly funded full-time HE places across the FE sector in six key vocational areas identified as being important to economic development. In addition, a further cohort of 100 HND places in the vocational areas of software engineering and electronics has also been introduced in the current year. I have also recently announced plans for the piloting of foundation degrees in Northern

Ireland and envisage that the further education sector will have an important role to play in their delivery. That aligns with the report's recommendation that options be examined to address the high levels of demand for HE places in Northern Ireland.

### Further Education Students: Literacy and Numeracy

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will detail his assessment of the literacy and numeracy standards of students enrolling at further education colleges and give an explanation for the increase in semi-literacy and semi-numeracy standards of students enrolling.

(AQW 526/00)

**Dr Farren:** I am unaware of evidence to suggest that literacy and numeracy standards of students enrolling at further education colleges are declining.

Evidence from the findings of the International Adult Literacy Survey 1997 indicate that some 24% of the working-age population in NI have low literacy and numeracy skills, compared with 21% in the UK as a whole. The survey also indicated that standards in literacy and numeracy among 16-24-year-olds were higher than for the older age groups.

Tackling poor basic skills is one of the key priorities of the lifelong learning agenda. In order to respond actively to this need, my Department has established a Basic Skills Unit. The unit is providing my Department with a strategic framework designed to address basic skills in Northern Ireland. Work on this issue is ongoing.

### East Down Institute of Further and Higher Education

**Mr McGrady** asked the Minister of Higher and Further Education, Training and Employment if he will detail the progress on the economic appraisal for the capital development project of the East Down Institute for Further and Higher Education in Downpatrick.

(AQW 537/00)

**Dr Farren:** The additional information requested from the East Down Institute in respect of its economic appraisal for the Downpatrick campus was received by my Department at the end of September 2000. The revised appraisal included a new preferred option: a new-build college on the existing and extended site. This will require detailed examination by my Department's economic and technical advisers before it can be cleared. The Department hopes to be in a position to clear the appraisal by the end of November 2000. When approved, the next stage will be to consider the scheme in the light of the available capital resources and the capital priorities across the sector.

### MKF (Newry): Redundancies

**Mr C Murphy** asked the Minister of Higher and Further Education, Training and Employment if he will detail what action he has taken to assist the workers made redundant by the MKF factory in Newry to regain employment.

(AQW 555/00)

**Dr Farren:** I am replying to your question detailing action taken to assist the workers made redundant by the MKF factory in Newry to regain employment.

A member of staff at Newry JobCentre has been assigned to offer guidance and help to former MKF employees who wish to re-enter the labour market. To date, eight former employees have availed of the JobCentre services and been submitted to a range of jobs. Outcomes from six job interviews are currently awaited.

David Morrison, Manager, Newry JobCentre, 5-13 Marcus Street, Newry (Tel 028 3025 4154) would be pleased to arrange an appointment for the redundant MKF workers to discuss a wide range of employment and training opportunities. Early entry to New Deal will be available if this is considered necessary to assist particular individuals to re-engage with the labour market.

The closure of MKF and the resultant loss of jobs is deeply regretted.

## REGIONAL DEVELOPMENT

### Department: Special Advisers

**Mr Ford** asked the Minister for Regional Development if he will provide a list of those appointed as special advisers in his Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered.

(AQW 445/00)

**The Minister for Regional Development (Mr Campbell):** Special advisers have the status of temporary civil servants.

In this Department, a special adviser was offered an appointment and commenced duty on 31 January 2000. On the dates of the suspension of devolved government and the resignation of my predecessor Mr P Robinson, the special adviser's services were terminated. When I took over as Minister he agreed to be reappointed as my special adviser for a period to ensure the maximum degree of continuity in relation to departmental matters. All civil servants, including special advisers, are entitled

to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

I have now appointed a special adviser of my own choosing, who was offered the post on 3 October 2000 and took up the appointment on 9 October 2000.

Both of these special advisers were of male gender. It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.

Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3 (2) of which disappplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration.

### Townlands: Road Signage

**Mr Armstrong** asked the Minister for Regional Development if he will make it his policy to promote local townlands throughout Northern Ireland with suitable road signage. (AQW 450/00)

**Mr Campbell:** My Department's Roads Service erects traffic signs to aid the safe progression of traffic and to convey warnings, information, requirements, restrictions or prohibitions to road users. These traffic signs are either prescribed in the Traffic Signs Regulations (Northern Ireland) 1997 or are authorised by the Department. Townland name signs are not currently prescribed or authorised as mentioned and are not considered necessary for the safety and convenience of road users. Indeed, due to the considerable number of signs that could potentially be involved, their erection could be detrimental to road safety — for example, by causing driver distraction — and could reduce the effectiveness of other traffic signs.

It is not therefore my intent to initiate a policy change.

### Department: Consultancy Contracts

**Mr Dallat** asked the Minister for Regional Development if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 532/00)

### Mr Campbell:

Part (a)  
9

Part (b)

Oscar Faber  
Community Technical Aid  
Carson Wilson  
McGrigor Donald  
Transport & Travel Research Ltd in association with Ian Catling Consultancy  
Peter Lindsell Associates  
The James Black Partnership  
Page Setup  
Management Accountants in Practice

Part (c)

Nil

Part (d)

Not applicable

### Water Filtration Plant (Silent Valley)

**Mr Wells** asked the Minister for Regional Development if he will detail when work will commence on the construction of the filtration plant to treat water from the Silent Valley reservoir and when will this project be completed. (AQW 539/00)

**Mr Campbell:** A contract to design and build the Silent Valley water treatment works is scheduled to be awarded in the spring of 2001. Construction is expected to commence in late 2001 and will take three years to complete at an estimated cost of £35 million. Subject to planning approval, the works will be situated at Drumaroad, between Castlewellan and Ballynahinch.

Consideration is being given as to whether the Kilkeel and Annalong areas, which are currently supplied from the Silent Valley, will in future be supplied from the new works or from the proposed works at Fofannybane, which again is expected to be completed in late 2004 at an estimated cost of £13 million.

### A5 Bypass

**Mr McMenamin** asked the Minister for Regional Development if he will detail when work will commence on the A5 bypass at Strabane, Newtownstewart and Omagh. (AQW 544/00)

**Mr Campbell:** I can confirm that, subject to the successful completion of the necessary statutory procedures and the availability of funding, work could commence on both the A5 Strabane bypass stage 2 and the A5 Newtownstewart bypass by late summer 2001.

As regards the A5 Omagh throughpass stage 3, it is likely that public inquiries will be held regarding the

draft environmental statement and draft direction order. Depending on the outcome of the inquiries, and subject to the successful completion of other statutory procedures and the availability of funding, work on site could commence in spring 2002.

### Public Transport: Overcrowding

**Mr McGrady** asked the Minister for Regional Development what steps he is taking to prevent overcrowding on public transport in Northern Ireland, particularly regarding the transport of school pupils; and if he will make a statement. (AQW 545/00)

**Mr Campbell:** The appropriate carrying capacity of public transport vehicles, including those used for the transport of school pupils, is determined by regulations that are the responsibility of the Department of the Environment. Translink has advised that its internal guidance provides for a maximum capacity when carrying children to school that is less than the legal maximum. That guidance capacity will only be exceeded in exceptional circumstances and never beyond the legal carrying capacity of the vehicle.

The Department for Regional Development provides grant aid to assist Translink to purchase new buses. In this year's spending review I sought an additional £25 million for bus purchase grants for 2001-02. These resources are needed just to enable Translink to replace vehicles that have reached the end of their useful service lives and would not assist Translink to expand its fleet. However, there are no extra resources for bus purchase grants in the draft Budget presented to the Assembly on 17 October by the Minister of Finance and Personnel. In these circumstances, it is unlikely that Translink will be able to allocate more buses for school transport in the near future.

## SOCIAL DEVELOPMENT

### Department: Special Advisers

**Mr Ford** asked the Minister for Social Development if he will provide a list of those appointed as special advisers in his Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee held membership of any political party on the date appointment was offered. (AQW 441/00)

**The Minister for Social Development (Mr Morrow):** Special adviser — Mr Ian Crozier

Special advisers have the status of temporary civil servants.

- | First Appointment | Second Appointment |
|-------------------|--------------------|
| a. 19 June 2000   | a. 15 August 2000  |
| b. 19 June 2000   | b. 15 August 2000  |
| c. Male           | c. Male            |
- d. It is Civil Service policy to afford a high degree of confidentiality to individual monitoring information, including that on disability.
- e. Special advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999, article 3(2) of which disappplies the principle of selection on merit on the basis of fair and open competition where an appointment to a situation in the Civil Service is made for the purpose of providing advice to Ministers during a period terminating on or before the end of an Administration.
- f. All civil servants, including special advisers, are entitled to hold membership of a political party, although political activity is restricted according to their role. Information on membership of a political party is not held for special advisers or any other civil servants.

### Housing Executive Properties: Access

**Mr Ford** asked the Minister for Social Development to detail what steps he will take to ensure that the Housing Executive and community organisations using Housing Executive premises comply with the proposed new statutory regulations on access. (AQW 482/00)

**Mr Morrow:** The Housing Executive's disability committee, together with premises managers, programme and accommodation managers, are leading the organisation in efforts to meet its obligations under the Disability Discrimination Act 1995 and, in particular, the requirement for the removal of physical barriers to services by 2004. As to the issue of community organisations using Housing Executive property, until such times as regulations under the 1995 Act are available, I can give no indication as to the responsibilities of the tenant and landlord, respectively, for the work and associated costs in complying with the legislation.

### Disability Living Allowance: Applications

**Mr Shannon** asked the Minister for Social Development if he will detail the number of applications for disability living allowance for each constituency in each of the past five years. (AQW 483/00)

**Mr Morrow:** The Social Security Agency does not hold a breakdown of the number of claims based on constituency areas. However, the total number of claims received each year is held.

The total number of claims received for disability living allowance in each of the past five years is as follows:

April 1995 to March 1996	35,428
April 1996 to March 1997	35,222
April 1997 to March 1998	25,092
April 1998 to March 1999	23,482
April 1999 to March 2000	23,614

### Sale of Housing Executive Properties

**Mr Shannon** asked the Minister for Social Development if he will make it his policy to reallocate finance generated through the sale of Housing Executive properties to the local government district where the property was sold. (AQW 484/00)

**Mr Morrow:** It would not be possible or practicable to introduce such a policy.

The Northern Ireland Housing Executive (NIHE) retains 100% of its estimated receipts from house sales. This year that figure is almost £60 million. That money is already committed for planned capital improvement works to those NIHE estates where there is greatest need, as decided by the NIHE. It is the role of the NIHE to select, prioritise and activate schemes that reflect the greatest need and that can be met from within its budget.

As is required under Government accounting provisions, additional receipts over and above the estimated receipts have to be surrendered to the centre, where they are at the disposal of the Executive Committee and the Assembly for addressing emerging pressures, including housing. Over the past five years or so, of the additional housing receipts that have been surrendered to the centre to be redeployed to other priority spending areas, about one third has been returned to the NIHE.

I am actively pursuing this question of additional receipts and arguing for significant additional resources for the housing programme to meet housing need in Northern Ireland.

### Disability Living Allowance: Disallowed Claims

**Mr Shannon** asked the Minister for Social Development if he will detail the number of disability living allowance applications rejected in each constituency in each of the last five years and to state how many were overturned on appeal. (AQW 487/00)

**Mr Morrow:** The Social Security Agency does not hold a breakdown of the number of claims disallowed, or the number overturned at appeal, by constituency areas. However, the total number of claims disallowed each year is held and for each of the past five years is as follows:

April 1995 to March 1996	19,617
April 1996 to March 1997	19,586
April 1997 to March 1998	13,457
April 1998 to March 1999	9,220
April 1999 to March 2000	10,059

The number of claims initially disallowed but then overturned on appeal each year is also held and for each of the past five years is as follows:

April 1995 to March 1996	576
April 1996 to March 1997	600
April 1997 to March 1998	558
April 1998 to March 1999	461
April 1999 to March 2000	295

### Shankill Road Traders

**Mr Dodds** asked the Minister for Social Development if he will detail the financial assistance offered to traders on the Shankill Road in the aftermath of the bomb in December 1993. (AQW 488/00)

**Mr Morrow:** Belfast Regeneration Office did not provide any direct financial assistance to traders on the Shankill Road in the aftermath of the bomb in December 1993. It did, however, make its offices available, and staff assisted where possible.

Since 1990, Belfast Regeneration Office has provided £136,000 to traders on the Shankill Road as part of a broader assistance package to various traders' associations throughout Belfast. Support for this project ended in January 2000.

### Incapacity Benefit

**Mr Shannon** asked the Minister for Social Development if he will detail the number of applications for incapacity benefit for each constituency in each of the past five years. (AQW 493/00)

**Mr Morrow:** The Social Security Agency does not hold a breakdown of the number of incapacity benefit claims based on constituency areas. However, the total number of claims received each year is held.

The total number of claims received for incapacity benefit in each of the past five years is as follows:

April 1995 to March 1996	55,268
April 1996 to March 1997	63,418
April 1997 to March 1998	54,036
April 1998 to March 1999	43,214
April 1999 to March 2000	44,346

**Mr Shannon** asked the Minister for Social Development if he will detail the number of incapacity benefit applications which were rejected in each constituency in each of the last five years and to state how many of these rejections were overturned on appeal. (AQW 511/00)

**Mr Morrow:** The Social Security Agency does not hold a breakdown of the number of incapacity benefit claims disallowed, nor the number overturned at appeal, by constituency areas. However, the total number of claims disallowed each year is held and for each of the past five years is as follows:

*July 1995 to March 1996	7,158
April 1996 to March 1997	12,969
April 1997 to March 1998	10,907
April 1998 to March 1999	12,388
April 1999 to March 2000	10,969

\* statistics are not held for April, May and June 1995.

The number of incapacity benefit claims initially disallowed but then overturned on appeal each year is also held and for each of the past five years is as follows:

April 1995 to March 1996	151
April 1996 to March 1997	3,012
April 1997 to March 1998	2,870
April 1998 to March 1999	3,245
April 1999 to March 2000	2,813

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# NORTHERN IRELAND ASSEMBLY

Friday 17 November 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Civic Forum

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister to detail the number of members of the Civic Forum who are aged under 30, those aged between 31 and 40, those between 41 and 50, those aged between 51 and 60 and those aged over 60.

(AQW 561/00)

**Reply:** Information has not yet been received on the ages of all members. The age grouping of the members of the Civic Forum, based on information provided either by the consortia or by the Civic Forum members, is as follows:

Age bracket	Number
30 and Under	6
31 – 40	12
41 – 50	15
51 – 60	16
Over 60	8

### CULTURE, ARTS AND LEISURE

#### Department: Consultancy Services

**Mr Dallat** asked the Minister of Culture, Arts and Leisure if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 551/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I can confirm that my Department let 14 contracts without going to public tender.

The contracts were awarded to:

- Dr Bill Jack (2 contracts)
- DTZ Piedad Consulting
- Mr Ian McQuiston
- Price Waterhouse (4 contracts)
- PA Consultancy
- Timothy Mason
- Locom Destination
- Prof Ken Robinson, University of Warwick
- Dónall Ó Riagáin
- Don Anderson

All these were individual contracts for specific pieces of work, and no further contracts were awarded on the basis of the initial project.

### EDUCATION

#### Sixth-Form Pupils

**Mrs I Robinson** asked the Minister of Education if he will, pursuant to AQW 308/00, (a) review the financial constraints on secondary schools to make provision for sixth-form pupils, and (b) make it his policy to introduce flexibility into local management of schools to enable all sixth-form pupils wishing to continue their education to do so. (AQW 499/00)

**The Minister of Education (Mr M McGuinness):** The Department and other educational partners encourage staying on in education beyond the statutory school leaving age. There is however no legal requirement that 16-plus education must be at a school.

The principal constraint in relation to either an increase in the number of places in existing 16-plus provision at a school, or the introduction of such provision at a secondary school where none exists, is the approved capacity/enrolment number of the school. The current policy on the introduction of 16-plus courses in secondary schools is set out in the document 'The Curriculum for 14-19 Year Olds — A Framework for Choice'. The central point is that such provision can only be made within existing resources, which includes accommodation. There is also an extensive range of 16-plus provision at further education colleges for young people unable to obtain a place for 16-plus study at a school.

The Department is prepared to consider a request from a school with an existing sixth form for a temporary variation to enable the school to enrol its own returning

fifth-formers who meet the school's criteria for admission to sixth-form study.

### School Inspectors

**Mr McMenamin** asked the Minister of Education if, in relation to school inspection reports, he will detail (a) who finalises each report, (b) who scrutinises each report, (c) what qualifications are required to become a school inspector, and (d) how such inspectors are appointed.

(AQW 570/00)

**Mr M McGuinness:** (a) Inspection reports are finalised by the inspector leading the inspection team.

(b) All draft reports are checked by at least one other inspector and, in addition, may undergo a quality check by the staff inspector; all reports are scrutinised at pre-publication stage by the principal of the school under inspection, who is invited to identify any factual errors that need to be rectified. All reports are publicly available and can be scrutinised by any person who is interested.

(c) Essential qualifications for school inspectors are usually at least a second-class honours degree and a teacher-training qualification that meets the requirement to teach in grant-aided schools/institutes of further education.

(d) Inspectorate posts are advertised in the press; all those applicants who appear from their application forms to meet the stated criteria are interviewed by a board that includes senior members of the inspectorate. Appointments are made on merit.

### Comber High School

**Mr Shannon** asked the Minister of Education if he will confirm that sufficient funding exists to ensure that work on Comber High School's new building may now commence.

(AQW 585/00)

**Mr M McGuinness:** The South Eastern Education and Library Board has advised my Department that Comber High School is number four on its list of school capital priorities. The revised economic appraisal for the project is currently under consideration in my Department, but planning of the project is unlikely to be sufficiently advanced to enable it to be considered for a place in next year's capital programme.

**Mr Shannon** asked the Minister of Education if he will confirm that Comber High School is on the shortlist for new building in the South Eastern Education and Library Board area in this financial year. (AQW 586/00)

**Mr M McGuinness:** The South Eastern Education and Library Board has advised my Department that Comber High School is number four on its list of school capital priorities. The revised economic appraisal for the project is currently under consideration in my

Department, but planning of the project is unlikely to be sufficiently advanced to enable it to be considered for a place in next year's capital programme.

## ENTERPRISE, TRADE AND INVESTMENT

### Investment in Tourism

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will detail the amount of investment in tourism in each constituency in each of the last five years.

(AQW 509/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey)** [*supplementary answer*]: Further to the answer printed in Hansard on Friday 10 November (detailed below), which gave the overall amount of financial investment in tourism in the last five years, please find detailed in the attached tables the breakdown by constituency.

Over the last five years (1 January 1995 to date), £56.1 million of financial assistance has been provided by the Northern Ireland Tourist Board through a number of EU, IFI and central Government schemes for the development of tourism infrastructure. The details are contained in the attached Table A.

In addition, over the same period, some £4.9 million of assistance has been invested in marketing.

A breakdown of this figure, which is recorded by district council area, is contained in Table B.



**TABLE A - NITB SELECTIVE FINANCIAL ASSISTANCE AWARDED JANUARY 1995 – OCTOBER 2000 BY YEAR AND PARLIAMENTARY CONSTITUENCY**

	1995	1996	1997	1998	1999	Jan-Oct 2000	Total
Belfast East	£0*	£0*	£0*	£1,000	£38,300	£0*	£39,300
Belfast North	£0*	£25,000	£0*	£453,675	£1,200	£18,200	£498,075
Belfast South	£3,240,959	£2,577,640	£520,000	£2,400	£3,399,325	£527,300	£10,267,624
Belfast West	£0*	£0*	£0*	£12,600	£722,220	£22,000	£756,820
East Antrim	£630,000	£571,137	£0*	£35,968	£719,781	£412,850	£2,369,736
East Londonderry	£230,250	£221,678	£401,927	£175,963	£467,058	£505,900	£2,002,776
Fermanagh & South Tyrone	£2,974,421	£930,703	£432,116	£189,707	£1,303,183	£510,350	£6,340,480
Foyle	£1,402,087	£299,100	£746,577	£96,815	£4,578,229	£3,800	£7,126,608
Lagan Valley	£0*	£12,150	£0*	£18,412	£89,563	£1,300	£121,425
Mid Ulster	£384,000	£203,900	£0*	£45,613	£214,218	£211,800	£1,059,531
Newry & Armagh	£422,974	£1,068,178	£40,880	£274,405	£222,104	£3,472,258	£5,500,799
North Antrim	£324,700	£1,141,245	£614,386	£408,944	£878,618	£455,070	£3,822,963
North Down	£5,000	£133,360	£1,000	£18,150	£35,675	£21,800	£214,985
South Antrim	£18,150	£39,654	£4,344,715	£465,859	£1,700	£1,300	£4,871,378
South Down	£104,688	£682,312	£1,564,771	£4,184,983	£952,742	£17,792	£7,507,286
Strangford	£286,687	£100,230	£740,168	£900	£211,617	£500	£1,340,102
Upper Bann	£0*	£22,750	£121,438	£34,918	£552,620	£2,000	£733,726
West Tyrone	£185,750	£715,894	£35,750	£398,755	£205,914	£2,800	£1,544,863
<b>Total</b>	<b>£10,209,666</b>	<b>£8,744,931</b>	<b>£9,563,728</b>	<b>£6,819,066</b>	<b>£14,594,067</b>	<b>£6,187,020</b>	<b>£56,118,477</b>

\*No approvals for capital assistance were awarded during this period. This could occur for a number of reasons including no applications being received or those received being withdrawn by the applicant or being rejected having failed to meet the necessary criteria for support.

**TABLE B - NITB MARKETING SUPPORT ASSISTANCE AWARDED JANUARY 1995 – OCTOBER 2000 BY YEAR AND BY COUNCIL AREA\***

	1995	1996	1997	1998	1999	Jan-Oct 2000**	Total
Antrim	£51,684.50	£28,893.00	£37,759.80	£54,837.00	£2,525.00	£0	£175,699.30
Ards	£17,399.20	£55,201.35	£56,847.50	£70,961.18	£169,808.10	£0	£370,217.33
Armagh	£112,941.20	£114,605.68	£28,216.00	£1,000.00	£36,522.43	£0	£293,285.31
Ballymena	£1,104.00	£0***	£0***	£7,252.80	£0***	£0	£8,356.80
Ballymoney	£0***	£0***	£0***	£0***	£0***	£0	£0***
Banbridge	£23,593.55	£84,737.50	£31,286.25	£26,850.50	£22,146.00	£0	£188,613.80
Belfast	£77,113.10	£152,069.26	£228,601.80	£180,365.50	£860,860.90	£0	£1,499,010.56
Carrickfergus	£48,015.00	£62,648.50	£14,000.00	£15,000.00	£30,500.00	£0	£170,163.50
Castlereagh	£0***	£5,600.00	£0***	£0***	£0***	£0	£5,600.00
Coleraine	£151,354.60	£48,054.00	£43,826.50	£78,410.04	£418,320.78	£0	£739,965.92
Cookstown	£0***	£0***	£0***	£4,325.75	£0***	£0	£4,325.75
Craigavon	£0***	£0***	£0***	£0***	£15,325.00	£0	£15,325.00
Derry	£60,954.86	£31,199.00	£4,291.29	£64,164.08	£220,072.46	£0	£380,681.69
Down	£33,305.00	£13,181.00	£19,068.40	£16,958.00	£29,965.12	£0	£112,477.52
Dungannon	£1,893.20	£0***	£0***	£0***	£7,252.00	£0	£9,145.20
Fermanagh	£79,630.50	£131,247.30	£83,829.61	£56,714.33	£170,976.02	£0	£522,397.76
Larne	£0***	£20,000.00	£34,462.00	£42,076.13	£0***	£0	£96,538.13
Limavady	£17,925.00	£0***	£0***	£0***	£0***	£0	£17,925.00
Lisburn	£2,955.00	£1,136.00	£1,423.60	£13,637.00	£0***	£0	£19,151.60
Magherafelt	£1,604.00	£0***	£0***	£0***	£42,025.00	£0	£43,629.00
Moyle	£9,118.50	£6,195.00	£17,900.00	£875.00	£2,814.00	£0	£36,902.50
Newry & Mourne	£34,558.00	£5,050.40	£10,599.00	£27,468.00	£0***	£0	£77,675.40
Newtownabbey	£0***	£0***	£0***	£7,841.00	£0***	£0	£7,841.00
North Down	£24,674.00	£0***	£0***	£1,500.00	£2,037.00	£0	£28,211.00
Omagh	£8,175.00	£8,326.00	£0***	£359.00	£8,699.00	£0	£25,559.00
Strabane	£3,291.00	£1,626.00	£66,865.00	£14,880.00	£0***	£0	£86,662.00
<b>Total</b>	<b>£761,289.21</b>	<b>£769,769.99</b>	<b>£678,976.75</b>	<b>£685,475.31</b>	<b>£2,039,848.81</b>	<b>£0</b>	<b>£4,935,360.07</b>

\*The administrative system used to account for the marketing administration is based on District Councils only and on the address of the grant recipient. Awards made may therefore relate to areas outwith the actual District Council address of the grant recipient.

\*\*Under the Marketing Support Scheme criteria and guidelines all approvals for financial assistance had to be completed and Letters of Offer issued before December 1999.

\*\*\*No approvals for assistance were awarded during this period. This could have been due to a number of reasons including no applications being received or those received being withdrawn by the applicant or being rejected having failed to meet the necessary criteria for support.

**Department: Consultancy Services**

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 553/00)

**Sir Reg Empey:** Under the terms of a service level agreement with the Government Purchasing Agency (GPA), the Department of Enterprise, Trade and Investment normally uses consultants from the consultancy framework contract drawn up by GPA as a result of public tendering.

However, I can confirm that 17 contracts were let to consultants who are not listed in the framework contract, and details of these are shown in the attached table.

The number of contracts for consultancy services which did not go out to tender that have been awarded by DETI	To whom these contracts have been awarded	The number of contracts awarded on the basis of such consultancy advice	To whom these contracts were awarded
5	Business Development Associates Belfast	Nil	Nil
1	Tourism & Transport Consult International Belfast	Nil	Nil
3	Robert Blair Photography Newtownabbey	Nil	Nil
1	Rolf Akesson, Stockholm	Nil	Nil
1	Glen Winkfield Northampton	Nil	Nil
1	Helen Lucas Essex	Nil	Nil
1	Jean Morgan Hants	Nil	Nil
1	Jane Foreman Glasgow	Nil	Nil
1	Datamonitor London	Nil	Nil
1	Building Design Partnership Belfast	Nil	Nil
1	Three Quays Marine Services London	Nil	Nil

**MKF (UK) Ltd**

**Mr C Murphy** asked the Minister of Enterprise, Trade and Investment to detail the findings of an IDB report into industrial relations at the MKF factory, Newry. (AQW 554/00)

**Sir Reg Empey:** During the period August 1999 to September 2000, IDB worked closely with the German owners of MKF (UK) Ltd in an attempt to secure the long term future of the Newry plant, which had been facing trading pressures for some time. This included a review facilitated by IDB, together with an assessment by the German shareholders covering a wide range of operational procedures at the factory, including industrial relations. The review identified opportunities to effect cost savings plus a number of weaknesses in procedures. Regrettably, however, despite intensive efforts, the worsening of the trading situation during 2000 and the loss of key customers resulted in the closure of the business.

**Telecommunications**

**Mr McGrady** asked the Minister of Enterprise, Trade and Investment to detail when the report on super-highway telecommunications that is being prepared by his Department and the Industrial Research and Training Unit will be published; and if he will make a statement. (AQW 565/00)

**Sir Reg Empey:** I have received the benchmarking report on Northern Ireland's telecommunications infrastructure. It is comprehensive and complex. I am now studying it carefully and will need to discuss its implications with my Executive Colleagues in the context of the Programme for Government. In doing so, I will consider with them how best to publicise its findings. I am aware of your interest in this matter and I am forwarding to you a copy of the recently published 'Telecommunications for E-business — a User's Guide', containing the first all-island maps of both the current and planned broadband backbone network and international links. I am also making this publication available to all Assembly Colleagues in the usual way.

**Newtownabbey and Antrim:  
Enterprise and Investment**

**Mr McClelland** asked the Minister of Enterprise, Trade and Investment if he will outline his plans to promote the boroughs of Newtownabbey and Antrim as prime locations for enterprise and investment. (AQO 297/00)

**Sir Reg Empey:** The draft Programme for Government includes actions by my Department that include working with regional groupings of district councils to co-ordinate

marketing information about Northern Ireland and council areas as a location for inward investment.

## THE ENVIRONMENT

### Department: Consultancy Services

**Mr Dallat** asked the Minister of the Environment if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 552/00)

**The Minister of the Environment (Mr Foster):** Details included in attached table.

Part (a)	Part (b)	Part (c)	Part (d)
21	L.Johnston Architects Farming & Rural Conservation Agency J. McIlhagga Architects Community Technical Aid PriceWaterhouseCoopers Systems Network Limited Hurst Associates Community Evaluation Northern Ireland HELM Corporation Limited PriceWaterhouseCoopers Capita Business Services Business Development Services British Telecom Central Computer & Telecommunications Agency Deloitte & Touche Ulster Marketing Surveys Adrian Mallon - Multimedia ICL Park Applications Computer Engineering Ltd Deloitte & Touche Ulster Marketing Surveys	Nil	Not applicable

### UK Climate Change Programme

**Mr J Wilson** asked the Minister of the Environment when the United Kingdom Climate Change Programme will be published. (AQW 652/00)

**Mr Foster:** The United Kingdom Climate Change Programme was published today (17 November 2000).

The programme sets out the Government's and the devolved Administrations' strategic approach to tackling climate change. It focuses on a wide range of fiscal, regulatory and presentational policies to reduce emissions over the next decade.

A Northern Ireland chapter is included in the programme, together with one for Scotland and Wales. This confirms Northern Ireland's commitment to supporting the UK Climate Change Programme and outlines the measures that have already been put in place. It does not, however, commit Northern Ireland Ministers to any specific actions within their areas of devolved responsibility without their explicit agreement.

Copies of the programme are available from the Business Office, Parliament Buildings.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Paedophiles

**Mr McMenamin** asked the Minister of Health, Social Services and Public Safety if she will outline the steps being taken, on an all-Ireland basis, to supervise the movement of paedophiles into Northern Ireland from the Republic of Ireland. (AQW 543/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Arrangements exist for authorities, both here and in the South, to exchange information about the movement of sex offenders. My Department is also represented on the North/South Ministerial Council joint working group on child protection. That group aims to develop a mechanism for the reciprocal identification of people considered to be unsuitable for working with children.

In addition, my Department runs a pre-employment consultancy service that allows employers and voluntary organisations to check the suitability of those applying to work with children and with adults with a learning disability. That includes checking Garda criminal records where an applicant has given a previous address in the South of Ireland.

Tá socruithe ann do na húdaráis anseo agus sa Deisceart eolas a mhalartú faoi chiontóirí gnéis. Tá ionadaithe mo Roinne ar ghrúpa comhoibríthe na Comhairle Aireachta Thuaidh/Theas ar chosaint an pháiste. Tá sé de aidhm ag an ghrúpa meicníocht le haghaidh aitheantas cómhálartach a fhorbairt ar dhaoine a mheastar a bheith mífhóirsteanach do bheith ag obair le páistí.

Lena chois sin, réachtálann mo Roinn seirbhís chomhairleach réamhfhostaíochta a thugann cead d'fhóistoirí agus d'eagraíochtaí deonacha fóirsteanacht na

ndaoinne sin atá ag iarraidh oibriú le páistí nó le daoine fásta faoi mhíchumas foghlama a mheas. Cuimsíonn sin taifid choiriúla na nGardaí a sheiceáil i gcás inar thug iarratasóir seoladh i ndeisceart na hÉireann.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Long-Term Unemployment

**Mr Tierney** asked the Minister of Higher and Further Education, Training and Employment if he will detail his plans to address the needs of long-term unemployed people not currently partaking in New Deal or other job training programmes. (AQO 292/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** Opportunities are available to long-term unemployed people through the Worktrack programme. Advice and guidance on finding employment is available through the JobCentre network. I am currently considering what further provision might be needed for long-term unemployed people before they reach the 18-month unemployment threshold for New Deal 25-plus.

### Student Finance

**Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment what assessment he has made in relation to the report by his Committee titled 'Student Finance in Northern Ireland'; and if he will make a statement. (AQO 264/00)

**Dr Farren:** I can confirm that the review of student finance will encompass support for students, both full-time and part-time, in further and higher education. It will take full account of the report of the Committee for Higher and Further Education, Training and Employment and concerns about levels of debt.

### '“Status 0” Four Years On’ Report

**Ms Hanna** asked the Minister of Higher and Further Education, Training and Employment if he will detail what the current position is in relation to ‘“Status 0” Four Years On’ report issued in August 2000 and if he will make a statement. (AQO 300/00)

**Dr Farren:** The report is a valuable addition to the literature on social exclusion. It will be the subject of a conference on 13 December in Belfast with speakers from England, Scotland, Wales and the Republic of Ireland as well as Northern Ireland. I anticipate that the findings of the conference will provide further insights about how to deal with social exclusion.

## Further Education Sector: Information Technology

**Mr Ford** asked the Minister of Higher and Further Education, Training and Employment if he will detail his plans to ensure that further education (FE) colleges and the three colleges run by the Department of Agriculture and Rural Development co-ordinate their activities in the field of information technology. (AQO 279/00)

**Dr Farren:** My Department has established and is implementing a comprehensive strategy for the development of information and communication technology (ICT) within the FE sector covering college infrastructure, staff and curriculum development and networking. My officials liaise regularly with officials in the Department of Agriculture and Rural Development and there has been co-operation, particularly in the area of networking and connection of colleges to the Joint Academic Network (JANET). There is also close liaison in taking forward the University for Industry (Ufl) initiative.

### University Places

**Mr Close** asked the Minister of Higher and Further Education, Training and Employment if he will detail the expansion of university places in Northern Ireland; and if he will make a statement. (AQO 280/00)

**Dr Farren:** As a result of the 1998 comprehensive spending review and my announcement, earlier this year, of Government support for the Springvale Educational Village project, some 2,240 additional university places will be phased in between 1999 and 2004. Any further expansion will be subject to consideration of budget proposals.

### Student Finance

**Mr J Kelly** asked the Minister of Higher and Further Education, Training and Employment if he will detail his plans to redress the severe debt burden placed on third-level students and their families under the current system of student finance. (AQO 271/00)

**Dr Farren:** I can confirm that the review of student finance will encompass support for students, both full-time and part-time, in further and higher education. It will take full account of the report of the Committee for Higher and Further Education, Training and Employment and concerns about levels of debt.

### First-Year Undergraduates

**Mr K Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will detail the number of first-year undergraduates admitted to the Queen's University of Belfast and the University of

Ulster in the current academic year and indicate how many of those undergraduates do not have A-level qualifications. (AQO 268/00)

**Dr Farren:** The number of new students who have enrolled so far on to full-time undergraduate courses at the University of Ulster in 2000-01 is 4,237. The equivalent figure for the Queen's University of Belfast is 3,842. It should be noted that the figures for both universities are currently provisional.

A breakdown of entrance qualifications for 2000-01 for both universities is not yet available. However, in 1999-2000, 1,603 (41.1%) and 902 (23.7%) of new full-time undergraduate students at the University of Ulster and the Queen's University of Belfast respectively did not possess A levels.

### Further Education Sector: Research and Development

**Mr Byrne** asked the Minister of Higher and Further Education, Training and Employment if he will ensure that the further education (FE) sector is included in the increased provision for research and development. (AQO 276/00)

**Dr Farren:** The public-private partnership Support Programme for University Research (SPUR) will provide up to £40 million for research and development over the next four years. This is aimed exclusively at enhancing the research strategies and capacity of the two local universities.

The FE sector has, however, received additional funding to ensure that it makes a significant contribution to the development of the Northern Ireland economy. That funding has taken the form of increased recurrent grant to allow for expansion in areas of skills need, targeting of higher education (HE) places and increased funding for capital equipment to enhance colleges' ability to deliver provision to industry standards. Increased support for college/industry links is also being provided through the collaboration fund and lecturers into industry initiative. Research and development is not at this stage a priority for the FE sector.

### Student Finance

**Mr A Doherty** asked the Minister of Higher and Further Education, Training and Employment if he will give an assurance that his review of student financial support will cover the needs of all third-level students, including those in further education colleges and those in part-time study. (AQO 294/00)

**Dr Farren:** I can confirm that the review of student finance will encompass support for students, both full-time and part-time, in further and higher education. It will

take full account of the report of the Committee for Higher and Further Education, Training and Employment and concerns about levels of debt.

### Career Guidance Services

**Mrs Carson** asked the Minister of Higher and Further Education, Training and Employment if he will outline his responsibilities in relation to career guidance services; and if he will make a statement. (AQO 267/00)

**Dr Farren:** This Department employs professionally qualified careers officers who provide guidance and information services to young people in schools, colleges and in training as well as to unemployed young people and adults.

There are 95 careers officers based throughout the Training and Employment Agency's JobCentre network, providing information, advice and guidance to young people and adults on specific options relevant to their interests and abilities and to available opportunities. Much of Northern Ireland's careers information is produced and provided by this Department's Careers and Occupational Information Unit (COIU).

Most of the careers officer's work is done in schools. The careers officer's contribution to the school's careers education programme is facilitated through a service level agreement between the school principal and the JobCentre manager. Each agreement will differ in content. However, the range of guidance services will normally include interest inventories, aptitude tests, individual interviews, class talks and group sessions.

'Strategy 2010' recommended that the current system of careers guidance should be enhanced. In response to that recommendation, this Department and the Department of Education have commissioned a review of careers education and guidance. The review group is made up of representatives from education, training and employment and is chaired by Prof Sean Fulton of Queen's University of Belfast.

The review group will produce an initial report in January 2001, and I intend to keep the Assembly informed of the outcomes of the review and of future developments in careers guidance services.

### BIFHE: Equality of Access

**Mr Beggs** asked the Minister of Higher and Further Education, Training and Employment if he will ensure the promotion of equality of access to the certificate/diploma in community education and development at the Belfast Institute of Further and Higher Education. (AQO 282/00)

**Dr Farren:** The type and location of provision within the further education (FE) sector is a matter for FE institutions, taking account of local community needs.

With regard to the certificate/diploma in community education and development, previously offered by the University of Ulster at its Jordanstown campus, I have been advised by the Belfast Institute of Further and Higher Education (BIFHE) that it had been the institute's original intention to deliver this programme from its proposed Springvale site, but delayed development at that location compelled the institute to examine alternative locations. After careful consideration it was decided to locate the course in the institute building closest to the Springvale site that had the necessary resources available — BIFHE's Whiterock building.

BIFHE seeks to promote equality of access to all its programmes and services regardless of age, disability, race, religion or gender.

BIFHE has advised that its Whiterock campus, while sited in an area that may be identified with a particular culture, is a politically and religiously neutral building and that its mixed staff and student base at the site is testament to its neutral environment.

### Further and Higher Education: Participation Rates

**Mr O'Connor** asked the Minister of Higher and Further Education, Training and Employment if he will detail the current participation rates of young people aged 16 to 25 in further and higher education in Northern Ireland and if he will provide a comparison with participation figures in (1) the Republic of Ireland and (2) Great Britain. (AQO 296/00)

**Dr Farren:** Comparisons in higher education are difficult because the data available is drawn on a different basis in each case. However:

#### NI AGE PARTICIPATION INDEX<sup>1</sup>

1994/95	1995/96	1996/97	1997/98	1998/99	1999/00(P)
36.9	40.9	40.3	43.9	41.2	44.3

#### GB AGE PARTICIPATION INDEX<sup>2</sup>

1994/95	1995/96	1996/97	1997/98	1998/99	1999/00
31.5	30-32	32-33	33-34	31-32	n/a

#### ROI PARTICIPATION<sup>3</sup>

1994/95	1995/96	1996/97	1997/98	1998/99	1999/00
48.9	49.8	48.8	n/a	n/a	n/a

<sup>1</sup> The NI API expresses the number of new entrants aged under 21 from Northern Ireland to full-time undergraduate courses in the publicly funded institutions in UK and ROI as a proportion of the 18 year old population.

<sup>2</sup> The GB API expresses the number of new entrants aged under 21 from the UK to full-time undergraduate courses in publicly funded institutions in GB as a proportion of the averaged 18 to 19 year old population.

<sup>3</sup> The ROI participation rate refers to new entrants aged under 21 to full-time third level courses in all institutions (aided and non-aided) expressed as a proportion of the 18 year old population.

In respect of further education, I can confirm that in 1998-99, 58% of the total vocational enrolments in the Northern Ireland further education sector were from 16-25-year-olds. The figure for GB is 38% — although, in England, this excludes over 300,000 students for whom data was unavailable and those in sixth-form colleges. At present the Republic of Ireland publishes participation figures only for full time enrolments, which would not give a comparable figure to the NI and GB statistics.

### New Deal Programme: Department Staff

**Dr Birnie** asked the Minister of Higher and Further Education, Training and Employment if he will detail the percentage of his staff who are participants in the New Deal programme. (AQO 265/00)

**Dr Farren:** The Department employs seven staff through the New Deal programme, equating to 0.5% of its total staff. We were the first Department to employ New Deal staff, and a number of these secured permanent posts in my Department, with others taking up employment or training opportunities elsewhere.

## SOCIAL DEVELOPMENT

### Department: Consultancy Services

**Mr Dallat** asked the Minister for Social Development if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 531/00)

**The Minister for Social Development (Mr Morrow):** Since devolution my Department has awarded contracts for consultancy services as detailed in the attached table.

## DEPARTMENT FOR SOCIAL DEVELOPMENT

(a) Contracts for Consultancy Services	(b) Contracts awarded to:	(c) Number of Contracts Awarded on Basis of Consultancy Advice	(d) To whom Contracts Awarded on the basis of Consultancy Advice as at (c)
41	BDO Stoy Hayward  Capita Management  Cambridge Economic Associates  Community Technical Aid  Community Evaluation NI (4 contracts)  Chartered Institute of Public Finance and Accountancy (CIPFA)  Deloitte and Touche (3 contracts)  Donnelly Hall Ltd  Drivers Jonas  J McIlhagga  KPMG  Locus Management  Locus Management and Peter Quinn Consulting  Mentor  Patton Consulting  PA Consulting (3 contracts)  PriceWaterhouseCoopers (2 contracts)  Paul Syms Consulting  Peter Quinn Consultancy (2 contracts)  PSC Management  Paul Steele Consulting  Venture International  Williamson Consulting (4 contracts)  James Black Partnership  Mike Philpott  Ray Hayden  Advanced Systems Engineering  The Management Charter Initiative  Dr Nicola Yates, Queens University Belfast	3	BDO Stoy Hayward  RPS Cairns   Williamson Consulting

### Housing Executive Homes (Newtownabbey and Antrim)

**Mr McClelland** asked the Minister for Social Development if he will outline the current position in relation to the building of new Housing Executive homes in the boroughs of Newtownabbey and Antrim.

(AQO 299/00)

**Mr Morrow:** Most new build is now carried out by housing associations. The Housing Executive has a strategic role of assessing housing need and drawing up plans to enable other social housing providers to meet that need.

Housing associations intend to build 105 houses over the next three years in the Newtownabbey Borough Council area and 50 houses in the Antrim Borough Council area over the next two years.

If the Member is content, I will write to him detailing the location of the new build, the approximate cost and the providers.





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# NORTHERN IRELAND ASSEMBLY

Friday 24 November 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### North/South Meeting (Enniskillen)

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to detail the official expenditure on the meeting that occurred in Enniskillen on Friday 3 November, at which the Health Minister and the Deputy First Minister were in attendance, and confirm which officials from these two Departments were in attendance. (AQW 631/00)

**Reply:** The Office of the First Minister and the Deputy First Minister did not incur any expenses in relation to the event. The Deputy First Minister was accompanied to the event in Enniskillen by his private secretary, his principal information officer and a special adviser.

We understand that the expenses for the event were met by the Department of Health, Social Services and Public Safety and the Food Safety Promotion Board. The Minister of Health, Social Services and Public Safety has received a similar question and will detail the officials attending and the cost falling to her Department in her response.

#### Programme for Government: Sustainable Development

**Mrs E Bell** asked the Office of the First Minister and the Deputy First Minister what steps are being taken to ensure that the Executive's commitment to sustainable development in the draft Programme for Government will be delivered across all Government Departments. (AQO 322/00)

**Reply:** The draft Programme for Government recognises the importance of sustainable development in environmental, economic and social terms, and the need to

ensure that the principle of sustainability underpins the development of major policies and programmes.

The Minister of the Environment will bring forward for consultation early in the new year a draft sustainable development strategy. This will set out new arrangements to ensure that sustainable development objectives, including those highlighted in the draft Programme for Government, are reflected in the business plans, priorities and resource allocations of all Departments. It will also set out arrangements for ensuring high-level cross-departmental co-ordination of effort in this area.

#### Economic Research Analysis

**Dr Birnie** asked the Office of the First Minister and the Deputy First Minister to make it policy to ensure the supply of adequate independent economic research analysis to the Assembly and the Economic Policy Unit. (AQO 345/00)

**Reply:** It is our aim to ensure that there is adequate provision of independent economic advice and research to inform policy-making in Government in Northern Ireland. It was with this intention that the Executive recently agreed to a review of the Northern Ireland Economic Council and the provision of independent economic advice and research. The provision of independent economic advice and research is necessary to inform policy-making not only within the Economic Policy Unit but also across a range of Departments including Enterprise, Trade and Investment, Finance and Personnel, Education and Higher and Further Education, Training and Employment. It will also help inform the wider policy debate in the Assembly and elsewhere. That said, securing economic advice for the Assembly is ultimately the responsibility of the Assembly itself.

#### Executive: Brussels Office

**Mrs Carson** asked the Office of the First Minister and the Deputy First Minister to detail what progress has been achieved towards the establishment of an office in Brussels. (AQO 342/00)

**Reply:** Following the agreement of the Executive Committee to the opening of an office of the Executive in Brussels, work has proceeded on establishing the office. A contracting agent in Belgium has been selected to manage the work of fitting out the premises, which are located next to the European Parliament. Consultations with him and with others, designed to ensure that all procedures are followed and all requirements met, are now virtually complete. Work on fitting out the office will begin shortly. We expect the office to be staffed and functioning by the beginning of March.

The Office of the Northern Ireland Executive Committee will provide early warning of policy developments relevant

to Northern Ireland and will facilitate Ministers and their Departments in making European contacts. The staff of the office will be appointed by the Executive and will have diplomatic status as members of the UK permanent representation, giving them access to meetings and to a level of information that they would not otherwise have. At the same time, the separate premises will provide a focal point for Northern Ireland in Brussels, helping us to develop a distinct and positive profile within the EU.

## AGRICULTURE AND RURAL DEVELOPMENT

### Department: Consultancy Services

**Mr Dallat** asked the Minister of Agriculture and Rural Development if, for the period since devolution, she will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by her Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded.

(AQW 573/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** In the period since devolution, eight contracts for consultancy services have been awarded by the Department of Agriculture and Rural Development that did not have to go out to public tender.

These contracts were awarded to the following:

Dr J Kremer  
 BIC Systems  
 James Black Partnership  
 OMI Consultancy  
 Wade and Partners  
 Industrial Relations Personnel Consultants  
 Elm Farm Research  
 Lear Associates

No other contracts were awarded on the basis of this consultancy advice.

### Farmers' Incomes

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will detail what specific programmes, funded by the Programme for Government and the Budget, will address the decline in farming incomes.

(AQW 598/00)

**Ms Rodgers:** As I said in my statement to the Agriculture Committee on the Budget, one of my key concerns is to assist the competitiveness of the agrifood industry. As a result of the Budget settlement, we will be able to introduce a new beef quality initiative in the coming year. The aim of this is to help processors compete in international markets, and thus to improve beef producers' returns through improved breeding, production management and marketing. This will have an impact on incomes.

Another initiative in the Budget that supports the drive to enhance competitiveness is that related to education, training and business support services. Under this initiative, the portal set up earlier in the year under the Agenda for Government will be developed and maintained, and a contribution will be made to the cost of information and communication technology teaching suites for use by full- and part-time students at the agricultural colleges and by working farmers. In addition, farmers in less favoured areas will have particular education and training courses tailored to their needs.

The provision for an extra £3.6 million for less favoured area (LFA) payments will increase the incomes of beef and sheep farmers in the LFA. The extra money will enable us to provide safety net arrangements for farmers who would otherwise be disadvantaged by the change from the existing headage-based scheme to one based on area.

The various measures on animal health, including a scrapie eradication programme, and animal welfare could have an impact on farmers' incomes in the medium to longer term.

The Budget also includes match funding for payments modulated from farmers' subsidies. This reflects a ring-fenced allocation by Treasury to the block. Although it has not yet been allocated to specific initiatives, decisions on this will be made early next year, with consequent direct or indirect impacts on farming incomes.

### BSE: Sheep

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will detail the level of consultation between the Ministry of Agriculture, Fisheries and Food and the Department of Agriculture and Rural Development about the threat of bovine spongiform encephalopathy (BSE) contamination being transferred to sheep; and if she will make a statement.

(AQW 632/00)

**Ms Rodgers:** My Department is in regular and close contact with the Ministry of Agriculture, Fisheries and Food on all aspects of BSE, including on contingency planning for the possible emergence of the disease in sheep.

The only evidence of BSE in sheep so far is where it has been deliberately transferred in the course of scientific experiment. However, as a prudent precaution, the UK Government are devising a strategy to reduce the risk of BSE in sheep. This includes an ongoing research programme, the development of rapid screening methods and a national plan to eliminate scrapie from the UK flock and remove potentially hazardous material from the food chain. The Government are drawing up contingency plans to cater for the situation where current experiments indicate that BSE might be present in the sheep population.

Scrapie is much less prevalent in Northern Ireland than in GB but, as a precaution, my Department is nonetheless following the UK line on the issue and has been fully involved in the construction of the contingency plans.

### **Agriculture: Productivity**

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she will outline her plans to change productivity in agriculture. (AQW 642/00)

**Ms Rodgers:** Much of the work of the DARD Agrifood Development Service and the Department's research and development programme are aimed ultimately at improvements in productivity. Indeed, some of the measures announced in the recent Budget statement — for example, the beef quality initiative — will have an impact on productivity.

In any case, productivity does not appear to be a problem for Northern Ireland agriculture. The long-term rate of increase in "total factor productivity", which takes account of all inputs, including labour, has been running at an average of 1.5% per annum over the past two decades. This compares very favourably with the rate for the UK as a whole of 1%.

### **Young People: Careers in Agriculture**

**Mr Shannon** asked the Minister of Agriculture and Rural Development what action she intends to take to encourage young people to go into the agriculture industry. (AQW 643/00)

**Ms Rodgers:** In choosing a career, young people and their parents are very strongly influenced by future career opportunities and the image of the industry. A highly competitive and progressive industry which is perceived as having a sustainable and viable future will be much more successful in attracting young people to seek careers in that industry. It is for this reason that I believe that the current vision exercise is so important in providing a positive and proactive direction on which we can consult and build a programme for future industry development.

The availability of high-quality education courses and facilities is another vital factor in attracting young people

of high calibre into the industry. The courses run by the Department of Agriculture and Rural Development colleges are specifically targeted at ensuring that those entering the industry have the necessary skills, knowledge and experience to contribute to the industry while enjoying a satisfying and fulfilling career. I am pleased to have been able, through the Programme for Government, to allocate additional funds to ensure that the computer suites at the colleges are maintained at the highest standard. Clearly, information and communication technology, as well as being a key skill for modern farming, is attractive to young people and encourages entry to the industry.

To ensure that young people of high calibre are attracted to the courses in agriculture and related subjects, my Department initiates direct contact with students and their parents by attending careers conventions and exhibiting at farming events such as Balmoral Show. This is supplemented by advertising in the press, on radio programmes and in cinemas. A pilot trial of TV advertising is currently being evaluated.

Steps are also taken to ensure that careers teachers and schools have a good understanding of the agrifood industry and career opportunities within it. DARD colleges hold regular events such as open days and seminars of relevance to schools throughout Northern Ireland.

As you will be aware, EU rural development regulations include provision for measures to encourage young people to take up farming. However, the Department has not included this within the Community Support Framework. The vision group, I understand, is looking at the whole area of restructuring. I await its report, which will help to inform my final decision.

### **Salmonid Enhancement Programme**

**Mrs Nelis** asked the Minister of Agriculture and Rural Development if she will detail the river system and work carried out following the funding of £89,498 to Gilaroo Angles in relation to the salmonid enhancement scheme. (AQW 646/00)

**Ms Rodgers:** Since the salmonid enhancement programme (SEP) was launched in December 1995 under the European Commission's water-based tourism Peace I measure, Gilaroo Angles has been awarded funding of £89,498 to promote the tourism aspects of the measure. Under the programme, Gilaroo Angles has produced a guide to all the fisheries that received funding, an angling map of Lough Erne and promotional videos, and has arranged a series of angling press and media visits that have resulted in many press articles and radio coverage of fisheries improved through SEP.

Due to the continuing success and tourist demand for these publications, Gilaroo Angles has organised a reprint

of the map and is presently arranging for an update of the day-ticket guide to include clubs awarded funding under the later stages of the programme.

The Gilaroo Angles application is quite different from the majority of the applications, which were for in-river works and angling development to improve salmonid stocks. It does, however, meet the needs of a key element of the measure in that it promotes tourism and provides publicity for the peace programme. The publicity generated by Gilaroo's promotional material has encouraged tourists to come and use the enhanced facilities.

### Coastal Erosion

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she will outline her plans to address the problem of coastal erosion. (AQW 650/00)

**Ms Rodgers:** Responsibility for coastal erosion does not reside within my Department except in very limited circumstances. The statutory remit of my Department's Rivers Agency extends to maintenance of sea defences designated by the Drainage Council for Northern Ireland to alleviate the risk of flooding from the sea. The Rivers Agency has an ongoing programme of work to improve the standards of protection provided by designated sea defence structures, but my Department has no statutory responsibility for coastal erosion other than in circumstances where there is a flooding risk.

## CULTURE, ARTS AND LEISURE

### Digitised Maps

**Ms McWilliams** asked the Minister of Culture, Arts and Leisure if he will explain why United Kingdom Boundary Outline and Reference Database for Education and Research Study (UKBORDERS) supplies free digitised maps to the academic community for Britain only and what steps he is taking to rectify the matter so that digitised maps for Northern Ireland may be freely available to the academic community. (AQW 615/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** Although digitised maps are provided free to the academic community, they are licensed by the data providers — the General Register Office for Scotland and the EDline consortium — to the Economical and Social Research Council/Joint Information Systems Committee (ESRC/JISC). ESRC/JISC pays a licence fee for this data on behalf of the academic community.

Ordnance Survey of Northern Ireland (OSNI) is not part of the EDline consortium and was not included in the original agreement between the General Register Office for Scotland and the EDline consortium and ESRC/JISC. OSNI is in contact with Prof Phillip Rees

of the ESRC/JISC 1991 census initiative to facilitate the inclusion of Northern Ireland boundary data in UKBORDERS in the near future.

### Local Museum and Heritage Review

**Mr McGrady** asked the Minister of Culture, Arts and Leisure if he will detail which district councils, bodies and individuals have been involved in the consultation on the review of regional museums in Northern Ireland. (AQW 653/00)

**Mr McGimpsey:** The main consultation exercise for the local museum and heritage review, the remit of which includes regional museums, is due to take place early next year.

Some initial consultation, however, has already taken place as follows:

- the review has been overseen by a steering group, made up of representatives of key interest groups, and an advisory group
- a consultation workshop, attended by 61 participants nominated by stakeholder groups, took place at Craigavon Civic Centre on 18 April 2000
- consultants employed by the steering group consulted with organisations and individuals in writing and in interviews and meetings.

The names of all those consulted above are set out below.

#### *Members of the Review Steering Group*

Mr Kevin Baird	Heritage Lottery Fund
Mr Nick Brannon	Environment & Heritage Service
Ms Louise Browne	Northern Ireland Tourist Board
Mr Norman Davidson	Lisburn Borough Council
Mr John Donaghy	An Creagán Visitor Centre
Mr Jackie Fitzsimons	South Eastern Education & Library Board
Mr Mike Houlihan	National Museums & Galleries of Northern Ireland
Mr Tommy Kirkham	Fernhill House: The People's Museum
Mr Tim Mason	Museums Consultant, formerly Museums & Galleries Commission
Mr Des Mitchell	Armagh City & District Council
Mr Martin Moore	Department of Culture, Arts and Leisure
Dr Eddie Rooney	Department of Culture, Arts and Leisure
Dr Gerry Slater	Public Record Office of Northern Ireland
Mr Aidan Walsh	Northern Ireland Museums Council

#### *Members of the Review Advisory Group*

Prof Ronnie Buchanan
Dr Alan Elliott
Mr Dan Harvey

*Participants in the Consultation Workshop*

Miss Valerie Adams	Public Record Office of Northern Ireland
Mr Tim Ambrose	Locum Destination Consulting
Mr Richard Black	Historic Monuments Council
Mr William Blair	Ballymena Borough Council
Mr Nick Brannon	Environment & Heritage Service
Ms Louise Browne	Northern Ireland Tourist Board
Mr Tony Candon	Omagh District Council
Dr Maurna Crozier	Northern Ireland Museums Council
Mr Bobby Dickinson	Ulster Archaeological Society
Mr Hugh Doherty	Western Education & Library Board
Mr John Donaghy	An Creagán Visitor Centre
Ms Gwynne Donnell	The Queen's University of Belfast
Ms Sandra Durand	Armagh City & District Council
Dr Alan Elliott	Review Advisory Group
Mrs Margaret Elliott	National Museums & Galleries of Northern Ireland
Ms Rosemary Ewles	Committee of Area Museums Councils
Mr Jackie Fitzsimons	South Eastern Education & Library Board
Ms Diane Forbes	National Trust
Prof Tom Fraser	Northern Ireland Museums Council
Mr Paul French	North Eastern Education & Library Board
Mr Tom Garrett	County Down Museum Trust
Mr Michael Goodall	Public Record Office of Northern Ireland
Mr John Gordon	International Fund for Ireland
Mr Dan Harvey	Review Advisory Group
Mr Roddy Hegarty	Federation of Ulster Local Studies
Mr Robert Heslip	Irish Museums Association
Mr Mike Houlihan	National Museums & Galleries of Northern Ireland
Ms Sue Howley	Museums, Libraries & Archives Council
Prof Keith Jeffery	University of Ulster
Mr Feargal Kearney	Northern Ireland Tourist Board
Ms Vivien Kelly	Southern Education & Library Board
Mr Malcolm Lake	Institute of Historic Buildings Conservation
Mr David Lammey	Public Record Office of Northern Ireland
Mrs Helen Lanigan Wood	Fermanagh County Museum
Ms Rose Lavery	Association of Northern Ireland Colleges
Ms Catriona Leask	Heritage Lottery Fund
Mr Cathal Logue	Derry City Council
Mr Shane McAteer	Ulster Historical Foundation
Mr Thomas McCall	Newry & Mourne District Council
Ms Katherine McCloskey	Belfast Education & Library Board
Ms Stella McDermott	Heritage Lottery Fund
Dr Aideen McGinley	Department of Culture, Arts and Leisure
Mr Craig McGuicken	Somme Heritage Centre
Mr Vivian McIver	Education & Training Inspectorate
Ms Eila McQueen	Northern Ireland Museums Council

Mr Brian Mackey	Lisburn Borough Council
Ms Johanne Martin	Environment & Heritage Service
Mr Tim Mason	Museums Consultant
Mr Des Mitchell	Armagh City & District Council
Mr Martin Moore	Department of Culture, Arts and Leisure
Ms Alison Muir	Irish Professional Conservators' & Restorers' Association
Mr Tom Nolan	National Museums & Galleries of Northern Ireland
Dr Eddie Rooney	Department of Culture, Arts and Leisure
Dr Gerry Slater	Public Record Office of Northern Ireland
Ms Zoe Smyth	Society of Archivists
Dr Brian Turner	Friends of Down County Museum
Mr Aidan Walsh	Northern Ireland Museums Council
Cllr Bill Watson	National Museums & Galleries of Northern Ireland
Mr Ian Wilson	Northern Ireland Regional Curators' Group
Ms Lesley-Ann Wilson	National Museums & Galleries of Northern Ireland
Mrs Primrose Wilson	Historic Buildings Council

*Consultancy exercise: organisations and individuals consulted in writing**District Councils*

Antrim Borough Council
Ards Borough Council
Armagh City & District Council
Ballymena Borough Council
Ballymoney Borough Council
Banbridge District Council
Belfast City Council
Carrickfergus Borough Council
Castlereagh Borough Council
Coleraine Borough Council
Cookstown District Council
Craigavon Borough Council
Derry City Council
Down District Council
Dungannon & South Tyrone Borough Council
Fermanagh District Council
Larne Borough Council
Limavady Borough Council
Lisburn Borough Council
Magherafelt District Council
Moyle District Council
Newry & Mourne District Council
Newtownabbey Borough Council
North Down Borough Council
Omagh District Council
Strabane District Council

*Bodies*

Age Concern  
 An Creagán Visitor Centre  
 Arts & Business  
 Arts Council of Northern Ireland  
 Association of Northern Ireland Colleges  
 Belfast Regeneration Office  
 Chief Leisure Officers' Association  
 Committee of Area Museums Councils  
 Community Relations Council  
 Department of Agriculture & Rural Development  
 Disability Action  
 DOE Planning Service  
 Education & Training Inspectorate  
 Environment & Heritage Service  
 European Commission  
 Federation of Ulster Local Studies  
 Fernhill House: The People's Museum  
 Friends of Armagh County Museum  
 Friends of Down County Museum  
 Friends of Fermanagh County Museum  
 Heritage Lottery Fund  
 Historic Buildings Council  
 Historic Monuments Council  
 Institute of Historic Buildings Conservation  
 International Fund for Ireland  
 Irish Association of Professional Archaeologists  
 Irish Museums Association  
 Irish Professional Conservators' & Restorers' Association  
 Museums Association  
 National Museums & Galleries of Northern Ireland  
 National Trust  
 New Opportunities Fund  
 Northern Ireland Agricultural Producers' Association  
 Northern Ireland Council for Ethnic Minorities  
 Northern Ireland Council for Voluntary Action  
 Northern Ireland Environment Link  
 Northern Ireland Museums Council  
 Northern Ireland Partnership Board  
 Northern Ireland Regional Curators' Group  
 Northern Ireland Tourist Board  
 Northern Ireland Voluntary Trust  
 Northern Ireland Volunteer Development Agency  
 Northern Ireland Youth Forum  
 Public Record Office of Northern Ireland  
 The Queen's University of Belfast  
 Resource: The Council for Museums, Archives & Libraries  
 Rural Community Network  
 Rural Development Council for Northern Ireland

Society of Archivists  
 Somme Heritage Centre  
 South Eastern Education & Library Board  
 Ulster Archaeological Society  
 Ulster Architectural Heritage Society  
 Ulster Farmers' Union  
 Ulster Historical Foundation  
 University of Ulster  
 Workers' Educational Association

*Individuals*

Prof Ronnie Buchanan  
 Mr Tim Mason

*Consultancy exercise: organisations and individuals consulted in meetings and interviews*

Mr Kevin Baird	Heritage Lottery Fund
Mr Bob Blakely	Environment & Heritage Service
Mr Nick Brannon	Environment & Heritage Service
Ms Sue Christie	Northern Ireland Environment Link
Mr Jackie Fitzsimons	South Eastern Education & Library Board
Prof Tom Fraser	Northern Ireland Museums Council
Mr Gordon Hatrick	Environment & Heritage Service
Mr Mike Houlihan	National Museums & Galleries of Northern Ireland
Ms Ruth Laird	National Trust
Mr Nick Livingston	Arts Council of Northern Ireland
Dr Aideen McGinley	Department of Culture, Arts and Leisure
Mr Neville McKay	Resource: The Council for Museums, Archives and Libraries
Mr Peter Marlow	National Trust
Mr Martin Moore	Department of Culture, Arts and Leisure
Dr Eddie Rooney	Department of Culture, Arts and Leisure
Dr Gerry Slater	Public Record Office of Northern Ireland
Mr Campbell Tweed	Historic Monuments Council
Mr Aidan Walsh	Northern Ireland Museums Council

**EDUCATION****Department: Consultancy Services**

**Mr Dallat** asked the Minister of Education if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 550/00)

**The Minister of Education (Mr M McGuinness):**

In the period since devolution my Department has awarded two contracts for consultancy services that did not have to go out to public tender. One contract was awarded to PA Consulting Group and the other to Grant Thornton. No contracts were awarded on the basis of this consultancy advice.

**Teaching of Democracy and Citizenship**

**Mr Gibson** asked the Minister of Education what plans he has to promote the teaching of democracy and citizenship in schools; and if he will make a statement.

(AQW 581/00)

**Mr M McGuinness:** I am very aware of the importance of citizenship education for our young people. The Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA) is currently undertaking a review of the school curriculum, taking into account the changing needs of pupils, society and the economy in the new millennium. The council has highlighted the issue of citizenship education as part of this review and has been given approval to begin development work on a programme covering education for democracy and citizenship.

**Sale of Poppies  
(Departmental Buildings)**

**Mr Paisley Jnr** asked the Minister of Education if he will confirm that he will provide prominent positioning and room for the sale of poppies in departmental buildings.

(AQW 601/00)

**Mr M McGuinness:** The established Civil Service practice has not changed and continued this year at Rathgael House. I will be considering the equality dimension of this further.

**Pre-School Education  
Advisory Groups**

**Mr Shannon** asked the Minister of Education if he will detail the amount of funding to pre-school education advisory groups for each of the board areas in the last 12 months.

(AQW 647/00)

**Mr M McGuinness:** Funding under the pre-school education expansion programme is allocated on the basis of financial years. The budget for the pre-school education advisory group in each board area for the 1999-00 financial year was as follows:

Board Area	Recurrent Funding (£m)	Capital Funding (£m)
BELB	0.541	0.165
WELB	1.029	1.327
NEELB	1.156	1.327
SEELB	0.820	0.995
SELB	0.791	1.161
<b>Total</b>	<b>4.337</b>	<b>4.975</b>

The budget for the pre-school education advisory group in each board area for the 2000-01 financial year is as follows:

Board Area	Recurrent Funding (£m)	Capital Funding (£m)
BELB	0.813	0.170
WELB	1.597	1.360
NEELB	1.929	1.360
SEELB	1.502	1.020
SELB	1.357	1.190
<b>Total</b>	<b>7.198</b>	<b>5.100</b>

**Extra Funding for Schools**

**Mrs I Robinson** asked the Minister of Education if he will (a) detail the amount to be given to schools in Northern Ireland following the Chancellor's announcement on 18 July 2000, (b) confirm that this has been included in the increased education budget which was announced on 17 October 2000, and (c) explain why this money is not being given to schools directly but through education and library boards.

(AQW 688/00)

**Mr M McGuinness:** The Chancellor's announcement dealt with the outcome of the spending review at national level. It is for the Executive Committee to determine the allocation of funds locally, and this has been presented to the Assembly in the draft Budget. The Budget includes, inter alia, an extra £20 million that will go directly to schools as an addition to their local management of schools (LMS) allocations for 2001-02. For legislative reasons, the resources for controlled and maintained schools will be issued via the education and library boards, but the funds are earmarked and will be passed on to schools without abatement. The basis of distribution to individual schools will be discussed with the Education Committee.

**Key Stage 3 Results**

**Mr Dallat** asked the Minister of Education if, in relation to the target set in the strategy for numeracy and literacy in Northern Ireland that 75% of pupils at Key Stage 3 would achieve level 5 or above by 2002, he will (a) explain his published 1998-99 results for English of 67.7% against 70.6% in 1997-98, (b) detail what steps he is taking to reverse this trend to ensure that the target

for 2002 is achieved, and (c) provide results at Key Stage 3 for 1999-00. (AQW 720/00)

**Mr M McGuinness:** The provisional results for 1999-00 provided to my Department by CCEA are:

Percentage of pupils achieving level 5 or above in end of Key Stage 3 assessment tests:

English	66.8
Mathematics	66.0

These indicate that, in terms of end-of-Key-Stage assessment, pupils in post-primary schools have not yet been able to demonstrate the same consistent progress as in the primary sector. That reinforces the need to pursue improvement through a range of measures, particularly the strategy to promote literacy and numeracy that was put in place in 1998-99 and a major programme of in-service training for teachers that commenced in 1999-00. These measures will enable the post-primary sector to build on the solid platform of improvements being achieved in the primary sector. I am also currently engaged in meetings with the chairpersons and chief executives of each education and library board, and am discussing with them progress in each board area and what further action is necessary to meet the targets.

## ENTERPRISE, TRADE AND INVESTMENT

### Domestic Fuel Costs

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment to detail what steps he is taking to assist senior citizens in view of the recent dramatic rise of nearly 14% in the cost of domestic fuel. (AQW 584/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** Responsibility for ensuring that prices paid by domestic electricity and natural gas customers reflect the cost of production and distribution rests with the independent energy regulator. Similar regulatory arrangements do not apply in the competitive oil and coal sectors, where market forces determine the prices charged to customers.

Responsibility for assisting senior citizens in meeting fuel bills rests with my Colleague, the Minister for Social Development. His Department has a range of measures in place. In his recent pre-Budget report, the Chancellor of the Exchequer announced his intention to increase the winter fuel payment by £50 to £200 this winter for all pensioner households. The Department for Social Development (DSD) plans to make these payments in Northern Ireland before Christmas to ensure that the

money is available when it is most needed. Cold weather payments are also available to help pensioners on income support with extra heating costs during periods of very cold weather.

DSD provides funding for the domestic energy efficiency scheme (DEES) to install energy efficiency measures in certain qualifying households. The scheme provides basic physical measures such as draughtproofing and loft insulation in dwellings occupied by the over-60s and those households on certain benefits.

From April 2001 a new DEES will come into operation to address the issue of fuel poverty. The scheme will provide physical measures to include cavity wall insulation and either gas or oil central heating systems for the over-60s. Depending on the energy efficiency of the dwelling prior to improvement, it is estimated that elderly households availing of the full package of new DEES measures could save over £300 annually on heating costs.

In addition to the statutory scheme, there are a significant number of voluntary schemes operating in Northern Ireland, all of which provide assistance for the elderly. Advice on such schemes can be obtained by contacting the free Energy Efficiency Advice Centre helpline on 0800 512012.

DSD continues to work closely with the energy utilities in Northern Ireland, the Housing Executive and other agencies and organisations to develop energy efficiency projects and initiatives for the elderly who may not qualify for the statutory scheme.

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment if he will outline what steps he intends to take to address the current high cost of domestic coal in Northern Ireland. (AQW 604/00)

**Sir Reg Empey:** Government does not have a role in setting or controlling domestic coal prices. Nine tenths of domestic coal stocks in Northern Ireland are imported from outside the United Kingdom. Prices are determined by a number of largely external factors, including the level of prices on the world market, transportation costs and currency fluctuations.

The Department for Social Development has a range of measures in place to assist the elderly and families and individuals on low incomes meet their energy, including coal, bills. The measures include the winter fuel payment scheme, the cold weather payment scheme and the domestic energy efficiency scheme (DEES).

### Small and Medium-sized Businesses: Regulations

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment if he will detail how small and medium-sized businesses are disadvantaged by



regulations such as the minimum wage, working family tax credits, student loans or stakeholder pensions; and if he will make a statement. (AQW 629/00)

**Sir Reg Empey:** The national minimum wage has been introduced with no significant adverse impact on employment or the economy. The new arrangements for the repayment of student loans are aligned closely to the administration of tax and national insurance and should not impose a significant burden on employers. On the impact of stakeholder pensions on business, a copy of the regulatory impact assessment prepared for the stakeholder provisions in the Welfare Reform and Pensions (Northern Ireland) Order 1999 and the Stakeholder Pension Schemes Regulations 2000 is available in the Assembly Library. Working family tax credit is a reserved matter that is the responsibility of the Inland Revenue.

### Announcement of New Investments

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment if he will (a) outline what policy he follows when announcing new investment in each constituency, (b) detail what invitations he issues to MPs and MLAs to attend any media event associated with such announcements, and (c) detail the elected representatives invited to such occasions in the last 12 months. (AQW 638/00)

**Sir Reg Empey:** It is not normal practice for the Minister to issue invitations to MPs or MLAs. Frequently, the Minister is himself a guest.

Most announcements of new investment in any constituency are a matter for the company concerned. Invitations are usually issued by the company or by a public relations firm acting on its behalf. If companies wish to invite MPs, MLAs or councillors, my Department is happy to provide a list of relevant public representatives.

The final decision on who is to be invited is a matter for the company.

## THE ENVIRONMENT

### Slow-Moving Vehicles

**Mr McMennamin** asked the Minister of the Environment if he will make it compulsory for all slow-moving vehicles, especially tractors, to have flashing beacons fitted when using public highways. (AQW 568/00)

**The Minister of the Environment (Mr Foster):** I have no plans to make the fitting of flashing beacons compulsory on all slow-moving vehicles, such as tractors, when they are used on public highways.

There are already requirements, under the Road Vehicles Lighting Regulations (Northern Ireland) 2000, for motor vehicles with four or more wheels and with a maximum speed not exceeding 25 mph to be fitted with a flashing amber beacon when used on a dual carriageway (except to cross such a carriageway). This restriction does not apply to other public roads.

Slow-moving vehicles such as tractors are not permitted to use motorways.

### Radon Gas

**Mr McMennamin** asked the Minister of the Environment what assessment he has made in relation to the threat posed by radon gas in Northern Ireland. (AQW 608/00)

**Mr Foster:** My Department published the 'Radon in Dwellings' report in May 1999, showing the levels of radon gas in private dwellings throughout Northern Ireland. This report, based on some 16,000 measurements in private dwellings, includes a map of radon risk and information on radon tests carried out in the Province. This shows that there are areas in the west and south-east of the Province where radon risk is elevated. It also includes an assessment of the risk posed by radon gas.

It is estimated that radon could account for about 60 of the 800 or so lung cancer deaths each year in Northern Ireland.

Copies of the report are available in the Assembly Library.

The Environment and Heritage Service of my Department continues to offer free tests to all householders in the highest risk areas.

### Department: Recycling

**Mr Wells** asked the Minister of the Environment if he will detail the proportion of stationery used by his Department which is manufactured from recycled material and the proportion of waste paper generated by his Department which is recycled. (AQW 628/00)

**Mr Foster:** Information in the form requested is not readily available and could only be obtained at disproportionate cost.

### Driving Test Examiners (Female)

**Mr McClelland** asked the Minister of the Environment if he will detail the number of driving test examiners who are female and what plans he has to redress any imbalance. (AQW 656/00)

**Mr Foster:** Of the 20 driving traffic examiners employed in the Driver & Vehicle Testing Agency, three are female. Prior to 1999, no women had been employed as examiners.

The agency recognises the value of recruiting more female examiners and has already taken steps to redress the gender imbalance. In 1999, following advice from the former Equal Opportunities Commission, the criteria used for recruiting and selecting driving traffic examiners were revised to ensure that they did not discriminate against women either directly or indirectly. All recruitment literature now specifically encourages applications from women able to meet the eligibility conditions, and, partly as a result, the last recruitment exercise for examiners, in July 1999, attracted 46 applications from women out of a total of 174 applications received.

The agency is continuing to monitor and review its recruitment and selection procedures to ensure equality of opportunity and to optimise the number of applications received from suitably qualified women.

### Areas of Townscape Character

**Mrs E Bell** asked the Minister of the Environment if he will make a statement on townscape plans. (AQO 330/00)

**Mr Foster:** Planning Policy Statement 6, entitled 'Planning, Archaeology and the Built Heritage', explains the nature, purpose and implementation of Areas of Townscape Character.

Areas of Townscape Character are normally designated through the development plan process. This provides guidance on the control of development in areas that, while not necessarily meriting conservation area designation, nevertheless possess characteristics distinctive of building styles of particular eras or localities. Local policies or proposals and guidance for such areas will also be included in the plan or where appropriate in supplementary planning guidance.

There are currently 25 designated Areas of Townscape Character in Northern Ireland and further designations are proposed in draft development plans.

### Telecommunications Masts: Planning Policy

**Mr J Kelly** asked the Minister of the Environment what steps he is taking to address the gap in planning that permits mobile telecommunications masts to be erected without the need for a full planning application. (AQO 301/00)

**Mr Foster:** The situation under current legislation is that the installation of masts up to 15 metres in height is permitted development, subject to a prior approval procedure. This involves the approval of matters relating to siting and design. Masts above 15 metres in height require full planning permission.

On 10 November 2000 I issued a consultation paper seeking views on possible changes to planning legislation and revised planning policy guidance for telecommunications development.

The consultation paper is widely available and the closing date for responses is 15 January 2001.

### Planning Service and Roads Service: Co-operation

**Mr Neeson** asked the Minister of the Environment what steps he will take to improve co-operation between the Planning Service and the Roads Service. (AQO 318/00)

**Mr Foster:** The Roads Service is consulted by the Planning Service on all planning applications received that affect the public road network and/or road safety. The Roads Service is also fully consulted during the preparation of area development plans and when policies in which both Planning and Roads Services have an input are being prepared.

In addition, quarterly joint management board meetings between the two agencies are held to discuss problems and matters of mutual interest.

### Flooding (Area Plans)

**Mr Beggs** asked the Minister of the Environment if he will ensure that when drawing up new area plans, consideration will be given to the recent increased levels of flooding. (AQO 333/00)

**Mr Foster:** This is clearly an issue of growing concern given the implications of recent adverse weather and current predictions regarding long-term climate changes. In drawing up new area plans, it is already established practice for my Department to consult with the Rivers Agency of the Department of Agriculture and Rural Development. This is done with a view to seeking advice on areas liable to flooding and to ensure that plan proposals have due regard to these factors.

I can give assurance that such consideration will continue in the preparation of future area plans.

### Planning and Compensation Claims

**Mr M Murphy** asked the Minister of the Environment if he will detail the total cost of compensation claims made under the provision of the Land Development Values (Compensation) Act (Northern Ireland) 1965 and the Planning (Northern Ireland) Order 1972, which are to be amended as part of the Planning (Compensation, etc.) Bill. (AQO 305/00)

**Mr Foster:** The Member will appreciate that there must be some doubts about the accuracy and completeness

of records which go back 35 years in the case of the 1965 Act, and 28 years in the case of the 1972 Order. Figures extracted from old registers indicate that the total paid under the 1965 Act is in the region of £5.7 million. There are no records of any payments under the 1972 Order.

Since 1991, when the compensation provisions were changed in Great Britain, some £0.9 million has been paid under section 29 of the 1965 Act.

### Road Traffic Accidents: Deaths and Injuries

**Mrs Carson** asked the Minister of the Environment if, for each of the last five years, he will (a) indicate the number of deaths and injuries caused through road traffic accidents, (b) give a breakdown of ages by percentage of those who have died through road traffic accidents, and (c) give his assurance that he is constructively tackling the serious problem of road traffic in co-ordination with the Royal Ulster Constabulary. (AQO 310/00)

**Mr Foster:** During the period 1995-99 the number of deaths and injuries caused through road traffic collisions was as follows:

Year	Deaths	Serious Casualties	Slight Casualties
1995	144	1,532	10,049
1996	142	1,599	10,834
1997	144	1,548	11,006
1998	160	1,538	11,006
1999	141	1,509	11,799

I am unable at this stage to provide a breakdown by age of those who have died through road traffic collisions. The collection of road casualty statistics is carried out by the RUC. Policing is a reserved matter, and my Department has requested this information from the Northern Ireland Office. I will write to the Member as soon as the figures are to hand.

I can assure the Member that my Department and the RUC work constructively together in our joint efforts to reduce the unacceptable number of casualties on our roads and to approach this task in a strategic way. To this end, my Department will be publishing shortly a consultation document seeking views on a new road safety strategy for Northern Ireland for 2001-10. This has been drawn up under the direction of the road safety review group, a cross-departmental group led by my Department and including other local Departments and the RUC.

My officials continue to have a close working relationship with the RUC, in particular to ensure that advertising campaigns and increased RUC enforcement

are co-ordinated. This will be the case for a new anti-drink-driving commercial to be launched at the end of November.

### Protection of Archaeological Sites

**Mrs Nelis** asked the Minister of the Environment if he will outline his plans to address the destruction of many of our ancient archaeological sites by modern housing and road developments and if there are mechanisms in place to protect such sites. (AQO 315/00)

**Mr Foster:** My Department is committed to ensuring that all features of the archaeological and built heritage are appropriately protected from unnecessary damage or destruction from whatever source.

There are a number of mechanisms in place that provide protection for our rich archaeological heritage. Specific archaeological sites and monuments may be taken into the care of my Department, or may be scheduled for protection under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1991.

In addition, the planning policies outlined in Planning Policy Statement 6, entitled 'Planning, Archaeology and the Built Heritage,' afford appropriate protection to archaeological remains from the effects of development proposals.

## FINANCE AND PERSONNEL

### Department: Consultancy Services

**Mr Dallat** asked the Minister of Finance and Personnel if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 572/00)

**The Minister of Finance and Personnel (Mr Durkan):** The information requested is as follows:

- Since devolution the Department has awarded 32 contracts for consultancy services that did not have to go out to public tender.
- These contracts were awarded to:

Altis	Richard Hallerton
Fred Ashwood	Mrs E Harkness
BizNet	Hillen & Jenkinson

BKS Surveys Ltd	Independent Research Solutions
Mr J Bradley	Information Builders (UK) Ltd
Bridgehead	Internet Business Ltd
AV Browne	Mr N Lambe
Events Management	
Building Services Design	Microsoft
Building Research Establishment	Mineit
Business Strategies Ltd	Mr J Power
CADCO	PricewaterhouseCoopers
Mr T Chapman	Prof Colin Knox
Devise Ltd	Proteus (NI) Ltd
Economic Research and Evaluation	Real Statistics
Trevor Evans	RMA Systems
Ewan Associates	K Stoney & Partners

(c) No contracts were awarded on any advice from these consultants.

(d) Not applicable

### Capital Modernisation Funding

**Ms McWilliams** asked the Minister of Finance and Personnel if he will detail how much of the £50 million allocated to Northern Ireland under the capital modernisation funding will be made available to the information and communication technology (ICT) learning centres initiative, and what is the target number of ICT learning centres for Northern Ireland under this programme.

(AQW 618/00)

**Mr Durkan:** Northern Ireland receives a share through the Barnett formula of resources that are allocated from the capital modernisation fund. This share forms part of the Budget, over the use of which the Executive Committee has full discretion.

Provision of £4 million has been made available in 2000-01 to provide for the establishment of 20 accredited learning centres and the activation of 3,000 individual learning accounts by March 2001.

In the spending review period, the draft Budget provides for the establishment of 30 learning centres and the activation of 17,000 individual learning accounts by March 2002.

### Rates (Amendment) (Northern Ireland) Order 1998

**Mr Neeson** asked the Minister of Finance and Personnel if he will detail when he will implement the Rates (Amendment) (Northern Ireland) Order 1998, particularly in relation to rates relief for rural shops. (AQW 621/00)

**Mr Durkan:** The Rates (Amendment) (Northern Ireland) Order 1998 came into operation on 1 April 1999 and the enabling power to make a relief scheme was set out in that Order. To date, 521 local rural settlements have been identified with boundaries delineated on maps, a sample survey has been completed to identify eligible properties in the settlements and estimates of the revenue loss have been made. Further work is required on refining criteria, rules and procedures for the scheme, consulting with district councils and drawing up subordinate legislation. The Executive Committee will consider the proposed scheme and a decision on implementation will be made at the earliest opportunity.

### European Funds and Programmes: Update

**Mr McGrady** asked the Minister of Finance and Personnel to update the Assembly on forthcoming European funds and programmes; and to make a statement.

(AQO 309/00)

**Mr Durkan:** Negotiations on the European Commission's Community Support Framework (CSF) for Northern Ireland, which will be implemented via two operational programmes — Peace II and Transitional Objective I — have reached a conclusion and we are awaiting the document's formal approval and publication by the Commission. Negotiations with the European Commission on the two operational programmes commenced at the beginning of October and are expected to continue until the end of the year. Together with the European Commission, we are committed to finalising these negotiations on the detail of the programmes as quickly as possible.

Outside the CSF, Northern Ireland will also benefit from four Europe-wide community initiative programmes — URBAN, EQUAL, LEADER and INTERREG. The Executive Committee has already considered proposals for these programmes and, following their recent approval by the North/South Ministerial Council, these proposals have now been submitted to the European Commission as a basis for negotiation and agreement.

### Listed Buildings: VAT on Repairs

**Mr McMenemy** asked the Minister of Finance and Personnel if he will make representation to the Exchequer to change the anomaly between value added tax (VAT) charged on restoring historic buildings at 17.5% and that charged on new build at 0%. (AQW 633/00)

**Mr Durkan:** The private secretary to the Chancellor wrote to Departments seeking tax proposals for next year's Budget. The Office of the First Minister and the Deputy First Minister submitted a composite response on behalf of the Northern Ireland Departments, and this

included a proposal that value added tax (VAT) on repairs to listed buildings should be reduced.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Sure Start Project (South Down)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what progress has been made in respect of the Sure Start strategy for young babies and children in the constituency of South Down.

(AQW 564/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** One of the Sure Start projects, for which I announced funding in July, will cover Downpatrick and surrounding districts. There are an estimated 1,500 children aged under five in the area to be covered by the project. Ballymote Children's Centre will provide a base for the project, but much of the work will be done on an outreach basis. Work is in hand to recruit a co-ordinator for the Sure Start project, which should be operational before the end of December.

Clúdóidh ceann de na tionscadail Sure Start, ar fhógair mé maoiniú ina leith i mí Iúil, Dún Pádraig agus na ceantair máguaird. Meastar go bhfuil 1500 páiste faoi bhonn cúig bliana d'aois sa cheantar a gclúdóidh an tionscadal é. Beidh an tionscadal bunaithe in Ionad Leanaí Bhaile an Mhóta ach déanfar cuid mhór den obair ar bhonn cianrochtana. Táthar i mbun oibre le comhordaitheoir a earcú don tionscadal Sure Start agus ba cheart go mbeadh an obair faoi lán seoil roimh dheireadh mhí na Nollag.

### Domestic Violence

**Mr McMenamin** asked the Minister of Health, Social Services and Public Safety if she will detail the number of cases of domestic violence where men were the victims.

(AQW 566/00)

**Ms de Brún:** There were 7,411 reported cases of domestic disputes involving physical violence in 1999, of which 889 involved male victims.

Tuairiscíodh 7,411 chás díospóidí teaghlaigh sa bhliain 1999 ina raibh foréigean fisiciúil agus i 889 gcás díobh siúd ba fhir na híospartaigh.

### Bed Losses

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail the number

of private bed losses in (a) residential care, and (b) nursing care in each board area in each of the last three years. (AQW 574/00)

**Ms de Brún:** The net losses or gains in numbers of private beds in residential care and nursing care in each board area in each of the last three years are shown in the tables below.

#### (A) Residential Care

Board	Year				Change		
	1997	1998	1999	2000	97-98	98-99	99-00
Eastern	935	1,050	1,019	931	+115	-31	-88
Northern	768	861	927	928	+93	+66	+1
Southern	449	449	533	554	0	+84	+21
Western	291	300	291	307	+9	-9	+16
<b>Overall</b>	<b>2,443</b>	<b>2,660</b>	<b>2,770</b>	<b>2,720</b>	<b>+217</b>	<b>+110</b>	<b>-50</b>

#### (B) Nursing Care

Board	Year				Change		
	1997	1998	1999	2000	97-98	98-99	99-00
Eastern	3,884	3,776	3,738	3,623	-108	-38	-115
Northern	2,462	2,396	2,338	2,300	-66	-58	-38
Southern	1,484	1,470	1,507	1,526	-14	+37	+19
Western	1,277	1,312	1,282	1,338	+35	-30	+56
<b>Overall</b>	<b>9,107</b>	<b>8,954</b>	<b>8,865</b>	<b>8,787</b>	<b>-153</b>	<b>-89</b>	<b>-78</b>

The information for the Eastern, Northern and Southern Boards is in respect of the position at 31 March each year, and that for the Western Board is in respect of the position at 30 June each year.

Tá na glanchaillteanais nó na glanghnóthachain maidir le líon na leapacha príobháideacha faoi chúram cónaitheach agus faoi chúram altranais i ngach ceantar boird ar taispeáint sna táblaí thíos.

#### (A) Cúram Cónaitheach

Bord	Bliain				Athrú		
	1997	1998	1999	2000	97-98	98-99	99-00
B.an Oirthir	935	1,050	1,019	931	+115	-31	-88
B.an Tuaiscirt	768	861	927	928	+93	+66	+1
B.an Deiscirt	449	449	533	554	0	+84	+21
B.an Iarthair	291	300	291	307	+9	-9	+16
<b>Iomlán</b>	<b>2,443</b>	<b>2,660</b>	<b>2,770</b>	<b>2,720</b>	<b>+217</b>	<b>+110</b>	<b>-50</b>

## (B) Cúram Altranais

Bord	Bliain						
	1997	1998	1999	2000	Athrú 97-98	Athrú 98-99	Athrú 99-00
B.an Oirthir	3,884	3,776	3,738	3,623	-108	-38	-115
B.an Tuaiscirt	2,462	2,396	2,338	2,300	-66	-58	-38
B.an Deiscirt	1,484	1,470	1,507	1,526	-14	+37	+19
B.an Iarthair	1,277	1,312	1,282	1,338	+35	-30	+56
<b>Iomlán</b>	<b>9,107</b>	<b>8,954</b>	<b>8,865</b>	<b>8,787</b>	<b>-153</b>	<b>-89</b>	<b>-78</b>

Maidir le Bord an Oirthir, Bord an Tuaiscirt, agus Bord an Deiscirt baineann an t-eolas leis an staid ar an 31 Márta gach bliain, agus maidir le Bord an Iarthair baineann sé leis an staid ar an 30 Meitheamh gach bliain.

**Neural Tube Defects**

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, in relation to neural tube defects, including spina bifida, she will (a) detail the incident rate in Northern Ireland in comparison with Great Britain, (b) outline what steps she is taking to reduce these figures, (c) give her assessment of the use of folic acid as a supplement to reduce spina bifida births, and (d) detail any plans to have folic acid added to bread and flour. (AQW 575/00)

**Ms de Brún:** The information requested is as follows:

- (a) The incident rate is
- 0.5 per 1,000 births here,
  - 1.1 per 1,000 births in Scotland, and
  - 0.1 per 1,000 births in England and Wales.
- (b) Since 1991, information campaigns have highlighted the importance for women contemplating pregnancy of taking folic acid supplements to prevent neural tube defects. Indeed, we are presently running a major folic acid campaign in co-operation with the Department of Health and Children in Dublin.
- (c) I fully support the scientific evidence on the importance of folic acid supplements in reducing the risk of neural tube defects.
- (d) Health Departments issued a consultation document in July this year on the fortification of flour with folic acid. The consultation ended on 31 October, and the responses are presently being considered.

Is mar a leanas atá an t-eolas a iarradh:

- (a) Is é ráta na gcásanna: -
- 0.5 in aghaidh gach 1,000 breith anseo
  - 1.1 in aghaidh gach 1,000 breith in Albain

0.1 in aghaidh gach 1,000 breith i Sasana agus sa Bhreatain Bheag

- (b) Tá feachtais eolais ar siúl ón bhliain 1991 le cur in iúl a thábhachtaí atá sé go nglacfaidh mná atá ag smaoineamh ar choimpeart ábhar forlíontach d'aigéad fólach le cosc a chur ar éislínní néarfheadán. Leoga, táimid i mbun mórfheachtais ar aigéad fólach faoi láthair i bpáirt leis an Roinn Sláinte agus Leanaí.
- (c) Tacaím go hiomlán leis an fhianaise eolaíochta go bhfuil tábhacht mhór le hábhair fhorlíontacha d'aigéad fólach maidir le priacal éislínní néarfheadán a laghdú.
- (d) D'eisigh na Ranna Sláinte cáipéis chomhairliúcháin i mí Iúil i mbliana ar phlúr a threisiú le haigéad fólach. Chríochnaigh an tréimhse chomhairliúcháin ar 31 Deireadh Fómhair agus tá na freagraí á mbreithniú faoi láthair.

**Cystic Fibrosis**

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will detail the percentage of newborn babies who were screened for cystic fibrosis in all hospitals from 1 April 1999 to 31 March 2000. (AQW 576/00)

**Ms de Brún:** All newborn babies here are screened for cystic fibrosis.

Déantar scagthástáil ar gach leanbh nuabheirthe anseo le haghaidh fiobrúise cistí.

**Heart Disease**

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will detail the steps she is taking to combat heart disease in Northern Ireland. (AQW 577/00)

**Ms de Brún:** Action is being taken on many fronts. The Health Promotion Agency spends about half its total annual budget on initiatives to tackle the risk factors associated with heart disease. The agency's efforts are complemented at local level by the health promotion work of health and social services boards and trusts and by GPs. Strategies on food and nutrition, physical activity, smoking and alcohol have been developed and are being implemented at local level. In addition, a review of cardiology has been completed, and a review of cardiac surgery has just started.

Tá bearta á ndéanamh in a lán réimsí. Caitheann an Ghníomhaireacht um Chur Chun Cinn Sláinte tuairim agus leath a buiséid bhliantúil ar thionscnaimh le haghaidh a thabhairt ar na priacail a ghabhann le galar croí. Cuireann an obair ar chur chun cinn sláinte a dhéanann na boird agus na hiontaobhais sláinte agus seirbhísí sóisialta agus

na liachleachtóirí le hiarrachtaí na gníomhaireachta. Ceapadh straitéisí go háitiúil maidir le bia agus cothú, gníomhaíocht fhisiciúil, caitheamh tobac agus alcól, agus tá siad á gceapadh go fóill. Ina theannta sin tá athbhreithniú ar sheirbhísí cairdeolaíochta curtha i gcrích agus táthar go díreach i ndiaidh tús a chur le hathbhreithniú ar mháinliacht chairdiach.

### National Health Service: Nurses

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will detail the number of nurses working in the National Health Service.

(AQW 580/00)

**Ms de Brún:** The estimated number of qualified nurses employed in the National Health Service is 410,000.

Meastar gurb é 410,000 líon na n-altraí cáilithe atá fostaithe sa tSeirbhís Náisiúnta Sláinte.

### Occupational Therapy (Ulster Hospitals and Community Health and Social Services Trust)

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will undertake to employ more administration staff in the occupational therapy department with responsibility for the Ulster Hospitals and Community Health and Social Services Trust area.

(AQW 582/00)

**Ms de Brún:** The employment of staff in the health and social services is a matter for health and social services boards and trusts. I understand that the Ulster Hospitals and Community Health and Social Services Trust is committed to ensuring that recruitment of additional staff to the occupational therapy service will reflect the need to have the correct balance between clinical and administrative staff so as to ensure the most effective use of the time of occupational therapists.

Is gnó é do na boird agus do na hiontaobhais sláinte agus seirbhísí sóisialta foireann a fhostú sna seirbhísí sláinte agus sóisialta. Tuigim go bhfuil rún daingean ag Iontaobhas SSS Phobal agus Ospidéal Uladh a chinntiú go léireoidh líon na foirne breise a earcófáir do theiripe cheirde an gá atá leis an chothromaíocht cheart a fháil idir an fhoireann chliniciúil agus an fhoireann riaracháin lena chinntiú go mbainfear an úsáid is éifeachtaí as am na dteiripeoirí ceirde.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the amount of time that occupational therapists use to visit patients and how much time is spent on administration in the Ulster Hospitals and Community Health and Social Services Trust area.

(AQW 583/00)

**Ms de Brún:** The information requested is not available.

Níl an t-eolas a iarradh ar fáil.

### Northern Health and Social Services Board: Budget Allocation

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail the percentage increase in funding to the Northern Board as a result of the Budget announcement, compared to last year's allocation.

(AQW 587/00)

**Ms de Brún:** I am not yet in a position to provide this information. Decisions on the allocation of the budget available to my Department will only be finalised following the further statement on the Budget by the Minister of Finance and Personnel to the Assembly in December.

Níl mé in ann an t-eolas sin a sholáthar go fóill. Is i ndiaidh an ráitis bhreise ar an Bhuiséad a thabharfaidh an tAire Airgeadais agus Pearsanra don Tionól i mí na Nollag a chuirfear bailchríoch ar na cinntí maidir le leithroinnt an Bhuiséid a bheas ar fáil do mo Roinnse.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail how the Budget allocation to her Department will address the shortage of skilled nursing staff in the Northern Health and Social Services Board area.

(AQW 588/00)

**Ms de Brún:** Decisions on the allocation of the Budget additions for my Department will be taken in due course and will be informed, among other things, by the further statement from the Minister of Finance and Personnel on the Budget in December to the Assembly. A key objective in the allocation of resources is providing the necessary funding to support front line staff and services in meeting the increasing pressure on them. In this respect, any additional resources I allocate to the Northern Board will help it, and local trusts, to look at their own priorities, including the shortage of skilled nursing staff, and to fund them accordingly.

Déanfar cinntí maidir le leithroinnt bhreiseanna an Bhuiséid ar mo Roinnse in am is i dtráth agus is é a rachaidh i gcion ar na cinntí sin, i measc nithe eile, an ráiteas breise ar an Bhuiséad a thabharfaidh an tAire Airgeadais agus Pearsanra don Tionól i mí na Nollag. Nuair a leithroinntear acmhainní tá sé ar na príomhchuspóirí an maoiniú riachtanach a sholáthar le tacú le baill foirne agus le seirbhísí sa líne tosaigh agus iad ag déileáil leis na brúnna atá ag síormhéadú. I dtaca le sin de, beidh acmhainní breise ar bith a leithroinnfidh mé ar Bhord an Tuaiscirt ina gcuidiú aige agus ag iontaobhais áitiúla aghaidh a thabhairt ar a gcuid tosaíochtaí féin, agus ganntanas altraí cáilithe san áireamh, agus iad a mhaoiniú da réir.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail how much additional funding she intends to allocate to the Northern Board area during the next financial year. (AQW 589/00)

**Ms de Brún:** I am not yet in a position to provide this information. Decisions on the allocation of the budget available to my Department will only be finalised following the further statement on the Budget by the Minister of Finance and Personnel to the Assembly in December.

Níl mé in ann an t-eolas sin a sholáthar go fóill. Is i ndiaidh an ráitis bhreise ar an Bhuiséad a thabharfaidh an tAire Airgeadais agus Pearsanra don Tionól i mí na Nollag, a chuirfear bailchríoch ar na cinntí maidir le leithroinnt an Bhuiséid a bheas ar fáil do mo Roinnse.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail how much additional funding she intends to allocate to the Northern Board for new nursing staff. (AQW 590/00)

**Ms de Brún:** I am not yet in a position to provide this information. Decisions on the allocation of the budget available to my Department will only be finalised following the further statement on the Budget by the Minister of Finance and Personnel to the Assembly in December.

Níl mé in ann an t-eolas sin a sholáthar go fóill. Is i ndiaidh an ráitis bhreise ar an Bhuiséad a thabharfaidh an tAire Airgeadais agus Pearsanra don Tionól i mí na Nollag, a chuirfear bailchríoch ar na cinntí maidir le leithroinnt an Bhuiséid a bheas ar fáil do mo Roinnse.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will confirm that the shortage of nursing staff in the Northern Board area can only be resolved once permanent funding arrangements are put in place. (AQW 591/00)

**Ms de Brún:** It is a matter in the first instance for the relevant health and social services trusts to determine their nursing staff requirements to ensure that effective patient services are in place and to negotiate funding with the Northern Health and Social Services Board. The scope for allocating resources will of course be dependent on the amount of funding available to the board and on the priorities determined by the board for services in its area.

Sa chéad dul síos is gnó é do na hiontaobhais sláinte agus seirbhísí sóisialta chuí a shocrú cad iad na riachtanais atá orthu maidir le foireann altraí lena chinntiú go mbeidh seirbhísí éifeachtacha d'othair ann agus an maoiniú ina leith sin a chaibidil le Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt. Ar ndóigh beidh an scóp maidir le leithroinnt acmhainní ag brath ar an mhaoiniú atá ar fáil ag an bhord agus ar na tosaíochtaí a shocraíonn an bord do sheirbhísí ina cheantar.

## Health Service: Consultants

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if she will detail the number of consultants currently employed in the Health Service in Northern Ireland broken down by speciality, by health board area and by individual trust. (AQW 592/00)



**Ms de Brún:** The information requested is set out in the attached tables.

**CONSULTANTS BY BOARD, TRUST AND SPECIALTY**

	A&E	Anaesthetics	Medicine	Surgery	Obstetrics & Gynae	Dentistry	Paediatrics	Pathology	Psychiatry	Radiology*	Public Health
<b>Eastern Board</b>											9
Belfast City Hospital	2	20	40	18	6	-	-	14	6	21	-
Down & Lisburn	1	8	6	3	5	-	-	-	11	3	-
Greenpark	-	7	4	17	-	-	-	-	1	2	-
Mater Infirmorum	1	4	4	7	3	-	-	-	7	3	-
N&W Belfast	-	-	-	-	-	-	1	-	4	-	-
Royal Group	3	40	44	50	6	19	16	23	2	8	-
S&E Belfast	-	-	-	-	-	-	2	-	9	-	-
Ulster Hospital & Community	3	15	16	17	5	2	5	4	5	7	1
Blood Transfusion Service	-	-	-	-	-	-	-	2	-	-	-
<b>Total</b>	<b>10</b>	<b>94</b>	<b>114</b>	<b>112</b>	<b>25</b>	<b>21</b>	<b>24</b>	<b>43</b>	<b>45</b>	<b>44</b>	<b>10</b>
<b>Northern Board</b>											6
Causeway	-	6	6	3	3	-	3	1	3	3	-
Homefirst	-	-	-	-	-	-	1	-	15	-	-
United Hospitals	1	11	19	14	6	-	5	8	-	7	-
<b>Total</b>	<b>1</b>	<b>17</b>	<b>25</b>	<b>17</b>	<b>9</b>	<b>-</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>10</b>	<b>6</b>
<b>Southern Board</b>											7
Armagh & Dungannon	-	4	4	2	2	1	1	-	6	-	-
Craigavon Area Hospital	3	10	8	9	4	1	5	8	-	5	-
Craigavon & Banbridge Community	-	-	-	-	-	-	-	-	6	-	-
Newry & Mourne	-	4	4	4	4	-	4	-	3	2	-
<b>Total</b>	<b>3</b>	<b>18</b>	<b>16</b>	<b>15</b>	<b>10</b>	<b>2</b>	<b>10</b>	<b>8</b>	<b>15</b>	<b>7</b>	<b>7</b>
<b>Western Board</b>											3
Altnagelvin	2	12	14	17	5	3	4	7	-	6	-
Foyle	-	-	1	-	-	-	1	-	9	-	-
Sperrin Lakeland	-	8	7	7	3	-	3	-	8	3	-
<b>Total</b>	<b>2</b>	<b>20</b>	<b>22</b>	<b>24</b>	<b>8</b>	<b>3</b>	<b>8</b>	<b>7</b>	<b>17</b>	<b>9</b>	<b>3</b>
<b>Overall Total</b>	<b>16</b>	<b>149</b>	<b>177</b>	<b>168</b>	<b>52</b>	<b>26</b>	<b>51</b>	<b>67</b>	<b>95</b>	<b>70</b>	<b>26</b>

\* Radiology includes Radiotherapy

Tá an t-eolas a iarradh leagtha amach sna táblaí atá i gceangal leis seo.

**LIANNA COMHAIRLEACHA DE RÉIR BORD, IONTAOBHAS AGUS SPEISIALTÓIREACHTAÍ**

	T&É	Ainéistéitic	Míochaine	Máinliacht	Cnáimh & Ginéic	Fiaclóireacht	Péidiatraic	Paiteolaíocht	Síciatracht	Raideolaíocht*	Sláinte Phoiblí
<b>Bord An Oirthir</b>											9
Ospidéal Cathrach Bhéal Feirste	2	20	40	18	6	-	-	14	6	21	-
An Dún & Lios na gCearrbhach	1	8	6	3	5	-	-	-	11	3	-
An Pháirc Ghlas	-	7	4	17	-	-	-	-	1	2	-
Mater Infirmorum	1	4	4	7	3	-	-	-	7	3	-
T&I Bhéal Feirste	-	-	-	-	-	-	1	-	4	-	-
An Grúpa Ríoga	3	40	44	50	6	19	16	23	2	8	-
D&O Bhéal Feirste	-	-	-	-	-	-	2	-	9	-	-
Pobal agus Ospidéal Uladh	3	15	16	17	5	2	5	4	5	7	1
An tSeirbhís Fuilaistriúcháin	-	-	-	-	-	-	-	2	-	-	-
<b>Iomlán</b>	<b>10</b>	<b>94</b>	<b>114</b>	<b>112</b>	<b>25</b>	<b>21</b>	<b>24</b>	<b>43</b>	<b>45</b>	<b>44</b>	<b>10</b>
<b>Bord An Tuaiscirt</b>											6
An Clochán	-	6	6	3	3	-	3	1	3	3	-
Homefirst	-	-	-	-	-	-	1	-	15	-	-
Na hOspidéil Aontaithe	1	11	19	14	6	-	5	8	-	7	-
<b>Iomlán</b>	<b>1</b>	<b>17</b>	<b>25</b>	<b>17</b>	<b>9</b>	<b>-</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>10</b>	<b>6</b>
<b>Bord An Deiscirt</b>											7
Ard Mhacha & Dún Geannain	-	4	4	2	2	1	1	-	6	-	-
Ospidéal Cheantair Craigavon	3	10	8	9	4	1	5	8	-	5	-
Pobal Craigavon & D. na Banna	-	-	-	-	-	-	-	-	6	-	-
An tIúr agus an Mhorn	-	4	4	4	4	-	4	-	3	2	-
<b>Iomlán</b>	<b>3</b>	<b>18</b>	<b>16</b>	<b>15</b>	<b>10</b>	<b>2</b>	<b>10</b>	<b>8</b>	<b>15</b>	<b>7</b>	<b>7</b>
<b>Bord An Iarthair</b>											3
Alt na nGealbhan	2	12	14	17	5	3	4	7	-	6	-
An Feabhal	-	-	1	-	-	-	1	-	9	-	-
Loch-Cheantar an Speirín	-	8	7	7	3	-	3	-	8	3	-
<b>Iomlán</b>	<b>2</b>	<b>20</b>	<b>22</b>	<b>24</b>	<b>8</b>	<b>3</b>	<b>8</b>	<b>7</b>	<b>17</b>	<b>9</b>	<b>3</b>
<b>Foriomlán</b>	<b>16</b>	<b>149</b>	<b>177</b>	<b>168</b>	<b>52</b>	<b>26</b>	<b>51</b>	<b>67</b>	<b>95</b>	<b>70</b>	<b>26</b>

\* Áirítear Radaiteiripe le Raideolaíocht

### General Practitioner Vocational Training

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if she will detail the number of male and female applicants for the general practice trainee course at Queen's University between 1999 and 2000. (AQW 593/00)

**Ms de Brún:** Applications for general practitioner vocational training are not made to the Queen's University of Belfast. This training is co-ordinated by the NI Council for Postgraduate Medical and Dental Education on behalf of the Department of Health, Social Services and Public Safety. There are currently two routes of entry to training:

(a) selection for GP registrar year (involving a minimum of 12 months vocational training in the general practice setting) after completion of the required training in

approved hospital-based posts (usually two years); and

(b) selection for the three-year scheme comprising both the hospital and practice-based elements.

The breakdowns, by gender, for applications to the two vocational training schemes commencing between 1999 and 2000 were as follows:

	Female	Male	Total
GP Registrar scheme (1-year):	42	31	73
3-year scheme:	34	18	52

Ní chuirtear iarratais chuig Ollscoil na Banríona Bhéal Feirste le haghaidh oiliúna gairmiúla mar liachleachtóir ginearálta. Is é Comhairle Oideachais Iarchéime Míochaine agus Fiaclóireachta a chomhordaíonn an oiliúint thar ceann

na Roinne Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí. Faoi láthair tá dhá chonair iontrála ann le haghaidh oiliúna:

- (a) roghnaítear iarratasóirí don bhliain mar chláraitheoir liachleachtóra ghinearálta (tá oiliúint ghairmiuil 12 mhí ar a laghad i gceist i gcleachtas ginearálta) i ndiaidh dóibh tréimhse éigeantach oiliúna a chaitheamh (dhá bhliain go hiondúil) i bpoist fhorhmeasta ospidéal; agus
- (b) roghnaítear iarratasóirí le haghaidh scéime trí bliana ina bhfuil oiliúint in ospidéal agus i gcleachtas ginearálta i gceist.

Is mar a leanas miondealú na n-iarratas, de réir inscne, don dá scéim oiliúna gairmiúla a thosaigh idir 1999 agus 2000:

	Female	Male	Total
GP Registrar scheme (1-year):	42	31	73
3-year scheme:	34	18	52

### Acute Beds Provision (Craigavon Area Hospital)

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if, with reference to AQO 184/00 regarding acute hospital beds provision, she will outline the situation with the acute beds provision in Craigavon Area Hospital and what plans were reviewed with Craigavon Group of Hospitals Health and Social Services Trust to deal with winter pressures. (AQW 594/00)

**Ms de Brún:** The number of acute beds currently available at Craigavon Area Hospital is 414. The Southern Health and Social Services Board has been engaged in discussions with Craigavon Group of Hospitals Health and Social Services Trust since before the summer on a number of proposals to deal with winter pressures. Measures already agreed include the expansion of intensive care/high dependency beds, the funding of additional intermediate care beds and the consolidation and expansion of the community “step-down” scheme to facilitate earlier discharge from hospital. Some other measures are currently being explored with the trust.

Tá 414 géarleapacha ar fáil faoi láthair in Otharlann Cheantar Craigavon. Tá Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt i mbun díospóireachta le hÍontaobhas Ghrúpa Otharlanna Cheantar Craigavon ó roimh an samhradh faoi roinnt moltaí le déileáil le brúnna an gheimhridh. Ar na bearta ar socraíodh orthu tá cur le leapacha géarchúraim/ardspleáchais, maoiniú leapacha breise cúraim idirmheánaigh agus daingniú agus méadú na scéime pobail “step-down” le ligean amach níos luaithe ón otharlann a éascú. Tá roinnt beart eile á bhfiosrú leis an iontaobhas.

### Waiting Times: Cancer Treatment

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will detail the waiting times for those patients awaiting cancer treatment, that is, the time between the initial diagnosis and the commencement of treatment. (AQW 596/00)

**Ms de Brún:** The information is not available in the form requested. Information gathered in relation to patients with a diagnosis of cancer in 1999-00 indicates that the average time between the date on which a consultant decided to admit a patient and the actual admission date was 46 days.

Níl an t-eolas ar fáil san fhoirm a iarradh. Léiríonn an t-eolas a fuarthas maidir le hothair le hailse i 1999-2000 gurbh é 46 lá an meánam feithimh idir an dáta ar ar chinn an lia comhairleach othar a ligean isteach, agus an fiordháta a ligeadh isteach é/í.

### Community Care (Northern Board Area)

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail how much funding she is going to allocate to the Northern Board to address the community care needs of the 536 patients waiting for care packages. (AQW 599/00)

**Ms de Brún:** I am not yet in a position to provide this information. Decisions on the allocation of the budget available to my Department will only be finalised following the further statement on the Budget by the Minister of Finance and Personnel to the Assembly in December.

Níl mé in ann an t-eolas sin a sholáthar go fóill. Is i ndiaidh an ráitis bhreise ar an Bhuiséad a thabharfaidh an tAire Airgeadais agus Pearsanra don Tionól i mí na Nollag a chuirfear bailchríoch ar na cinntí maidir le leithroinnt an Bhuiséid a bheas ar fáil do mo Roinnse.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she is aware that 96 of the 536 patients on the waiting list for community care in the Northern Health and Social Services Board area could be discharged from hospital if funding for additional community care packages was available, and how she intends to allocate this funding. (AQW 600/00)

**Ms de Brún:** At 30 September 2000 there were 76 residents of the Northern Health and Social Services Board area in hospital who were reported medically fit for discharge from hospital and waiting for a community care package to be arranged. This included 43 people waiting because no funding was available from the Northern Board to provide their care packages.

As regards funding for additional community care packages, I am not yet in a position to provide that information. Decisions on the allocation of additional

funds will be taken in light of the further statement from the Minister of Finance and Personnel on the Budget to the Assembly in December.

Ar an 30 Meán Fómhair 2000 bhí 76 chónaitheoir ó cheantar Bhord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt san ospidéal agus tuairiscíodh fúthu go raibh siad sláintiúil go leor lena gcur abhaile agus go raibh siad ag feitheamh go socrófaí cúram pobail dóibh. Bhí 43 ina measc a bhí ag feitheamh cionn is nach raibh maoiniú ar fáil ó Bhord an Tuaiscirt le cúram a sholáthar dóibh.

Maidir le maoiniú le haghaidh cúraim pobail bhreise, níl mé in ann an t-eolas sin a sholáthar go fóill. Déanfar cinntí maidir le leithroinnt an mhaoinithe bhreise i bhfianaise an chéad ráitis eile ar an Bhuiséad a thabharfaidh an tAire Airgeadais agus Pearsanra don Tionól i mí na Nollag.

### Sale of Poppies (Departmental Buildings)

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will confirm that she will provide prominent positioning and room for the sale of poppies in departmental buildings.

(AQW 602/00)

**Ms de Brún:** I can confirm that poppies were on sale in the reception area of Castle Buildings.

Thig liom a dhearbhu go raibh poipíní ar díol in ionad fáiltithe Fhoirgnimh an Chaisleáin.

### Accident and Emergency Waiting Times (Ulster Hospital)

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the average waiting times in the accident and emergency department of the Ulster Hospital in each of the last six months.

(AQW 603/00)

**Ms de Brún:** Information is not available in the form requested. Information on the percentage of new patients seen by a doctor within specified time bands at the accident and emergency department of the Ulster Hospital is available and is presented in the table below.

	1 hour	2 hours	3 hours	More than 3 hours
May 2000	53%	82%	93%	7%
June 2000	59%	87%	95%	5%
July 2000	56%	86%	96%	4%
August 2000	58%	85%	95%	10%
September 2000	54%	83%	94%	6%
October 2000	55%	82%	94%	6%

Níl an t-eolas ar fáil san fhoirm a iarradh. Léirítear agus cuirtear ar fáil sa tábla thíos eolas ar chéatadán na n-othar nua a chuaigh chuig dochtúir taobh istigh de bhandaí ama ar leith ag an roinn taismí agus éigeandálacha in Otharlann Uladh.

	1 uair	2 uair	3 huair	Níos mó ná 3 huair
Bealtaine 2000	53%	82%	93%	7%
Meitheamh 2000	59%	87%	95%	5%
Iúil 2000	56%	86%	96%	4%
Lúnasa 2000	58%	85%	95%	10%
Meán Fómhair 2000	54%	83%	94%	6%
Deireadh Fómhair 2000	55%	82%	94%	6%

### Boards and Trusts: Community Care Funding

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail which boards and trusts have received their share of the £11 million allocated in July for community care.

(AQW 610/00)

**Ms de Brún:** The boards were allocated their share of the £11 million allocation in July for community care as follows:

	£m
Northern Health and Social Services Board	2.593
Southern Health and Social Services Board	1.938
Eastern Health and Social Services Board	4.657
Western Health and Social Services Board	1.812

The subsequent application of these funds to health and social services trusts is a matter for individual health and social services boards and is subject to service level agreement between the boards and the trusts.

Dáileadh a sciar féin den £11 mhilliún ar na boird i Mí Iúil do chúram pobail sa dóigh seo a leanas:-

	£m
Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt	2.593
Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt	1.938
Bord Sláinte agus Seirbhísí Sóisialta an Oirthir	4.657
Bord Sláinte agus Seirbhísí Sóisialta an Iarthair	1.812

Baineann úsáid an airgid sna hiontaobhais sláinte agus seirbhísí sóisialta ina diaidh sin leis na boird sláinte agus seirbhísí sóisialta aonair, agus tá sí faoi réir aontú leibhéal seirbhíse idir na boird agus na hiontaobhais.

## Boards and Trusts: Accounting Systems

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will (a) detail how many different accountancy systems exist in boards and trusts, and (b) outline her plans to create one system so that financial inputs and outputs can be measured in terms of services provided. (AQW 611/00)

**Ms de Brún:** All accounting systems across boards, trusts and agencies are regional standard systems.

These include:

- (1) General ledger
- (2) Local accounts payable system
- (3) Budgetary control
- (4) Travelling expenses
- (5) Patients' property
- (6) Trust funds
- (7) Capital charging
- (8) Debtors billing
- (9) Payroll covering salaries, wages and home helps

These systems record financial data only and are used as indicated for different purposes. They do not provide "output" information, which is recorded on a range of other information systems.

I have commissioned the development of a new information and communication technology strategy for health and personal social services. This will cover, at a strategic level, the integration of finance and activity data. I envisage the strategy being available for final public consultation next year.

Is córais chaighdeánaithe réigiúnacha iad uilig na córais chuntasóireachta trasna bord, iontaobhas agus gníomhaireachtaí.

San áireamh tá:

- (1) Mórleabhar Cuntas Ginearálta
- (2) Córas Iníochta Cuntas Áitiúil
- (3) Rialú Buiséid
- (4) Costais Taistil
- (5) Maoin Othar
- (6) Cistí Iontaobhais
- (7) Costais Chaipitil
- (8) Billí Fiachóirí
- (9) Párolla ag cumhdach tuarastal, tuarastal feighlithe baile

Ní thairfeadann na córais seo ach sonraí airgeadais agus úsáidtear, mar a léiríodh, do chuspóirí éagsúla iad. Ní

sholáthraíonn siad eolas "aschurtha" a thairfeadtar ar chórais eolais eile.

Choimisiúnaigh mé forbairt staitéis nua theicneolaíocht eolais agus cumarsáide do na SSSP agus cumhdóidh sí seo, ag leibhéal straitéiseach, comhtháthú sonraí airgeadais agus gníomhaíochta. Bheinn ag súil go gcuirfí an straitéis faoi chomhairle an phobail sa bhliain seo chugainn.

## Payments to GPs

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will (a) detail the basis on which moneys are paid to GPs, and (b) outline the monitoring system that exists to arrive at the figures given. (AQW 612/00)

**Ms de Brún:** GPs are paid as independent, self-employed contractors under a cost-plus principle. The payments they receive cover both their expenses ("the cost") in providing general medical services (GMS) and a net income for doing so ("the plus").

A GP who is on the list of a health and social services board for the provision of GMS may claim reimbursement of certain practice expenses and a range of fees and allowances. The current fee structure is outlined below:

- A basic practice allowance is paid. This is the key element of a GP's income for providing GMS;
- Capitation fees are annual fees payable for each patient registered on a GP's list;
- Health promotion payments comprise payments for running health promotion and chronic disease management programmes, and for achieving target levels of coverage of childhood immunisation and cytology screening;
- Items of service payments are made every time a GP provides certain services, night consultation being an example.

An individual GP's income from fees and allowances will therefore depend on:

- the number of registered patients on the GP's list;
- the number and level of activities undertaken; and
- performance achieved.

Fees and allowances for GPs are reviewed annually on the basis of recommendations made by the Review Body on Doctors' and Dentists' Remuneration, which was set up in 1960 to consider an appropriate level of income for GPs. The recommended levels of fees and allowances are agreed here between the Department and the British Medical Association in Northern Ireland (BMA(NI)).

Íoctar liachleachtóirí mar chonraitheoirí neamhspleácha féinfhostaithe ar phrionsabal "costas móide ioncam". Clúdaíonn na híocaíochtaí a fhaigheann siad a gcuid costas agus iad ag soláthar seirbhísí ginearálta míochaine (SGM) agus a n-ioncam glan as an obair a dhéanamh.

Féadann liachleachtóir, atá ar liosta bhord sláinte agus seirbhísí sóisialta mar sholáthróir SGM, cúiteamh a éileamh i dtaca le costais áirithe cleachtais agus réimse táillí agus liúntas. Tá cur síos ar an struchtúr táillí atá anois ann thíos:

- Íoctar Bunliúntas Cleachtais. Is príomhghné d'ioncam liachleachtóra é seo a thuilltear as SGM a sholáthar;
- Íoctar Táillí caipitíochta thar ceann gach othair atá cláraithe ar liosta an liachleachtóra;
- Íocaíochtaí Cur Chun Cinn Sláinte: is é atá iontu íocaíochtaí ar son cláir a reachtáil leis an tsláinte a chur chun cinn agus le galair ainsealacha a bhainistiú; agus ar son spriocleibhéil a bhaint amach maidir le imdhíonadh leanaí agus scagthástáil chíteolaíochta a dhéanamh;
- Íoctar Íocaíochtaí ar son Míreanna Seirbhíse gach uair a chuireann liachleachtóir seirbhísí áirithe ar fáil, cuairt oíche, mar shampla.

Ar an ábhar sin beidh ioncam liachleachtóra, a thagann ó tháillí agus ó liúntais, ag brath ar na nithe seo a leanas:-

líon na n-othar atá cláraithe ar liosta an liachleachtóra;

- líon agus leibhéal na ngníomhaíochtaí atá ar siúl aige; agus
- na torthaí a bhaintear amach.

Déantar athbhreithniú bliantúil ar tháillí agus ar liúntais liachleachtóirí, athbhreithniú atá bunaithe ar mholtaí a rinne an Grúpa Athbhreithnithe ar Thuarastal Dochtúirí agus Fiaclóirí a bunaíodh sa bhliain 1960 le leibhéal cuí ioncaim le haghaidh liachleachtóirí a mheas. Bíonn comhaontú ann anseo idir an Roinn agus an British Medical Association (NI) ar an leibhéal a mholtar maidir le táillí agus liúntais.

## Hospital Funding

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQW 304/00, she will (a) detail which hospitals have received their share of the £53m, (b) explain why her Department received the biggest share of the funding, and (c) detail the amount each board received from each of the 11 categories listed. (AQW 613/00)

**Ms de Brún:** Boards were allocated £38.2 million of the £53 million as follows:

Description	Northern	Southern	Eastern	Western	£000 Total
Community Care	2,593	1,938	4,657	1,812	11,000
Hospital Pressures	4,007	2,995	7,198	2,800	17,000
Children's Services	1,178	881	2,117	824	5,000
Board Local Pressures	1,226	916	2,202	856	5,200

The subsequent application of these funds to health and social services trusts is a matter for individual health and social services boards and is subject to service level agreement between the boards and the trusts.

The £14.8 million managed centrally by the Department has been applied to professional training and recruitment (£3 million), ambulance services (£2 million), trust capital (£6 million), the health and personal social services information and communication technology (ICT) strategy (£1 million), counter-fraud work in boards (£1 million), family doctors (£1 million) and the extension of vaccination programmes (£0.8 million).

Is mar a leanas a leithroinneadh £38.2 milliún den £53 mhilliún ar na Boird:

Tuairisc	Tuaisceart	Deisceart	Oirthear	Iarthar	£000 Iomlán
Cúram Pobail	2,593	1,938	4,657	1,812	11,000
Brúnna ar Ospidéal	4,007	2,995	7,198	2,800	17,000
Seirbhísí do Leanaí	1,178	881	2,117	824	5,000
Brúnna Áitiúla ar Bhoird	1,226	916	2,202	856	5,200

Is gnó é do na boird sláinte agus seirbhísí sóisialta aonair an dóigh ar leithroinneadh na cistí seo ina dhiaidh sin ar na hiontaobhais sláinte agus seirbhísí sóisialta agus tá sí faoi réir chomhaontú leibhéal seirbhíse idir na boird agus na hiontaobhais.

Cuireadh an £14.8 milliún, a bhainistíonn an Roinn go lárnach, ar fáil le haghaidh na nithe seo a leanas: oiliúint ghairmiúil agus earcaíocht (£3 mhilliún), seirbhísí otharcharranna (£2 mhilliún), caipiteal iontaobhais (£6 mhilliún), straitéis na SSSSP i leith TCE (£1 mhilliún), obair frithchalaíoch na mbord (£1 mhilliún), lianna teaghlaigh (£1 mhilliún) agus fad a chur le cláir imdhíonta (£0.8 milliún).

## Hospital Waiting Lists

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQW 322/00, she will detail what specific measures each board is implementing. (AQW 614/00)

**Ms de Brún:** I am not yet in a position to detail the specific measures that each board will be taking, as the proposals submitted by the boards in their draft waiting list action plans are still under discussion. In general terms, however, all boards have proposed a range of measures including:

- the appointment of a senior officer with responsibility for waiting lists;
- agreed annual waiting list target reductions;
- the provision of additional hospital inpatient procedures, particularly in relation to those patients who have been waiting longest;

- the provision of extra community care packages;
- the validation of waiting lists;
- the development of GP referral protocols; and
- measures to reduce outpatient waiting times.

Ní féidir liom mionchuntas a thabhairt go fóill ar na bearta ar leith a bheas gach bord a dhéanamh, mar go bhfuil na moltaí curtha isteach ag na boird ina ndrúachtphleananna gníomhaíochta do liostaí feithimh faoi chaibidil go fóill. Go ginearálta áfach, mhol gach bord réimse beart. San áireamh tá:

ceapadh oifigigh shinsearaigh le freagracht as liostaí feithimh;

- sprioclaghduithe aontaithe ar liostaí feithimh bliantúla;
- soláthar gnásanna otharlainne breise d'othair chónaitheacha, go háirithe maidir leis na hothair sin is faide a bhí ag fanacht;
- soláthar beart cúraim pobail breise;
- daingniú liostaí feithimh;
- forbairt phrótacal atreoraithe dochtúirí, agus;
- bearta le hamanna feithimh d'othair sheachtracha a laghdú.

### Psychiatric Day Hospital Facilities

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if she will detail the provision of psychiatric day hospital facilities across Northern Ireland. (AQW 617/00)

**Ms de Brún:** This information is detailed in the table below.

#### HOSPITALS PROVIDING DAY CARE FACILITIES IN THE MENTAL HEALTH PROGRAMME OF CARE, 1999/2000

Hospital	Total Attendances
Albertbridge Road	7,394
Alexandra Gardens	6,502
Ards	6,501
Craigavon PNU	2,669
Daisy Hill	3,265
Downshire	511
Forster Green	2,001
Gransha	7,548
Lagan Valley PNU	1,773
Shaftesbury Square	837
St. Lukes	2,219
Whiteabbey PNU	7,674
Windsor House	5,300
Young Peoples Centre	298
<b>Total</b>	<b>54,492</b>

Tá an t-eolas ar fáil sa tábla thíos.

#### OSPIDÉIL A SHOLÁTHRAÍONN SAORÁIDÍ CÚRAIM LAE SA CHLÁR CÚRAIM MEABHAIR-SHLÁINTE, 1999/2000

Ospidéal	Tinreamh Iomlán
Aonad BhótharAlbertbridge	7,394
Aonad Ghairdíní Alexandra	6,502
Ospidéal na hArda	6,501
Aonad Sícinéaróise (AS), Ospidéal Craigavon,	2,669
Ospidéal Chnoc na Nóiníní	3,265
Ospidéal Downshire	511
Ospidéal Forster Green	2,001
Ospidéal na Gráinsí	7,548
AS, Ospidéal Ghleann an Lagáin	1,773
Ospidéal Chearnóg Shaftesbury	837
Ospidéal Naomh Lúcas	2,219
AS, Ospidéal na Mainistreach Finne	7,674
Ospidéal Theach Windsor	5,300
Aonad an Aosa Óig	298
<b>Iomlán</b>	<b>54,492</b>

### General Practitioner Vocational Training

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if she will detail the number of males and females accepted into the general practice trainee course at Queen's University between 1999 and 2000. (AQW 623/00)

**Ms de Brún:** As I explained in my previous answer (AQW 593), training for general practice (the GP vocational training schemes) is not organised by the Queen's University of Belfast. This training is co-ordinated by the NI Council for Postgraduate Medical and Dental Education on behalf of the Department of Health, Social Services and Public Safety.

The breakdown, by gender, of those accepted onto each of the vocational training schemes commencing between 1999 and 2000 is as follows:

	Female	Male	Total
GP Registrar scheme (1-year):	23	19	42
3-year scheme:	12	8	20

Mar a mhínigh mé sa fhreagra a thug mé cheana féin (AQW 593), ní reachtálaíonn Ollscoil na Banríona, Béal Feirste oiliúnt i ndochtúireacht (na scéimeanna oiliúna dochtúirí gairmiúla). Comhordaíonn an Chomhairle TÉ d'Oideachas Míochaine agus Fiaclóireachta Iarchéime an oiliúnt seo ar son na Roinne Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí.

Mar seo a leanas an miondealú, de réir inscne, dóibh siúd a glacadh ar gach scéim oiliúna gairmiúla a thosaigh idir 1999 agus 2000:

	Baineann	Fireann	Iomlán
Scéim Cláráitheora Liachleachtóirí (1-bhliain)	23	19	42
Scéim trí bliana:	12	8	20

## Mental Health Care

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will detail the resources allocated to mental health care. (AQW 624/00)

**Ms de Brún:** Health and social services boards' general allocations are not hypothecated, and it is for individual boards and GP fundholders to use their funds to respond to the mental health care needs of their local populations. Accordingly, spending on specific services can only be determined accurately in retrospect once the accounts of the health and social services boards and trusts have been completed. In 1998-99 some £115 million was spent on services for people with mental health care needs.

Ní dhéantar leithroinntí ginearálta na mbord sláinte agus seirbhísí sóisialta a shannadh go sonrath agus is gnó é do na boird agus do na liachleachtóirí ginearálta aonair ar cisteshealbhoirí iad a gcuid cistí a úsáid le freastal ar riachtanais mheabhair-shláinte phobal a gceantair. Ar an ábhar sin ní féidir an caiteachas ar sheirbhísí sonracha a shocrú go beacht ach go cúlghabhálach chomh luath agus atá cuntais na mbord agus na niontaobhas sláinte agus seirbhísí sóisialta déanta. Sa bhliain 1998-99 caitheadh £115 mhilliún ar sheirbhísí do dhaoine a bhfuil riachtanais chúraim meabhair- shláinte acu.

## Car Lease Scheme (Ulster Community and Hospitals Trust)

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety if she will list those grades of employees of the Ulster Community and Hospitals Trust who qualify for the trust's car lease scheme and detail the cost of the scheme. (AQW 626/00)

**Ms de Brún:** The Ulster Community and Hospitals Trust operates three car leasing schemes.

A general scheme is open to all employees of the trust who are classified as regular car users. The trust saves £100 per person on the costs it would have incurred under the regular user mileage allowances scheme.

A director's scheme is open to all directors as part of a remuneration package. The cost to the trust is, on average, £1,750 to £2,000 per car.

A private car leasing scheme is available to all employees. There is no cost to the trust.

Baineann Iontaobhas Phobal agus Ospidéal Uladh úsáid as trí scéim léasaithe gluaisteán.

Tá scéim ghinearálta ar fáil do fhostaithe uilig an iontaobhais atá á n-aicmiú mar úsáideoirí rialta gluaisteán. Coiglfom an t-iontaobhas £100 an duine ar na costais a thabhdh sé faoin scéim liúntas míléaiste d'úsáideoirí rialta.

Tá scéim do stiúrthóirí ar fáil do gach stiúrthóir mar chuid dá luach saothair. Is é £1,750 go £2,000 an meánchostas in aghaidh an ghluaisteáin don iontaobhas.

Tá scéim phríobháideach léasaithe gluaisteán ar fáil do gach fostaí. Níl aon chostas ann don iontaobhas.

## Bilateral Ministerial Meeting (Enniskillen)

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail the official expenditure by her Department on the meeting that occurred in Enniskillen on Friday 3 November, and the officials from the Department who were in attendance. (AQW 630/00)

**Ms de Brún:** The cost to the Department of the bilateral ministerial meeting and the press conference amounted to some £2,496. The Department also paid 20% of the lunch costs following the launch of the Food Safety Promotion Board. This amounted to some £795, with the balance being met by the Food Safety Promotion Board.

The following DHSSPS officials attended the meeting:

Mr C Gowdy	Permanent Secretary
Dr H Campbell	Chief Medical Officer
Mr D Hill	Deputy Secretary
Mr P Simpson	Deputy Secretary
Mr A Owens	Secretariat
Mr L Green	Ministerial Special Adviser
Mr C Allen	Departmental Private Secretary

In addition, a further nine administrative and support staff attended to assist with the general arrangements including the press conference, the announcement of the folic acid campaign and the launch of the Food Safety Promotion Board.

Bhí tuairim is £2,496 ar na costais a ghabh leis an chruinniú aireachta déthaobhach agus leis an phreasócáid. D'íoc an Roinn as 20% de chostais an lóin a lean seoladh an Bhoird um Chur Chun Cinn Sábháilteachta Bia. Bhí timpeall £795 i gceist agus d'íoc an Bord um Chur Chun Cinn Sábháilteachta Bia an t-iarmhéid.

D'fhreastail na feidhmeannaigh seo a leanas de chuid na RSSSSP ar an chruinniú:

An tUas C Gowdy	An Rúnaí Buan
An Dr H Campbell	An Príomh-Ofigeach Míochaine



An tUas D Hill	Leas-Rúnaí
An tUas P Simpson	Leas-Rúnaí
An tUas A Owens	Rúnaíocht
An tUas L Green	Comhairleoir Speisialta don Aire
An tUas C Allen	Rúnaí Príobháideach Roinne

Ina theannta sin bhí naonúr breise den fhoireann riaracháin agus tacaíochta ann le cuidiú leis na socrúithe ginearálta a dhéanamh, lena n-áirítear an phreasócáid, an fôgra faoin fheachtas ar aigéad fólach agus seoladh an Bhoird um Chur Chun Cinn Sábháilteachta Bia.

### Instruction to Senior Civil Servants

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will confirm that instructions were given to senior civil servants that they are not to use the term Northern Ireland and if she intends to revoke such an instruction. (AQW 634/00)

**Ms de Brún:** No such instruction was given. Civil servants are free to use whatever term they consider appropriate. However, that is not a term that I use, and material issuing in my name or under my direction is prepared accordingly.

Níor tugadh a leithéid de threoir. Tá saoirse ag státseirbhísigh cibé téarma is cuí leo a úsáid. Ach ní téarma é seo a mbainim féin úsáid as agus dá réir sin ní úsáidtear é in ábhar ar bith a eisítear faoi m'ainm nó faoi mo threoir.

### Skill Mix in Private Sector

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will (a) detail why trusts, on behalf of boards, are reducing the skill mix within the private sector residential nursing homes, and (b) confirm that the change in skill mix is directly related to the new regulations introduced that clients are to pay for all social care but not nursing care.

(AQW 635/00)

**Ms de Brún:** Health and social services trusts have no role in relation to the staffing of independent residential care and nursing homes. The health and social services boards, through their registration and inspection units, are responsible for monitoring the delivery of care, including staffing levels and the professional qualifications needed to provide care for residents, in all residential care and nursing homes. No significant alteration in the skill mix of staff has been noted in private establishments. The boards are, however, currently engaged in an exercise to align skill mix guidelines across all four boards, and this may result in some slight adjustments in some locations to ensure consistency of standards.

The recommendation of the Royal Commission on Long Term Care for the Elderly that nursing care should be provided free of charge in all settings is being considered. No such regulations have been introduced here to date.

Níl ról ar bith ag iontaobhais sláinte agus seirbhísí sóisialta maidir le ceapadh foirne san earnáil phríobháideach chúraim chónaithigh nó i dteaghaisí altranais. Is tríd a n-aonaid chlárúcháin agus chigireachta atá na boird sláinte agus seirbhísí sóisialta freagrach as faireachán a dhéanamh ar sholáthar cúraim i ngach teaghaisí chúraim chónaithigh agus altranais, lena n-áirítear an líon foirme agus na cáilíochtaí gairmiúla atá riachtanach le cúram a sholáthar do chónaitheoirí. Níor tugadh faoi deara go raibh athrú suntasach ann maidir le scileanna na mball foirme i gcomhréir lena chéile i dteaghaisí príobháideacha. Ach tá na boird i mbun oibre faoi láthair leis na teoracha maidir le cionmhaireacht scileanna sna bordcheantair uilig a chur ar aon dul lena chéile agus féadfar go mbeidh coigeartú beag le déanamh in áiteanna lena chinntiú go mbeidh na caighdeáin ag teacht le chéile.

Tá breithniú á dhéanamh ar mholadh an Choimisiúin Ríoga um Chúram Fadtéarmach go gcuirfí cúram altranais ar fáil in aisce i ngach teaghaisí altranais, ach níor tugadh a leithéid de rialacháin isteach anseo go dtí seo.

### Hospital Admissions

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQW 322/00, she will detail what arrangements are in place to deal with hospital admissions and the necessary discharge of patients.

(AQW 636/00)

**Ms de Brún:** Under the 'Framework for Action on Waiting Lists' that I issued on 11 September, boards and trusts will be implementing a number of measures geared at speeding up hospital admissions and facilitating the discharge of patients. Non-urgent elective work will be profiled throughout the year to maximise the number of patients treated. Referral protocols for GPs will be developed. There will be more emphasis on integrated working between the hospital and community sectors. Community care services will be improved in order to reduce the need for inappropriate hospital admissions and to ensure that people who do not need to be in hospital can be discharged.

Improved capacity in intensive care and high dependency services, which is now coming on stream and will be further expanded over the next three years, will also improve the capacity of hospitals to deal with waiting lists.

Faoin 'Creatlach do Gníomhaíocht ar Liostaí Feithimh' a d'eisigh mé ar an 11ú Meán Fómhair, beidh boird agus iontaobhais ag cur roinnt beart i bhfeidhm le dlús a chur le hothair a ligean isteach agus amach as otharlann.

Aibhseofar obair roghnach neamhphráinneach tríd an bhliain le líon na n-othar a chóireálfar a íosmhéadú. Forbrófar prótacail atreoraithe do dhochtúirí. Cuirfear níos mó béim ar chomhoibriú imeasctha idir an earnáil otharlainne agus an earnáil phobail. Feabhseofar seirbhísí cúraim phobail leis an ghá le hiontrálacha mí-oiriúnacha a laghdú agus le cinntiú go scaoilfear amach daoine nár chóir dóibh bheith san otharlann.

Cuirfear níos mó dianchúram agus seirbhísí ardspleáchais ar fáil thar na trí bliana seo chugainn, rud a chuideoidh le hotharlanna déileáil le liostaí feithimh.

### Community Care: Funding Policy

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQW 322/00, she will outline the measures she has put in place to overcome the different accountancy funding in relation to each client between community trusts and acute trusts.

(AQW 637/00)

**Ms de Brún:** Waiting list action plans submitted by the boards, which I am now considering, recognise the need to balance funds between acute and community care services to reduce delayed discharges from hospitals and to prevent unnecessary hospital admissions. I shall be monitoring closely the effective implementation of those plans. I have also commissioned a review of the implementation of community care policy, to report in September 2001. One key element of that review will be an examination of the planning and funding of all aspects of community care here.

Aithnítear sna pleananna gníomhaíochta le haghaidh liostaí feithimh, atá mé a mheas faoi lathair, gur gá comhardú a dhéanamh maidir le maoiniú seirbhísí géarmhíochaine agus maoiniú seirbhísí cúraim phobail le líon na n-othar a chuirtear abhaile i ndiaidh moille a laghdú agus le cosc ar chur ar othair a ghlacadh isteach sna hospidéal gan ghá. Beidh mé ag déanamh géarfhaireacháin ar fheidhmiú éifeachtach na bpleananna seo. Tá mé i ndiaidh athbhreithniú a choimisiúnaí fosta ar fheidhmiú polasaí cúraim phobail, agus tá an tuarascáil sin le bheith agam i Meán Fómhair 2001. Is é a bheas mar chuid thábhachtach amháin den athbhreithniú sin scrúdú ar phleanáil agus ar mhaoiniú maidir le gach gné de chúram pobail anseo.

### Clinical Priorities

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will detail what changes to clinical priorities have been implemented as a consequence of the national plan for the Health Service. (AQW 639/00)

**Ms de Brún:** The National Health Service Plan was developed for, and applies only to, England. I shall, however, be looking at the proposals in England and

elsewhere to assess their relevance and value in relation to services here.

In July I set out a number of immediate priorities for the health and personal social services here and good progress has been made to date. Dr Maurice Hayes and his team have started their review of acute hospital services; a Children Matter task force has been set up and is currently examining how best to provide the additional residential care that we all agree is needed; health and social services boards have produced comprehensive action plans to deal with winter pressures; 21 additional intensive care and high dependency beds will be in place during this financial year; and the flu vaccination is now available for all those over 65.

I also intend to make early progress with the publication soon of a consultation document on a public health strategy. In addition, I will shortly be setting out proposals for consultation on the future of primary care, following the abolition of fundholding.

In the longer term I shall be focusing on the priorities set out in the Programme for Government and seeking to address the priority needs of those who require care and treatment across all the programmes of care.

Ceapadh Plean na Seirbhíse Náisiúnta Sláinte do Shasana agus baineann sé leis an tír sin amháin. Ach mar sin féin amharcaí mé ar na moltaí i Sasana agus in áiteanna eile lena fháil amach an bhfuil baint acu le seirbhísí anseo agus lena bhfiúntas a mheasúnú i leith sin.

I mí Iúil leag mé amach roinnt tosaíochtaí láithreacha i dtaca le seirbhísí sláinte agus seirbhísí sóisialta pearsanta anseo agus tá dul chun cinn maith déanta go dtí seo. Tá an Dr Maurice Hayes agus a fhoireann i ndiaidh tús a chur lena n-athbhreithniú ar sheirbhísí géarmhíochaine; bunaíodh tascfhórsa Tábhacht le Páistí agus tá scrúdú á dhéanamh aige faoi lathair ar an doigh is fearr leis an chúram cónaitheach, a bhfuilimid uile aontaithe faoin ghá atá leis, a sholáthar; tá na boird sláinte agus seirbhísí sóisialta i ndiaidh pleananna gníomhaíochta cuimsitheacha a ullmhú le déileáil le brúnna an gheimhridh; beidh 21 leaba bhreise dhianchúraim agus ardspleáchais ar fáil i rith na bliana airgeadais seo; tá imdhíonadh in éadan fliú ar fáil anois do gach duine os cionn 65 bliana d'aois.

Ta rún agam fosta dul chun cinn a dhéanamh go luath le doiciméad ar straitéis sláinte poiblí a bheas á fhoilsiú ar ball. Ina theannta sin, leagfaidh mé moltaí amach gan mhoill le haghaidh comhairliúcháin maidir le cúram príomhúil sa todhcháil nuair a chuirfear deireadh le cisteshealbhaíocht.

San fhadtéarma beidh mé ag díriú ar na tosaíochtaí atá leagtha amach sa Chlár Rialtais agus beidh mé ag iarraidh aghaidh a thabhairt ar riachtanais tosaíochta na ndaoine a bhfuil cúram agus cóireáil uathu faoi gach clár cúraim.

## Pensioners: Free Public Transport

**Mr Bradley** asked the Minister of Health, Social Services and Public Safety if she will accept equal responsibility with the Minister for Social Development for providing the funding to support the proposal to provide free transport for senior citizens. (AQW 659/00)

**Ms de Brún:** The development of proposals to introduce free travel on public transport for older people — including the funding arrangements — does not fall within my area of responsibility.

Ní ormsa atá an fhreagracht moltaí a fhorbairt le saorthaistéal — lena n-áirítear socruithe maoinithe — a thabhairt isteach do dhaoine scothaosta ar an chóras iompair phoiblí.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Consultancy Services

**Mr Dallat** asked the Minister of Higher and Further Education, Training and Employment if, for the period since devolution, he will detail (a) the number of contracts for consultancy services that did not have to go out to public tender that have been awarded by his Department, (b) to whom these contracts have been awarded, (c) the number of contracts awarded on the basis of such consultancy advice, and (d) to whom these contracts were awarded. (AQW 571/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** During the period of devolution my Department has allocated three contracts on a single tender basis for consultancy services.

These contracts were awarded to KPMG Chartered Accountants, Grant Thornton and Ms S Nichol.

No further contracts have been awarded on the basis of advice received from these consultants.

### Research Studentships

**Mr McClelland** asked the Minister of Higher and Further Education, Training and Employment if he will detail the number of persons in receipt of research studentships and what plans he has to provide additional support. (AQW 655/00)

**Dr Farren:** My Department is one of a number of funders of postgraduate research studentships tenable at the University of Ulster and the Queen's University of Belfast. My reply therefore is limited to those research studentships that are funded by the Department of Higher and Further Education, Training and Employment (DHFETE).

For the 2000-01 academic year, my Department made available 148 new postgraduate research studentships for study at the local universities. These new awards are additional to 183 research studentships that my Department continues to fund from previous years' allocations. The total number of postgraduate research studentships being funded by DHFETE this year is therefore 331.

You may be aware that on 5 July 2000 the Chancellor of the Exchequer announced, *inter alia*, a 23% increase, in real terms, in the level of science and engineering PhD students' basic stipends over the next four years (2000-01 — 2003-04). You may also be aware that my Department has, to date, ensured that its award holders have retained parity with the levels of stipend being offered to their counterparts being funded by the research councils in Great Britain. This is a practice that I am determined to continue and, to make that possible, my Department has recently made bids for additional resources to the Department of Finance and Personnel. If successful, these additional resources will enable my Department to both retain this stipend parity and maintain the 2000-01 level of new awards for each of the next three years.

I can also inform you that over the last two years my Department has heavily skewed its postgraduate awards budget towards research studentships. This approach has been supported by the Department's Postgraduate Awards Advisory Board and reflects my Department's objective of investing available resources in those areas which are considered to be most important for sustaining and developing the Northern Ireland research base and, in turn, the local economy.

## REGIONAL DEVELOPMENT

### Lay-bys

**Mr McMenamin** asked the Minister for Regional Development what plans he has to introduce lay-bys on major roads so that tractors and slow moving vehicles may allow other traffic to pass. (AQW 567/00)

**The Minister for Regional Development (Mr Campbell):** My Department's Roads Service has previously investigated the use of lay-bys on major roads as a possible means of providing overtaking opportunities. As a result of these investigations, it was concluded that the use of "2+1" lane carriageway layouts is a safer and much more effective way of providing overtaking facilities. The "2+1" layout is where there are two lanes in one direction and one lane in the other direction. On steeper roads, the additional lane is known as a climbing lane.

A number of potential major works schemes to provide such overtaking opportunities have been identified by

Roads Service. These schemes are being assessed for possible inclusion in the Department's 10-year forward planning schedule, which is due to be published next year.

### Water Pump Stations

**Mr McMenamin** asked the Minister for Regional Development if he will ensure that all water pump stations are equipped with back-up generators in the event of a serious breakdown in electricity supply. (AQW 569/00)

**Mr Campbell:** There are around 2,500 sites where pumping operations take place. The Water Service has permanently installed diesel engine generator sets at 49 sites of key strategic importance. These sites have been determined on the basis of the population served, the physical ability to supply alternative generation and the cost of such installation. The generator sets operate automatically whenever there is an interruption to the electricity supply. A recent review has identified the need to provide fixed sets at a further 18 key sites, and they are currently being installed at a cost of just over £1 million.

It would not be economically viable to provide and maintain generators at the remaining sites. However, the Water Service has some 200 mobile generators, held at key locations, which can be rapidly deployed in the event of power failure at these locations. Over 50% of water is provided via a pumped system. The cost of providing generators at all 2,500 sites would be significantly in excess of £100 million.

### M1 Motorway: Extension Westward

**Mrs Carson** asked the Minister for Regional Development if he will outline his plans to develop the M1 farther west. (AQW 595/00)

**Mr Campbell:** Traffic volumes recorded on the A4 route between the end of the M1 motorway and Ballygawley roundabout do not, at current levels, justify the construction of a dual carriageway. For the foreseeable future, therefore, I have no plans to extend the M1 motorway further west. My Department's Roads Service has, however, proposals to carry out major works schemes to improve both the A4 and A5 routes. Some of these schemes are included in the Roads Service major works preparation pool, and others are being considered for possible inclusion in its 10-year forward planning schedule.

### Pedestrian Traffic Islands

**Mr McMenamin** asked the Minister for Regional Development if he will consider removing metal lamp standards installed on pedestrian traffic islands as these are a major hazard, and either replace them with overhead lighting or poles that would collapse on impact. (AQW 609/00)

**Mr Campbell:** My Department's Roads Service provides street furniture, including lighting on pedestrian traffic islands — pedestrian refuges — in accordance with the standards contained in the Department of the Environment, Transport and the Regions' 'Traffic Signs Manual'. Where lighting is necessary, it may be provided by means of street lighting columns, refuge beacons mounted on posts or illuminated bollards/warning signs.

The columns or posts used are normally small and light-weight and should not present any more additional risk than striking a refuge. Refuges are normally only provided in built-up areas where traffic speeds are low, and Roads Service is not aware of any serious injury caused directly by striking such columns. When designing pedestrian refuges, Roads Service endeavours to use materials that will minimise personal injury on collision, while ensuring the primary safety of pedestrians using the refuges.

### Westlink Roadworks

**Mr McNamee** asked the Minister for Regional Development if he will detail the costs and benefits to the people of the "Village" area and west Belfast of the proposed £46 million roadworks on the Westlink. (AQW 619/00)

**Mr Campbell:** The £46 million package of proposed road improvements are for the M1 motorway (from Dunmurry to Broadway) and Westlink. The proposed improvements will provide a number of benefits and disbenefits to local communities in west Belfast and the Donegall Road or "Village" area. The benefits will include the following:

- a significant reduction in traffic volumes on parallel roads in south and west Belfast, especially during peak periods, and a substantial reduction in travel times on these roads as traffic is attracted by the additional capacity offered by the M1/Westlink improvements;
- the reduced traffic levels on parallel roads will bring associated environmental benefits in terms of modest improvements in road traffic noise, air quality and pedestrian environment;
- the reduced traffic levels on parallel roads will also assist in the introduction of additional transportation and traffic management measures such as quality bus corridors on those routes;
- the grade separation of through traffic from local traffic at the Broadway and Grosvenor Road junctions will help to improve pedestrian linkages between:
  - the "Village" area and the Royal Group of Hospitals and the Park Shopping Centre; and
  - local residential areas and the centre of Belfast.
- improved accessibility for local traffic wishing to join or leave the M1 motorway and Westlink at junctions between Dunmurry and Grosvenor Road; and

- the provision of a park-and-ride site at Blacks Road, Dunmurry and a priority busway from Stockman's Lane to the Europa Buscentre, will enable the provision of more reliable bus services and provide the opportunity for the introduction of new express bus services serving west Belfast and Lisburn.

During construction there will be an inevitable short-term increase in pollution levels in the environment (noise, dust, et cetera) and disruption to traffic flows. These will, however, be kept to a minimum through the use of good working practices and traffic management measures. When the improvements are completed there will be a minor increase in local pollution levels for properties close to the route although, over a wider area, properties will experience a reduction in pollutant levels.

### Portadown/Derry Railway Line

**Mr McNamee** asked the Minister for Regional Development if he will detail what proportion of the track bed of the Portadown/Dungannon/Omagh/Strabane/Derry railway line is intact. (AQW 620/00)

**Mr Campbell:** Translink has advised that there are no details currently available on the condition of the former Portadown/Dungannon/Omagh/Strabane/Londonderry railway line. It is not therefore possible to give details of what proportion of the track bed is intact. A detailed survey would be required to obtain such information. Translink has no plans to undertake such a survey.

It is estimated that the line from Portadown to Londonderry ran for about 80 miles, but not all of it is in public ownership.

### Flooding (West Tyrone)

**Mr P Doherty** asked the Minister for Regional Development what steps have been taken to address the recent flooding in West Tyrone and if he will ensure that consultation with local district councils takes place on this matter. (AQW 622/00)

**Mr Campbell:** The exceptionally heavy rainfall in the West Tyrone area over the past couple of months resulted in flooding at a number of locations. Water Service and Roads Service staff responded promptly and took all possible measures to relieve the flooding.

Water Service is carrying out a detailed programme of area drainage studies across Northern Ireland to determine the improvements required to the sewerage network to reduce the risk of flooding and to meet environmental objectives. In the Strabane and Omagh district council areas these studies embrace Strabane town, Omagh town, Fintona, Castlederg, Sion Mills and Newtownstewart.

Arising from these studies and other investment needs, Water Service intends to invest £6 million over the next 10 years on upgrading sewerage systems in the Strabane and Omagh district council areas. Pending the completion of these capital works, Water Service is implementing a number of operational measures, such as desilting sewers, aimed at reducing the risk of flooding in the most vulnerable areas.

Roads Service is also reviewing the locations where roads were flooded in order to establish the cause and the nature of any remedial work that may be required. In some instances flooding was due to the spillage of water and debris running onto the roads from adjoining land. In these cases Roads Service has reminded the relevant landowners of their responsibilities to maintain their private drainage systems.

I can assure you that both councils will be fully consulted, in the normal way, about the scope and timing of these improvement proposals.

### Coastal Erosion

**Mr Shannon** asked the Minister for Regional Development if he will outline his plans to address the problem of coastal erosion. (AQW 651/00)

**Mr Campbell:** While responsibility for coastal management rests with the Department of the Environment, I can confirm that the forthcoming regional development strategy will reaffirm the need for an integrated approach to tackling coastal erosion. Roads Service and Water Service will continue to take such practical measures as are feasible and economic to protect the infrastructure for which my Department has responsibility.

### Flooding (Warrenpoint)

**Mr Bradley** asked the Minister for Regional Development if he will sanction the action required to prevent flooding on the roadway in the vicinity of Clontifleece Primary School (Warrenpoint). (AQW 657/00)

**Mr Campbell:** My Department's Roads Service intends to replace a culvert on Lurgancanty Road, Warrenpoint, in order to alleviate the potential for flooding in the vicinity of Clontifleece Primary School. It is hoped that this work will be completed next month.

### Water Service: Underinvestment

**Mr McGrady** asked the Minister for Regional Development if, in view of the statement in the draft Programme for Government that there has been major underinvestment in water and sewerage services over

the last decades, he will outline what steps he will take to address such deficiencies. (AQO 307/00)

**Mr Campbell:** Over the next 20 years Water Service needs to spend an estimated £3 billion to meet EU standards for drinking water and waste water, replace ageing infrastructure and meet increasing demand from new developments. Following devolution, my predecessor indicated that the Water Service would not be privatised and would remain as an agency within the Department for Regional Development. He also launched the "Water Service - Moving Forward" process to enhance the service's performance as part of the public sector. Part of that review includes an examination of how best to address the service's huge investment needs.

The draft Programme for Government includes, at page 65, commitments to review by 2002 the opportunities for the use of private finance in all major public service provisions, consider by spring 2002 the practicality of introducing new charges and complete by March 2002 a review of rating policy.

### **Water Service Infrastructure: Weather Damage**

**Mr Beggs** asked the Minister for Regional Development if he will outline the impact of the recent inclement weather on the Water Service infrastructure; and if he will make a statement. (AQO 337/00)

**Mr Campbell:** Over the past four months there have been exceptionally heavy levels of rainfall, and on a number of occasions this was simply too much for the sewerage infrastructure to cope with. This resulted in flooding, with the most severe incidents occurring in the Belfast area on 28 July and 21 August and across counties Antrim and Down on 9 October.

Many of these incidents are attributable to a legacy of underinvestment in the sewerage infrastructure. Water Service is carrying out 105 area drainage studies to determine the improvements required to reduce the risk of flooding and to meet environmental objectives. These studies are due to be completed in 2003. It is likely that they will identify a capital investment requirement in excess of £300 million. Given current funding levels, it is unlikely that the entire programme of improvements will be completed this decade.

### **M1/Westlink : Traffic Volumes**

**Dr Birnie** asked the Minister for Regional Development if he will detail the current percentage annual growth in traffic volumes on the M1/Westlink, and what is his forecast for the percentage increase in traffic on this route between 2000 and 2015. (AQO 336/00)

**Mr Campbell:** Traffic growth varies on the different sections of the M1/Westlink corridor. For illustrative purposes, traffic growth on the section between Stockman's Lane and Broadway over the five-year period 1988-93 was in the region of 7% per annum. The growth rate over the last five years has fallen to under 2% per annum, as traffic has diverted onto less suitable parallel routes due to increasing congestion along the corridor. The current traffic volume on this section of the M1 is 64,000 vehicles per day.

Future traffic growth on the M1/Westlink will continue to be constrained by this congestion. However, if the current proposed improvements to the M1/Westlink are implemented, traffic is likely to grow in the region of 3% per annum up to 2020, thus relieving the pressure on the parallel routes.

### **Traffic Congestion (Sandyknowes Roundabout)**

**Mr J Wilson** asked the Minister for Regional Development if he will outline his plans to reduce congestion at Sandyknowes Roundabout, Mallusk. (AQO 338/00)

**Mr Campbell:** My Department's Roads Service has commissioned consultants to assist in carrying out a detailed study of the Sandyknowes interchange with a view to implementing traffic management improvements to help reduce congestion at this location. An initial report has been received and is currently being considered by Roads Service.

In addition, the transport research laboratory is investigating the site in order to produce a traffic model that will permit Roads Service to test any proposed measures and to evaluate their effects.

### **Bus Lanes**

**Mr Ford** asked the Minister for Regional Development if he will give his assessment of the effectiveness of bus lanes in Northern Ireland compared with Great Britain. (AQO 321/00)

**Mr Campbell:** My Department's Roads Service has not yet carried out any formal studies to compare the effectiveness of bus lanes in Northern Ireland with those in Great Britain. Such a comparison would be difficult to measure, as the effectiveness of bus lanes varies from day to day and is dependent on the location, number of side roads, pedestrian facilities and the number and proximity of signal-controlled junctions along the route. Roads Service is, however, preparing to undertake a benchmark study that will assess its overall strategy on bus priority, including bus lanes, and other public transport enhancement measures against the performance of comparable cities and regions in the UK and Europe. That will allow Roads Service to gather data on how bus lanes operate elsewhere.

### **Pensioners: Free Public Transport**

**Mrs E Bell** asked the Minister for Regional Development if he will detail his plans to introduce free travel on public transport for pensioners; and if he will make a statement. (AQO 320/00)

**Mr Campbell:** The speedy introduction of a free travel scheme for older people remains a top priority for my Department. The importance of this initiative has been recognised by its inclusion in the draft Programme for Government. Unfortunately my Department was not able to secure the finance needed to implement the scheme in the recently announced draft Budget.

Two rounds of consultation that have been undertaken with councils have indicated that there is widespread support for a free travel scheme for older people and that a number of councils are prepared to use district rate resources to co-finance a scheme in their areas in conjunction with funding from my Department. My officials are currently working on a draft Bill that I hope to introduce to the Assembly this session to enable district councils so to do. If all councils agree to take part in a free travel scheme for the elderly, the cost to ratepayers across Northern Ireland could be around £5.5 million at current fare levels.

### **Public Inquiries: Assistance for Lay People**

**Ms Lewsley** asked the Minister for Regional Development if he will outline what support he would provide to assist lay people involved in a public inquiry. (AQO 331/00)

**Mr Campbell:** The Department for Regional Development provides interested parties with full details of departmental proposals and the reasons why it is considered necessary to convene a public inquiry. Departmental officials will also explain the structure and procedure of a public inquiry, when requested.

There is currently no provision for Departments to provide financial assistance to lay people. The issue of legal aid for non-Government participants in a public inquiry is a reserved matter falling to the Lord Chancellor's Department.

## **SOCIAL DEVELOPMENT**

### **Town Centre Reinvigoration Study**

**Mr McGrady** asked the Minister for Social Development if he will undertake a town centre reinvigoration study of those towns not included in the 1999-00 town centre reinvigoration study and if he will make a statement. (AQW 562/00)

### **The Minister for Social Development (Mr Morrow):**

The town centre reinvigoration study was based on a sample of eight towns, which were chosen because together they exhibit the good and not-so-good features of our town centres. The intention was to learn lessons that could be applicable to all town centres. Since the report of the study was received, my Department has consulted widely with district councils and others and held a conference in October. In these circumstances, and for reasons of practicability, no further town centre reinvigoration studies will be undertaken, but rather, the lessons learnt can be applied in all the town centres in Northern Ireland. I hope to issue a policy statement on the way ahead by early 2001.

### **Town Centre Management**

**Mr McGrady** asked the Minister for Social Development if he will make a statement on town centre management. (AQW 563/00)

**Mr Morrow:** Town centre management is about the development of town centres to ensure that they are safe, attractive and vibrant and includes their promotion and marketing. My Department believes that town centre management can play an important part in improving town centres throughout Northern Ireland and is supportive of the concept.

My Department is exploring the possibility of bidding for funding for town centre management in the next tranche of European Union funding, and I will let the Member know the outcome of this.

### **Low-Income Homeowners**

**Mr Gibson** asked the Minister for Social Development if he will detail the steps he is taking to assist Northern Ireland Housing Executive low-income homeowners to maintain and improve their homes through grants. (AQW 578/00)

**Mr Morrow:** The Housing (NI) Order 1992, in common with housing legislation operating in the rest of the UK, provides for a grants scheme to tackle unfitness in the private sector. This scheme is administered by the Northern Ireland Housing Executive, which has a mandatory duty to provide grant aid where the dwelling does not meet the statutory fitness standard. The grant scheme is primarily designed to assist the poorer strata of homeowners and employs a means test to determine what contribution, if any, they can make to the cost of work involved. This ensures that help is directed only towards those who need it.

I can also tell the Member that Housing Executive tenants who apply to buy their houses are provided with a booklet called 'A Tenants Guide to House Purchase'. The booklet advises prospective purchasers that, among other things, they will be responsible for future repairs/

improvements and that they should ensure that any outstanding repairs are carried out before they buy.

### **Social Security Agency: Mislaid Mail**

**Mr McMenamin** asked the Minister for Social Development if he will detail the reasons for complaints from claimants whose correspondence has been lost or mislaid when contacting social security agencies.

(AQW 605/00)

**Mr Morrow:** The Social Security Agency deals with, on average, five million pieces of post every year and, while the vast majority are dealt with satisfactorily, some do go astray. The need to improve in this area is acknowledged and plans are being developed to introduce IT solutions, such as document imaging, in the next 15 months. That will bring about a dramatic improvement. In the meantime steps have been taken to insure that instances of this nature are kept to a minimum.

### **Social Security Agency: Processing of Claims**

**Mr McMenamin** asked the Minister for Social Development what steps he is taking to reduce delays in the settlement of claims by social security agencies.

(AQW 606/00)

**Mr Morrow:** Year-to-date performance figures show that the Social Security Agency is meeting its targets for processing claims for most benefits. Some delays are being experienced with incapacity benefit, disability living allowance and attendance allowance. In those branches new staff are being recruited and trained and overtime is being made available. Although this figure gives an indication of the level of service provided, the agency recognises that some customers experience delays in their claims and that, for them, the agency's targets fall short of expectations. The agency continuously strives to meet and improve on its targets. It has embarked on a major programme to improve the service provided to its customers.

### **All Work Test**

**Mr McMenamin** asked the Minister for Social Development if he will give his assurance that the all work test is fair and that those taking the test are aware of its consequences.

(AQW 607/00)

**Mr Morrow:** From 3 April 2000 the all work test was replaced by the personal capability assessment as the main test of entitlement to incapacity benefit. A personal capability assessment is carried out on each claimant who has been in receipt of incapacity benefit for 28 weeks. The assessment is generally regarded as effective in determining continuing entitlement to the benefit.

A questionnaire issued by the Social Security Agency gives each claimant an opportunity to detail his condition and his ability to perform a series of prescribed activities. An explanatory letter that accompanies the questionnaire informs the claimant of the reasons for the assessment.

### **Northern Ireland Housing Executive: High Court Appeal**

**Mr Shannon** asked the Minister for Social Development if he will confirm that the High Court is currently considering an appeal against the Housing Executive in connection with a house sale.

(AQW 644/00)

**Mr Morrow:** This is a matter for the Northern Ireland Housing Executive, whose chief executive has advised me that he is not aware of any such case.

### **Northern Ireland Housing Executive: Irish Language**

**Mr Shannon** asked the Minister for Social Development if he will confirm that the Housing Executive is considering spending funds on translating some of its guidance notes and information into the Irish language.

(AQW 645/00)

**Mr Morrow:** The Northern Ireland Housing Executive has no immediate plans to translate its guidance notes and information into the Irish language.

The executive is, however, committed to making sure that a language barrier hinders none of the people it serves. Since 1994 facilities have been in place for Housing Executive customers who wish to conduct their business in Irish, but it has not been Housing Executive practice to provide Irish-language material for people who have the use of English and for whom Irish is the language of choice.

The Housing Executive will be closely examining any future guidance issued on this subject and will adapt its policy accordingly.

### **Pensioners: Free Public Transport**

**Mr Bradley** asked the Minister for Social Development if he will accept equal responsibility with the Minister of Health, Social Services and Public Safety for providing the funding to support the proposal to provide free transport for senior citizens.

(AQW 658/00)

**Mr Morrow:** I do not have any responsibility for this issue. This matter lies entirely within the remit of Gregory Campbell MLA, as Minister for Regional Development.



### **Social Fund Commissioner**

**Mr Carrick** asked the Minister for Social Development if he will detail his plans to appoint a new Social Fund Commissioner; and if he will make a statement.  
(AQW 754/00)

**Mr Morrow:** I am pleased to announce that Sir Richard Tilt has been appointed to serve as Social

Fund Commissioner for Northern Ireland for a period of three years from 1 December 2000. I am confident that he will ably continue the important work undertaken by his predecessor, John Scampion, who resigns on 30 November to take up his new post as Immigration Services Commissioner. I would also take this opportunity to thank Mr Scampion for all his efforts in his time as commissioner.



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# NORTHERN IRELAND ASSEMBLY

Friday 1 December 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Junior Minister for Children

**Ms Ramsey** asked the Office of the First Minister and the Deputy First Minister if it has any plans to appoint a junior Minister for Children. (AQW 640/00)

**Reply**[holding answer 24 November 2000]: The Executive Committee is determined to ensure that our arrangements for protecting children and upholding children's rights are based on best practice. The draft Programme for Government contains a range of specific actions, including the establishment of a children's fund, to ensure a joined-up approach to children's issues across Departments. We will carefully examine key developments in other jurisdictions and, in the light of those developments, will consider what new arrangements are needed when formulating proposals for the children's fund.

### AGRICULTURE AND RURAL DEVELOPMENT

#### Careers in Farming

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will outline her plans to restructure farm businesses to attract younger farmers into the industry. (AQW 669/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):**

1. In choosing a career, young people and their parents are strongly influenced by future career prospects and the image of the industry. A competitive and profitable industry, perceived as having a viable future, will be successful in attracting young people to enter it.

2. My Department already provides a wide range of support services to help the industry improve its competitiveness. For young people wishing to enter the industry, my Department's colleges provide a wide range of high-quality courses. These courses are widely advertised and promoted, with comprehensive careers guidance provided for potential students and their parents. On returning to the farm, a young person can receive further support from the Department for the adoption of technology and best management practice.
3. With the present low incomes arising from the strength of sterling, BSE and other factors, some farm families will need to secure additional income from the farm or from off-farm employment. To help young people who wish to combine off-farm employment with part-time farming, my Department is collaborating with the Department of Higher and Further Education, Training and Employment to provide a multi-skilling programme funded under that Department's ESF allocation.
4. I have previously advised you of my Department's proposals for Peace II programmes to support reskilling and up-skilling (AQW 429/00).
5. The current vision exercise is considering other measures to move the industry forward. I look forward to receiving its proposals and developing a positive and proactive programme for industry development. Although a retirement scheme and support for young farmers are permitted under the Rural Development Regulation, questions have been asked about the value for money of such schemes. Although a retirement scheme was not mentioned in the vision group's 'Emerging Themes' paper, I have not ruled it out and have commissioned an independent review of such a scheme.
6. Fairly steady restructuring is already taking place. Over the last three decades the number of farm businesses has declined by an average of 1.8% per year. In the last 10 years, average area per farm has increased by 17%.

#### Rural Proofing

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if, in relation to rural proofing, she will (a) confirm that a group will be appointed to rural proof all Government policies, (b) outline who will appoint this group and to whom it will be responsible, (c) detail when this group will be appointed, and (d) ensure that the Assembly will be able to scrutinise its activities. (AQW 672/00)

**Ms Rodgers:** There is a commitment in the Executive's draft Programme for Government to establish a ministerial-led group to proof all Government policies for their rural impact. As we are still consulting on the draft Programme,

and the Assembly has yet to approve a Programme, it would be premature to finalise arrangements for implementing rural proofing. The concerns raised will be taken into account when implementation is being considered.

### Castlewellan (Peace Maze)

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will detail the amount spent by her Department on the "peace maze" at Castlewellan; and if she will make a statement. (AQW 680/00)

**Ms Rodgers:** At the end of October 2000, a total of £138,000 has been spent on the "peace maze" at Castlewellan from a total allocation of £500,000 under the EU Special Support Programme for Peace and Reconciliation. Of this figure, 75% (£103,500) has been provided from EU funds, with the remaining 25% (£34,500) being allocated from Government matching funds.

This unique project is intended to symbolise the long and difficult path to peace, marking the journey through community involvement at all stages in its design, planting and use. It has received widespread support since its inception and, at the design stage, captured the imagination of over 4,000 schoolchildren who submitted design ideas. The best of those ideas were incorporated in the final design. Planting, which is taking place over the next four to five weeks, has also been organised to involve as wide a cross section of the community as possible and includes special days for the general public, youth groups, community groups and schools.

When the project is finished (early spring 2001), it will be the largest hedge maze in the world and its setting within one of our premier forest parks, in an area of outstanding natural beauty, will make it a unique attraction. While the main focus of the project is to foster peace and reconciliation in our own community in Northern Ireland, it also has the potential to capture the imagination internationally and become a major tourist attraction in its own right.

### Ulster Farmers' Union

**Mr Gibson** asked the Minister of Agriculture and Rural Development if she will detail when she last met representatives of the Ulster Farmers' Union (UFU) to discuss the impact of fuel duty on hill farmers. (AQW 699/00)

**Ms Rodgers:** My last meeting with the UFU at which the issue of fuel duty was raised was when I travelled to union headquarters on 11 October 2000 to meet the president of the UFU and the commodity and central committee chairmen. We had a wide-ranging discussion at that meeting and, as I recall, the particular issue of escalating fuel costs was raised by the chairmen of the seeds and cereals and mushroom committees.

### Agricultural Wages Board

**Mr Gibson** asked the Minister of Agriculture and Rural Development if she will detail what effect the Agricultural Wages Board has had on current rates of pay in the horticultural sector. (AQW 700/00)

**Ms Rodgers:** The Agricultural Wages Board specifies minimum rates of pay for agricultural workers generally. There are no separate provisions for the horticultural sector. The board's current order No 80, which came into operation on 28 August 2000, had the effect of increasing previous rates by 3%. This revised the minimum gross pay for workers as follows:

Age	Rate (£) per 5 day week of 39 hours
19 years and over	176.01
18	149.60
17	123.21
16	105.60
15 and under	88.00

A copy of order No 80 is available in the Assembly Library (Ref 4890).

### Milk Consumption

**Mr Gibson** asked the Minister of Agriculture and Rural Development what steps she is taking to encourage the consumption of milk. (AQW 701/00)

**Ms Rodgers:** It is not a direct part of my responsibility to encourage the consumption of milk. Nevertheless my colleagues in the Executive and I are keen to encourage milk consumption. An example of that is my decision, with the support of Ministers de Brún and McGuinness to jointly fund the top-up of the school milk scheme. The decision will ensure that children will continue to be encouraged to develop the milk drinking habit at an early age.

### Common Agricultural Policy: Dairy Regime

**Mr Gibson** asked the Minister of Agriculture and Rural Development if she will outline her priorities for the next reform of the common agricultural policy dairy regime. (AQW 702/00)

**Ms Rodgers:** Given the forthcoming World Trade Organisation negotiations on agricultural support and trade liberalisation, the preparations for EU enlargement, the associated budgetary implications and the absence of any significant current debate on the issue, it is not possible for me to take a detailed position on the future shape of the EU dairy regime at this time. However, the Member can be assured that when the issue comes up for consideration, I will be working for an agreement that is

in the best long-term interests of the local industry and in full consultation with all stakeholders. I will also ensure that the Northern Ireland position is clearly articulated and properly represented in the negotiating process.

### Organic Production

**Mr Gibson** asked the Minister of Agriculture and Rural Development if she will outline what assistance is available to farmers wishing to diversify into organic production. (AQW 703/00)

**Ms Rodgers:** In view of the increasing market opportunities for organic produce and the environmental benefits that can be delivered by organic farming, I am making every effort to encourage the development of a vibrant organic sector in Northern Ireland. Increased resources were therefore included in the Northern Ireland Rural Development Plan (NIRDP). These will help 1,000 farmers convert 30,000 hectares to organic farming by 2006.

The organic farming scheme was considered formally by the EU Commission on 24 October as part of the NIRDP. The statutory rule necessary to bring the scheme into effect has since been subject to agriculture industry consultation and will shortly come before the Assembly Committee for scrutiny. On completion of these necessary steps the legislation will be made and the scheme can open for applications.

Payments to producers under the organic farming scheme will total, over a period of five years, £450 per hectare for land eligible for the arable area payment (AAP) scheme and for land in permanent crops. Payments of £350 per hectare will be made for improved land not eligible for the AAP scheme, and £50 per hectare for unimproved grassland or rough grazing land. Producers will also receive lump sum payments of £300 in the first year, £200 in the second and £100 in the third year towards the initial costs of advice and training.

You will, I am sure, be aware that I have commissioned a strategic study of the Northern Ireland organic sector by independent consultants based at the highly respected Elm Farm Research Centre in Berkshire. I shall be extremely interested to receive the results of their study in early 2001, as I am particularly concerned that the organic production sector develops in the best possible way to take full advantage of expanding market opportunities.

## CULTURE, ARTS AND LEISURE

### Ulster-Scots Cultural Groups

**Mr Shannon** asked the Minister of Culture, Arts and Leisure if he will provide funding in respect of Ulster-

Scots groups engaged in east-west exchanges on a basis similar to that afforded to cultural groups engaged in North/South exchanges. (AQW 679/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** Funding to promote cultural activity generally is made available through a range of programmes for which my Department is responsible. These include support for the Arts Council, which provides direct financial assistance to a wide variety of arts bodies, including a number engaged in North/South co-operative projects.

Arts Council expenditure on both Irish-language and Ulster-Scots arts activities has risen significantly in recent years, and the council has published a position statement entitled 'Literature, Language, Tradition' in both languages that clearly sets out its current policy on these areas. In addition, the council has drawn up terms of reference for a needs analysis into Irish and Ulster-Scots language arts. It is partnering with the North/South Language Body and the Ulster-Scots Language Society in this welcome and necessary piece of research that will help inform future policy and the development of a more proactive role for the Arts Council in this important area.

My Department also funds the North/South Language Body which, through its two agencies, Foras na Gaeilge and Tha Boord o Ulster Scotch, may promote and support activity related to language and culture.

Tha Boord has a specific remit to promote greater awareness and use of Ulster-Scots language and culture. This may include developing stronger links between Ulster and Scotland focused on those areas. Tha Boord has recently produced a draft corporate plan that will be referred to the next North/South Ministerial Council language sectoral meeting for approval. In a recent press release detailing its future plans, Tha Boord o Ulster Scotch announced that it was considering opening an office in Scotland. It is a matter for Tha Boord to identify and develop connections with Scotland that will help it fulfill its functions.

A model for east-west language links already exists in the Columba Initiative/Iomairt Cholm Cille. This tripartite organisation was launched in 1997 by the then Minister of State for Education at the Scottish Office, Mr Brian Wilson MP. It aims to foster closer cultural and linguistic ties among the Gaelic-speaking communities of Scotland, Northern Ireland and the Republic of Ireland. Funding is provided from all three areas.

Officials from my Department have established links with related centres of expertise in Scotland and will continue to build on those as appropriate.

## Minority Sports

**Mr Shannon** asked the Minister of Culture, Arts and Leisure if he will detail the funding available through the Sports Council for Northern Ireland for minority sports, particularly karate, judo and squash, in each of the last three years. (AQW 744/00)

**Mr McGimpsey:** The Sports Council has allocated (A) Exchequer funding and (B) sports Lottery funding for karate, judo and squash during the last three years as follows:

	Karate £	Judo £	Squash £
1998 (A)	2,500	10,200	19,000
(B)	nil	18,490	13,550
1999 (A)	2,500	10,200	19,000
(B)	nil	nil	11,700
2000 (A)	2,500	10,200	17,722
(B)	nil	59,450	34,722

## Ice Hockey Facilities

**Mr Paisley Jnr** asked the Minister of Culture, Arts and Leisure what steps he is taking to provide facilities for ice hockey outside the Belfast area. (AQW 766/00)

**Mr McGimpsey:** The Sports Council for Northern Ireland is responsible for the development of sport in the Province. I understand that funding is available for the development of ice hockey through the Sports Lottery, Club Sport and/or community sport programmes. Clubs with proposals for development should, therefore, get in touch with the Sports Council.

## EDUCATION

### Pre-School Education Advisory Group

**Mr Shannon** asked the Minister of Education if he will detail the amount of pre-school education advisory group funding that has been made available for the Ards Borough Council area for the years 1998-99 and 1999-2000. (AQW 648/00)

**The Minister of Education (Mr M McGuinness):** Capital funding was made available under the pre-school education expansion programme in the 1998-99 and 1999-2000 financial years for the following projects in the Ards Borough Council area:

Scheme	1998/99	1999/00
Nursery Unit at Comber PS	Nil	£118,000
Nursery Unit at Abbey PS, Newtownards	£1,000	£83,000

Recurrent funding of £17,138 was also made available in the 1999-2000 financial year to fund places at Abbey Primary School. In addition, recurrent funding of £30,800 was made available in the 1998-1999 financial year and £71,734 in the 1999-2000 financial year to secure places in the voluntary and private sector.

In these two years funding has also been made available under the EU Special Support Programme for Peace and Reconciliation for the provision of new nursery units at West Winds Primary School and Portavogie Primary School. The capital costs of these projects were £115,000 and £80,000 respectively.

### Term "Northern Ireland": Use in Departmental Correspondence

**Mr Paisley Jnr** asked the Minister of Education if he will confirm that he has instructed his Department not to use the term "Northern Ireland" in official departmental correspondence. (AQW 654/00)

**Mr M McGuinness:** I have not issued any such instruction on this issue.

### Guidelines on Relationships and Sexuality Education

**Ms Morrice** asked the Minister of Education if he will detail when he will disseminate the guidelines on relationships and sexuality education. (AQW 667/00)

**Mr M McGuinness:** Guidance from the Northern Ireland Council for the Curriculum, Examinations and Assessment on teaching relationships and sexuality education and a departmental circular for schools are being finalised but will also be subject to equality impact assessment before issue. It is planned that both will issue in the spring.

### Schools: Unit Totals

**Mrs I Robinson** asked the Minister of Education if he will (a) detail the unit totals in the Belfast Education and Library Board and the Southern Education and Library Board for each nursery school in the controlled and maintained sectors as at October 1998, and (b) outline the specific individual school ranges scale given to each school in the same categories. (AQW 686/00)

**Mr M McGuinness:** The information is given in the tables below.

All schools have been allocated to one of eight principal groups based on their unit totals. All schools with a unit total of up to 1,000 are in group 1, and all nursery schools fall into this group. The individual school ranges recommended by all employing authorities to boards of

governors were one to seven for a unit total of one to 350 and two to eight for a unit total of 351 to 700.

College Farm School, in the Southern Education and Library Board maintained sector, is a new school that opened in 1999 and did not have an enrolment included in the October 1998 schools census. The individual school range has therefore been based on projected enrolment.

#### BELFAST EDUCATION AND LIBRARY BOARD CONTROLLED

Name of School	Unit Total	ISR
Arellian	353	2-8
Brefne	168	1-7
Denmark Street	112	1-7
Edenderry	350	1-7
Frederick Street	175	1-7
Glenbank	175	1-7
Glendhu	175	1-7
Malvern Street	350	1-7
McArthur	350	1-7
New Lodge	350	1-7
Oldpark	350	1-7
Ravenscroft	350	1-7
Sandbrook	353	2-8
Shaftesbury	350	1-7
Stanshope Street	350	1-7
Tudor Lodge	350	1-7
Victoria	175	1-7

#### MAINTAINED

Name of School	Unit Total	ISR
Bethlehem	350	1-7
Cathedral	350	1-7
Holy Child	350	1-7
Holy Cross	350	1-7
Holy Family	350	1-7
Holy Rosary	350	1-7
Matt Talbot	301	1-7
Our Lady's	350	1-7
St Bernadette's	350	1-7
St Maria Goretti	350	1-7
St Martin's	357	2-8
St Mary's	357	2-8
St Michael's	350	1-7
St Oliver Plunkett	350	1-7
St Paul's	350	1-7
St Peter's	357	2-8
St Teresa's	350	1-7

#### SOUTHERN EDUCATION AND LIBRARY BOARD CONTROLLED

Name of School	Unit Total	ISR
Ashgrove, Newry	161	1-7
Banbridge	343	1-7
Cookstown	350	1-7
Downshire, Banbridge	357	2-8
Dungannon	319	1-7
Edenderry, Portadown	353	2-8
Fivemiletown	175	1-7
Grove, Armagh	366	2-8
Harrison, Lurgan	350	1-7
Kilkeel	350	1-7
Millington, Portadown	350	1-7
Railway Street, Armagh	203	1-7

#### MAINTAINED

Name of School	Unit Total	ISR
College Farm, Armagh	364	2-8
St John the Baptist	329	1-7
St Malachy's, Newry	350	1-7

### Northern Ireland Audit Office Report (NIA 16/00)

**Mrs I Robinson** asked the Minister of Education to detail (a) his assessment of the Northern Ireland Audit Office report NIA 16/00, (b) what steps he intends to take to address the recommendations therein, and (c) what plans he has to provide boards of governors with predetermined and measurable criteria in order to compute salaries for principals and vice-principals.

(AQW 690/00)

**Mr M McGuinness:** The Department of Education is currently studying the Northern Ireland Audit Office (NIAO) report on pay flexibilities for school principals and vice-principals. In addition to considering the NIAO recommendations, I shall be looking at any policy implications.

### Teachers: Hours Worked

**Mrs I Robinson** asked the Minister of Education if he will give his assessment of the total hours worked by teachers in terms of class teaching, extra-curricular activities and preparation times before and after school hours.

(AQW 705/00)

**Mr M McGuinness:** Under their terms and conditions of employment, teachers are required to be available for 1,265 hours per year, exclusive of time spent off school premises in preparing and marking lessons. Out of this

1,265 hours they may not be required to teach for more than 25 hours per week in a primary or special school and 23.5 hours per week in a secondary school.

My Department does not hold information on which to make an assessment of the time that teachers spend on extra-curricular activities and preparation time before and after school hours. I do, however, recognise the very significant contribution that the teaching profession makes in all these areas of activity.

### Schools: Funding

**Mrs I Robinson** asked the Minister of Education if he will (a) give his assessment of the funding of controlled, maintained and integrated schools, and (b) detail the steps he intends to take to ensure transparency in funding. (AQW 706/00)

#### Mr M McGuinness:

- (a) Under current arrangements, schools are funded through seven formulae operated by education and library boards and the Department of Education. These formulae are broadly similar and comprise factors that reflect the relative need for funding across schools. They also take account of the different responsibilities of controlled, maintained and integrated schools.
- (b) The different formulae give rise to inequities in funding, and I intend therefore to bring forward proposals for a common local management of schools (LMS) formula that will continue to base funding on relative need and will ensure that schools of similar size and characteristics receive similar levels of funding.

### Teacher Morale

**Mrs I Robinson** asked the Minister of Education if he will give his assessment of teacher morale. (AQW 725/00)

**Mr M McGuinness:** I am very much aware of the pressures and challenges facing the teaching profession. My Department is therefore working closely with teachers' representatives and other partners to seek ways of reducing the bureaucratic burden on teachers and to commission independent research to identify the work pressures that give rise to stress. I am confident that the research will lead to strategies being put in place to further improve the welfare of teachers and to create a healthy working environment for them.

During my visits to schools and in meetings with individual teachers and teacher representatives, I have been most impressed by the enthusiasm and commitment of the teaching profession in meeting the needs of its pupils. Their notable success in the recent teaching awards scheme is a fitting recognition of their professionalism. Indeed, the high regard in which the

profession is held here is reflected in the large number of candidates wishing to enter teacher training each year and the low level of resignations last year.

I believe that teachers are the key to raising educational achievements, and I will continue to work closely with them to ensure that their profession remains an attractive and rewarding career in the twenty-first century.

### Status of Teaching Profession

**Mrs I Robinson** asked the Minister of Education if he will detail his plans to ensure that the teaching profession retains its status in society and is rewarded accordingly. (AQW 726/00)

**Mr M McGuinness:** Work is well underway to establish a General Teaching Council for Northern Ireland next year, with the help of an advisory group representing the interests who will be members of the council. As an independent professional body for teachers, the council will promote high standards within the profession and raise the status and public standing of teachers. In keeping with a higher status for teachers, the Teachers' Salary and Conditions of Service Committee (Schools) is already considering a better career structure for teachers and opportunities for rewarding teachers who meet professional standards.

### School Examination Papers

**Mr Paisley Jnr** asked the Minister of Education if he will outline the current arrangements for the handling and marking of school examination papers for 2000-01. (AQW 730/00)

**Mr M McGuinness:** Operational matters relating to the conduct of examinations rest with the awarding body concerned and are agreed among the five main awarding bodies in England, Wales and Northern Ireland — the unitary awarding bodies — annually. The Council for the Curriculum, Examinations and Assessment (CCEA) has responsibility for dealing with the majority of examination entries here. Its procedures are regularly reviewed in order to ensure that the best possible service is provided to examination centres and candidates alike.

I was pleased to be able to write some weeks ago to the chairman of CCEA to thank him and his staff for an excellent performance in the 1999-2000 examination round. I have asked him to ensure that procedures are kept under review to help in maintaining this high standard.

### Comber High School

**Mr Shannon** asked the Minister of Education if, pursuant to AQW 586/00, he will detail the steps he is



taking to ensure that Comber High School will be included in the capital building programme in the financial year 2001-02. (AQW 741/00)

**Mr M McGuinness:** As I indicated, the revised economic appraisal for Comber High School is currently under consideration in my Department. When this process has been completed, the South Eastern Education and Library Board will proceed further with the planning of the new school. However, this has not advanced sufficiently to enable the project to be considered for a place in next year's capital programme.

### Free School Milk (Killyleagh Area)

**Mr Shannon** asked the Minister of Education if he will detail the number of school children receiving free school milk in the Killyleagh area. (AQW 745/00)

**Mr M McGuinness:** There are no children in the Killyleagh area currently receiving free milk under the arrangements approved by my Department.

I understand, however, that there are 10 children in the area currently in receipt of free milk under the welfare foods scheme, which is administered by the Department of Health, Social Services and Public Safety.

Nursery and primary pupils may also avail of milk at a subsidised price through the EU subsidised milk scheme, which is administered by the Department of Agriculture and Rural Development. There are currently 40 children receiving subsidised milk through this scheme in Killyleagh Primary School. I am very pleased that my Department has been able to make a contribution towards the shortfall in EU funding of this scheme.

### Voluntary Playgroup and Nursery School Sectors: Expenditure

**Mr Beggs** asked the Minister of Education if he will detail the level of expenditure by his Department per child in (a) the voluntary playgroup sector, and (b) the nursery school sector. (AQO 379/00)

**Mr M McGuinness:** In 2000-01 each part-time place in the voluntary playgroup sector attracted funding of £1,160 and full-time equivalent places in the statutory nursery sector attracted average funding of £2,173.

### Dyslexia

**Ms Lewsley** asked the Minister of Education if he will detail the packages he has put in place in schools to target dyslexia. (AQO 364/00)

**Mr M McGuinness:** Educational provision for children with special educational needs is a statutory responsibility of the education and library boards and is

dependent on the assessment made and provision indicated in each child's statement of special educational needs. Not all children with dyslexia, however, will have statements. The provision for children with dyslexia is broadly similar across all five boards.

Most provision can be made in-school, with supportive organisation and planning, and sometimes with outside assistance from an education and library board reading centre, or peripatetic or outreach literacy support. This may include advice to, or in-service training for, the class teacher and the school's special needs co-ordinator.

Statements are made on a few children whose learning difficulties are particularly severe, and in such cases the length of additional tuition is extended and information technology equipment may be provided.

### Review of Post-Primary Education

**Mr B Bell** asked the Minister of Education for the estimated cost of the review of post-primary education; and if he will make a statement. (AQO 378/00)

**Mr M McGuinness:** Costs of the review body for the current financial year are estimated at £500,000. The body has embarked on a major series of public meetings as part of widespread consultation. Actual costs will depend on the extent of the response to their efforts to encourage the submission of views. My Department will be monitoring the costs. However, this is the most significant issue the education sector has faced in many years, and I am determined that sufficient resources will be available to ensure that it is addressed effectively.

### Schools Capital Building Programme 2001-02

**Mr Armstrong** asked the Minister of Education to detail when he intends to announce the schools capital building programme for 2001-02. (AQO 376/00)

**Mr M McGuinness:** I hope to announce the programme early next year.

### Small Schools: Equality in Resources Allocation

**Mr Kennedy** asked the Minister of Education if he will confirm that there will be equality in the allocation of resources to all small schools; and if he will make a statement. (AQO 382/00)

**Mr M McGuinness:** A consultation document will be published early in the new year setting out proposals for a common funding formula for use in the allocation of resources for all schools, including small schools. This is intended to ensure that schools of the same size and with similar characteristics receive similar levels of funding.

## Teacher Recruitment

**Mr Savage** asked the Minister of Education if he will detail the number of teachers for secondary and grammar schools recruited in each of the last two years from (a) Northern Ireland, (b) the rest of United Kingdom, and (c) outside United Kingdom. (AQO 374/00)

**Mr M McGuinness:** In 1998-99, 78 permanent teachers were recruited to secondary schools and 61 to grammar schools. In 1999-2000, the equivalent numbers were 99 to secondary schools and 40 to grammar schools. These figures relate to first-time appointments and do not include teachers transferring from other teaching posts.

Information about the countries from which these teachers were recruited is not held by the Department of Education.

## Uptake for Pre-School Education

**Mr McClarty** asked the Minister of Education if he will detail the uptake for pre-school education in each of the five education and library board areas. (AQO 380/00)

**Mr M McGuinness:** Figures for 2000-01 are not yet available. For 1999-2000 the following number of pupils are in funded pre-school places:

Belfast Education and Library Board	3,410
Western Education and Library Board	2,938
North-Eastern Education and Library Board	3,259
South-Eastern Education and Library Board	2,825
Southern Education and Library Board	3,304
<b>All Boards</b>	<b>15,736</b>

## GCSE: Grade Cs

**Mr Poots** asked the Minister of Education if he will detail the number of children who fail to achieve four GCSEs at grade C or higher in Northern Ireland, and what are the comparable figures for Scotland, England and Wales. (AQO 355/00)

**Mr M McGuinness:** The information requested is not readily available. In 1998-99, the number and percentage of pupils not achieving 5 or more GCSEs at grades A\*-C were as follows:

	Number	Percentage
Northern Ireland	11,191	44.0
Scotland	26,077	42.2
England	302,412	52.1
Wales	18,616	52.5

Figures for Scotland relate to 5 or more standard grades at 1-3.

## Ethnic Minorities

**Mrs E Bell** asked the Minister of Education what plans he has to accommodate the wishes of children from mixed backgrounds and ethnic minorities in his Department's review of the eligibility criteria for integrated schools. (AQO 358/00)

**Mr M McGuinness:** The consultation paper on the review of the viability criteria for integrated and Irish-medium schools published on 6 November 2000 deals with the issue of religious balance in integrated schools.

The consultation paper indicates that the relevant legislation clearly defines integrated education in terms of the education together of Protestants and Roman Catholics. For the purposes of the legislation, the Department has determined that this requirement will be satisfied where schools achieve in their intakes/overall enrolment a minimum of 30% of the minority religion in the school, that is, at least 30% Protestant and 30% Roman Catholic pupils. This requirement could, therefore, allow for a school to have 40% of its pupils drawn from other backgrounds. The Department has indicated that it does not consider it appropriate to reduce the 30% requirement.

All responses to the consultation document will be carefully considered.

## Temporary Classrooms (South Antrim)

**Mr McClelland** asked the Minister of Education if he will detail the number of mobile or temporary classrooms in use in schools in the constituency of South Antrim. (AQO 386/00)

**Mr M McGuinness:** I understand that there are approximately 140 mobile or temporary classrooms in use in schools in the South Antrim constituency.

## ENTERPRISE, TRADE AND INVESTMENT

### Tourist Figures

**Mr Gibson** asked the Minister of Enterprise, Trade and Investment if he will give his assessment of recent trends in tourist figures for Northern Ireland; and if he will make a statement. (AQW 740/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** Recent tourism trends in Northern Ireland have been positive. Last year saw the highest-ever numbers of visitors, bringing £265m into the economy. Estimates for 2000 indicate further progress. It is pleasing to report continued growth in a context of adverse exchange rates and the continuing negative impact of disturbances related to the parades disputes in what should be our peak tourist season.

## THE ENVIRONMENT

### Single Rural Dwellings: Planning Applications

**Mr Wells** asked the Minister of the Environment if he will detail the number of planning applications for single dwellings in the countryside granted during the period 1973 to 1999 and outline the proportion of successful applications that were located within a green belt area of special control. (AQW 627/00)

**The Minister of the Environment (Mr Foster):** Since 1979, when details were first recorded in the format requested, 66,531 new single dwellings have been approved in the countryside, 27% of which were in the green belt areas of special control.

### Landfill Tax

**Mr Shannon** asked the Minister of the Environment if he will detail (a) the amount of landfill tax available to councils in the last financial year (1999-2000) and (b) the projected amount available for each council area for 2000-01. (AQW 660/00)

**Mr Foster:** Landfill tax is an excepted matter. I am therefore unable to provide the information requested.

### Landfill Tax Credit Scheme

**Mr Shannon** asked the Minister of the Environment if he will ensure that the Biffa Waste Services company will allocate funds to each council area from the landfill tax credit scheme. (AQW 663/00)

**Mr Foster:** The landfill tax credit scheme is an excepted matter. I am not able to ensure the allocation of tax credits under the scheme.

### Protection of Wildlife and Areas of Special Scientific Interest

**Mr McClarty** asked the Minister of the Environment what steps he is taking to update existing legislation for the protection of wildlife and areas of special scientific interest (ASSI) within Northern Ireland; and if he will make a statement. (AQW 687/00)

**Mr Foster:** My officials have been considering whether additional measures are required to ensure that wildlife and ASSIs are effectively protected and managed. I expect them to bring forward proposals shortly on possible means of strengthening the existing legislation. I will consult widely on any such proposals.

## Areas of Special Scientific Interest: Legislation

**Mrs I Robinson** asked the Minister of the Environment to detail (a) his assessment of ASSIs in Northern Ireland (b) how many such areas there are (c) the legislation governing them and (d) if he has plans to amend this legislation. (AQW 691/00)

**Mr Foster:** The declaration of ASSIs is governed by the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

To date 179 ASSIs have been declared, covering over 87,000 hectares and involving around 4,500 landowners.

ASSIs are central to the conservation of our biodiversity. The vast majority of the sites declared remain in good condition. Serious incidents of damage have been very rare, and most landowners willingly co-operate with my Department.

My officials have been considering whether additional measures are required to ensure that such sites are effectively protected and managed. I expect them to bring forward proposals shortly on possible means of strengthening the existing legislation. I will consult widely on any such proposals.

### Licensed Motor Vehicles (West Belfast)

**Dr O'Hagan** asked the Minister of the Environment if he will detail the total number of licensed vehicles in the parliamentary constituency of West Belfast and the total revenue generated by payment of road tax on these vehicles. (AQW 710/00)

**Mr Foster:** The licensing of vehicles and the collection of vehicle excise duty (VED) are excepted matters. These functions are carried out in Northern Ireland by Driver and Vehicle Licensing Northern Ireland (DVLNI) under the terms of a formal agency agreement between my Department and the UK Department of Environment, Transport and the Regions.

The information requested is not held by parliamentary constituency and is available only for the whole of Northern Ireland. At 18 November 2000 there were 709,493 licensed vehicles in Northern Ireland and £124 million in VED was collected in the financial year 1999/2000. VED is an unhypothecated tax and the revenue collected is paid into the UK Consolidated Fund.

## FINANCE AND PERSONNEL

### Private Consultancy Firms

**Dr O'Hagan** asked the Minister of Finance and Personnel if he will detail the amounts paid to private consultancy firms to carry out consultations since 1995 and if he will give a breakdown by (a) year and (b) Department. (AQW 436/00)

**The Minister of Finance and Personnel (Mr Durkan)** [*holding answer 14 November 2000*]: The expenditure on external consultants by Northern Ireland Departments and the Northern Ireland Office since the 1995/96 financial year is as follows:

	Financial Years				
	95/96	96/97	97/98	98/99	99/00
DANI	406,508.98	519,700.15	539,603.00	223,661.82	365,142.00
DFP	1,128,723.41	1,620,384.74	1,204,178.00	936,268.00	1,490,802.00
OFREG	241,221.75	443,356.48	1,200,330.39	1,133,231.18	654,359.43
DHSS	975,085.83	1,212,582.67	826,808.34	1,290,500.00	958,067.24
DED	2,633,520.60	3,361,439.00	2,969,825.00	3,635,751.00	2,316,241.77
DOE	7,310,069.00	2,411,499.00	2,736,791.00	2,278,198.00	2,393,783.00
DENI	212,937.29	650,789.68	960,287.31	980,125.75	408,411.44
NIO	588,000.00	562,000.00	472,000.00	813,000.00	1,913,327.00

**Notes:**

1. No figures are available yet for the financial year 2000/01.
2. Figures for 1999/00 are not available in the new departmental structure and have been provided on the departmental basis of the previous administration.

### Biodiversity Indicator

**Mr Ford** asked the Minister of Finance and Personnel if he will include a biodiversity indicator among the macro indicators listed under the Environment Priority of the Transitional Objective 1 Operational Programme.

(AQW 682/00)

**Mr Durkan:** Under the Environment Priority of the Transitional Objective 1 Operational Programme there is a proposed allocation of 33 meuro - of which only 3 meuro is for environmental actions which include the promotion of biodiversity. Given the difficulty in measuring biodiversity within the Priority, it has been decided not to include this as a macro indicator.

In assessing the impact of environmental actions across both Operational Programmes within the CSF consideration is being given to the inclusion of parameters measuring, amongst other things, biodiversity as part of a number of macro indicators.

I have appointed representatives of independent environmental bodies as permanent members of the Monitoring Committees, which will oversee the work of all European Programmes.

### Northern Ireland Voluntary Trust

**Mr Dodds** asked the Minister of Finance and Personnel if he will detail those ex-prisoner groups to which the Northern Ireland Voluntary Trust allocated European Union and Government funding in each of the last five years.

(AQW 707/00)

**Mr Durkan:** The ex-prisoner groups allocated funding by the Northern Ireland Voluntary Trust under the European Special Support Programme for Peace and Reconciliation (the Peace I Programme) and the Northern Ireland Single Programme (Physical and Social Environment Programme) in each of the last five years are listed below. This is based on information provided by NIVT. The list also includes allocations to organisations which are not ex-prisoner groups but which have funded projects for ex-prisoner groups.

#### 1995-96

EPIC Ex-Prisoners Interpretative Centre  
Linc Resource Centre Tar Anall  
Linc Resource Centre  
Prisoners Aid & Post Conflict Resettlement (Shankill)  
West Belfast Community Festival (Féile an Phobail)

#### 1996-97

Probation Board for NI  
Upper Springfield Development Trust  
Amber House  
Ulster Community Action Network  
Ar Ais Arís  
Cairde Strabane Republican Ex-Prisoners Group  
Committee on the Administration of Justice  
Community of the Peace People  
Cumann Na Meirleach Ard Mhacha Theas  
Ex-Prisoners Interpretative Centre  
Eastway Community Fitness Suite  
Fermanagh Prisoners Dependants Association  
Linc Resource Centre  
Prison Arts Foundation  
Prisoners Aid & Post Conflict Resettlement (Shankill)  
Prisoners Aid & Post Conflict Resettlement East Belfast  
Prisoners Enterprise Project (South Belfast)  
Tar Abhaile  
Tar Anall  
Tar Anall - Iúr Cinn Trá  
Teach na Failte (Prisoners & Defendants Welfare Assoc)  
The Welfare Unit (Maze Prison)  
Trá Ghearr Prisoner's Group  
Ulster Quaker Service Committee  
West Belfast Community Festival (Féile an Phobail)  
Ar Ais Arís  
Coalisland Allotment Association  
Prisoners Aid Post Conflict Resettlement North Belfast  
West Belfast Community Festival (Féile an Phobail)

#### 1997-98

New Lodge Forum  
Cumann Na Meirleach Ard Mhacha Theas  
EPIC Ex-Prisoners Interpretative Centre  
Trá Ghearr Prisoners Support Group  
Cairde Strabane Republican Ex-Prisoners Group  
Glencairn People's Project  
INTERCOMM (Inter Community Development Project)  
Innis Toide Crafts Ltd  
Larne Co-operative Enterprise Development  
Linc Resource Centre  
Lisburn Prisoners Support Project

Mourne Workshop Trust  
 Newtownabbey Prisoners Resettlement Group  
 Phoenix Drama Society  
 Prison Fellowship (Northern Ireland)  
 Prisoners Aid & Post Conflict Resettlement East Belfast  
 Prisoners Aid & Post Conflict Resettlement Group  
 Prisoners Aid Post Conflict Resettlement North Belfast  
 Prisoners Enterprise Project (South Belfast)  
 Tar Abhaile  
 Tar Anall  
 Tar Anall - Iúr Cinn Trá  
 The Welfare Unit (Maze Prison)  
 Ulster Prisoners' Aid  
 Ulster Quaker Service Committee  
 Female Republican Prisoners in Maghaberry Prison  
 Fermanagh Prisoners Dependants Association  
 Newtownabbey Prisoners Resettlement Group

**1998-99**

Highfield Community Advice Centre  
 New Lodge Forum  
 Tar Anall  
 Innis Toide Crafts Ltd  
 Educational Trust (N.I.)  
 Linc Resource Centre  
 Trá Ghearr/BIFHE Programme  
 Coiste na n-larchimí  
 Ard Eoin Amach Agus Isteach  
 EPIC NORTH  
 Fermanagh Prisoners Dependants Association  
 Gae Laim Project, Prisoners Aid & Post Conflict Resettlemen  
 Larne Associated Enterprise Development (L.A.E.D.)  
 Linc Resource Centre  
 Mediation Resource Centre  
 New Lodge Forum  
 Prisoners Aid & Post Conflict Resettlement (Shankill)  
 Prisoners Aid & Post Conflict Resettlement East Belfast  
 Prisoners' Aid Networking Group  
 Support for Non-Aligned Prisoner (SNAP)  
 Tar Anall - Iúr Cinn Trá  
 The Welfare Unit (Maze Prison)  
 An Eochair Ex-Prisoner Support Group  
 Ar Ais Arís  
 Ard Eoin Amach Agus Isteach  
 EPIC (North Ulster Branch)  
 EPIC (Mid Ulster Branch)  
 EPIC EAST  
 EPIC Ex-Prisoners Interpretative Centre  
 GOITSE  
 Gae Laim Project, Prisoners Aid & Post Conflict Resettlemen  
 Highfield Prisoners in Partnership  
 Law Centre (NI)  
 Lisburn Prisoners Support Project  
 Monkstown Community Resource Centre  
 Prisoners Aid Post Conflict Resettlement North Belfast  
 Ulster Quaker Service Committee  
 Venture International

Tar Abhaile  
 Tar Anall  
 Cumann Na Meirleach Ard Mhacha Theas

**1999-00**

Áras Tar Abhaile  
 Cumann Na Meirleach Ard Mhacha Theas  
 EPIC Ex-Prisoners Interpretative Centre  
 Linc Resource Centre  
 Lisburn Prisoners Support Project  
 Monkstown Community Resource Centre  
 Tar Anall  
 Trá Ghearr Prisoners' Group  
 Tús Nua (Upper Springfield Development Trust)  
 Coiste na n-larchimí  
 Cúnamh, Tar Abhaile, Donegal Republican Ex-Prisoners Group  
 ECOM/MENTOR  
 Fountain Street Community Association  
 Larne Associated Enterprise Development (L.A.E.D.)  
 Prison Arts Foundation  
 Tí Chulainn  
 An Eochair Ex-Prisoner Support Group  
 EPIC (South Belfast)  
 EPIC Ex-Prisoners Interpretative Centre  
 Highfield Prisoners in Partnership  
 Lisburn Prisoners Support Project  
 Media Training Services/PANG  
 Newtownabbey Prisoners Resettlement Group  
 Prison Arts Foundation  
 Prisoners Aid & Post Conflict Resettlement (Shankill)  
 Prisoners Aid & Post Conflict Resettlement East Belfast  
 Tar Abhaile  
 Tar Isteach  
 Ulster Prisoners' Aid  
 Ar Ais Ar An Ómaigh Caaa  
 Ar Ais Arís  
 Ard Eoin Amach Agus Isteach  
 Cairde Strabane Republican Ex-Prisoners Group  
 Coiste na n-larchimí  
 Cumann Na Meirleach Ard Mhacha Theas  
 EPIC (East Ulster)  
 EPIC (Mid Ulster Branch)  
 EPIC EAST  
 EPIC Ex-Prisoners Interpretative Centre  
 EPIC WEST BELFAST  
 EXPAC (Ex-Prisoners Assistance Committee)  
 Fermanagh Prisoners Dependants Association  
 Gae Laim Project, Prisoners Aid & Post Conflict Resettlement  
 Glencairn People's Project  
 GOITSE  
 Highfield Prisoners in Partnership  
 Inner East Youth Project  
 Linc Resource Centre  
 Lisburn Prisoners Support Project  
 Magilligan Family Centre - NIACRO  
 Newtownabbey Prisoners Resettlement Group  
 Ógánaigh le Chéile  
 Portadown Irish Prisoners Group

Prisoners Aid Post Conflict Resettlement North Belfast  
 Prisoners Enterprise Project (South Belfast)  
 Tar Abhaile  
 Tar Anall  
 Tar Anall - Iúr Cinn Trá  
 Teach na Fáilte (Prisoners & Defendants Welfare Assoc)  
 Ulster Prisoners' Aid  
 Gae Lairn Project, Prisoners Aid & Post Conflict Resettlement  
 Prisoners Enterprise Project (South Belfast)  
 The Greater St James' Ex-Prisoners Association  
 U.D.A. Prisoners

### Victims of Violence

**Mr Dodds** asked the Minister of Finance and Personnel if he will detail what funding was allocated from (a) European Union and (b) other funds, to projects and groups associated with victims of violence in each of the last five years. (AQW 708/00)

**Mr Durkan:** The Northern Ireland Voluntary Trust (NIVT) is the Intermediary Funding Body responsible for selecting the victims of violence projects funded under the European Special Support Programme for Peace and Reconciliation (the Peace I Programme) and the Northern Ireland Single Programme (Physical and Social Environment Programme). The following table shows the amount of EU and Government funding allocated by NIVT to victims of violence groups under each Programme over the last five years.

In addition, over £6.25 million has also been allocated through the Victims Liaison Unit (Northern Ireland Office) for a series of initiatives to support the needs of victims in line with the themes of Sir Kenneth Bloomfield's report 'We Will Remember Them'. The allocation and administration of this funding is a matter for the NIO, and any further information relating to this element of funding for victims would need to be obtained directly from them.

It should be noted that victims of violence groups also have access to funding from other sources such as private trusts, local and national charities and the Lottery but this information is not held by Departments.

Year	Peace 1 Programme		NISP (PSEP)		£ Total
	EU Funds	Govt Funds	EU Funds	Govt Funds	
1995-96	63,000	21,000	60,375	125	144,500
1996-97	883,934	294,645			1,178,579
1997-98	470,280	156,760			627,040
1998-99	546,612	182,204			728,816
1999-00	1,144,273	381,424	3,150	1,050	1,529,897
<b>Total</b>	<b>3,108,099</b>	<b>1,036,033</b>	<b>63,525</b>	<b>1,175</b>	<b>4,208,832</b>

### Peace I: Job Creation

**Dr O'Hagan** asked the Minister of Finance and Personnel if he will detail (a) the number of jobs created as a consequence of the delivery of the European Union Special Support Programme Peace and Reconciliation (EUSPPR) by intermediate funding agencies by electoral ward and parliamentary constituency and (b) the level of EUSPPR finance awarded to the creation of jobs by electoral ward and parliamentary constituency, (AQW 709/00)

**Mr Durkan:** The information provided in the following tables has been extracted from the monitoring database established for the European Union Special Support Programme for Peace and Reconciliation (Peace I). The information contained in the Peace I monitoring database is supplied by projects via funding bodies on an ongoing basis. The tables are wholly based on the information received from these funding bodies at a given point in time and are, therefore, subject to change. The background notes outline the assumptions used to generate the information and the definitions on which the information is based.

#### EUROPEAN UNION SPECIAL SUPPORT PROGRAMME FOR PEACE AND RECONCILIATION TABLE SHOWING BY ELECTORAL WARD

- (A) Jobs Funded Within Projects;  
 (B) Jobs Generated By Projects; and  
 (C) Funding Awarded Under Employment Measures.

	(A)	(B)	(C)
Parliamentary Constituency	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Belfast East	167	92	759,174
Belfast North	313	108	1,869,575
Belfast South	297	181	1,435,288
Belfast West	394	267	1,897,723
East Antrim	104	86	434,798
East Londonderry	231	453	624,401
Fermanagh & South Tyrone	248	193	980,731
Foyle	259	426	479,530
Lagan Valley	57	42	297,504
Mid Ulster	112	128	637,635
Newry & Armagh	245	153	1,196,867
North Antrim	245	90	691,891
North Down	25	25	80,152
South Antrim	118	45	161,492
South Down	119	29	263,542
Strangford	113	78	172,348
Upper Bann	153	115	475,189
West Tyrone	269	269	1,030,180
Northern Ireland	3,302	2,688	13,488,020

	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Abbey	8		48,840
Aghagallon	1		
Agivey	8		
Ahoghill	2		
Altmore	4	2	34,000
Altnagelvin	6	9	
Andersonstown	11		1,000
Annagh	12	9	70,000
Antiville		3	49,432
Ardeevin	2	2	
Ardglass	7		
Ardoyne	28	5	50,232
Armoy	4		
Artigarvan	1	1	
Atlantic	7	2	
Augher	3	4	43,511
Aughnacloy	6		
Ballee			17,950
Balloo	3	3	
Ballybay	1		
Ballybot	16	3	54,499
Ballycolman	5	60	
Ballycraigy	2	2	
Ballydown	4		1,965
Ballyduff	5	1	
Ballygawley	3	2	30,000
Ballygowan	2	2	
Ballyhackamore	4		75,512
Ballyhanwood	1		
Ballyhoe and Corkey	8	6	115,835
Ballyholme	1	2	26,327
Ballykeel	3		33,000
Ballykelly	1		
Ballyloran	2		
Ballymacarrett	43	34	109,063
Ballymaglave	2		
Ballymote	31		50,485
Ballynafeigh	14	9	
Ballynashallog	3		
Ballyoran	9		
Ballyrainey	1	2	4,200
Ballyrobert	4	4	
Ballysaggart	5	5	48,083
Ballysally	8		76,750
Ballysillan			33,500
Ballywalter	5		
Banagher	8	3	

	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Beechill	18	7	27,796
Beechmount	29	73	233,383
Beechwood	8	4	
Belcoo and Garrison	8	5	49,592
Belleek and Boa		20	
Bellevue	12	1	
Belmont	2	2	35,000
Benburb	1	8	
Beragh	1	10	16,000
Binnian	2	2	
Blackcave	5	1	
Blackstaff	29	4	103,378
Blaris	2	2	
Bloomfield	5		
Boho, Cleenish and Letterbreen	2		
Bonamargy and Rathlin	7	2	
Botanic	116	66	649,493
Broughshane	9	2	
Brandywell	7	45	
Brownstown	6	15	54,080
Burleigh Hill	3		
Burren and Kibrony	2	5	4,000
Caledon	4	1	8,000
Callan Bridge	48	7	242,471
Camalough	2		
Camowen	5		
Carn Hill	13	5	44,390
Carnany	6	4	33,000
Carnlough	6	3	52,487
Carmoney	2		
Carrigatuke	2	2	30,000
Carrowreagh	2		
Carryduff East		13	30,000
Castle Demense	33	5	280,552
Castlecaulfield	5		
Castledawson	6	2	79,054
Castlederg	9	4	3,000
Castleview			20,000
Castlewellan	8	3	
Cathedral	4		
Caw	2	1	
Central	45	30	251,179
Chichester Park	6	1	
Church	8	3	
Churchland	2		
Clanabogan	6		

	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Clandeboyne	5	2	
Clare	4		
Claudy	7	2	42,889
Cliftonville	25	8	88,839
Clipperstown	2		
Clogher	9	3	67,297
Clonallan	2	1	7,000
Clonard	16	8	103,306
Clondermot	8	1	
Coagh	4		
Coalisland North	1	1	
Coalisland South	1	10	56,083
Coalisland West and Newmills		5	
Collin Glen	13	1	
Conlig	4	10	32,325
Coolessan	9		
Corcrain	4	33	52,625
Court	14	8	74,401
Craigyarren	1		
Crawfordsburn	1		
Cregagh	2	2	
Creggan	4	1	4,000
Creggan Central	1		
Creggan South	13	2	47,000
Crevagh	4	203	
Cross Glebe	3		
Crossgar	4	2	32,000
Crossmaglen	10	5	92,896
Crumlin	37	16	125,955
Cullybackey	1		
Culmore	7		
Cultra			16,500
Daisy Hill	18	22	157,200
Dergmoney	32	11	91,655
Derryaghy	2	2	
Derrybay	21		
Derryleckagh	3	1	4,000
Derylin	4		32,500
Derymore	2		45,570
Dervock	3		
stright Devenish	24	3	2,925
Donagh	10	2	32,500
Donaghadee North	5		
Donaghadee South	1	5	
Donaghcloney	3		
Donaghmore	2	3	

	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Donaghmore	2		
Dungannon			
Downs	1		
Downshire	1	2	13,504
Draperstown	4	11	60,285
Dromara		4	
Dromore	2		
Drumalane	3		3,000
Drumaness	8		
Drumbo	2		
Drumgask	13	9	32,400
Drumglass	10	11	
Drumgor	35	16	108,740
Drumgullion	10	14	74,000
Drumquin	2	2	
Drumragh	5	4	
Duncairn	82	40	807,519
Dundrum	2		
Dungiven	11	15	23,771
Dunloy	3		15,000
Dunmurry	2	1	63,385
Dunnamanagh	4	18	
Dunnamore	4	48	
East	13	9	37,500
East Tyrone	3		30,000
Ebrington	6	2	
Eden	8	3	
Edenderry	3	1	12,895
Eglinton	5		
Enagh	7		
Enler	19	18	6,669
Erne	4		
Fair Green	2		
Fairhill	2	2	36,825
Fairy Water	9		
Falls	58	61	225,455
Falls Park	31	10	159,814
Farranshane	18	8	92,891
Fathom		3	33,083
Feeny	8		
Finn	3	1	
Fintona	1	2	
Fivemiletown	5	2	11,000
Florence Court and Kinawley	7	20	113,523
Forest	3		



	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Forkhill	3	4	34,500
Fort		2	
Fortwilliam	1	1	23,775
Foyle Springs	2	3	
Galgorm		2	
Gardenmore	6	3	46,500
Garvagh		1	38,500
Gilford	2		
Gilnahirk	2		
Glack	2		
Glebe	20	3	5,000
Glen	6	12	51,881
Glen Road	26	34	96,625
Glemaan	7	2	20,727
Glenarm	7		
Glenavy	2		
Glencairn	9	7	32,000
Glencolin	26	8	243062
Glenderg	2	3	
Glendun	2		
Glenshesk	1	1	14,775
Glentaisie	2	2	36,000
Gortalowry	5		10,345
Gortin	1		
Gortrush	3	1	19,332
Grahams Bridge	10		44,000
Grange	8	4	
Greysteel	3	33	32,500
Harbour	9	6	
Highfield	10	1	
Hightown	3	1	
Hilden	22	8	93,679
Hillsborough		4	
Hollymount	11	1	
Hollywood Demense	5	5	
Irvinestown	6	9	51,732
Island	19	5	209,130
Jordanstown	7	1	
Keady	16	15	44,111
Kernan	3		
Kesh, Ederney and Lack	2	1	
Kilkeel South	5		
Killeen	3		
Killoquin Upper	5		
Killough			32,000
Killyclogher			30,110

	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Killycomain	5		
Killycrot	14		
Killyleagh	12		
Killyman	1	2	6,000
Killymeal	21	16	54,854
Killymoon	4	5	53,500
Kilrea	2		
Kilwee	24	6	185,849
Knock	21	22	
Killycomain	5		
Knockcloghrim	2		
Knockmore	2	10	37,786
Kircubbin	5		
Ladybrook	6		
Lagan Valley	8		32,672
Lawrencetown	11	4	
Lecumpher	4	3	
Legoniel	25		99,930
Lisanelly	28	14	110,350
Lisbane	1		
Lisbellaw	2	6	30,000
Lisnacree	5		
Lisnagarvy	1	8	5,000
Lisnagelvin	3		
Lisnaskea	9	12	13,885
Lissan	4		
Loughview	1		
Love Lane	4		
Lower Glenshane	5	2	46,514
Macosquin			30,000
Maghera	2		
Magilligan	2		
Maguires Bridge	5		
Markethill	5	3	25,364
Massereene	12	18	26,475
Mayobridge	3		
Maze	2		
Moat	3		
Moneymore	1		
Monkstown	4		
Moss-side and Moyarget	2		
Mossley	3		
Mourneview	4		
Movilla		3	30,000
Moy	2	6	
Moygashel	1	1	
Mullaghmore	16	4	117,623

	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Musgrave	2		
New Lodge	58	26	426,519
Newbuildings	4	9	57,523
Newtownbreda	1	1	
Newtownhamilton	3	3	13,523
Newtownstewart	18	36	72,000
North	53	27	345,710
Observatory	10	5	30,000
Old Warren	7		
Oldtown	1		
Orangefield	1	1	
Owenkillew	7		
Park	6	4	8,762
Parklake	3		33,083
Pennyburn		3	
Plumbridge	5	26	
Poleglass	20	5	122,100
Pomeroy	8	4	30,000
Portaferry	1		
Portavogie			5,598
Portora	69	28	267,706
Portstewart	2		
Poyntzpass		2	
Princetown	2	1	5,000
Randalstown	1		
Rathbrady	2	2	30,000
Rathfriland	2		
Ravenhill	1		
Ringsend	5		
Roeside	7	5	36,280
Rosemount	18	63	12,812
Rosetta	9	4	
Rosslea	13	10	
Rossorry	1	1	
Rostrevor	2	1	17,000
Rostulla	21	31	35,200
Route	117	21	43,465
Royal Portrush	4	5	32,795
Saintfield	6	6	
Scrabo	6	1	
Seaforde	1		
Seaview	6	1	
Seymour Hill	2		
Shaftesbury	66	61	352,475
Shankill	44	15	223,534
Shantallow East	4	4	15,000
Shantallow West	8	2	

	(A)	(B)	(C)
Electoral Ward	Jobs Created Within Projects	Jobs Generated By projects	Funding Awarded Under Employment Measures (£)
Shimna	14	11	117,075
Silver Bridge	12	21	35,000
Sixmilecross	1	2	
Slievekirk	4	10	19,708
South	3		
Springfarm	3		
Springtown	14	1	
St Mary's	53	44	205,200
St Patrick's	5		62,450
Steeple	2	1	
Stewartstown	10		45,600
Stormont	8		
Strand	108	383	255,805
Strangford		2	
Strule	12	9	88,595
Summerfield	6	31	36,000
Sunnylands	6		
Swatragh	12		
Sydenham	2		
Taghnevan	2		
Tandragee			10,000
Tavanagh	1	1	
Tempo	1		
Termon	7	7	73,494
The Birches	2		
The Cuts	2		35,500
The Diamond	84	58	199,916
The Highlands	18	3	32,500
The Loop	4	3	31,000
The Mount	41	9	265,610
Tollymore	4		
Tonagh	3	1	19,982
Toome	3	7	42,126
Town Parks		4	
Town Parks West	13	25	172,654
Trillick	7	6	92,726
Tullycarnet	9	5	
Twinbrook	15	1	42,380
University	14	4	
Upper Braniel	5	9	51,355
Upper Glenshane	3		
Upper Malone	2		53,899
Upper Springfield	31	10	135,606
Upperlands	7		8,600
Valley	11	2	92,040
Victoria	6	1	
Victoria Bridge	6	4	

	(A)	(B)	(C)
<b>Electoral Ward</b>	<b>Jobs Created Within Projects</b>	<b>Jobs Generated By projects</b>	<b>Funding Awarded Under Employment Measures (£)</b>
Washing Bay		1	5,000
Water Works	26	4	52,426
West	5	2	
West Tyrone	2		
Westland	6	4	60,000
Whitehouse	14	2	
Whiterock	25	27	93,609
Windsor	25	21	54,772
Windsor Hill	7		
Woodstock	14	8	193,475
Woodvale	17	2	35,000
Woodville	7	14	
Wynchurch	2	1	
<b>Northern Ireland</b>	<b>3,302</b>	<b>2,688</b>	<b>13,488,020</b>

### Budget: Transferred Matters

**Mr Paisley Jnr** asked the Minister of Finance and Personnel to detail what representations he has made to the Chancellor of the Exchequer in advance of the UK Budget and to clarify what impact it will have on transferred matters. (AQW 779/00)

**Mr Durkan:** The First Minister and the Deputy First Minister submitted a number of tax proposals for next year's UK Budget on behalf of the Northern Ireland Departments, including the Department of Finance and Personnel, in November. This was also an opportunity to restate the Executive's concern over the high level of fuel excise duty.

The Pre-Budget Report which outlines the next stage of reforms on which the Chancellor will be consulting in the run-up to next year's Budget contains a number of tax and expenditure measures which will be of benefit to many groups in Northern Ireland. In a wide-ranging statement the Chancellor announced additional support for pensioners, deprived areas, small businesses, farmers, and the road haulage industry.

### Referral Dental Officer

**Mr Leslie** asked the Minister of Finance and Personnel to detail how many applications for the position of Referral Dental Officer (job reference SB/85/00) have been received by the Department in (a) the English language and (b) the Irish language. (AQO 375/00)

**Mr Durkan:** The Recruitment Service has received six applications in the English language and none in the Irish language.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Special Needs Nursery Schools: Funding

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what funding she will provide for special needs nursery schools in the forthcoming financial year. (AQW 661/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Decisions on the funding of specific services are a matter for Health and Social Service boards and trusts, having regard to available resources and other healthcare priorities. Decisions on the allocation of the moneys available to my Department and to the Health boards will be taken in due course and will be informed, among other things, by the further statement from the Minister of Finance and Personnel on the Budget in December to the Assembly.

Is gnó é do na boird agus do na hiontaobhais sláinte agus seirbhísí sóisialta cinntí a dhéanamh ar mhaoiniú seirbhísí sonracha ag féachaint do na hacmhainní atá ar fáil agus do thosaíochtaí eile cúraim sláinte. Déanfar cinntí in am agus i dtráth ar leithroinnt na gcistí atá ar fáil ag mo Roinne agus ag na boird agus is é a rachaidh i gcion orthu, i measc nithe eile, an ráiteas breise ar an Bhuiséad a thabharfaidh an tAire Airgeadais agus Pearsanra don Tionól i mí na Nollag.

### Mitchell House School

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will (a) detail the amount of tuition time each child received at Mitchell House Special Needs Nursery School in the last financial year 1999-2000 and (b) confirm the total cost thereof. (AQW 662/00)

**Ms de Brún:** During the period April 1999 to March 2000, 13 children at Mitchell House Special Needs Nursery School received a total of 337 hours of speech and language therapy.

The total cost of this therapy was just over £7,800.

Ó Aibreán 1999 go Márta 2000 fuair 13 pháiste ar Naíscoil Riachtanas Speisialta Theach Mitchell 337 n-uaire an chloig teiripe urlabhra agus teanga san iomlán.

Bhí beagáinín níos mó ná £7,800 ar chostas iomlán na teiripe sin.

### Green Park Trust

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail (a) the amount of funding available in the Green Park Trust for Special

Needs Nursery Schools, (b) how many children are enrolled for this provision and (c) how many hours tuition each child will receive this term. (AQW 664/00)

**Ms de Brún:** In relation to Mitchell House School, funding of speech and language support for nursery school children will amount to just over £10,000 in the current year. Of the 12 children in the nursery school who receive speech and language therapy, four will each receive 7.5 hours and eight will each receive 15 hours tuition time this term.

Maidir le Scoil Theach Mitchell beidh beagáinín níos mó ná £10,000 sa bhliain reatha ar mhaoiníú cúnaimh urlabhra agus teanga do pháistí náiscoile. I dtaca leis an 12 páiste ar an náiscoil a fhaigheann teiripe urlabhra agus teanga gheobhaidh ceathrar acu 7½ n-uaire an chloig teagaisc an duine agus gheobhaidh ochtar 15 huairé an chloig teagaisc an duine an téarma seo.

### Psychiatric Liaison

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if she will detail the provision of out-of-hours psychiatric liaison cover in each hospital accident and emergency department. (AQW 665/00)

**Ms de Brún:** The information is provided below by Health and Social Services board area.

#### Eastern Health and Social Services Board

*Belfast City Hospital Trust:* Out-of-hours cover is provided on a rota basis by the trust's senior house officers based at Windsor House, with supervision from the specialist registrar and on-call consultant psychiatrist.

*Downe and Lagan Valley Hospitals:* Out-of-hours cover is provided by a specialist registrar supported, as required, by an on-call consultant psychiatrist.

*Mater Hospital Trust:* Out-of-hours cover is provided by senior house officers who are on call in the Psychiatric Unit in the Hospital and by the on-call specialist registrar and/or consultant psychiatrist. The trust currently has a working party of psychiatric staff, accident and emergency staff, and mental health staff from North and West Belfast Trust looking at ways to enhance this service. The proposal is to engage senior mental health nurses employed in the Mater Hospital and North and West Belfast Trusts on a rota basis to be first on call to assess patients who require psychiatric opinion between the hours of 5.00 pm to midnight, seven days a week.

*Royal Hospitals Trust:* Since the transfer of acute psychiatric beds from Knockbracken Healthcare Park to the Mater Hospital, on 1 April 1999, no out-of-hours psychiatry cover has been available to the Royal Hospitals Trust.

*Ulster Community and Hospitals Trust:* North Down and Ards Patients: Out-of-hours cover is provided by a

community psychiatric nurse and an approved social worker on call. Medical cover is provided through a senior house officer (psychiatry) at Downshire Hospital supported by the specialist registrar and consultant on call.

*South and East Belfast Patients:* Out-of-hours cover is provided by a senior house officer (psychiatry) at Knockbracken Healthcare Park with further support from the specialist registrar and consultant on call.

*Review in Eastern Board area:* The Eastern Board has commissioned a review of out-of-hours psychiatric liaison cover, to be conducted by Dr Philip McClements, a former Deputy Chief Medical Officer in the Department of Health, Social Services and Public Safety. The review is due to be completed by March 2001 and will address issues such as the need to re-establish an out-of-hours liaison service at the Royal Victoria Hospital.

#### Northern Health and Social Services Board

All accident and emergency departments have 24-hour access to psychiatric advice and support. Out-of-hours cover is normally provided by the duty psychiatrist for the appropriate trust. In the case of United Hospitals Trust, the service is provided from Holywell Hospital. Within Causeway Trust the service is provided by the Ross Thompson Unit, Route Hospital, Ballymoney.

#### Southern Health and Social Services Board

All accident and emergency departments have 24-hour cover provided by an on-call senior house officer (psychiatry) and an on-call consultant. The board established a working group earlier this year to examine the issue of developing a specialist liaison team for Craigavon and Banbridge Trust. Subject to available funding this may be established during 2000-02.

#### Western Health and Social Services Board

*Altnagelvin Hospital:* During the out-of-hours period the accident and emergency department depends on services from the psychiatric on-call team based at Gransha Hospital and the mental health services provision by social workers.

*Tyrone County Hospital and Erne Hospital:* Out-of-hours cover is provided by the on-call senior house officer with responsibility for psychiatric services who in turn may seek advice from the on-call consultant psychiatrist. Accident and emergency staff can also access the information support line which operates from 5.00 pm to 9.00 am at Tyrone and Fermanagh Hospital in Omagh. Staff also have access to the social services out-of-hours co-ordinator.

Tá an t-eolas thíos á chur ar fáil de réir Bordcheantar Sláinte agus Seirbhísí Sóisialta.

#### Bord Sláinte agus Seirbhísí Sóisialta an Oirthir

*Iontaobhas Ospidéal Cathrach Bhéal Feirste:* Cuireann oifigigh shinsearacha tí an iontaobhais, atá bunaithe i

dTeach Windsor, seirbhís ar fáil taobh amuigh de na gnáthuaireanta ar bhonn róta agus tá sainchláraitheoir agus síciatraí comhairleach ar fáil mar mhaoirseoirí orthu.

*Ospidéal an Dúin agus Ghleann an Lagáin:* Cuireann sainchláraitheoir seirbhís ar fáil taobh amuigh de na gnáthuaireanta agus tá síciatraí comhairleach ar fáil mar thaca aige nuair is gá.

*Iontaobhas Ospidéal an Mater:* Cuireann oifigigh shinsearach a tí atá ar fáil san aonad síciatrach san ospidéal agus an sainchláraitheoir atá ar glaoch agus/ nó síciatraí comhairleach seirbhís ar fáil taobh amuigh de na gnáthuaireanta. Faoi láthair tá meitheal bunaithe ag an iontaobhas agus is iad atá mar bhaill uirthi, baill foirne síciatrachta agus baill foirne ón roinn taismí agus éigeandálaí agus baill foirne meabhairshláinte ó Iontaobhas Thuaisceart agus Iarthar Bhéal Feirste agus tá siad ag lorg dóigheanna leis an tseirbhís a fheabhsú. Táthar ag moladh gur cheart altraí sinsearach meabhairshláinte a fhostú ar bhonn róta in Iontaobhas Ospidéal an Mater agus in Iontaobhas Thuaisceart agus Iarthar Bhéal Feirste le bheith ar fáil ar dtús le measúnú a dhéanamh ar othair a bhfuil fáthmheas síciatrachta uathu idir a 5pm go meán oíche seacht lá sa tseachtain.

*Iontaobhas na nOspidéal Ríoga:* Ó aistríodh na leapacha géarshíciatrachta ó Ospidéal Pháirc Chúraim Sláinte Chnoc Bhreacáin chuig Ospidéal an Mater ar an 1 Aibreán 1999, níl seirbhís síciatrachta taobh amuigh de na gnáthuaireanta ar fáil ag Iontaobhas na nOspidéal Ríoga.

Iontaobhas Phobal agus Ospidéal Uladh:

Othair Thuaisceart an Dúin agus na hArda: cuireann altra síciatrachta pobail agus oibrí sóisialta ceadaithe ar fáil seirbhís ar fáil taobh amuigh de na gnáthuaireanta. Cuireann oifigeach sinsearach tí (síciatracht) seirbhís míochaine ar fáil in Ospidéal Downshire agus tá sainchláraitheoir agus lia comhairleach ar fáil mar thaca aige.

Othair Dheisceart agus Oirthear Bhéal Feirste: Cuireann oifigeach sinsearach tí (síciatracht) seirbhís ar fáil taobh amuigh de na gnáthuaireanta in Ospidéal Pháirc Chúraim Sláinte Chnoc Bhreacáin agus tá sainchláraitheoir agus lia comhairleach ar fáil mar thaca aige.

*Athbhreithniú i gCeantar Bhord an Oirthir:* Tá Bord an Oirthir i ndiaidh athbhreithniú a choimisiúnú ar sheirbhís teagmhála síciatrachta taobh amuigh de na gnáthuaireanta a bheas le déanamh ag an Dr Philip McClements, iar-LeasPhríomh-Oifigeach Míochaine sa Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí. Tá an t-athbhreithniú le críochnú faoi mhí Mhárta 2001 agus tabharfaidh sé faoi cheisteanna mar an gá atá le seirbhís teagmhála taobh amuigh de na gnáthuaireanta a athbhúnú in Ospidéal Ríoga Victoria.

#### **Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt**

Tá gach roinn taismí agus éigeandálaí ábalta teacht ar chomhairle agus tacaíocht síciatrachta 24 huair sa lá.

Go hiondúil cuireann an síciatraí ar dualgas seirbhís ar fáil taobh amuigh de na gnáthuaireanta thar ceann an iontaobhais chuí. I gcás Iontaobhas na nOspidéal Aontaithe is ó Ospidéal Holywell a chuirtear an tseirbhís ar fáil. Taobh istigh d'Iontaobhas an Chlocháin is é Aonad Ross Thompson, Ospidéal an Rúta, Baile Muine, a chuireann an tseirbhís ar fáil.

#### **Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt**

I ngach roinn taismí agus éigeandálaí cuireann oifigeach sinsearach tí (síciatrachta) ar fáil agus lia comhairleach ar fáil seirbhís 24 huair sa lá ar fáil. Bhunaigh Bord an Deiscirt meitheal níos luaithe i mbliana lena mheas ar cheart sainfhoireann teagmhála a fhorbairt d'Iontaobhas Craigavon agus Dhroichead na Banna. Féadfar í sin a bhunú i rith na bliana 2001-02 ach an maoiniú a bheith ar fáil.

#### **Bord Sláinte agus Seirbhísí Sóisialta an Iarthair**

*Ospidéal Alt na nGealbhan:* I rith na tréimhse taobh amuigh de na gnáthuaireanta bíonn an roinn taismí agus éigeandálaí ag brath ar sheirbhísí ón fhoireann síciatrachta ar fáil atá bunaithe in Ospidéal na Gráinsí agus ar na seirbhísí meabhairshláinte a sholáthraíonn oibríthe sóisialta.

*Ospidéal Chontae Thír Eoghain agus Ospidéal na hÉirne:* Cuireann an toifigeach sinsearach tí ar fáil a bhfuil freagracht na seirbhísí síciatrachta air seirbhís ar fáil taobh amuigh de na gnáthuaireanta agus féadfaidh sé comhairle a iarraidh ar an síciatraí comhairleach atá ar fáil. Féadfaidh foireann na roinne taismí agus éigeandálaí teacht ar an chabhairlíne thacaíochta a bhíonn ar obair óna 5.00pm go dtí a 9.00am in Ospidéal Thír Eoghain agus Fhear Manach ar an Ómaigh. Thig leis an fhoireann teacht ar an chomhordaitheoir seirbhísí sóisialta a bhíonn ar fáil taobh amuigh de na gnáthuaireanta.

#### **Mitchell House School**

**Mr Taylor** asked the Minister of Health, Social Services and Public Safety if she will detail (a) what provision there is for occupational therapy for pupils attending Mitchell House School Belfast and (b) what funding will be available for this service after 31 December 2000; and if she will make a statement. (AQW 674/00)

**Ms de Brún:** There are one whole time equivalent Senior II and 0.89 whole time equivalent Senior I occupational therapists providing 68 hours of therapy per week to the school. There will be almost £10,500 available for this service after 31 December to the end of the financial year.

Is ionann an fhoireann atá ann agus Teiripeoir Ceirde lánaimseartha Ghrád Sinsearach II amháin agus 89 teiripeoir ceirde lánaimseartha Ghrád Sinsearach I, agus soláthraíonn siad 68 n-uair an chloig teiripe sa tseachtain don scoil. Beidh suas le £10,500 ar fáil don

tseirbhís seo i ndiaidh an 31 Nollaig go dtí deireadh na bliana airgeadais.

### Area Medical Advisory Committee

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQW 538/00 in relation to the area medical advisory committee (AMAC), she will (a) detail the method by which members are selected and appointed, (b) detail what guarantees there are to ensure that members represent their profession and (c) explain why a number of professions are not represented. (AQW 678/00)

**Ms de Brún:** There are four area medical advisory committees, one for each Health and Social Services board. The answer to AQW/538/00 provided information in respect of the Eastern and Western Boards' committees. The additional questions are matters of detail for the boards, and I have asked the chief executives to write to the Member with the information requested.

Tá ceithre choiste chomhairleacha míochaine ceantair ann, ceann do gach bord sláinte agus seirbhísi sóisialta. Thug an freagra ar AQW/538/00 eolas i leith choistí Bhord an Oirthir agus Bhord an Iarthair. Is gnó é do na boird na mionsonraí sna ceisteanna breise agus d'iarr mé ar na príomhfheidhmeannaigh scríobh chuig an Chomhalta faoin eolas a iarradh.

### Learning Disability

**Mr B Hutchinson** asked the Minister of Health, Social Services and Public Safety if she will outline her plans to bring forward legislation in relation to personal and sexual relationships of those with learning disability. (AQW 681/00)

**Ms de Brún:** I have no plans at present to bring forward legislation. Departmental guidance on the personal and sexual development of people with a learning disability was issued in 1990. Extracts from relevant legislation pertaining to this subject are appended to the guidance.

Níl pleananna ar bith agam faoi láthair reachtaíocht a thabhairt chun tosaigh. Sa bhliain 1990 eisíodh treoir Roinne ar fhorbairt phearsanta agus ghnéis daoine a bhfuil míchumas foghlama orthu. Tá sleachta ón reachtaíocht chuí a bhaineann leis an ábhar seo i gceangal leis an treoir.

### Alzheimer's Disease

**Mr Kane** asked the Minister of Health, Social Services and Public Safety if she will detail what proportion of her budget is allocated to research into Alzheimer's disease. (AQW 684/00)

**Ms de Brún:** There is no specific amount of funding allocated by my Department for research into Alzheimer's

disease. The research and development office for the HPSS supports a broad range of research interests. An evaluation is currently being made for the establishment of a regional research group in neurosciences and, if set up, this group will encompass research into Alzheimer's disease.

Níl aon suim shonrach leithroinnte ag mo Roinne le haghaidh taighde ar ghalar Alzheimer. Tacaíonn oifig taighde agus forbartha na SSSSP le réimse leathan leasanna taighde. Tá measúnú á dhéanamh faoi láthair maidir le grúpa réigiúnach taighde ar néareolaíochtaí agus má bhunaítear an grúpa sin, beidh taighde ar ghalar Alzheimer faoina choimirce.

### Performance-related Pay

**Mr Adams** asked the Minister of Health, Social Services and Public Safety if she will detail the annual level of performance-related pay and/or bonuses for chief executives by trust board for each year since 1994. (AQW 695/00)

**Ms de Brún:** The annual level of performance-related pay and bonuses paid to each trust chief executive in each year since 1994 is set out in the attached table on page 113.

Tá an leibhéal bliantúil pá de réir feidhmithe agus na bónais a íocadh le gach príomhfheidhmeannach iontaobhais gach bliain ón bhliain 1994 anuas leagtha amach sa tábla atá i gceangal leis seo.

### Chief Executives: Performance-related Pay

**Mr Adams** asked the Minister of Health, Social Services and Public Safety if, in relation to chief executives of trusts, she will detail the level of expenditure that has been incurred on performance-related pay awards and/or bonuses in each of the last six years. (AQW 697/00)

**Ms de Brún:** I would refer the Member to my response to his earlier question (AQW 695/00) on this matter.

Tarraingim aird an Chomhalta ar mo fhreagra ar an cheist a chuir sé ní ba luaithe ar an ábhar seo.

### Health Trusts: Performance-related Pay

**Mr Adams** asked the Minister of Health, Social Services and Public Safety if, in relation to health trusts, she will detail the number of directors and employees who were eligible for performance-related pay awards and/or bonuses in 1992 and 1993. (AQW 698/00)

**Ms de Brún:** The first group of HSS trusts did not become operational here until 1 April 1993. Accordingly there were no performance-related pay awards paid to directors of trusts prior to 1 April 1994.

## PERFORMANCE RELATED PAY/BONUSES PAID TO TRUST CHIEF EXECUTIVES FROM 1 APRIL 1994 TO 31 MARCH 2000

Name of Trust	Operational Date	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000
Royal Group of Hospitals and Dental Hospital HSS Trust	1.4.93	£12,000	£13,000	£5,000	£6,000	£6,000	£6,000
Craigavon Area Hospital Group HSS Trust	1.4.93	Nil	Nil	Nil	Nil	Nil	Nil
Green Park HSS Trust	1.4.93	£5,000	£5,000	£5,000	£5,000	£6,000	£6,000
Belfast City Hospital HSS Trust	1.4.93	£1,000	£5,000	£8,000	Nil	£8,000	Nil
Ulster North Down and Ards Hospitals HSS Trust	1.4.93	Nil	Nil	Nil	Nil	TRUST DISSOLVED 1.4.98	
Eastern Ambulance Service HSS Trust	1.4.94	Nil	TRUST DISSOLVED 1.4.95				
North Down and Ards Community HSS Trust	1.4.94	Nil	Nil	Nil	Nil	TRUST DISSOLVED 1.4.98	
South and East Belfast HSS Trust	1.4.94	Nil	Nil	Nil	Nil	Nil	Nil
North and West Belfast HSS Trust	1.4.94	£7,000	£10,000	£10,000	£4,000	Nil	Nil
Down Lisburn HSS Trust	1.4.94	£4,000	£6,000	£6,000	£7,000	Nil	Nil
Newry and Mourne HSS Trust	1.4.94	£2,000	Nil	Nil	Nil	Nil	Nil
Craigavon and Banbridge Community HSS Trust	1.4.94	Nil	£4,000	£4,000	£6,000	£3,000	Nil
Mater Infirmorum Hospital HSS Trust	1.4.94	Nil	£6,000	£6,000	£7,000	£7,000	£8,000
Causeway HSS Trust	1.4.95		£4,000	£4,000	£9,000	£5,000	£2,000
NI Ambulance service HSS Trust	1.4.95		£4,000	Nil	Nil	Nil	Nil
Armagh and Dungannon HSS Trust	1.4.96			Nil	Nil	Nil	Nil
United Hospitals HSS Trust	1.4.96			Nil	£7,000	Nil	Nil
Altnagelvin Hospitals HSS Trust	1.4.96			Nil	£5,000	£4,000	Nil
Foyle HSS Trust	1.4.96			Nil	£3,000	Nil	Nil
Homefirst Community HSS Trust0	1.4.96			£2,000	£6,000	Nil	Nil
Sperrin Lakeland HSS Trust	1.4.96			Nil	£2,000	£2,000	Nil
Ulster Community and Hospitals HSS Trust	1.4.98					£2,000	Nil

Figures rounded to the nearest £thousand

Source: Trust Annual Reports

## PÁ DE RÉIR FEIDHMÍOCHTA/BÓNAIS A ÍOCADH LE PRÍOMHFHEIDHMEANNAIGH IONTAOBHAS ÓN 1 AIBREÁN 1994 GO DTÍ AN 31 MÁRТА 2000

Ainm an Iontaobhais	Dáta Feidhme	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000
ISSS an Ghrúpa Ríoga Ospidéal & an Ospidéal Fiaclóireachta	1.4.93	£12,000	£13,000	£5,000	£6,000	£6,000	£6,000
ISSS Ghrúpa Ospidéal Cheantair Craigavon	1.4.93	Náid	Náid	Náid	Náid	Náid	Náid
ISSS na Páirce Glaise	1.4.93	£5,000	£5,000	£5,000	£5,000	£6,000	£6,000
ISSS Ospidéal Cathrach Bhéal Feirste	1.4.93	£1,000	£5,000	£8,000	Náid	£8,000	Náid
ISSS Ospidéal Uladh, Thuaisceart an Dúin agus na hArda	1.4.93	Náid	Náid	Náid	Náid	DÍSCAOILEADH AN tIONTAOBHAS 1.4.98	
ISSS Sheirbhís Otharcharranna an Oirthir	1.4.94	Náid	DÍSCAOILEADH AN tIONTAOBHAS 1.4.95				
I. Pobail SSS Thuaisceart an Dúin agus na hArda	1.4.94	Náid	Náid	Náid	Náid	DÍSCAOILEADH AN tIONTAOBHAS 1.4.98	
ISSS Dheisceart agus Oirthear Bhéal Feirste	1.4.94	Náid	Náid	Náid	Náid	Náid	Náid
ISSS Thuaisceart agus Iarthar Bhéal Feirste	1.4.94	£7,000	£10,000	£10,000	£4,000	Náid	Náid
ISSS an Dúin agus Lios na gCearrbhach	1.4.94	£4,000	£6,000	£6,000	£7,000	Náid	Náid
ISSS an Iúir agus Mórna	1.4.94	£2,000	Náid	Náid	Náid	Náid	Náid
I. Pobail SSS Craigavon agus Dhroichead na Banna	1.4.94	Náid	£4,000	£4,000	£6,000	£3,000	Náid
ISSS Ospidéal an Mater Infirmorum	1.4.94	Náid	£6,000	£6,000	£7,000	£7,000	£8,000
ISSS an Chlocháin	1.4.95		£4,000	£4,000	£9,000	£5,000	£2,000
ISSS Sheirbhís Otharcharranna TE	1.4.95		£4,000	Náid	Náid	Náid	Náid
ISSS Ard Mhacha agus Dhún Geanainn	1.4.96			Náid	Náid	Náid	Náid
ISSS na nOspidéal Aontaithe	1.4.96			Náid	£7,000	Náid	Náid
ISSS Ospidéal Alt na nGealbhan	1.4.96			Náid	£5,000	£4,000	Náid
ISSS an Fheabhail	1.4.96			Náid	£3,000	Náid	Náid
I. Pobail SSS Homefirst	1.4.96			£2,000	£6,000	Náid	Náid
ISSS Loch-Cheantar Speirín	1.4.96			Náid	£2,000	£2,000	Náid
ISSS Phobal Uladh agus Ospidéal	1.4.98					£2,000	Náid

Cothromaíodh na figiúirí chuig an éimíle is cóngaraí

Foinse: Tuarascálacha Bliantúla na nIontaobhas

Níor tháinig an chéad ghrúpa d'iontaobhais SSS i bhfeidhm anseo go dtí 1 Aibreán 1993. Dá réir sin, níor tugadh dámhachtainí pá de réir feidhmithe do stiúrthóirí na n-iontaobhas roimh 1 Aibreán 1994.

### Performance-related Pay Awards

**Mr Adams** asked the Minister of Health, Social Services and Public Safety if in relation to the health trusts, she will outline the process by which performance-related pay awards and bonuses are adjudicated across Northern Ireland. (AQW 704/00)

**Ms de Brún:** All senior managers in Health and Personal Social Services have a set of objectives agreed each year, against which their performance is measured and ranked according to how successfully objectives have been met.

Performance-related pay is decided by the trust board following a recommendation by the board's remuneration committee. The remuneration committee operates under strict guidelines issued by my Department.

Bíonn tacar de chuspóirí aontaithe ag na bainisteoirí sinsearacha uile sna seirbhísí sláinte sóisialta agus pearsanta gach bliain, agus meastar agus céimnítear a bhfeidhmiú i dtaca leis an dóigh a n-éiríonn leo na cuspóirí úd a bhaint amach.

Déanann bord an iontaobhais cinneadh ar phá de réir feidhmithe ar mholadh choiste íocaíochta an bhoird. Gníomhaíonn an coiste íocaíochta de réir treoirilinte righne arna eisiú ag mo Roinn.

### Non-European Union Nurses

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety if she will detail the number of nurses employed in Northern Ireland who were trained outside the European Union. (AQW 724/00)

**Ms de Brún:** The information is not available in the form requested. However, since December 1998 a total of 207 work permits have been issued to nurses trained outside the European Union.

Níl an t-eolas ar fáil sa chruth inar iarradh é. Ach, ó mhí na Nollag 1998 eisíodh 207 gcead oibre chuig altraí a fuair oiliúint taobh amuigh den Aontas Eorpach.

### Student Nursing Courses

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety if she will detail the academic qualifications required for admittance to (a) student nursing courses in Northern Ireland and (b) comparable courses in other parts of the United Kingdom. (AQW 727/00)

**Ms de Brún:** The educational requirements of the UK Central Council for Nursing, Midwifery and Health Visiting for entry to training leading to qualification for admission to the register are prescribed by legislation and apply on the same basis in Great Britain and here. Section 16(1) of the Nurses, Midwives and Health Visitors Rules Approval Order 1983, as amended states:

“The minimum educational conditions for entry to training leading to qualification for admission to Part 1, 3, 5 or 8 of the register subject to paragraph (2) of this rule shall be either:

- (a) a minimum of five subjects any of which may be obtained in the General Certificate of Secondary Education in England and Wales grade A, B or C, or at ordinary level grade A, B or C in the General Certificate of Education of England and Wales, or at grade 1 in the Certificate of Secondary Education; or
- (b) a minimum of five subjects any of which may be obtained at ordinary or standard grade, grade 1, 2 or 3, or at ordinary grade (band A, B or C) in the Scottish Certificate of Education; or
- (c) a minimum of five subjects any of which may be obtained in the General Certificate of Secondary Education in Northern Ireland, grade A, B or C, or at grade A, B or C in the Northern Ireland General Certificate of Education at ordinary level, or passes in the examination for the Northern Ireland Grammar School Senior Certificate of Education, or;
- (d) such other qualifications as the council may consider equivalent to those set out in paragraph 1(a), (b) or (c) of this rule; or
- (E) a specified pass standard in an educational test approved by the council.”

Maidir le riachtanais oideachais lár-chomhairle altránais, chnámhseachais agus chuartaíochta sláinte na Ríochta Aontaithe le haghaidh iontráil ar oiliúint a bhfaighfear cáilíocht ina deireadh le dul isteach sa chlár, tá siad forordaithe sa reachtaíocht agus cuirtear i bhfeidhm ar an bhonn céanna sa Bhreatain Mhór agus anseo iad. Luaitear an méid seo a leanas in Alt 16(1) den Nurses, Midwives and Health Visitors Rules Approval Order 1983, arna leasú:

“Faoi réir mhír (2) den riail seo is iad na coinníollacha íosta oideachais le haghaidh iontráil ar oiliúint a bhfaighfear cáilíocht ina deireadh le dul isteach i gCuid 1, 3, 5 nó 8 den chlár:

- (a) cúig abhár ar a laghad a bhféadfaidh ceann ar bith a bheith gnóthaithe sa Teastas Ginearálta Meánoideachais i Sasana agus sa Bhreatain Bheag ag gráid A, B, nó C, nó ag gráid Ghnáthleibhéil A, B, nó C i dTeastas Ginearálta Oideachais Shasana agus na Breataine Bige, nó ag Grád 1 sa Teastas Meánoideachais; nó



- (b) cúig abhár ar a laghad a bhféadfaidh ceann ar bith a ghnóthú ag Gnáthghrád nó ag Grád Caighdeánach 1, 2, nó 3 nó ag Gnáthghrád (banda A, B nó C) i dTeastas Oideachais na hAlban; nó
- (c) cúig abhár ar a laghad a bhféadfaidh ceann ar bith a ghnóthú sa Teastas Ginearálta Meánoideachais i dTuaisceart Éireann ag gráid A, B, nó C, nó ag gráid Ghnáthleibhéil A, B, nó C i dTeastas Ginearálta Oideachais Thuaisceart Éireann, nó ag pasghráid sa scrúdú do Theastas Sinsearach Oideachais Scoileanna Gramadaí Thuaisceart Éireann; nó
- (d) cibé cáilíochtaí eile a mheasfaidh an chomhairle a bheith comhionann leo sin atá leagtha amach i mír 1(a), (b) nó (c) den rial seo; nó
- (e) caighdeán sonraithe pas i dtrial oideachais atá ceadaithe ag an chomhairle.”

### Influenza Vaccine

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety what steps she is taking to ensure that there is sufficient influenza vaccine available in Northern Ireland to meet the current demand among vulnerable groups. (AQW 731/00)

**Ms de Brún:** During the planning for this year's influenza immunisation programme the main manufacturers of the vaccine were advised of increased demand. GPs were informed of the Department's proposals and advised to order sufficient vaccines before 15 August. To date in excess of 300,000 doses of the influenza vaccine have been delivered here. In addition my Department has centrally purchased 10,000 individual doses of the flu vaccine to be distributed directly to GP practices reporting vaccine shortages. Of these approximately 5,000 have been issued to date. Throughout the programme my Department has liaised closely with HSS boards, pharmacy representatives and GPs to ensure sufficient vaccine is available to meet demand among vulnerable groups.

Nuair a bhí clár imdhíonta na bliana seo in éadan fluú á bheartú tugadh le fios do mhórdhéantóirí na vacsaíne gur mhéadaigh go mór ar an éileamh. Cuireadh moltaí na Roinne in iúl do liachleachtóirí agus moladh dóibh go leor vacsaíní a ordú roimh 15 Lúnasa. Go nuige seo, soláthraíodh breis agus 300,000 dáileog in éadan fluú anseo. Lena chois, lárcheannaigh mo Roinn 10,000 dáileog aonair den vacsaín le dáileadh go díreach ar chleachtas liachleachtóirí a d'fhógair easpaí vacsaíne. Tugadh amach thart faoi 5,000 dóibh seo cheana féin. I gcaitheamh an chláir bhí mo Roinn i ndlúththeagmháil le boird SSS, ionadaithe poitigéireachta, agus le liachleachtóirí le cinntiú go bhfuil go leor vacsaíne ar fáil le riar ar an éileamh i measc grúpaí leochaileacha.

### Legal Costs

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail (a) the estimated cost of her Department's legal action against the First Minister (b) where these resources will come from and (c) which sector of her Department will be most affected by the loss of these resources.

(AQW 733/00)

**Ms de Brún:** I am not yet in a position to estimate the cost of the Department's legal action against the First Minister. The cost of the action will be dependent upon the duration of the lawsuit.

Any costs associated with the action will be met from savings in the departmental running costs budget and will not impact on health and social care programmes as these are funded from a separate budget.

Níl mé in ann costas chaingean dlí na Roinne in éadan An Chéad-Aire a mheas go fóill. Beidh costas na caingne ag brath ar cá fhad a mhairfidh sí.

Réiteofar costais ar bith a bhaineann leis an chaingean as airgead taisece ó bhuiséad chostais reatha na Roinne agus ní bhainfidh siad de chlár sláinte agus seirbhísí sóisialta, mar maoinítear iad seo ó bhuiséad faoi leith.

### Ulster Hospital Trust

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will (a) detail what meetings she has had with the Ulster Hospital Trust since 31 May 2000 (b) outline what issues have been discussed (c) confirm who attended those meetings and (d) detail what conclusions have been reached.

(AQW 746/00)

**Ms de Brún:** I have not had any meetings with representatives from the Ulster Hospital Trust since 31 May 2000.

Ní raibh cruinnithe ar bith agam le hionadaithe ó Iontaobhas Otharlann Uladh ó 31 Bealtaine 2000.

### Ulster Hospital: Capital Expenditure

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail (a) what are the current capital expenditure needs at the Ulster Hospital (b) what funding will be made available and (c) what further action she proposes to take to meet those needs.

(AQW 748/00)

**Ms de Brún:** My officials have taken part in a series of meetings involving the trust and the Eastern Board about a redevelopment programme for the Ulster Hospital site. The trust is aiming to have its proposals finalised and submitted to my Department by Christmas. When that has been

done, I will be able to consider questions of timetable and funding in the light of the resources available to me.

Bhí feidhmeannaigh de mo chuid páirteach i sraith cruinnithe leis an iontaobhas agus le Bord an Oirthir faoi chlár athfhorbartha do shuíomh Otharlann Uladh. Is é cuspóir an iontaobhais a chuid moltaí bheith réidh agus curtha faoi bhraid mo Roinne fán Nollaig. Nuair a bheas sin déanta, beidh mé féin in inmhe ceisteanna a bhaineann le clár ama agus le maoiniú a mheas de réir na n-acmhainní a bheas ar fáil agam.

### Young Carers

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will outline what provision there is to address the needs of young carers.

(AQW 753/00)

**Ms de Brún:** Since April 1996 carers, including young carers, are entitled to an assessment of their ability to provide, or to continue to provide, care when an assessment or reassessment of the needs of the person being cared for is being carried out.

In February 1996 the Department issued guidance to health and social services boards and trusts on carers' assessments. That guidance draws particular attention to the special considerations that should apply in the case of young carers in terms of the impact that their caring role might have on their emotional and social development and on their educational and leisure opportunities. The guidance requires trusts to work closely with education and library boards when carrying out assessments of young carers.

Under Article 18 of the Children (NI) Order 1995, boards and trusts can help young carers by considering whether their welfare or development might suffer if support is not provided.

I have recently instructed officials to draw up proposals for a strategy for carers here. In developing the proposals specific attention will be paid to the needs of young carers.

Ó Aibreán 1996, tá cúramóirí, lena n-áirítear cúramóirí óga, i dteideal measúnaithe ar a gcumas cúram a sholáthar nó leanúint de chúram a sholáthar de réir mar atá measúnú nó athmheasúnú á dhéanamh ar riachtanais an duine atá faoi chúram.

I mí Feabhra 1996 d'eisigh an Roinn treoir do bhoird sláinte agus seirbhísí sóisialta agus d'iontaobhais ar mheasúnuithe cúramóirí. Díríonn an treoir aird ar leith air go bhféadann ról cúramóirí óga dul i bhfeidhm ar a bhforás mothúchánach sóisialta agus ar a ndeiseanna oideachais agus fóillíochta agus gur chóir seo a chur san áireamh mar is cuí. Éilíonn an treoir ar iontaobhais obriú go dlúth le boird oideachais agus leabharlainne agus iad ag déanamh measúnuithe ar chúramóirí óga.

De réir airteagal 18 den Children (NI) Act 1995, is féidir le boird agus le hiontaobhais cuidiú le cúramóirí

óga trína chur san áireamh cé acu an ndéanfaí dochar dá leas nó dá bhforás mura gcuirfí tacaíocht ar fáil.

D'inis mé d'fheidhmeannaigh moltaí a dhréachtú le haghaidh straitéise do chúramóirí anseo. Agus na moltaí á bhforbairt tabharfar aird shainiúil ar riachtanais cúramóirí óga.

### Pre-employment Consultancy Service Register

**Ms Lewsley** asked the Minister of Health, Social Services and Public Safety (a) to outline what arrangements exist for cross-border vetting of staff working with children and (b) whether statutory and voluntary organisations in the Republic of Ireland can access the Department's pre-employment consultancy service (PECS) register in relation to staff who work in the Republic but are domiciled in Northern Ireland. (AQW 768/00)

**Ms de Brún:** Arrangements exist for authorities here and in the South of Ireland to exchange information about the criminal records of individuals who apply for posts involving work with children. As the nature of the information held on the PECS register is highly sensitive, access is strictly limited to those organisations vetted and registered with the Department. There are currently no mechanisms for similar vetting of organisations based in the South.

You may be aware that my Department is represented on the working group on child protection set up under the aegis of the North/South Ministerial Council. This group will seek to develop a mechanism for the reciprocal identification of people considered to be unsuitable for working with children.

Tá socruithe ann do na húdaráis anseo agus i ndeisceart na hÉireann araon le haghaidh malartú eolais faoi thairfid choiriúla daoine a chuireann isteach ar phoist a bhaineann le hobair le páistí. As siocair go bhfuil an cineál eolais atá ar an Chlár PECS iontach íogair, tá teacht ar an eolas teoranta do na heagraíochtaí sin amháin a ndearnadh scagadh orthu agus atá cláraithe leis an Roinn. Faoi láthair níl meicníochtaí ann leis an scagadh céanna a dhéanamh ar eagraíochtaí bunaithe sa Deisceart.

B'fhéidir gurb eol duit go bhfuil ionadaithe mo Roinne ar an ghrúpa oibre ar chosaint páistí a bunaíodh faoi choimirce na Comhairle Aireachta Thuaidh/Theas. Féachfaidh an grúpa seo le meicníocht le haghaidh aithint chómhalartach a fhorbairt ar dhaoine a mheastar a bheith mífhóirsteanach do bheith ag obair le páistí.

### Overseas Nurses: Recruitment

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) how many managers from each trust have visited Australia and the

Philippines to recruit nurses in the past 12 months (b) how many overseas nurses have been recruited and (c) what financial package has been agreed with those recruited.

(AQW 789/00)

**Ms de Brún:** Two directors from the Royal Hospitals HSS Trust visited Australia in May this year. Fifty nurses were offered posts and 36 accepted. Six Australian nurses have already commenced employment with the trust, and the remainder are due to arrive over the coming months. Normal terms and conditions of service apply with a one-way flight paid on the condition that the individual stays at least 12 months.

Four senior managers from the Ulster Community & Hospitals Trust visited the Philippines in September this year. Three of the managers were from a nursing background, and one was from human resources. One hundred applicants were interviewed, and 40 were considered suitable for employment. Twenty nurses have taken up employment with the trust on a two-year contract. Another 10 to 15 nurses are expected to arrive in January/February next year.

Pending UKCC registration these staff have been appointed at grade C and will then be regraded to staff nurse grade D.

They enjoy the same terms and conditions as existing nursing staff.

Air fares to take up employment have been paid by the trust. Return fares will be paid if the employee stays for at least six months. If the nurse leaves before six months half of the air fare will be paid, and the recruitment agency will repay half of its fee.

Thug beirt stiúrthóir ó Iontaobhas Sláinte agus Seirbhísí Sóisialta na nOtharlann Ríoga cuairt ar an Astráil i Mí Bealtaine i mbliana. Tairgeadh poist do 50 altra agus ghlac 36 leo. Thosaigh seisear altra Astrálach ag obair don iontaobhas cheana féin agus beidh an chuid eile ag teacht sna míonna seo chugainn. Tá na gnáth-thearmaí agus coinníollacha seirbhíse i bhfeidhm agus díoltar as eitilt aontreo ar an acht go bhfanfaidh an duine go ceann 12 mhí ar a laghad.

Thug ceathrar bainisteoir sinsireach ón Iontaobhas Ospidéal agus Phobal Uladh cuairt ar na Filipíneacha i Meán Fómhair i mbliana. Bhí cúlra altránais ag triúr de na bainisteoirí agus tháinig an duine eile ó acmhainn daonna. Cuireadh agallamh ar 100 iarrthóir agus measadh 40 bheith fóirsteanach don fhostaíocht. Ghlac 20 altra fostaíocht leis an iontaobhas ar chonradh dhá bhliain. Táthar ag dúil le 10-15 altra eile a theacht in Eanáir/Feabhra na bliana seo chugainn.

Go dtí go gcláraítear na baill foirne seo leis an (UKCC), ceapadh iad ar ghrád C agus ansin athghrádófar ar altra foirne ghrád D iad.

Tá na téarmaí agus coinníollacha céanna acu agus atá ag an chuid eile den fhoireann altránais.

Dhíol an tIontaobhas as táillí eitilte na ndaoine sin atá ag teacht a ghlacadh fostaíocht. Díolfar as táillí fillte má fhanann an fostaí go ceann sé mhí ar a laghad. Má imíonn an t-altra sula mbíonn na sé mhí istigh, díolfar leath den táille eitilte agus aisíocfaidh an ghníomhaireacht earcaíochta leath dá táille.

### District Nurses: Travel Costs

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety if she will confirm that financial allowances in respect of travel costs at work are payable to district/community nurses. (AQO 387/00)

**Ms de Brún:** Trusts may offer an official car to district/community nurses. However, district/community nurses required by their employer to use their own car on official business are entitled to mileage allowances. Employees who meet certain criteria are classified as “regular car users” and are paid a regular-user rate plus a lump sum payment. Other district/community nurses who use their cars are entitled to standard mileage rates only. In each case the rates are determined by the engine capacity of the car, and they are reduced when the total miles travelled in the financial year exceeds an agreed figure.

When a private car is used in circumstances where travel by public service would be appropriate a public transport rate is payable unless this is higher than the regular or standard user rate for the appropriate engine/mileage band, when that lower rate is paid.

HSS Trusts are free to determine their own policy on the payment of travelling allowances for those staff on trust contracts.

Féadfaidh na hiontaobhais gluasteán oifigiúil a thairiscint d'altraí ceantair/ pobail. Ach i gcás ina n-iarrann fostóir ar altraí ceantair/ pobail a ngluasteán féin a úsáid ar ghnó oifigiúil, tá siad i dteideal míleáiste. Aicmítear fostaithe a chomhlíonann critéir áirithe mar “úsáideoirí rialta gluasteán” agus íoctar iad ar ráta úsáideora rialta móide cnapshuim. Tá altraí ceantair/pobail eile a úsáideann a ngluasteáin i dteideal rátaí caighdeánacha míleáiste amháin. Socraítear na rátaí i ngach cás de réir mhéid inneall an ghluaisteáin agus íslítear iad nuair a thaistealaítear míleáiste iomlán atá níos mó ná an méid ar aontaíodh air.

Nuair a úsáidtear gluasteán príobháideach i gcúinsí nuair a b'fhóirsteanach taisteal le seirbhís phoiblí tá ráta iompair phoiblí iníoctha muna bhfuil seo níos airde ná an ráta don úsáidteoir rialta nó caighdeán don bhanda chúí innill/míleáiste, nuair a íoctar an ráta níos ísle sin.

Fágtagar faoi iontaobhais SSS le cinneadh ar a bpolasaí féin maidir le híocaíocht liúntas taistil a dhéanamh leis na baill foirne sin atá ar chonarthaí iontaobhais.

## Radon Gas

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what action she has taken to examine the risks to the public from radon gas in public buildings in the light of recent reports of its linkage to lung cancer. (AQO 366/00)

**Ms de Brún:** The possible health risks of exposure to radon have been known for some time. For most people the risk of lung cancer from exposure to radon is insignificant compared to other risks of everyday life. It is thought that smoking contributes directly to 90% of the 800 lung-cancer deaths here annually.

The National Radiological Protection Board has established a maximum safe level for radon in buildings. Responsibility for ensuring compliance with the health and safety legislation relating to radon in public buildings rests with the health and safety executive of the Department of Enterprise, Trade and Investment and district councils. From measurements taken by the health and safety executive over a period of years in public buildings, it is considered unlikely that members of the public will be at any increased risk to health from this source.

My Department will continue to work closely with the Department of the Environment, the health and safety executive and district councils in monitoring levels of radon gas to ensure that any risk to public health is dealt with swiftly and effectively.

Tá an t-eolas ann le tamall go bhféadfadh priacal sláinte a bheith ann dóibh siúd atá i dteagmháil le radón. Is beag an priacal do bhunús na ndaoine go mbeadh ailse scamhóg orthu de bharr teagmháil le radón i gcomparáid le priacail eile sa ghnáthshaol. Meastar go bhfuil ceangal díreach idir caitheamh tobac agus 90% de na 800 bás bliantúil ó ailse scamhóg a tharlaíonn anseo.

Tá an Bord Náisiúnta Cosanta Raideolaíochta i ndiaidh cinneadh ar an leibhéal sábháilte is airde radóin i bhfoirgnimh. Is ar fheidhmeannas sláinte agus sábháilteachta na Roinne Fiontair, Trádála agus Infheistíochta agus ar na comhairlí ceantair atá an fhreagracht maidir lena chinntiú go gcomhlíontar an reachtaíocht a bhaineann le radón i bhfoirgnimh phoiblí. Measann an feidhmeannas sláinte agus sábháilteachta ó na tomhais a ghlac sé i bhfoirgnimh phoiblí thar thréimhse de bhlianta, gurb éadóigh gur mó an priacal sláinte a bheas ann do dhaoine ón fhoinsé seo.

Leanfaidh mo Roinn de bheith ag obair go dlúth i gcomhar leis an Roinn Comhshaoil, leis an fheidhmeannas sláinte agus sábháilteachta agus leis na comhairlí ceantair agus iad ag déanamh faireacháin ar leibhéal gáis radóin lena chinntiú go ndéileálfar go gasta agus go héifeachtach le priacal ar bith don tsláinte phoiblí.

## Winter Beds Crisis

**Mr Ford** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQO 184/00, she will detail the steps she has taken to avoid a winter beds crisis this year. (AQO 368/00)

**Ms de Brún:** I refer the member to the answer I provided on 23 October.

Tarraingim aird an Chomhalta ar an fhreagra a thug mé ar an 23 Deireadh Fómhair.

## Mental Health Patients

**Ms Lewsley** asked the Minister of Health, Social Services and Public Safety if she will detail what measures are being taken to reduce the waiting lists for mental health patients in the Down Lisburn Trust area; and if she will make a statement. (AQO 362/00)

**Ms de Brún:** The measures being taken to reduce waiting lists for mental health patients in Down Lisburn Trust include:

- Establishing a new primary care project, involving three mental health workers, to target waiting lists.
- Establishing a new mental health resource centre in Lisburn, that will provide a day hospital and other therapeutic services.
- Reinstating day services in Downpatrick for patients currently awaiting assessment.

Áirítear iad seo a leanas leis na bearta atá Iontaobhas an Dúin agus Lios na gCearrbhach a dhéanamh le líon na n-othar meabhairghalair atá ar liostaí feithimh a laghdú:

- Tionscadal nua cúraim phríomhúil a bhunú a bhfuil trí oibrí meabhairshláinte ann le díriú ar an líon atá ar na liostaí feithimh.
- Áisionad nua meabhairshláinte a bhunú i Lios na gCearrbhach, rud a chuirfidh ospidéal lae agus seirbhísí teiripeacha ar fáil.
- Seirbhísí lae a athbhunú i nDún Pádraig d'othair atá ag feitheamh faoi láthair le measúnú a fháil.

## Pay Review Boards

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety if she will outline her plans to extend the range of pay review boards to include additional health service occupations. (AQO 383/00)

**Ms de Brún:** Proposals for modernising NHS/HPSS pay were published in February 1999 under 'Agenda for Change — Modernising the NHS pay system'. Officials of my Department and colleagues employed in the HPSS, in conjunction with their counterparts in England,

Scotland and Wales, are currently engaged with staff organisations in the development of the new pay system.

The proposals include bringing some groups of highly qualified staff — nurses, midwives, health visitors and professions allied to medicine — into the pay review body without changing its fundamentally professional character.

Certain qualifying criteria have been identified as a starting point and these will be subject to discussions between the parties.

The widening of the review body is conditional upon an overall agreement being reached on the new pay system.

Foilsíodh moltaí maidir le nuachóiriú a chur ar phá san SNS/SSSSP i mí Feabhra 1999 faoi 'Agenda for Change - Modernising the NHS pay system'. Faoi láthair tá feidhmeannaigh de chuid mo Roinne agus a gcomhghleacaithe, atá fostaithe ag na SSSSP, i gcomhar lena macasamhail i Sasana, in Albain agus sa Bhreatain Bheag, ag plé forbairt córas nua pá leis na ceardchumainn.

Moltar, i measc nithe eile, gur cheart grúpaí áirithe a bhfuil ardcháilíochtaí acu a thabhairt faoi réim chomhlacht athbheithnithe ar phá altraí, ban cabhrach, cuairteoirí sláinte agus gairmeacha a bhaineann le cúrsaí míochaine gan a charachtar bunúsach gairmiúil a athrú.

Aimsíodh critéir áirithe cáiliúcháin mar thúsphointe agus cuirfidh na páirtithe faoi chaibidil iad.

Braitheann leathnú an chomhlachta athbheithnithe ar theacht ar chomhaontú foriomlán ar an chóras nua pá.

### **Antrim Area Hospital: Security**

**Mr McClelland** asked the Minister of Health, Social Services and Public Safety if she will outline her plans to enhance security at Antrim Area Hospital for (a) staff and patients and (b) car parking areas. (AQO 385/00)

**Ms de Brún:** The question of security at the Antrim Area Hospital is a matter for the United Hospitals Trust. I have asked the chief executive to write to the Member with information on the trust's plans regarding security at the hospital.

Is gnó é d'Iontaobhas na nOspidéal Aontaithe an cheist slándála in Ospidéal Cheantar Aontroma. D'iarr mé ar an phríomhfheidhmeannach scríobh chuig an Chomhalta maidir le heolas ar phleananna an iontaobhais i dtaca le cúrsaí slándála san ospidéal.

### **Fire Service Award**

**Mr Berry** asked the Minister of Health, Social Services and Public Safety if she will outline her plans regarding the proposed award to the Fire Service of an exceptional service medal; and if she will make a statement. (AQO 346/00)

**Ms de Brún:** I would refer the Member to the statement I made to the Assembly this morning.

Tarraingim aird an Chomhalta ar an ráiteas a rinne mé sa Tionól ar maidin.

### **General Medical Council: Revalidation of Doctors**

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety if she will outline her assessment of the implications on financial resources for her Department following the proposed General Medical Council's revalidation of doctors' process.

(AQO 347/00)

**Ms de Brún:** The General Medical Council's proposals on revalidation were recently subject to a widespread consultation exercise, and I understand that the General Medical Council is still considering the responses. Officials in my Department are keeping in close touch with progress on the proposals, but it will not be possible to make a proper assessment of the financial and resource implications until the proposals are finalised.

Cuireadh moltaí na Comhairle Ginearálta Míochaine ar chóras athbhailíochta do dhochtúirí faoi bhabhta leitheadach comhairliúcháin ar na mallaibh agus tuigim go bhfuil an Chomhairle Ghinearálta Mhíochaine ag breithniú na bhfreagraí go fóill. Tá feidhmeannaigh de chuid mo Roinne ag déanamh géarfhaireacháin ar an dul chun cinn maidir leis na moltaí ach ní fhéadfar measúnú ceart a dhéanamh ar na himpleachtaí ó thaobh airgeadais agus acmhainní go dtí go mbeidh bailchríoch ar na moltaí.

### **Illegal Drug Use**

**Mr McFarland** asked the Minister of Health, Social Services and Public Safety if she will detail the cost to the health budget of treating illegal drug use in Northern Ireland. (AQO 353/00)

**Ms de Brún:** An independent group of consultants has undertaken an analysis of expenditure on drug misuse here. Their findings, contained in the 'Drug Strategy for Northern Ireland', published in August 1999, show that £1.048 million was spent on treatment and rehabilitation by the Department of Health and Social Services and the health and social services trusts in 1998.

Thug grúpa sainchomhairleoirí neamhspleácha faoi anailís ar an chaiteachas maidir le mí-úsáid drugaí anseo. Taispeánann na cinntí atá ar fáil in 'Drug Strategy for Northern Ireland', a foilsíodh i mí Lúnasa 1999 gur chaith an Roinn Sláinte agus Seirbhísí Sóisialta agus na hiontaobhais sláinte agus seirbhísí sóisialta £1.048m ar chóireáil agus ar athshlánú sa bhliain 1998.

### District Nurses: Payment of Mileage Allowance

**Rev Robert Coulter** asked the Minister of Health, Social Services and Public Safety if she will outline her policy on payments for mileage allowances for district/community nurses. (AQO 377/00)

**Ms de Brún:** Trusts may offer an official car to district/community nurses. However, where district/community nurses are required by their employer to use their own car on official business they are entitled to mileage allowances. Employees who meet certain criteria are classified as "regular car users" and are paid a regular user rate plus a lump sum payment. Other district/community nurses who use their cars are entitled to standard mileage rates only. In each case the rates are determined by the engine capacity of the car, and they are reduced when the total miles travelled in the financial year exceeds an agreed figure.

When a private car is used in circumstances where travel by public service would be appropriate a public transport rate is payable unless this is higher than the regular or standard user rate for the appropriate engine/mileage band, when that lower rate is paid.

HSS Trusts are free to determine their own policy on the payment of travelling allowances for those staff on trust contracts.

Féadfaidh na hiontaobhais gluaisteán oifigiúil a thairiscint d'altraí ceantair/pobail. Ach i gcás ina n-iarrann fostóir ar altraí ceantair/pobail a ngluaisteán féin a úsáid ar ghnó oifigiúil, tá siad i dteideal míléáiste. Aicmítear fostaithe a chomhlíonann critéir áirithe mar "úsáideoirí rialta gluaisteán" agus íoctar iad ar ráta úsáideoira rialta móide cnapshuim. Tá altraí ceantair/pobail eile a úsáideann a ngluaisteáin i dteideal rátaí caighdeánacha míléáiste amháin. Socraítear na rátaí i ngach cás de réir mhéid inneall an ghluaisteáin agus íslítear iad nuair a thaistealaítear míléáiste iomlán atá níos mó ná an méid ar aontaíodh air.

Nuair a úsáidtear gluaisteán príobháideach i gcúinsí nuair a b'fhóirsteanach taisteal le seirbhís phoiblí tá ráta iompair phoiblí iníoctha muna bhfuil seo níos airde ná an ráta don úsáidteoir rialta nó caighdeáin don bhanda chúí innill/míléáiste nuair a íoctar an ráta níos ísle sin.

Fágtar faoi iontaobhais SSS le cinneadh ar a bpolasaí féin maidir le híocaíocht liúntas taistil a dhéanamh leis na baill foirne sin atá ar chonarthaí iontaobhais.

### Waiting Lists (Northern Health and Social Services Board)

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to detail what measures she is taking to ensure that there is not an increase in hospital waiting lists in the Northern Health and Social Services Board area this winter. (AQO 384/00)

**Ms de Brún:** In line with the framework for action on waiting lists, which I issued on 11 September, the Northern Health and Social Services Board has commissioned a wide range of additional procedures in specialties such as general surgery, cardiac surgery and ophthalmology. These are to be carried out before the end of the financial year and are aimed at minimising the impact of winter pressures on waiting lists.

Is de réir an chreata le haghaidh gníomhaíochta ar liostaí feithimh a d'eisigh mé ar an 11 Meán Fómhair atá Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt i ndiaidh réimse leathan oibríochtaí breise a choimisiúnú i speisialtóireachtaí mar shampla, máinliacht ghinearálta, máinliacht chairdiach agus oftailmeolaíocht. Tá siad sin le cur i gcrích roimh dheireadh na bliana airgeadais agus déanfar sin lena chinntiú go laghdófar tionchar bhrúnna an gheimhridh ar líon na ndaoine a bheas ar na liostaí feithimh.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Enrolments

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will detail the student numbers at further education colleges as measured by (a) full time enrolments (b) part time enrolments (c) gross student numbers and (d) net student numbers for each of the last five years. (AQW 689/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** I attach tables detailing the numbers within the requested categories.

**ENROLMENTS AT NORTHERN IRELAND FURTHER EDUCATION COLLEGES BY COLLEGE EXPRESSED BY MODE OF ATTENDANCE AND FULL TIME EQUIVALENTS (FTES): 1995/96**

College / Institute	Mode of Attendance			Full Time Equivalents		
	Full-Time <sup>1</sup>	Part-Time <sup>1</sup>	Total	Gross	Net <sup>2</sup>	Net for Funding <sup>3</sup>
Armagh College	1,044	686	1,730	1,293	1,132	1,110
BIFHE	4,630	16,215	20,845	9,637	7,856	7,634
Castlereagh College	754	2,225	2,979	1,346	944	927
Causeway Institute	1,145	2,148	3,293	1,600	1,174	1,131
East Antrim Institute	1,097	3,531	4,628	1,993	1,506	1,476
East Down Institute	1,163	2,777	3,940	1,960	1,427	1,342
East Tyrone College	872	1,727	2,599	1,351	1,128	1,086
Fermanagh College	1,000	1,642	2,642	1,340	1,145	1,096
Limavady College	764	1,035	1,799	1,119	917	854
Lisburn College	1,012	2,798	3,810	1,658	1,261	1,239
Newry & Kilkeel College	1,675	3,076	4,751	2,325	1,896	1,821
NIHCC	367	125	492	420	402	380
North Down & Ards Institute	1,854	4,139	5,993	2,657	2,191	2,132
North East Institute	2,036	4,008	6,044	3,184	2,474	2,400
North West Institute	2,425	4,318	6,743	4,003	3,244	3,142
Omagh College	856	1,248	2,104	1,278	1,017	924
Upper Bann Institute	1,240	4,181	5,421	2,255	1,964	1,902
<b>Total</b>	<b>23,934</b>	<b>55,879</b>	<b>79,813</b>	<b>39,419</b>	<b>31,678</b>	<b>30,596</b>

**ENROLMENTS AT NORTHERN IRELAND FURTHER EDUCATION COLLEGES BY COLLEGE EXPRESSED BY MODE OF ATTENDANCE AND FULL TIME EQUIVALENTS (FTES): 1996/97**

College / Institute	Mode of Attendance			Full Time Equivalents		
	Full-Time <sup>1</sup>	Part-Time <sup>1</sup>	Total	Gross	Net <sup>2</sup>	Net for Funding <sup>3</sup>
Armagh College	1,287	605	1,892	1,541	1,324	1,286
BIFHE	4,680	17,462	22,142	9,356	7,930	7,750
Castlereagh College	777	2,552	3,329	1,418	983	943
Causeway Institute	1,211	2,143	3,354	1,724	1,309	1,261
East Antrim Institute	1,127	3,763	4,890	2,041	1,597	1,542
East Down Institute	1,227	2,879	4,106	1,977	1,454	1,380
East Tyrone College	863	1,817	2,680	1,376	1,115	1,053
Fermanagh College	1,076	1,790	2,866	1,559	1,278	1,230
Limavady College	839	1,046	1,885	1,218	1,009	944
Lisburn College	1,103	2,562	3,665	1,723	1,276	1,221
Newry & Kilkeel College	1,858	3,241	5,099	2,620	2,067	1,977
NIHCC	378	162	540	436	400	390
North Down & Ards Institute	1,878	4,183	6,061	2,762	2,315	2,190
North East Institute	2,098	4,227	6,325	3,205	2,437	2,382
North West Institute	2,496	5,442	7,938	4,043	3,392	3,287
Omagh College	918	1,822	2,740	1,358	1,010	927
Upper Bann Institute	1,217	4,373	5,590	2,251	1,928	1,837
Total	25,033	60,069	85,102	40,608	32,824	31,600

Source: Further Education Statistical Record / Annual Monitoring Survey

1. Full and part time figures are based on a snapshot of enrolments @ 1st November in the given academic year.
2. Gross less cost recovery students.
3. Net less withdrawn students.

**ENROLMENTS AT NORTHERN IRELAND FURTHER EDUCATION COLLEGES BY COLLEGE EXPRESSED BY MODE OF ATTENDANCE AND FULL TIME EQUIVALENTS (FTES): 1997/98**

College / Institute	Mode of Attendance			Full Time Equivalents		
	Full-Time <sup>1</sup>	Part-Time <sup>1</sup>	Total	Gross	Net <sup>2</sup>	Net for Funding <sup>3</sup>
Armagh College	1,374	591	1,965	1,583	1,354	1,323
BIFHE	4,407	17,456	21,863	8,647	7,464	7,317
Castlereagh College	851	2,463	3,314	1,436	950	929
Causeway Institute	1,065	1,958	3,023	1,624	1,260	1,207
East Antrim Institute	1,152	3,923	5,075	2,084	1,628	1,561
East Down Institute	1,227	2,523	3,750	1,949	1,350	1,294
East Tyrone College	868	1,978	2,846	1,451	1,108	1,058
Fermanagh College	1,060	2,060	3,120	1,671	1,362	1,320
Limavady College	821	1,116	1,937	1,263	1,051	986
Lisburn College	1,108	2,333	3,441	1,795	1,260	1,188
Newry & Kilkeel College	1,820	3,682	5,502	2,670	2,069	1,947
NIHCC	422	226	648	499	458	448
North Down & Ards Institute	1,973	4,409	6,382	2,829	2,360	2,239
North East Institute	2,181	3,790	5,971	3,150	2,379	2,325
North West Institute	2,474	6,247	8,721	4,301	3,638	3,429
Omagh College	917	1,977	2,894	1,476	1,043	997
Upper Bann Institute	1,248	3,969	5,217	2,256	1,957	1,875
<b>Total</b>	<b>24,968</b>	<b>60,701</b>	<b>85,669</b>	<b>40,684</b>	<b>32,691</b>	<b>31,443</b>

**ENROLMENTS AT NORTHERN IRELAND FURTHER EDUCATION COLLEGES BY COLLEGE EXPRESSED BY MODE OF ATTENDANCE AND FULL TIME EQUIVALENTS (FTES): 1998/99**

College / Institute	Mode of Attendance			Full Time Equivalents		
	Full-Time <sup>1</sup>	Part-Time <sup>1</sup>	Total	Gross	Net <sup>2</sup>	Net for Funding <sup>3</sup>
Armagh College	1,295	613	1,908	1,494	1,305	1,279
BIFHE	4,030	18,336	22,366	8,706	7,862	7,688
Castlereagh College	767	2,487	3,254	1,414	916	892
Causeway Institute	1,070	1,834	2,904	1,630	1,279	1,230
East Antrim Institute	1,069	3,769	4,838	2,019	1,548	1,494
East Down Institute	1,154	2,722	3,876	1,939	1,370	1,299
East Tyrone College	828	1,879	2,707	1,485	1,139	1,078
Fermanagh College	948	2,318	3,266	1,746	1,462	1,404
Limavady College	934	1,374	2,308	1,423	1,120	1,072
Lisburn College	1,097	2,417	3,514	1,749	1,298	1,256
Newry & Kilkeel College	1,774	3,831	5,605	2,532	1,939	1,862
NIHCC	395	158	553	464	434	408
North Down & Ards Institute	2,049	4,580	6,629	2,869	2,354	2,232
North East Institute	2,107	3,915	6,022	3,079	2,386	2,303
North West Institute	2,358	6,212	8,570	4,262	3,623	3,409
Omagh College	778	1,715	2,493	1,382	1,026	988
Upper Bann Institute	1,201	4,286	5,487	2,213	1,938	1,887
<b>Total</b>	<b>23,854</b>	<b>62,446</b>	<b>86,300</b>	<b>40,406</b>	<b>33,000</b>	<b>31,782</b>

Source: Further Education Statistical Record / Annual Monitoring Survey

1. Full and part time figures are based on a snapshot of enrolments @ 1st November in the given academic year.
2. Gross less cost recovery students.
3. Net less withdrawn students.



**ENROLMENTS AT NORTHERN IRELAND FURTHER EDUCATION COLLEGES BY COLLEGE EXPRESSED BY MODE OF ATTENDANCE: 1999/2000**

College / Institute	1999/2000 <sup>1</sup>		Total
	Mode of Attendance		
	Full-Time <sup>2</sup>	Part-Time <sup>2</sup>	
Armagh College	1,168	863	2,031
BIFHE	4,061	18,281	22,342
Castlereagh College	761	2,683	3,444
Causeway Institute	1,054	1,765	2,819
East Antrim Institute	990	3,738	4,728
East Down Institute	1,221	2,864	4,085
East Tyrone College	786	2,269	3,055
Fermanagh College	968	3,102	4,070
Limavady College	911	1,483	2,394
Lisburn College	1,057	2,553	3,610
Newry & Kilkeel College	1,974	3,601	5,575
NIHCC	333	209	542
North Down & Ards Institute	2,140	4,768	6,908
North East Institute	2,117	4,240	6,357
North West Institute	2,528	6,407	8,935
Omagh College	893	2,241	3,134
Upper Bann Institute	1,170	4,180	5,350
Total	24,132	65,247	89,379

Source: Further Education Statistical Record

1. Full Time Equivalent data is not presently available for this academic year.
2. Full and part time figures are based on a snapshot of enrolments @ 1st November in the given academic year.

### Students: Study in Great Britain and Republic of Ireland

**Mr Beggs** asked the Minister of Higher and Further Education, Training and Employment how many students from Northern Ireland are currently registered at third level educational establishments in (a) England (b) Scotland (c) Wales and (d) Republic of Ireland.

(AQW 721/00)

**Dr Farren:** The following table identifies the number of NI domiciled students enrolled on higher education courses at third level institutions<sup>(1)</sup> in Great Britain and the Republic of Ireland, 1999/00, The Department does not collect statistics on students enrolled on Further Education courses outside Northern Ireland.

(A) England <sup>(2,3)</sup>	(B) Scotland <sup>(3)</sup>	(C) Wales	(D) Republic of Ireland <sup>(4)</sup>
7,810	5,747	499	1,008

- (1) Both Higher Education institutions and FE colleges.
- (2) Excluding NI domiciled students enrolled on HE courses at the Open University.
- (3) The latest data available for enrolments on Higher Education courses at FE colleges (supplied by the various Education Departments) relates to 1998/99 and has been held constant.
- (4) The latest data available relate to 1998/99 and has been held constant.

### Journey of Reconciliation Trust

**Mr Beggs** asked the Minister of Higher and Further Education, Training and Employment if he will confirm the refusal by accountants to sign off the annual accounts of the journey of reconciliation trust which is funded by his Department; and if he will make a statement.

(AQW 722/00)

**Dr Farren:** My Department has not funded the organisation titled "Journey of reconciliation trust". I am therefore unable to comment on the trust's accounts and on any matters relating to their signing-off by accountants.

### REGIONAL DEVELOPMENT

#### Residential Development

**Mr McFarland** asked the Minister for Regional Development if he will detail the proposed ratio of brownfield to greenfield site planning development and how this compares with present and proposed ratios in Great Britain.

(AQO 327/00)

**The Minister for Regional Development (Mr Campbell):** It is my intention that the regional development strategy, which is now nearing completion, will contain a

regional target for residential development within existing urban areas. It is likely that the regional target for the towns will be to locate a minimum of 40% of future urban housing growth within the existing urban areas, reflecting the particular economic, demographic and geographic circumstances of Northern Ireland. This will apply over the period to 2015 and will be subject to regular monitoring and review. While the Department is committed to the promotion of a concerted housing drive, it recognises that there may have to be sensible adjustments to the targets defined through the area plan process in order to meet local circumstances.

The situation in England is contained in DETR's 'Planning Policy Guidance 3', published in March 2000, which states that "the national target is that by 2008, 60% of additional housing should be provided on previously developed land and through conversions of existing buildings". It should be noted that this is an aspirational working target, subject to review in the light of experience, rather than a mandatory figure, and it is recognised that not every region or town may be able to achieve the national figure for England.

In Scotland and Wales housing is encouraged on brownfield sites in preference to greenfield, but, unlike in England, there is no target for the percentage that must be accommodated on brownfield land.

The current situation regarding the ratio between greenfield and brownfield developments for Great Britain and for Northern Ireland is unclear, as all the regions are currently reviewing monitoring procedures to allow greater co-ordination and standardisation of data for regional and national use.

### Regional Development Strategy

**Mr Wells** asked the Minister for Regional Development what progress has been made in the preparation of indicators to measure whether the regional development strategy will deliver sustainable development. (AQW 671/00)

**Mr Campbell:** Sustainable development is at the heart of the regional development strategy; that strategy is due to be published next year. The preparation of indicators to measure progress towards a more sustainable pattern of development is linked to the process of preparing, and adopting, a regional policy on sustainable development. I understand that the Department of the Environment intends to publish a draft sustainable development strategy early in the new year, and that it will seek comments on a wide range of issues including the need for sustainable development indicators.

It will only be possible to decide on indicators after the regional development strategy has been settled and published. Nevertheless, my Department continues to liaise with colleagues in the Department of the

Environment, and we are also monitoring developments elsewhere. My Department plans to take account of best practice in other regions in bringing forward suitable proposals for measuring the extent to which the regional development strategy contributes to a more sustainable pattern of development.

## SOCIAL DEVELOPMENT

### Fountain Court Flats

**Mr McGrady** asked the Minister for Social Development if he will detail when work will commence on the new public authority housing development to replace the Fountain Court flats in Downpatrick; and if he will make a statement. (AQW 597/00)

**The Minister for Social Development (Mr Morrow):** This project, which involves the construction of 28 new family homes, is being undertaken by Ulidia Housing Association. The detailed scheme proposals have been assessed and were approved by my Department on 31 October. The Housing Executive completed demolition of the former flats in August and is in the process of transferring the site into the ownership of Ulidia Housing Association.

Tenders have already been sought. The association plans to start building in February 2001, and the houses should be completed by August 2002. The total cost of the project is almost £2 million, of which £1.1 million is being funded by my Department, with the remaining £0.9 million being raised by the association itself.

### House Sales Scheme

**Mr Shannon** asked the Minister for Social Development if he will outline the changes he intends to make to the house purchase scheme to ensure that potential purchasers will not be asked to pay for a site within their property where planning permission has not yet been granted. (AQW 649/00)

**Mr Morrow:** The design of the house sales scheme is a matter for the Northern Ireland Housing Executive. The chief executive has advised me that, in order to secure value for money, the Housing Executive has asked valuers to assess if a property has development potential. If it is assessed that development potential exists, then its value is taken into account in determining the sale price. If an applicant feels that the development potential does not exist, then there is a right of appeal to the Valuation and Lands Agency. In these circumstances, the Housing Executive will formally check the development potential through the local planning office, and if it is confirmed that development potential does not exist,

then the dwelling will be offered on the basis of no development potential.

### Pensioner Poverty

**Ms McWilliams** asked the Minister for Social Development if he will detail the extent of pensioner poverty in Northern Ireland (where poverty is defined as the proportion of pensioners living below the family budget poverty line as used in the 'Select Committee on Social Security Seventh Report - Pensioner Poverty 26 July 2000'). (AQW 666/00)

**Mr Morrow:** A number of definitions of pensioner poverty were considered by the Select Committee. The levels suggested by the family budget unit (£90 per week for a single person or £135 per week for a couple plus rent and council tax) were arrived at through a consideration of circumstances in Great Britain and are not necessarily applicable in Northern Ireland. The measures used by the Department of Social Security to estimate pensioner poverty are dependent on analysis of data derived from the family resources survey, which is not yet carried out in Northern Ireland. An analysis of Social Security Agency data suggests that in Northern Ireland at May 2000, 29.5% of people of pensionable age benefited from income support, either as a claimant or the partner of a claimant.

In April 1999, the minimum income guarantee (MIG), delivered through income support, was introduced for pensioners. A take-up campaign to encourage more pensioners to claim MIG commenced in May 2000. Approximately 40,000 pensioners identified in Northern Ireland have been contacted by way of a mailshot. To date, over 6,000 have contacted the national freephone claim line number of their local social security office to obtain a claim form.

The MIG capital limit will increase from April 2001 as part of the commitment to improving help to pensioners and to better reward savers. The rate of MIG will also increase at the same time to £92.15 a week for single pensioners and £140.55 a week for couples, and to at least £100 for single pensioners and £154 for pensioner couples by 2003.

### Replacement Grant (Comber)

**Mr Taylor** asked the Minister for Social Development if he will confirm (a) on what date an application was received for a replacement grant at 70 Ballydrain Road, Comber BT23 5ST, (b) when this application was approved and (c) when work can commence on site; and if he will make a statement. (AQW 675/00)

**Mr Morrow:** This is a matter for the Northern Ireland Housing Executive, whose chief executive has advised me that a formal application was completed on 18 October 2000. Until such time as a test of the applicant's resources

has been carried out, formal approval cannot be given. Work cannot commence until after formal approval. I will ask the chief executive to keep the Member informed of progress.

### URBAN II Criteria

**Mr Beggs** asked the Minister for Social Development if he will clarify whether Larne and Carrickfergus are included under the current criteria for URBAN II.

(AQW 683/00)

**Mr Morrow:** Northern Ireland has been awarded 10m euro (£6.5 million) for URBAN II for 2000-2006. Given the level of resources and EU Guidance, only one urban area can be funded. Member states are required to carry out an ex ante evaluation to support the development of proposals to ensure that they meet with the strict guidelines that have been established by the European Commission. The primary criteria set down under URBAN II require that the urban area should be a coherent geographic area of at least 20,000 population presenting a single problem to be addressed. Minimum spend per head of population criteria and the level of funding available also means that the target area has a finite size. Furthermore, the designated area must display high levels of multiple deprivation.

The characteristics of neither Larne nor Carrickfergus matched these EU Guidelines on URBAN II. The inner north Belfast area has been identified as the area that best matches the criteria. A proposal document for inner north Belfast has been approved by the Northern Ireland Executive Committee on 16 November and has been submitted to the European Commission.

### Provision for Carers

**Mr Gibson** asked the Minister for Social Development what steps he is taking to improve provision for carers.

(AQW 715/00)

**Mr Morrow:** Several new measures, which will improve the provision for carers, are planned. These measures are:

- i. an increase of £10 a week, on top of next year's inflation up-rating, on the carer premium paid with income-related benefits;
- ii. an increase, from £50 per week to the level of the lower earnings limit for national insurance contributions, currently £67 per week, in the invalid care allowance earnings limit;
- iii. extending the right to claim invalid care allowance to carers over the age of 65; and
- iv. continuing to pay invalid care allowance for up to eight weeks after the death of the person being cared for.

These changes will be introduced, at the same time as corresponding changes for carers in Great Britain, as soon as the legislative timetable permits.

### Disability Benefits

**Mr Gibson** asked the Minister for Social Development if he will detail how many persons have had disability benefits cancelled in the last twelve month period for which figures are available. (AQW 716/00)

**Mr Morrow:** Customers may be awarded or disallowed benefit depending on whether they meet the criteria from the particular benefit.

In the case of disability living allowance, a claim would be disallowed if there is no entitlement to any rate of the benefit. Claims can be disallowed at the new claim or renewal stage. In the past year, the agency received a total of 42,137 new claims and renewals for disability living allowance, of which 13,647 were disallowed.

If customers are unhappy with decisions, they can ask for a review and, ultimately, can take their case to appeal.

### Tribunals: Appointment of Panel Members

**Mr Gibson** asked the Minister for Social Development what steps he is taking to ensure tribunals which lie within his Department's responsibility meet the requirements for independence laid down in the Human Rights Act 1998. (AQW 717/00)

**Mr Morrow:** The Lord Chancellor appoints the panel members who sit on unified appeal tribunals within the appeals service. The Lord Chancellor introduced new administrative arrangements for judicial appointments, including part-time panel members, from 12 April 2000.

The Lord Chancellor considers that these arrangements put beyond reasonable doubt the safeguards guaranteeing the independence of judicial appointments.

### Social Fund: Budgeting Loan Scheme

**Mr Gibson** asked the Minister for Social Development if he will outline the operation of the social fund's budgeting loan scheme. (AQW 718/00)

**Mr Morrow:** The budgeting loan scheme is designed to help people on income support or jobseeker's allowance with expenses that are difficult to meet from their regular income. It was introduced in 1988, but changes were made in April 1999 to simplify the scheme and to ensure that applicants were treated equally irrespective of where they lived. It is cash limited, and the social fund loan budget for Northern Ireland in 2000/2001 is £35.79 million.

Applications for budgeting loans are decided by local decision-makers and while it is a discretionary scheme,

there are regulations that must be followed when deciding if customers are entitled and how much they should get. Customers who are unhappy with a decision can ask for a review by a social fund inspector who is independent from the Social Security Agency.

### Minimum Income Guarantee: Applications

**Mr Gibson** asked the Minister for Social Development if he will detail how many people have applied for the minimum income guarantee this year. (AQW 719/00)

**Mr Morrow:** So far this year, just over 6,000 pensioners have applied for the minimum income guarantee. Of these claims, over 2,700 have been successful. It has resulted in an extra £2 million in the hands of elderly people, with an average extra payment of £25 a week.

As part of its targeting social need programme, the Social Security Agency, in partnership with groups in the voluntary sector who represent pensioner interest, has undertaken a number of initiatives designed to actively encourage uptake of the minimum income guarantee among elderly people. Work will continue in this area to ensure that pensioners claim and receive all the help they are entitled to.

### Child Poverty

**Ms McWilliams** asked the Minister for Social Development if he will detail the number of children in Northern Ireland who are living in poverty, (where poverty is defined as the number living in households with less than half the average household income) both before and after housing costs. (AQO 348/00)

**Mr Morrow:** The information requested could only be provided at disproportionate cost. The only available data source is the family expenditure survey. The standard definitions of "household income" and "housing costs" used in that survey would yield misleading answers. Re-analysis of the data using different definitions would be required.

### Homeless People: Christmas Arrangements

**Mr Paisley Jnr** asked the Minister for Social Development if he will outline his plans to address the needs of homeless people over the Christmas period. (AQW 732/00)

**Mr Morrow:** This is a matter for the Northern Ireland Housing Executive whose chief executive has advised me that the organisation has specific arrangements for dealing with the homeless during out of hours, weekends and public holidays, including Christmas. These include:

1. advertisement of out of hours contact numbers across Northern Ireland (on behalf of the Housing Executive,

social services arrange temporary accommodation through the Housing Executive bed bureau for anyone presenting as homeless outside of normal hours)

- establishment of a contact rota of Housing Executive staff at district, area and HQ level, for use in the event of an exceptional emergency.

In addition, the Lee Hestia organisation provides an emergency shelter in Belfast for street homeless all year round, including the Christmas period. It is anticipated that Lee Hestia, with the Housing Executive's support, will provide a day centre over the Christmas and New Year period providing access to food, washing facilities, clothes, health care, counselling and leisure services.

## ASSEMBLY COMMISSION

### Questions for Written Answer

**Mr Paisley Jnr** asked the Assembly Commission to detail the number of written questions asked since devolution; give a breakdown of the Members who have asked questions and the number of questions each has asked. (AQW 670/00)

**The Representative of the Assembly Commission (Mrs E Bell):** I am responding to you on behalf of the Assembly Commission.

The attached tables detail the number of written questions asked during 1999 and 2000 respectively. The tables also indicate a breakdown of the total number of questions asked by each Member during those periods.

#### QUESTIONS FOR WRITTEN ANSWER 1999 BY TABLING MEMBER NAME

##### TOTAL QUESTIONS TABLED

Mr Adams	4
Dr Adamson	4
Mr Armstrong	4
Mr Attwood	3
Mr Beggs	9
Mr B Bell	2
Ms E Bell	10
Mr Benson	7
Mr Berry	12
Dr Birnie	9
Mr Bradley	18
Mr Byrne	8
Mr Carrick	2
Mrs Carson	20
Mr Close	7
Mr Clyde	3

Mr Dallat	5
Mr Dalton	1
Mr Davis	2
Mr A Doherty	5
Mr P Doherty	2
Mr Douglas	1
Mr Fee	2
Mr Ford	49
Mr Gallagher	1
Mr Gibson	28
Mr Hussey	4
Mr B Hutchinson	2
Mr R Hutchinson	2
Mr Kane	3
Mr Kennedy	9
Mr Leslie	13
Ms Lewsley	7
Mr A Maginness	1
Mr Maskey	1
Mr McCarthy	8
Mr McCartney	1
Mr McClelland	3
Dr McDonnell	3
Mr McElduff	6
Mr McFarland	4
Mr McGrady	51
Mr McHugh	3
Mr McLaughlin	1
Mr McMenamin	1
Ms McWilliams	4
Mr Molloy	2
Ms Morrice	1
Mr Morrow	6
Mr C Murphy	3
Mr MMurphy	8
Mr Neeson	7
Mrs Nelis	10
Mr O'Connor	5
Mr ONeill	6
Rev Dr Ian Paisley	4
Mr Paisley Jnr	171
Mr Poots	13
Ms Ramsey	20
Mrs I Robinson	38
Mr K Robinson	28
Mr Savage	3
Mr Shannon	78
Mr Taylor	17

Mr Tierney	1
Mr Watson	3
Mr Weir	20
Mr J Wilson	16
Mr S Wilson	1
<b>Total</b>	<b>806</b>

**QUESTIONS FOR WRITTEN ANSWER 2000  
BY TABLING MEMBER NAME**

**TOTAL QUESTIONS TABLED**

Mr Adams	27
Dr Adamson	1
Ms Armitage	3
Mr Armstrong	6
Mr Attwood	1
Mr Beggs	35
Mr B Bell	2
Ms E Bell	12
Mr Benson	2
Mr Berry	6
Dr Birnie	9
Mr Bradley	11
Mr Byrne	6
Mr Carrick	3
Mrs Carson	31
Mr Close	8
Rev Robert Coulter	2
Mr Dallat	17
Mr Davis	4
Mr Dodds	9
Mr A Doherty	3
Mr P Doherty	4
Mr Fee	4
Mr Ford	32
Mr Gallagher	2
Mr Gibson	64
Ms Hanna	1
Mr Hay	2
Mr Hussey	12
Mr B Hutchinson	1
Mr Kane	5
Mr Kelly	2
Mr Kennedy	4
Mr Leslie	6
Ms Lewsley	13
Mr A Maginness	4
Mr Maskey	3
Mr McCarthy	8
Mr McClarty	11
Mr McClelland	6

Dr McDonnell	2
Mr McFarland	4
Mr McGrady	41
Mr McHugh	7
Mr McMenamin	16
Mr McNamee	3
Ms McWilliams	15
Ms Morrice	7
Mr C Murphy	2
Mr M Murphy	20
Mr Neeson	7
Mrs Nelis	12
Mr O'Connor	9
Dr O'Hagan	34
Mr O'Neill	5
Rev Dr Ian Paisley	2
Mr Paisley Jnr	75
Mr Poots	8
Ms Ramsey	4
Mrs I Robinson	132
Mr K Robinson	40
Mr P Robinson	1
Mr Savage	5
Mr Shannon	105
Mr Taylor	12
Mr Tierney	1
Mr Watson	1
Mr Wells	11
Mr J Wilson	12
Mr S Wilson	4
<b>Total</b>	<b>979</b>

**War On Want: Fairtrade Campaign**

**Mr Shannon** asked the Assembly Commission what plans it has to introduce the War on Want Fairtrade campaign within Parliament Buildings or to encourage Members and staff to lend support to the campaign.

(AQW 696/00)

**Mrs E Bell:** The Commission has just received a report from the Catering and Functions Committee on the future delivery arrangements for catering services in Parliament Buildings. As part of the implementation of the review recommendations the Catering and Functions Committee, on behalf of the Assembly Commission, will ask Mount Charles to develop proposals promoting the War on Want Fairtrade campaign with regard to the purchasing of products sold in Parliament Buildings. You may be interested to know that Mount Charles currently source all products sold in Parliament Buildings from Northern Ireland suppliers, 65% of which is estimated to be produced locally.

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# NORTHERN IRELAND ASSEMBLY

Friday 8 December 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Children's Fund

**Mrs Carson** asked the Office of the First Minister and the Deputy First Minister to give details of the children's fund referred to at Paragraph 1.13 of the Programme for Government. (AQO 421/00)

**Reply:** The proposed five Executive programme funds, including the children's fund, are a key element of the draft Programme for Government. Their aim is to assist the Executive in the development of policies and programmes and in the provision of new and improved services in support of the Executive's priorities.

The children's fund will provide support for children in need and young people at risk, drawing on the experiences of the Chancellor's Children's Fund. The fund will embrace aspects of the functions of several Departments, with the objective of making our services work more effectively together for the good of children. The indicative allocations to the fund over the next three years are £2 million, £10 million and £15 million respectively.

The Executive are currently considering the detailed criteria that might be applied in deciding on allocations from the funds. This process will be informed through consultation with the Assembly and its Committees on the Programme for Government and Budget proposals.

#### Central Community Relations Unit

**Mr Beggs** asked the Office of the First Minister and the Deputy First Minister to detail the amount of Central Community Relations Unit funding allocated to Families against Intimidation and Terror (FAIT) during each of the past five years and what plans there are to ensure that this funding is continued. (AQO 419/00)

**Reply:** Families Against Intimidation and Terror (FAIT) was paid the following amounts by Central

Community Relations Unit (CCRU) during the last five years: £43,432 in 1995-96; £30,160 in 1996-97; 31,628 in 1997-98; and £32,556 in 1998-99.

The Community Relations Unit within the Office of the First Minister and the Deputy First Minister was prepared to offer grant aid at a similar level in 1999-00. However, FAIT ceased operating in September 1999. Nevertheless, the Community Relations Unit is prepared to reimburse the organization for the costs of the services it provided during that year.

The unit has also agreed to provide funding of £30,000 this year to the NIACRO Base 2 project, which provides a crisis intervention service for individuals and families placed under paramilitary threat in Northern Ireland.

#### Marginalised Groups

**Mr Fee** asked the Office of the First Minister and the Deputy First Minister what steps it intends to take to improve consultation with marginalised groups. (AQO 436/00)

**Reply:** The equality scheme produced by the Office of the First Minister and the Deputy First Minister included a commitment to hold a conference on the practical issues of carrying out future consultations. Two conferences have been organised. The first is taking place today and tomorrow and the second is taking place on 11 December and 12 December.

The particular focus of the conferences is on improving consultation with marginalised groups, and representatives of those groups will lead the workshops. Each public authority has been invited to send two senior officials to either of the conferences.

The conferences should lead to improved consultation by the public sector particularly with ethnic minorities including travellers; older people; children and young people; carers; people with disabilities, including learning disabilities; and with gay and lesbian people.

We believe firmly that it is important for effective administration and the development of new policies that will benefit society as a whole to have contributions from as wide a spectrum of people as is possible — and that does of course include contributions from the DUP.

#### Programme for Government: Equality Impact Assessment

**Mr McCarthy** asked the Office of the First Minister and the Deputy First Minister to make a statement on the equality impact assessment of the Programme for Government. (AQO 405/00)

**Reply:** The Administration's commitment to ensuring equality of opportunity and tackling social disadvantage underpinned and informed the Programme for Government and shaped Departments' priorities. The equality implications of proposed actions and targets were central to their final selection.

As part of this process, an equality impact assessment was drawn up for the Programme for Government. The equality scheme for the Office of the First Minister and the Deputy First Minister, submitted to the Equality Commission in July 2000, recognised that the Programme for Government was not a conventional policy or programme to which the standard approach to an equality impact assessment, as laid down by the Equality Commission, could be applied. As indicated in the draft Programme for Government, the Equality Commission has been consulted on how best to assess the Programme for Government.

Following that advice, the Office of the First Minister and the Deputy First Minister wrote to social partners and the various equality constituencies, seeking views on what the priorities of the Programme for Government should be. These were taken into account when drafting the programme. An equality impact assessment was also annexed to the programme. This assessment highlights actions, identifies the section 75 categories affected and suggests how equality of opportunity might be enhanced in their implementation or how adverse impacts might be mitigated.

However, it was not possible to conduct a detailed equality impact assessment on the overall combined impact of the actions contained in the Programme for Government. It should be noted, however, that most of these actions form part of departmental policies which will themselves be subjected to equality impact assessments by those Departments.

Finally, all of the non-governmental organisations listed in the Office of the First Minister and the Deputy First Minister's equality scheme for consultation purposes have been sent a copy and have been invited to comment on the draft Programme for Government as part of the equality impact assessment process.

### Civic Forum

**Mr Close** asked the Office of the First Minister and the Deputy First Minister to make a statement on the work of the Civic Forum to date. (AQO 404/00)

**Reply:** The Forum has established a number of working groups to consider a possible programme of work and the manner in which it will conduct its business. These issues and the role of the Forum were the main elements for discussion at a familiarisation event, which Forum members attended on 27 November to 29 November.

The next plenary meeting of the Civic Forum will be Wednesday, 6 December 2000 in the Burnavon Theatre, Cookstown.

### Equality of Opportunity in Employment

**Dr Birnie** asked the Office of the First Minister and the Deputy First Minister to make a statement on equality of opportunity in employment. (AQO 418/00)

**Reply:** Under current anti-discrimination legislation, it is the duty of the Equality Commission for Northern Ireland to promote equality of opportunity between persons of different religious beliefs; between men and women; and between persons of different racial groups, and to promote the equalisation of opportunities for disabled persons. It is also the duty of the Equality Commission to identify, and keep under review, patterns and trends of employment for the purpose of considering whether they reveal the existence, or absence of, equality of opportunity in employment between persons of different religious beliefs.

The Equality Commission collects data from monitored employing concerns and publishes annual reports on this data. Its most recent report indicated that the Roman Catholic share of the monitored workforce in 1999 was 39.6% of those for whom a community was determined, while Roman Catholics made up about 42% of those available for work.

Data on applicants and appointees was collected by the commission from all specified public authorities and private sector employers with a workforce of more than 250. This indicated that, in 1999, Roman Catholics constituted 47.6% of public sector appointees and 46.2% of monitored private sector appointees for whom a community was determined.

Further data on the religious composition of those in employment is contained in the Equality Commission's 'Monitoring Report Number 10: A Profile of Northern Ireland Workforce — Summary of Monitoring Returns 1999', which is available in the Assembly Library.

### British-Irish Council: Transportation Issues

**Ms Hanna** asked the Office of the First Minister and the Deputy First Minister to outline how it is intended to progress Northern Ireland's transportation responsibilities within the British-Irish Council. (AQO 440/00)

**Reply:** At the inaugural summit meeting of the British-Irish Council in December 1999, the Northern Ireland Executive agreed to take the lead on the topic of transport. The first British-Irish Council Transport sectoral meeting is scheduled for 19 December 2000 in Belfast. We will take the lead at that meeting.



### New TSN: Training

**Mr O'Neill** asked the Office of the First Minister and the Deputy First Minister what steps have been taken to assist in the training of Departments and non-departmental public bodies in New TSN. (AQO 439/00)

**Reply:** Our Department has provided all Northern Ireland Departments with core training material on New TSN. A one-day seminar was held in October to introduce the new material to professional departmental trainers for use in training programmes within their own Departments.

Our Department has also provided written guidance and has organised two seminars to assist non-departmental public bodies that are developing New TSN action plans.

### Remit on European Union Policy

**Mr Poots** asked the Office of the First Minister and the Deputy First Minister to define its remit on EU policy. (AQO 390/00)

**Reply:** Under the devolution settlements, the UK Government retain responsibility for external relations, which includes the EU. Negotiation of EU policy is at member state level. Nevertheless, many devolved areas have a major EU dimension, and it is in Northern Ireland's interests to ensure it is involved in the formulation of UK policy towards Europe. We have therefore established close connections between the Office of the First Minister and the Deputy First Minister, the Cabinet Office and FCO while other Departments pursue bilateral relations with their Whitehall counterparts. Co-operation in this area is the subject of the Concordat on EU affairs which makes provision for frequent consultation between Whitehall and Northern Ireland Departments. Any unresolved issues can be brought to the Joint Ministerial Committee on European Affairs.

However, there is scope for Northern Ireland to develop its own approach to Europe. The Office of the First Minister and the Deputy First Minister is currently pushing ahead in a number of ways towards the development of such an approach. It will require consultation across Departments, as well as with relevant outside interests, to identify the main priorities for Northern Ireland in Europe and the means of progressing them. The office of the Executive, which will be opening in Brussels in March, will facilitate closer links between Departments and the EU bodies and will help towards raising the positive profile of Northern Ireland. It is important that Northern Ireland participates actively and positively in the European family.

### Children's Commissioner for Northern Ireland

**Mrs E Bell** asked the Office of the First Minister and the Deputy First Minister in the light of the recent report

into child abuse by the NSPCC to make a statement on progress towards the establishment of a children's commissioner for Northern Ireland. (AQO 406/00)

**Reply:** The Executive Committee is determined to ensure that our arrangements for protecting children and upholding children's rights are based on best practice.

We will carefully examine key developments throughout Europe including:

- the Waterhouse report on child abuse in Wales and the appointment of a children's commissioner for Wales;
- appointment of a children's rights director in England; and
- the appointment of a children's commissioner for Wales;
- the appointment of an ombudsman for children in the Republic of Ireland.

We will also look at the roles of commissioners for children in the Scandinavian countries.

The Executive Committee will, in the light of these developments, consider what new arrangements are needed here when formulating proposals for the children's fund.

## AGRICULTURE AND RURAL DEVELOPMENT

### Rivers Agency: Flood Emergencies

**Mr Beggs** asked the Minister of Agriculture and Rural Development to detail what measures she has taken to investigate the increase in complaints about flooding received by the Rivers Agency. (AQW 723/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** While localised areas have suffered significantly from flooding, in overall terms, the number of flood emergencies to which the Rivers Agency has responded over recent months has not been significantly above average for the time of year. The agency has responded to all calls received within its published target response time of three hours from the receipt of the call. In all cases the causes of flooding were investigated and immediate measures taken as appropriate. In more complex cases, more extensive investigations are on-going to establish if cost-effective flood alleviation schemes can be developed.

### Suckler Cow Premium

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development to (a) detail what problems have been identified in the payment of the suckler cow

premium and (b) what steps she is taking to ensure that all future schemes are properly planned. (AQW 769/00)

**Ms Rodgers:** Advance payments of 2000 suckler cow premiums commenced on 20 October. Over 83% of the claims received to the end of October have now been paid. There have been teething problems with the processing of claims from producers with herds of 80 or more animals because of technical difficulties in picking up information from these claim forms. There have also been technical problems with the computer programme used to record the 2.75% Agenda 2000 quota reduction on affected claims. These difficulties have now been resolved, and the cases concerned are now being processed, subject to the normal pre-payment and validation checks.

Despite these problems, all advance payments are proceeding well within the Department's charter targets. The new claim form scanning facility which has been introduced has considerably reduced the manual keying of data and has resulted in the more efficient processing of claims overall.

The implementation of payment programmes and other scheme-related transactions is closely monitored by senior managers at an operational level to ensure delivery within targets and European Commission legislative requirements. In light of the recent problems the existing control and monitoring regime has been strengthened. The protocol to be published in 2001 will provide a comprehensive and clear explanation to farmers of how their subsidy claims will be handled and what they can expect from the Department.

### Vision Steering Group

**Mr McHugh** asked the Minister of Agriculture and Rural Development what steps she has taken to access funding for the visioning process work from the Programme for Government. (AQW 770/00)

**Ms Rodgers:** A number of the ideas emerging from the vision steering group on the future of the agri-food industry have received funding through the Budget. Examples are the beef quality initiative and, through the October monitoring round, a pilot scheme on farm waste management. In addition, the draft Programme for Government gives a clear commitment that, during 2001, the Executive Committee will consider the outcome of the vision exercise and implement appropriate measures based on those considerations.

### Tuberculosis Blood Sampling Test

**Mr Kane** asked the Minister of Agriculture and Rural Development to detail the funds currently available for research into the development of a tuberculosis blood sampling test as a replacement to the serum test system. (AQW 773/00)

**Ms Rodgers:** At present the Department of Rural Development funds three research and development projects relevant to this area of work. In 1999-2000 expenditure on these projects amounted to £307,854.

### Rural Proofing

**Mr Savage** asked the Minister of Agriculture and Rural Development how "rural proofing" of all Government policies will work and what administrative procedures and criteria will be applied to enforce it. (AQW 798/00)

**Ms Rodgers:** Officials are working on proposals to implement the commitment in the draft Programme for Government to establish a ministerial-led group to proof all Government policies for their rural impact. As we are still consulting on the draft programme, it would be premature to finalise arrangements for implementing rural proofing.

### BSE and Scrapie

**Mr Gibson** asked the Minister of Agriculture and Rural Development to detail her policy regarding risk reduction strategy for BSE and scrapie. (AQW 803/00)

**Ms Rodgers:** The risk of BSE is reduced by a range of measures including the ban on including meat-and-bone meal in livestock feed; the specified risk material controls; the destruction of BSE suspects; and, in cattle, the over thirty month slaughter scheme; the selective cull; and the offspring cull.

More recently work has begun in GB on the development of a national scrapie plan to reduce and eventually eliminate scrapie from the national flock. Work is also in hand to prepare a contingency plan setting out actions that might be taken in different scenarios if, in the future, BSE is found to be present in sheep. Scrapie is much less prevalent in Northern Ireland than in GB but, as a precaution, my Department has nonetheless been in regular and close contact with the Ministry of Agriculture, Fisheries and Food on its development of the national scrapie plan and have also been fully involved in the development of the contingency plan.

### Phillips Report

**Mr Gibson** asked the Minister of Agriculture and Rural Development to detail the steps she is taking to implement the recommendations of the Phillips Report into BSE. (AQW 804/00)

**Ms Rodgers:** The Phillips Report contains over 160 lessons, including many on public administration, and each needs to be considered very carefully. The Ministry of Agriculture, Fisheries and Food is leading that consideration with a wide range of Government Departments,

including all of the devolved Administrations with a view to preparing the Government's substantive response to the report in the coming months. My officials are very closely involved in that process to ensure that we can take whatever action is necessary in Northern Ireland. I will keep the Assembly fully informed.

### **Fisheries Industry: TAC and Quotas**

**Dr Birnie** asked the Minister of Agriculture and Rural Development to detail what discussions she has had with the European Commission and the UK Government regarding the review of the fisheries industry total allowable catch (TAC) quotas. (AQO 430/00)

**Ms Rodgers:** Last week I received the European Commission proposals for TACs and quotas for the year 2001.

I was aware from the scientific advice in recent weeks that many stocks in European waters, particularly those around these islands that are of interest to local fishermen, are in a parlous state and are giving rise to serious concern among fisheries managers. Indeed, my examination of the Commission proposals bears this out with significant reductions proposed for many stocks.

As to discussions, there have been meetings between my officials and representatives of the local industry both here and in London to consider positions in anticipation of the Commission proposals. I will be talking to local industry representatives later this week. I also plan to visit Kilkeel and Ardglass during the week. I shall of course be meeting my English and Scottish fisheries colleagues prior to going to Brussels for the December Fisheries Council.

**Mr McGrady** asked the Minister of Agriculture and Rural Development to detail what discussions have taken place with representatives of the fishing industry concerning the annual negotiations on the total allowable catch and quota arrangements for 2001 and if she will make a statement. (AQO 433/00)

**Ms Rodgers:** Last week I received the European Commission proposals for TACs and quotas for the year 2001.

I was aware from the scientific advice in recent weeks that many stocks in European waters, particularly those around these islands which are of interest to local fishermen are in a parlous state and giving rise to serious concern among fisheries managers. Indeed, my examination of the Commission proposals bears this out with significant reductions proposed for many stocks.

As to discussions, there have been meetings between my officials and representatives of the local industry both here and in London to consider positions in anticipation of the Commission proposals. I will be talking to local industry representatives later this week. I

also plan to visit Kilkeel and Ardglass during the week. I shall of course be meeting my English and Scottish fisheries colleagues prior to going to Brussels for the December Fisheries Council.

### **BSE: European Council Decisions**

**Mr Ford** asked the Minister of Agriculture and Rural Development to make a statement on European Council decisions on BSE. (AQO 402/00)

**Ms Rodgers:** The last European Council of Agriculture Ministers held on 21 November reviewed the latest developments on BSE throughout the Community and concluded that there was not only a need to ensure that existing EU measures be strictly implemented but also that there should be a harmonised Community approach to any additional measures. In view of these developments, the Council is holding a specially convened meeting today to consider new Commission proposals to respond to the current BSE crisis. The proposals include:

- a temporary ban on the feeding of meat-and-bone meal to all farm animals;
- a requirement that all bovines aged over 30 months are tested to enhance consumer confidence;
- a requirement that the current list of specified risk materials that must be removed and destroyed is extended to include the entire intestine;
- a "purchase for destruction" scheme to remove all cattle aged over 30 months from the food chain unless they have been tested for BSE.

Most of these measures will have no impact on Northern Ireland because we have had similar measures, ie, the over thirty months slaughter scheme, the ban on feeding meat-and-bone meal and the removal of the "long list" of SRMs in place since 1996. On the question of testing we are examining the proposals, but indications are that testing will only be required for animals that are over thirty months old and destined for human consumption. As all cattle for human consumption in Northern Ireland must be slaughtered before they reach that age, it may be that testing of such bovines for BSE in Northern Ireland is unnecessary.

We are also examining the proposal to see how it extends the testing programme of "at risk" cattle due to come into effect from 1 January 2001. This will require member states to test a random sample of bovine animals aged over 30 months that are not intended for the food chain — that is, casualty animals and fallen stock. We already have a surveillance programme in place to test 2,500 casualty animals for BSE submitted under the over thirty month scheme but the latest proposal appears specifically to target fallen animals. We are seeking clarification from the Commission so that we can assess the full implications for Northern Ireland.

### **Pollution Prevention: Additional Funding**

**Mr Close** asked the Minister of Agriculture and Rural Development if she will detail how she proposes to spend the additional allocation of £500,000 for pollution prevention announced by the Minister of Finance and Personnel on 20 November. (AQO 398/00)

**Ms Rodgers:** Subject to our obtaining EU State Aids Approval, the £500,000 in question will be spent on the introduction of a pilot farm waste management scheme. The scheme will be aimed at minimising farm source pollution, which is contributing to water quality problems.

Under the pilot exercise we envisage giving capital assistance towards modest repair projects to slurry tanks and silage holding facilities, which are considered as being able to deliver a beneficial reduction in the risk of effluent escaping into watercourses.

We hope to commence this exercise as early as possible in the new year.

### **Sub-Programme for Agriculture, Rural Development and Fisheries**

**Mr Poots** asked the Minister of Agriculture and Rural Development if a scheme similar to the Special Programme for Agriculture and Rural Development would be in breach of European Union rules. (AQO 428/00)

**Ms Rodgers:** I presume the Member is referring to SPARD, the Sub-programme – not the Special Programme – for Agriculture, Rural Development and Fisheries, which formed part of the single programme document under the last round of European Union structural funds. The name “SPARD” is, however, used colloquially to refer to the three measures in the sub-programme which provided for capital investment grants for farmers.

If I have interpreted the question correctly, the answer is that such capital investment grants remain permissible under the EU’s Rural Development Regulation.

### **Joint Animal Health Strategies**

**Mr Bradley** asked the Minister of Agriculture and Rural Development to outline how she intends to take forward the proposals to develop joint animal health strategies on the island of Ireland agreed at the recent North/South Ministerial Council meeting in agricultural sectoral format. (AQO 396/00)

**Ms Rodgers:** As I pointed out this morning (Hansard 4 December 2000 Volume 7 No 9 Page 400 et. seq.) during my statement on the outcome of the last North/South Ministerial Council there will be a new strategic steering group formed to co-ordinate animal health policy on the island. It will review the activities of working groups

that will be established to consider individual animal health policy issues as they apply to the whole island. The steering group will also keep an overview of co-operation at local level and will meet not less than four times a year and, in any event, prior to each meeting of the North/South Agriculture Ministerial Council. The steering group will make regular reports on co-operation on animal health matters together with recommendations for policy and/or operational decisions to the Ministerial Council.

Local liaison at operational veterinary level on both sides of the border, which has been going on for quite some time, will continue on a less formal basis.

### **National Beef Association**

**Mr Kane** asked the Minister of Agriculture and Rural Development to explain why representation from the National Beef Association was overlooked by the vision group. (AQO 413/00)

**Ms Rodgers:** I am not clear from the Member’s question if he means that the National Beef Association made representations to the group, which were ignored. If this is the case, then I have no knowledge of any such representations.

If the Member is asking why the National Beef Association was not represented on the group then I have made it clear on a number of occasions that it was a question of keeping the size of the group to manageable proportions. It was simply not possible to consider representation from individual sectors and having representatives drawn from the Ulster Farmers’ Union and the Northern Ireland Producers’ Association ensures that all sectors are represented. Beef production and processing interests are well represented on the group with at least three of the total of 12 non-Government members having interests in this area.

### **Better Regulation Task Force Report**

**Mr Armstrong** asked the Minister of Agriculture and Rural Development if she has had any discussions with her counterparts in the Scottish Parliament and Welsh Assembly regarding the recommendations contained in the Report ‘Environmental Regulations and Farmers’ published by the better regulation task force in November 2000. (AQO 432/00)

**Ms Rodgers:** I have not yet initiated any discussions with my counterparts in Scotland and Wales or, indeed, in England about the recommendations in Lord Haskins’ report.

The Ministry of Agriculture, Fisheries and Food and the Department of Environment, Transport and the Regions are preparing a comprehensive reply to the better regulation task force report, which will not become

available until the early new year. The Department of Agriculture and Rural Development will of course have input to that exercise.

I can assure you that I recognise the importance of reducing the regulatory burden on the farming industry where it is possible to do so. I shall therefore wish to take a balanced judgement on how we might progress this objective.

However, I would counsel caution in relation to unrealistic expectations: many regulatory burdens are imposed by EU regulations, and we have no discretion to do other than implement them.

### School Milk Scheme

**Mr Gallagher** asked the Minister of Agriculture and Rural Development when she will reinstate subsidised catering milk to all school kitchens and subsidised drinking milk in all secondary schools. (AQO 411/00)

**Ms Rodgers:** My support has been demonstrated by the decision recently announced to top up the school milk scheme, which was assisted by the financial support of my Colleagues, Minister De Brún and Minister McGuinness. Catering milk for all schools and drinking milk for secondary school children were available throughout the UK under the EU school milk scheme until Easter 1996. At that stage, following a fundamental expenditure review, they were withdrawn as it was considered that the removal of these discretionary elements would not have any effect on the general health and nutrition of teenagers. I am advised that reinstatement of these elements could only be done on a UK-wide basis. If they are to be reinstated, there would be funding implications, which would have to be considered against other spending priorities. I also understand that there was limited uptake in Northern Ireland of the discretionary elements. I would wish to be satisfied that reinstatement represents value for money before I would be prepared to take this up with my ministerial Colleagues.

### Northern Ireland Forestry Policy

**Mr A Doherty** asked the Minister of Agriculture and Rural Development what steps she is taking to review Northern Ireland forestry policy; and if she will make a statement. (AQO 435/00)

**Ms Rodgers:** A review of Northern Ireland forestry policy commenced earlier this year. This is being taken forward by officials in the Forest Service, which is an agency of my Department. A first draft of a new strategy for forestry will be available for initial consideration by the Assembly Committee in the early part of next year. Allowing for a period of public consultation and final agreement of the strategy it is anticipated that it will be ready for publication in the autumn of 2001.

## CULTURE, ARTS AND LEISURE

### Qualified Coaching in Sport for Children

**Mr Gibson** asked the Minister of Culture, Arts and Leisure if he will outline the steps he is taking to give school children greater access to qualified coaching in sports. (AQW 739/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** Over the past two years the Sports Council for Northern Ireland, in partnership with my Department and the Department of Education, higher education institutions, education and library boards and the CCMS, has been developing a training pack which will increase:

- the confidence of coaches who have no training or understanding of how the school environment works; and
- knowledge and awareness of the role that sport plays in relation to the Northern Ireland curriculum.

Training is expected to begin next spring, when it is anticipated that over 100 coaches will be attracted in the first year.

Other initiatives already in place which give children greater access to qualified coaching in sports include the Youth Sport programme, which now extends to all areas of Northern Ireland, and City Sport, which is Belfast based and centred on soccer and Gaelic games.

### Film Making (Northern Ireland)

**Mr Shannon** asked the Minister of Culture, Arts and Leisure if he will detail the number of films made in Northern Ireland in the years 1998-99 and 1999-00 and the level of funding in each financial year provided by the Northern Ireland Film Commission. (AQW 743/00)

**Mr McGimpsey:** The information you requested is as follows:

	No of films	£ NIFC funding
<b>1998-1999</b>		
Feature films	3	-
Television drama	2	-
Short films	13	25,000
<b>Total</b>	<b>18</b>	<b>25,000</b>
<b>1999-2000</b>		
Feature films	4	180,000
Television drama	-	-
Short films	7	25,000
<b>Total</b>	<b>11</b>	<b>205,000</b>

## Lough Neagh: Usage for Leisure Pursuits

**Mr Poots** asked the Minister of Culture, Arts and Leisure if he will outline his plans to increase the usage of Lough Neagh for leisure pursuits. (AQW 755/00)

**Mr McGimpsey:** In the absence of a navigation authority, my Department's only statutory responsibility for Lough Neagh is dredging the channels and maintaining navigation markers at the entrances to the Sixmilewater and lower Bann rivers. However, I recognise that Lough Neagh is relatively underdeveloped in terms of water-based leisure usage, and my Department is committed to working in partnership with local authorities and others towards developing the water recreation potential of Lough Neagh. It is hoped that this can be achieved through the ongoing work of the Lough Neagh management structure which comprises a range of user interests and executive statutory bodies with an interest in the management and development of Lough Neagh and on which both your council and my Department are represented.

I am also seeking funding for a water-based tourism programme under the next round of EU structural funds to assist the development of inland waterways and funding will be targeted primarily at disadvantaged areas.

Finally, in the longer term — if the necessary capital funding can be secured — I hope to see progress being made towards re-opening strategic waterways which link to Lough Neagh, such as the Ulster Canal and the Lagan navigation, which would open up new opportunities for boating and other leisure pursuits.

## Motor Sports

**Mr Paisley Jnr** asked the Minister of Culture, Arts and Leisure if he will announce a feasibility study into motor sport racing in Northern Ireland. (AQW 765/00)

**Mr McGimpsey:** My meeting with the Motor Cycle Union of Ireland (MCUI) on 13 September 2000, and the subsequent representations received from other interested parties, highlighted the need for a fundamental review of motor cycle sport in the Province. To this end it was decided that, in addition to addressing the key issue of road racing safety, which is now being taken forward by the joint MCUI/Sports Council for Northern Ireland road racing task force, the condition of the Province's existing short circuits would need to be assessed. A preliminary feasibility study will be undertaken into the need and scope for a purpose built Grand Prix circuit. It has been agreed that these studies will be holistic in their approach with ample opportunity for contributions from all motorsport disciplines.

I have recently made a sum of £20,000 available to the Sports Council for Northern Ireland to commission a consultant to undertake the exercise.

## Ulster Ladies GAA

**Mr McElduff** asked the Minister of Culture, Arts and Leisure to outline what steps he is taking to ensure that Ulster ladies GAA is included in the list of eligible governing bodies identified for assistance and development by the Sports Institute's performance management programme. (AQO 397/00)

**Mr McGimpsey:** I can confirm that the Ulster ladies GAA will be included in the list of eligible governing bodies identified for assistance and development by the Sports Council's lottery fund performance management programme. It is expected that this will be done in association with the GAA, which will address the needs of men and women, following consultation with the ladies GAA.

## Belfast Public Record Office

**Mr Neeson** asked the Minister of Culture, Arts and Leisure to make a statement on the usage of the Public Record Office in Belfast. (AQO 400/00)

**Mr McGimpsey:** I am very much aware of the value of the Public Record Office of Northern Ireland's holdings. They constitute the memory of the community's experiences over the centuries and are a tribute to the richness of its diversity.

The number of user visits to the Public Record Office of Northern Ireland (PRONI) for the financial year 1999-00 was 17,466 - an increase of 6% on the previous year - and indications are that the number will be exceeded in the current year. The number of first-time users shows the same upward trend: up from 4,392 to 4,573 (6 %) in 1999/2000. It is likely to be in the region of 5,500 by the end of the current year.

Approximately 20% of the new readers come from the USA, Canada, Australia and New Zealand to trace their family roots, thus highlighting the value of genealogy as a cultural resource, and the important role that PRONI plays in cultural tourism.

Additionally, the number of pages accessed on the PRONI web site is averaging almost one million per year.

## Arts Centre (Omagh)

**Mr Byrne** asked the Minister of Culture, Arts and Leisure to detail what progress has been made with regard to the development of a new arts centre for Omagh. (AQO 414/00)

**Mr McGimpsey:** In December 1999 the Arts Council made an offer of grant to Omagh District Council of £4 million towards the cost of a new build arts centre complex, representing 50% of the dedicated arts element

of the project. The offer was accepted by Omagh District Council in January 2000.

In line with all National Lottery awards the conditions of offer require Omagh District Council to confirm that all partnership funding is in place before the project commences. This entails Omagh District Council raising £6.1 million from its own sources or from other sources. Negotiations are ongoing between Omagh District Council and the Arts Council to examine the possibility of the project proceeding in stages as and when partnership funding is secured.

### Darts

**Mr Close** asked the Minister of Culture, Arts and Leisure to explain why darts is not recognised as a sport by the Sports Council for Northern Ireland.

(AQO 399/00)

**Mr McGimpsey:** The Sports Council for Northern Ireland is responsible for the development of sport in the Province. In carrying out this role the Sports Council works closely with the Home Country Sports Councils and decisions on whether or not an activity should be recognised as a sport are taken jointly on a UK-wide basis. To date, darts has not been recognised as a sport by the Sports Councils. However, I understand the matter is kept under constant review and that it is likely to be considered again in the spring.

## EDUCATION

### Special Schools

**Mr Gibson** asked the Minister of Education if he will detail the number of special schools that have been created since May 1997.

(AQW 579/00)

**The Minister of Education (Mr M McGuinness)** [*holding answer 4 December 2000*]: Three new special schools, at St. Joseph's, Middleton, Co. Armagh, St. Stephen's, Belfast, and Lakewood, Bangor, were established in September 1999 when responsibility for the education of young people in care on the training school sites was transferred from the Northern Ireland Office to my Department. Both St Joseph's and St Stephen's, Belfast, closed at 31 August 2000 as a result of having insufficient pupils, leaving only Lakewood Special School, Bangor.

### Nursery Schools

**Mrs I Robinson** asked the Minister of Education if he will; (a) detail the enrolment in each of the last three years for the following nursery schools in the Southern

Education and Library Board area: Ashgrove, Downshire, Edenderry, The Grove, Harrison, College Farm, St John the Baptist and St Malachy's; (b) state which individual school range (ISR) scale applies to each school, and; (c) state the actual pupil enrolment in each school in the year the pay scale was determined. (AQW 677/00)

**Mr M McGuinness:** I am advised by the Southern Education and Library Boards that the information is as follows:

a)

School	1997/98	1998/99	1999/2000
Ashgrove Nursery School	47	46	52
College Farm Nursery School	0	0	52
Downshire Nursery School	50	51	53
Edenderry Nursery School	50	50	52
Harrison Nursery School	50	50	52
St John the Baptist Nursery School	50	47	52
St Malachy's Nursery School	50	50	52
The Grove Nursery School	51	51	52

b)

School	ISR	Unit Total
Ashgrove Nursery School	1 to 7	161
College Farm Nursery School	2 to 8	364
Downshire Nursery School	2 to 8	357
Edenderry Nursery School	2 to 8	353
Harrison Nursery School	1 to 7	350
St John the Baptist Nursery School	1 to 7	329
St Malachy's Nursery School	1 to 7	350
The Grove Nursery School	2 to 8	366

In the case of nursery schools, the unit total is calculated on the basis of seven points for every full-time equivalent pupil and three extra points for every full-time equivalent statemented pupil. The employing authorities have recommended an ISR of two to eight for nursery schools with unit totals from 351 to 700. Edenderry's and Grove's 1998-99 enrolments include one and three statemented pupils, and Ashgrove's enrolment comprises part-time pupils.

c) The new pay scale was introduced from 1 September 1999 with unit totals calculated on the basis of October 1998 school census figures, apart from College Farm which opened on 4 January 1999 and whose ISR had therefore to be based on the projected enrolment of 52 pupils. October 1998 school census figures are shown in the table at "a)" above.

### Special Needs Education

**Mr Shannon** asked the Minister of Education if he will detail the funding allocated to provide special needs education within the South Eastern Education and

Library Board area for the financial years 1998-99 and 1999-00. (AQW 742/00)

**Mr M McGuinness:** The amounts spent by the South Eastern Education and Library Board on special schools, peripatetic teachers for children with special educational needs, home tuition, educational psychology and administrative staff and certain other special educational facilities in the two years requested were as follows:

	Expenditure in £000s	
	1998/99	1999/2000
Capital	376	411
Recurrent	11,549	12,561

A certain amount of expenditure on children with special educational needs is also included under the nursery, primary, secondary and grammar schools headings in board schemes but is not recorded separately. These figures have been extracted from the board's final financial schemes and are provisional pending completion of audited board accounts.

### Australian Visit

**Mr Paisley Jnr** asked the Minister of Education if, in relation to his forthcoming visit to Australia, he will detail (a) how this will be funded; (b) how many officials will accompany the Minister; (c) who these officials are and; (d) the total cost of their attendance. (AQW 951/00)

**Mr M McGuinness:** This was a private visit, which did not involve expenditure of public funds.

## ENTERPRISE, TRADE AND INVESTMENT

### Energy Efficiency in Industry

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment what steps he is taking to ensure energy efficiency in industry. (AQW 750/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** The promotion of energy efficiency in industry and commerce is the responsibility of the Industrial Research and Technology Unit (IRTU) within the Department of Enterprise, Trade and Investment. IRTU operates a programme of promotion and support measures including the regional management of the UK-wide energy efficiency best practice programme. Over the past five years IRTU has assisted over 1,300 companies on energy efficiency matters. IRTU will also be playing a key role in promoting an enhanced energy efficiency programme when the climate change levy is introduced

on 1 April 2001. Details of the support available can be obtained from IRTU's web site at [www.irtu-ni.gov.uk](http://www.irtu-ni.gov.uk)

### LEDU Assistance

**Mr McGrady** asked the Minister of Enterprise, Trade and Investment to provide a breakdown according to constituencies of the number of new jobs created with LEDU assistance in the 1999-2000 financial year.

(AQW 758/00)

**Sir Reg Empey:** The table attached provides a breakdown of the number of new jobs created by businesses assisted by LEDU and its Business Start programme partners.

LEDU records this information by district council area only.

#### NUMBER OF NEW JOBS CREATED BY LEDU CLIENTS AND THOSE ASSISTED THROUGH THE BUSINESS START PROGRAMME

DCA	New Jobs Created
Antrim	88
Ards	161
Armagh	139
Ballymena	62
Ballymoney	33
Banbridge	46
Belfast	436
Carrickfergus	59
Castlereagh	162
Coleraine	50
Cookstown	179
Craigavon	135
Derry	284
Down	83
Dungannon	245
Fermanagh	172
Larne	116
Limavady	40
Lisburn	147
Magherafelt	188
Moyle	25
Newry and Mourne	270
Newtownabbey	173
North Down	209
Omagh	62
Strabane	69
<b>Total</b>	<b>3,633</b>

**Mr McGrady** asked the Minister of Enterprise, Trade and Investment to provide a breakdown according to constituency of the number of new business start-ups created with LEDU assistance in the 1999/2000 financial year. (AQW 759/00)



**Sir Reg Empey:** The table attached provides a breakdown of the number of new business start-ups created by businesses assisted by LEDU and its Business Start programme partners.

LEDU records this information by district council area only.

**NUMBER OF NEW BUSINESS START-UPS CREATED WITH THE ASSISTANCE OF LEDU AND ITS BUSINESS START PARTNERS.**

DCA	New Starts
Antrim	19
Ards	29
Armagh	33
Ballymena	24
Ballymoney	15
Banbridge	17
Belfast	133
Carrickfergus	19
Castlereagh	31
Coleraine	24
Cookstown	55
Craigavon	58
Derry	68
Down	56
Dungannon	94
Fermanagh	90
Larne	22
Limavady	25
Lisburn	49
Magherafelt	50
Moyle	7
Newry and Mourne	128
Newtownabbey	36
North Down	78
Omagh	51
Strabane	27
<b>Total</b>	<b>1,238</b>

### **New Employment (North Antrim)**

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment to detail his plans to bring new employment to the North Antrim constituency.  
(AQW 764/00)

**Sir Reg Empey:** The Department seeks to encourage new employment from existing companies and new investors. In the past couple of years in particular this investment has been mostly from knowledge-based sectors such as telecommunications, software development and call-centre operations.

IDB has been working with local councils, including those in North Antrim, to support their efforts and to

ensure co-operation with IDB in the attraction of these kind of projects.

This work has included participation in the CORE group of councils' strategy conference in May 2000, and IDB has also recently held a seminar for all council economic development officers in order to share experiences in marketing Northern Ireland as an investment location and encourage joint working in the future.

LEDU is the lead agency for enterprise and investment and is represented on the peace and reconciliation partnership and the council's economic enterprise and investment group.

LEDU works closely with the economic development manager and the local enterprise agency in ensuring a holistic economic strategy is developed for the area.

### **Northern Ireland National Cycle Network**

**Mr McClarty** asked the Minister of Enterprise, Trade and Investment to detail proposed measures to promote the Northern Ireland national cycle network and the north coast cycle route as a tourist amenity throughout the UK and Republic of Ireland.  
(AQW 777/00)

**Sir Reg Empey:** With the support of the International Fund for Ireland, Sustrans has been working closely with the Northern Ireland Tourist Board to develop a cycle/pedestrian path known as the north coast cycle route to run alongside the proposed Giant's Causeway and Bushmills Railway. It is intended that when fully complete, the trail will form part of the Northern Ireland national cycle network, which itself is part of the UK network. Sustrans is also working on a number of activities to help market and promote the national cycle network routes to the UK and the Republic of Ireland.

### **North/South Tourism Company**

**Mr McClarty** asked the Minister of Enterprise, Trade and Investment to (a) confirm that the Northern Ireland Tourist Board will not become subservient to the new North/South Tourism Company and; (b) confirm that the Tourism Company will market Northern Ireland on a worldwide basis and not as part of an all-Ireland entity.  
(AQW 778/00)

**Sir Reg Empey:** The Northern Ireland Tourist Board (NITB) will be a joint owner of the North/South Tourism Company and NITB's chairman and chief executive will be on its board, which will have 50% of its members appointed from Northern Ireland. Responsibility for promoting and developing Northern Ireland as a tourism market remains with NITB, which will use the new company as the delivery mechanism for whatever regional advertising and promotional activity the NITB wants to have in place.

## Fairtrade Policies

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment to outline the steps he is taking to encourage local industry and commerce to adopt "Fairtrade" policies. (AQW 805/00)

**Sir Reg Empey:** Responsibility for encouraging UK companies to adopt "Fairtrade" policies rests with the Department of Trade and Industry. My Department would be keen to pursue any initiatives developed by the Department of Trade and Industry in this area.

## THE ENVIRONMENT

### Spending Review 2000

**Mr Beggs** asked the Minister of the Environment if his bid for additional funding from the spending review 2000 to finance a review of the taxi industry was successful, if he would outline how he intends to structure a review of that industry; and if he will make a statement. (AQW 797/00)

**The Minister of the Environment (Mr Foster):** The draft Budget makes no provision for additional funds for my Department to undertake a review of the taxi industry in Northern Ireland. Consequently I am unable to say at this point that the review will proceed or how it would be structured. However, I will continue to see if I can find some capacity within the resources available to me to allow a review of the future regulation of the taxi industry in Northern Ireland to proceed.

### Sewage Sludge

**Mr K Robinson** asked the Minister of the Environment what action he intends to take with his Republic of Ireland counterpart to address non-compliance with the EU Directive on sewage sludge to protect residents in border areas; and if he will make a statement. (AQW 799/00)

**Mr Foster:** Compliance of individual member states with EU Directives is a matter for the European Commission in the first instance.

I am not aware from my Department's environmental monitoring systems, or from any other source, of any impact on border areas in Northern Ireland arising from the disposal of sewage sludge to land in the Republic of Ireland.

Any evidence of an impact in Northern Ireland should be brought to my attention or notified to officials in the Environment and Heritage Service of my Department. If I receive such evidence I will, of course,

take the matter up with the appropriate authorities in the Republic of Ireland.

**Mr K Robinson** asked the Minister of the Environment if he is aware that non-compliance with the EU Directive on sewage sludge and the absence of an adequate system of records by the Republic of Ireland could lead to the build up of heavy metals in the soil and if he will raise the implications of such failure for farmers in border regions with his Republic of Ireland counterpart. (AQW 800/00)

**Mr Foster:** Compliance of individual member states with EU Directives is a matter for the European Commission in the first instance.

I am not aware from my Department's environmental monitoring systems, or from any other source, of any impact on border areas in Northern Ireland arising from the disposal of sewage sludge to land in the Republic of Ireland.

Any evidence of an impact in Northern Ireland should be brought to my attention or notified to officials in the Environment and Heritage Service of my Department. If I receive such evidence I will, of course, take the matter up with the appropriate authorities in the Republic of Ireland.

**Mr K Robinson** asked the Minister of the Environment to raise the Republic of Ireland's non-compliance with the EU Directive on sewage sludge with his counterpart in the Republic of Ireland to ensure that public health is not compromised in border areas. (AQW 801/00)

**Mr Foster:** Compliance of individual member states with EU Directives is a matter for the European Commission in the first instance.

I am not aware from my Department's environmental monitoring systems, or from any other source, of any impact on border areas in Northern Ireland arising from the disposal of sewage sludge to land in the Republic of Ireland.

Any evidence of an impact in Northern Ireland should be brought to my attention or notified to officials in the Environment and Heritage Service of my Department. If I receive such evidence I will, of course, take the matter up with the appropriate authorities in the Republic of Ireland.

**Mr K Robinson** asked the Minister of the Environment if he is aware that the Republic of Ireland has not yet complied with the EU Directive on sewage sludge and if his officials are monitoring the impact of non-compliance in border regions. (AQW 802/00)

**Mr Foster:** Compliance of individual member states with EU Directives is a matter for the European Commission in the first instance.

I am not aware from my Department's environmental monitoring systems, or from any other source, of any impact on border areas in Northern Ireland arising from the disposal of sewage sludge to land in the Republic of Ireland.

Any evidence of an impact in Northern Ireland should be brought to my attention or notified to officials in the Environment and Heritage Service of my Department. If I receive such evidence I will, of course, take the matter up with the appropriate authorities in the Republic of Ireland.

### Waste from Republic of Ireland

**Mrs Carson** asked the Minister of the Environment to detail (a) the different types of waste transported from the Republic of Ireland to Northern Ireland in each of the last five years, (b) the amount transported for each type of waste in each of the last five years, (c) the destinations for the transported waste, (d) the methods of disposal for each of the types of waste and (e) the health hazards associated with each of the different types of waste. (AQW 811/00)

**Mr Foster:** The Department does not hold the information requested. Under the Basel Convention, the UK is required to report annually on the transboundary movement of wastes. District councils, as the competent authorities for transfrontier shipment movements into and out of Northern Ireland, contribute to the report through returns made direct to the Department of the Environment, Transport and the Regions (DETR). The report prepared by DETR deals with the UK as a whole and does not show any regional breakdown.

### Areas of Special Scientific Interest

**Mrs I Robinson** asked the Minister of the Environment to detail (a) those areas in Northern Ireland that have been designated areas of special scientific interest and (b) to list any other areas which may be added to this list. (AQW 862/00)

**Mr Foster:** To date 179 areas of special scientific interest (ASSIs) have been declared in Northern Ireland. The full list of these sites may be found on the Environment and Heritage Service website: [www.ehsni.gov.uk](http://www.ehsni.gov.uk)

I regret that I cannot provide details of the sites yet to be declared. There is no full list of sites that meet the selection criteria for ASSI designation, as the process of survey and assessment is not yet complete. However, based on current knowledge the total number of sites is likely to be in excess of 400.

It is the practice of my Department not to publish the location of proposed ASSIs until such time as landowners and other parties who may be directly affected are

consulted. This is in the interests of developing good relations with landowners and minimising the risk of damage to sites.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Plastic Surgery and Burns Units Services

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will detail her plans to address the needs of patients in relation to plastic surgery and burns units in Northern Ireland.

(AQW 734/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** I am determined to ensure that there is a sound, high quality service in plastic surgery, including burns. The Eastern Health and Social Services Board has been holding separate discussions with the Royal Group of Hospitals Trust and the Ulster Community and Hospitals Trust with a view to enhancing the linkages between the burns unit at the RVH and the plastic surgery unit at the Ulster Hospital. I hope that partnership arrangements between the two units can be developed so patients can get the best treatment available.

In recognition of the increasing demand for plastic surgery, my Department has increased the number of trainees, and an additional five plastic surgeons will qualify over the next five years.

I am also aware of the current concern over the position in relation to the specialist consultant in burns. The Royal Group of Hospitals Trust recently advertised for two consultant plastic surgeon posts in its burns unit. The present locum consultant in the unit who applied for one of the posts announced recently that he had received an offer of appointment in England and raised some concerns with the trust about the adequacy of equipment and other aspects of the current service in the Royal Group of Hospitals. The trust's clinical director has been involved in close discussions with him to address his position and concerns, and I hope that the matter will be satisfactorily resolved.

Tá mé meáite ar chinntiú go bhfuil seirbhís láidir máinliachta plaistí ardchaighdeáin ann, lena n-áirítear dónna. Bhí cainteanna ar leithligh ag Bord Sláinte agus Seirbhísí Sóisialta an Oirthir le hÍontaobhas GRO agus le hÍontaobhas Phobal agus Otharlann Uladh d'fhonn na naisc idir an t-aonad dónna ag an ORV agus an t-aonad máinliachta plaistí ag Otharlann Uladh a neartú. Tá súil agam gur féidir an pháirtíocht idir an dá aonad a fhorbairt le gur féidir le hothair togha gach cóireála a fháil.

Aithníonn mo Roinn go bhfuil ag méadú ar an éileamh ar mháinliacht phlaisteach, agus d'ardaigh sí líon na n-oiliúnaithe agus cáileoidh cúigear máinlia plaisteach breise sna chéad cúig bliana eile seo chugainn.

Is feasach domh fosta an inní atá ann maidir le dála an speisialtóra chomhairligh dónna. D'fhógair Iontaobhas an Ghrúpa Ríoga Otharlann (GRO) dhá phost do mháinlia plaisteach comhairleach san aonad dónna le deireanas. Ar na mallaibh, d'fhógair ionadaí an dochtúra chomhairligh atá ann anois san aonad agus a chuir isteach ar cheann de na poist, gur tairgeadh post dó i Sasana agus chuir sé in iúl don iontaobhas go raibh inní air faoi shásúlacht an trealaimh agus gnéithe eile den tseirbhís reatha sa GRO. Bhí dlúthchainteanna ag stiúrtóirí cliniciúil an iontaobhais leis lena phost agus na hábhair is cúraim dó a chaibidil agus tá súil agam go mbeidh réiteach sásúil ar an ábhar seo.

### General Practitioners' Forum

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQW 528/00, she will (a) confirm the number of meetings between the Department and the general practitioners' forum in the last two years, (b) confirm whether the issue of in vitro fertilisation (IVF) was discussed and (c) explain what she intends to do regarding the general practitioners' proposal to transfer funds from their prescribing budget to the fertility service. (AQW 735/00)

**Ms de Brún:** No meetings have taken place during the last two years between my Department and the Eastern Board's GP forum, which provides advice to the board on the commissioning of health and social services. I am aware of proposals made by GPs in the Eastern Board area regarding the prescribing of drugs for patients undergoing in vitro fertilisation treatment. The provision of sub-fertility services is at present being considered by a group established by the Regional Medical Services Consortium, which commissions regional services on behalf of the four health and social services boards. I shall be considering all the issues involved in sub-fertility, including those relating to prescribing, when I receive the group's report early next year.

Níor tharla cruinniú ar bith sa dá bhliain dheireanacha idir mo Roinns agus fóram liachleachtóirí Bhord an Oirthir, a sholáthraíonn comhairle don bhord ar choimisiúnú seirbhísí sláinte agus sóisialta. Is feasach domh moltaí a rinne liachleachtóirí ó Bhordcheantar an Oirthir maidir le hordú druganna d'othair a bhí ag fáil cóireáil thoirchiú in-vitro. Tá soláthar seirbhísí fóthorthúlachta á scrúdú faoi láthair ag grúpa a bhunaigh Cuibhreas Seirbhísí Réigiúnacha Léighis, a choimisiúnaíonn seirbhísí réigiúnacha ar son na gceithre bhord sláinte agus seirbhísí sóisialta. Beidh mé ag scrúdú gach saincheist a bhfuil baint aici le fothorthúlacht, lena n-áirítear iad siúd a

bhaineann le cóir leighis a ordú, nuair a gheobhaidh mé tuairisc an ghrúpa go luath sa bhliain seo chugainn.

### Northern Ireland

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if, pursuant to AQW 634/00, she will detail what term is used for Northern Ireland in any material issued in her name and under her direction. (AQW 747/00)

**Ms de Brún:** There is no one singular term which I use to refer to here.

Níl aon téarma ar leith ann a úsáidim mar ainm ar an áit seo.

### GP Fundholding

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety to detail her plans for the future of GP fundholding, plans for consultation on its future, and the proposed timescale for the changes; and if she will make a statement. (AQW 771/00)

**Ms de Brún:** The Health and Personal Social Services Bill, which is currently before the Assembly, includes a provision to bring to an end the GP fundholding scheme. Before deciding on what should be put in its place I intend to undertake a comprehensive consultation on future arrangements for primary care, and I expect to publish a consultation document for that purpose in the coming weeks. I shall make a statement about the likely time scale for change when I launch the consultation.

Sa Bhille Sláinte agus Seirbhísí Sóisialta agus Pearsanta atá os comhair an Tionóil faoi láthair tá foráil le críoch a chur le scéim chisteshealbhúchais liachleachtóirí. Roimh shocrú cad é ba cheart a chur ina háit, tá rún agam comhairliúchán cuimsitheach a thionscnamh ar shocrú sa todhcháil don chúram phríomhúil agus tá mé ag súil le doiciméad comhairliúcháin a fhoilsiú lena aghaidh sin sna seachtainí seo chugainn. Déanfaidh mé ráiteas faoin fhad ama dóchúil a ghlacfaidh an t-athrú nuair a sheolfaidh mé an comhairliúchán.

### Cryptosporidium Outbreak (Silent Valley)

**Mr O'Neill** asked the Minister of Health, Social Services and Public Safety to outline the reasons for the delay in the publication of the report on the cryptosporidium outbreak in the Silent Valley reservoir and how much the report will cost. (AQW 772/00)

**Ms de Brún:** The nature of the cryptosporidiosis outbreak in the Eastern Board area in April/May was complex, requiring detailed analysis and consideration by the different bodies involved in the investigation.

Progress on finalising the report was delayed by the Eastern Board's involvement in a subsequent cryptosporidiosis outbreak in the south-west Belfast, Dunmurry and north Lisburn areas in August/September.

It proved necessary to arrange a workshop for members of the outbreak control team to review the information gathered about the April/May outbreak and consider the recommendations for inclusion in a final report. The earliest this could be arranged was 3 November 2000.

The report has now been finalised and will be presented to the Eastern Board's public board meeting in December.

The total direct cost incurred in producing the report is £1,200. This includes the cost of analysing a case control study; bringing Prof Paul Hunter of the public health laboratory service to provide expert advice to the outbreak control team; and for copying the report for distribution. In addition, considerable time was spent by members of the outbreak control team in gathering and analysing information, and meeting to discuss the findings. This involved representatives from a number of organisations and no information is available to quantify the time spent in terms of cost.

Bhí nádúr casta ag an ráig chripteaspóradóise i mbordcheantar SSS An Oirthir in Aibreán/Bealtaine, agus bhí anailís mhionchruinn agus dianmhachnamh de dhíth air ó na páirtithe éagsúla a bhí páirteach san fhiosrúchán. Cuireadh moill ar an tuairisc a thabhairt chun críche de bharr baint a bheith ag Bord an Oirthir le ráig chripteaspóradóise eile ina dhiaidh sin i gceantair Bhéal Feirste Thiar-Theas, Dhún Mhuire agus Lios na gCearrbhach Thuaidh i Lúnasa/Meán Fómhair.

Tharla gur ghá ceardlann a shocrú do bhaill fhoireann smachtaithe na ráige le hathbhreithniú a dhéanamh ar eolas a cruinníodh faoin ráig in Aibreán/ Bealtaine agus leis na moltaí a bhí le cur isteach sa tuairisc dheireanach a mheas. Níorbh fhéidir seo a shocrú roimh 3 Samhain 2000.

Chosain an tuairisc £1,200. Clúdaíonn seo anailís a dhéanamh ar staidéar ar chás rialaithe; an tOllamh Paul Hunter ó sheirbhís na saotharlainne sláinte poiblí a thabhairt isteach le sainchomhairle a chur ar fáil d'fhoireann rialaithe na ráige; agus as an tuairisc a chóipeáil le haghaidh scaipeadh. Lena chois sin, chaith baill na foirne rialaithe ráige cuid mhór ama ag cruinniú agus ag scrúdú faisnéise agus ag teacht le chéile lena plé. Bhí ionadaithe ó eagraíochtaí éagsúla bainteach leis seo agus níl eolas ar fáil ar an airgead a caitheadh ó thaobh ama de.

### National Institute for Clinical Excellence Guidelines

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to confirm that she will be

following the recommendations of the National Institute for Clinical Excellence (NICE) with regard to drugs for those who suffer from multiple sclerosis. (AQW 781/00)

**Ms de Brún:** NICE is currently considering the role that beta interferon and glatiramer should have in the treatment of multiple sclerosis. The institute's original proposal in respect of beta interferon is being reconsidered in the light of appeals and new data. Guidance from NICE on both drugs is not expected until mid-January, at the earliest. The recommendations, which emerge from NICE, will apply only in England and Wales, but I will be considering the implications of guidelines from this expert body for our health and social services and particularly for people suffering from multiple sclerosis. I have already met representatives of the multiple sclerosis society to hear their concerns, and I will also be meeting local health professionals to take their views on the future use of these drugs.

Tá an Institiúid Náisiúnta don Fheabhas Cliniciúil (INFC) ag déanamh machnaimh faoi láthair ar an ról a ba chóir a bheith ag na drugaí beta interferon agus glatiramer i gcóireáil na scléaróise iolraí. Táthar ag déanamh athbhreithniú faoi láthair ar bhunmhodh na hinstiúide maidir le beta interferon ag cur achomharc agus sonraí nua san áireamh. Ní dócha go mbeidh treoir ag teacht ó INFC ar an dá dhruaga seo go dtí lár Mhí Eanáir ar a luaithe. Ní bheidh na moltaí ó INFC i bhfeidhm ach i Sasana agus sa Bhreatain Bheag amháin, ach beidh mé ag déanamh machnaimh ar impleachtaí na dtreoracha ón ghrúpa saineolaithe seo dár sláinte agus seirbhísí sóisialta agus go háirithe do dhaoine a bhfuil an scléaróis iolrach orthu. Bhuaile mé cheana féin le hionadaithe Chumann na Scléaróise Iolraí lena gcúiseanna inní a chluinstin agus beidh mé ag bualadh chomh maith le gairmithe sláinte áitiúla lena dtuairimí a fháil ar úsáid na ndrugaí seo sa todhchaí.

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to confirm that she consulted the public, in accordance with the equality scheme, on the recommendations of the National Institute for Clinical Excellence (NICE) with regard to drugs for those who suffer from multiple sclerosis; and if she will make a statement. (AQW 782/00)

**Ms de Brún:** My answer to AQW781/00 details the position in relation to the review of drugs for multiple sclerosis currently being undertaken by NICE. There has been no consultation with the public on this issue because there has been no change in our policy. When guidance emerges from NICE I will be considering its implications for our health and social services. At that stage I will take into account the requirements for consultation outlined in the equality scheme.

Míníonn mo fhreagra ar AQW781/00 go cruinn an staid maidir leis an athbhreithniú ar dhruagaí don scléaróis iolrach atá á dhéanamh faoi láthair ag an

Institiúid Náisiúnta don Fheabhas Cliniciúil. (INFC). Ní raibh aon chomhairliúchán leis an phobal ar an cheist seo mar níor athraigh ár bpolasaí. Nuair a thiocfas treoir ó INFC, beidh mé ag smaoineamh ar a himpleachtaí dár sláinte agus seirbhísí sóisialta. Ag an phointe sin cuirfidh mé san áireamh na riachtanais don chomhairliúchán a bhfuil achoimre déanta orthu sa scéim chomhionannais.

### Work-Related Stress

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) the number of days lost through work-related stress for each of the last three years and (b) the number of staff applying for sick leave and early retirement for each of the last three years.

(AQW 788/00)

**Ms de Brún:** The information requested is not available. The number of staff who, as the result of ill health, have been granted early retirement or who have left the service was 565 for the year ending 31 March 1998, 492 for the year ending 31 March 1999 and 476 for the year ending 31 March 2000.

Níl an t-eolas a iarrtar ar fáil. Tá líon na foirne sa SSSP ar tugadh cead dóibh dul ar scor luath de dheasca na heasláinte nó a d'fhág an tseirbhís mar a leanas: 565 don bhliain ag críochnú 31 Márta 1998; 492 don bhliain ag críochnú 31 Márta 1999; agus 476 don bhliain ag críochnú 31 Márta 2000.

### Tribunal Costs

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) the amount of money paid out in tribunal costs to staff by each board and trust in each of the last three years and (b) how much has been paid out in litigation cost by each board and trust in each of the last three years. (AQW 790/00)

**Ms de Brún:** The amount of money paid out by boards and trusts as a result of industrial tribunal awards and settlements, for the range of cases requested, for each of the last three years ending on 31 March 2000 is as follows:

#### 1998

##### **Northern Health & Social Services Board**

Sex Discrimination – Settlement£20,260

Fair Employment – Settlement£6,500

##### **Armagh & Dungannon HSS Trust**

Fair Employment – Settlement£28,500

##### **Homefirst Community HSS Trust**

Sex Discrimination – Settlement£900

##### **NI Ambulance Service**

Fair Employment – Settlement£10,000

##### **Royal Group of Hospitals & Dental Hospital HSS Trust**

Equal Pay/Equal Value – Settlement£18,270

##### **United Hospitals HSS Trust**

Fair Employment

– Industrial Tribunal Award£7,867

**1999****Northern Health & Social Services Board**

Sex Discrimination – Settlement£5,000

**Altnagelvin Hospitals HSS Trust**

Fair Employment – Settlement£17,500

Disability Discrimination – Settlement£1,000

**Armagh & Dungannon HSS Trust**

Fair Employment

– Industrial Tribunal Award£1,000

**Belfast City Hospital HSS Trust**

Race Discrimination

– Industrial Tribunal Award£3,000

Fair Employment

– Industrial Tribunal Award£5,000

**Down Lisburn Trust**

Race Discrimination – Settlement£2,500

Fair Employment

– Industrial Tribunal Award£2,700

Fair Employment – Settlement£10,000

**Foyle HSS Trust**

Sex Discrimination – Settlement£2,000

**Homefirst Community HSS Trust**

Sex Discrimination – Settlement£1,000

Fair Employment – Settlement£400

**NI Ambulance Service**

Sex Discrimination – Settlement£5,000

**Royal Group of Hospitals & Dental Hospital HSS Trust**

Equal Pay/Equal Value – Settlement£19,000

Fair Employment – Settlement£26,000

**Ulster Community Hospital HSS Trust**

Fair Employment – Settlement£5,000

**2000****Northern Health & Social Services Board**

Sex Discrimination – Settlement£16,083

**Southern Health & Social Services Board**

Fair Employment – Settlement£5,000

**Altnagelvin Hospitals HSS Trust**

Sex Discrimination – Settlement£1,669

**Armagh & Dungannon HSS Trust**

Fair Employment

– Industrial Tribunal Award£10,000

**Belfast City Hospital HSS Trust**

Equal Pay/Equal Value – Settlement£295,575

Fair Employment – Settlement£2,000

**Craigavon & Banbridge Community HSS Trust**

Disability Discrimination – Settlement£650

**Craigavon Area Hospital HSS Trust**

Race Discrimination – Settlement£250

Fair Employment – Industrial Tribunal Award£1,600

Fair Employment – Settlement£250

**Green Park HSS Trust**

Sex Discrimination – Settlement£215

**Newry & Mourne HSS Trust**

Sex Discrimination

– Industrial Tribunal Award£2,500

**North & West Belfast HSS Trust**

Sex Discrimination – Settlement£3,000

**Royal Group of Hospitals & Dental Hospital HSS Trust**

Sex Discrimination – Settlement£8,000

Fair Employment – Settlement£5,000

**Ulster Community Hospital HSS Trust**

Sex Discrimination – Settlement£3,500

The amount paid by each board and trust in litigation costs from 1996-97 to 1998-99 is shown in the table below.

**COST OF LEGAL SERVICES BY BOARD AND TRUST 1996 – 1999**

	1996/97	1997/98	1998/99
	£	£	£
<b>HSS BOARD</b>			
Northern	70,816	77,272	82,250
Southern	86,745	71,659	65,000
Eastern	144,240	277,812	185,221
Western	225,454	80,000	80,000
<b>Total:</b>	<b>527,255</b>	<b>506,743</b>	<b>412,471</b>
<b>HSS TRUST</b>			
Belfast City Hospital	87,480	85,302	60,000
Royal Group Hospitals	125,000	136,647	212,824
Ulster Community & Hospitals	74,968	67,259	151,262
Down Lisburn	218,221	149,437	143,040
South & East Belfast	57,901	96,172	157,000
North & West Belfast	64,315	89,100	75,699
Craigavon & Banbridge	19,716	26,000	44,018
Craigavon Area Hospital	14,740	23,650	49,843
Newry & Mourne	25,085	30,400	34,376
Green Park	33,301	23,176	21,904
Mater Hospital	11,182	14,141	23,775
Causeway	62,018	95,632	168,925
NI Ambulance Service	66,571	19,924	23,773
Homefirst	86,551	126,828	91,600
Foyle	26,000	55,486	69,870
Sperrin Lakeland	21,600	55,257	63,954
Armagh & Dungannon	14,626	47,000	55,000
Altnagelvin	16,000	9,000	29,000
United Hospitals	34,441	56,142	77,555
<b>Total:</b>	<b>1,059,716</b>	<b>1,206,553</b>	<b>1,553,418</b>

Is mar a leanas atá suim an airgid a d'íoc na boird agus na hiontaobhais de bharr dámhachtainí agus socraíochtaí na cúirte oibreachais don réimse cásanna ar

cuireadh ceist ina leith, do gach bliain de na trí bliana deireanacha a fhad leis an 31 Márta 2000:

**1998****Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt**

Leatrom ar bhonn Gnéis – Socraíocht£20,260

Fostaíocht Chothrom – Socraíocht£6,500

**Iontaobhas SSS Ard Mhacha agus Dún Geanainn**

Fostaíocht Chothrom – Socraíocht£28,500

**Iontaobhas Pobail SSS Homefirst**

Leatrom ar bhonn Gnéis – Socraíocht£900

**Seirbhís Otharcharranna TÉ**

Fostaíocht Chothrom – Socraíocht£10,000

**Iontaobhas SSS an Ghrúpa Ríoga Ospidéal agus an Ospidéal Fiaclóireachta**

Pá Comhionann/Luach Comhionann

– Socraíocht£18,270

**Iontaobhas SSS na nOspidéal Aontaithe**

Fostaíocht Chothrom

– Dámhachtain na Cúirte Oibreachais£7,867

**1999****Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt**

Leatrom ar bhonn Gnéis – Socraíocht£5,000

**Iontaobhas SSS Ospidéal Alt na nGealbhan**

Fostaíocht Chothrom – Socraíocht£17,500

Leatrom ar bhonn Míchumais - Socraíocht £1,000

**Iontaobhas SSS Ard Mhacha agus Dún Geanainn**

Fostaíocht Chothrom

– Dámhachtain na Cúirte Oibreachais £1,000

**Iontaobhas SSS Ospidéal Cathrach Bhéal Feirste**

Leatrom ar bhonn Cine

– Dámhachtain na Cúirte Oibreachais£3,000

Fostaíocht Chothrom

– Dámhachtain na Cúirte Oibreachais£5,000

**Iontaobhas SSS an Dúin agus Lios na gCearrbhach**

Leatrom ar bhonn Cine – Socraíocht£2,500

Fostaíocht Chothrom

– Dámhachtain na Cúirte Oibreachais£2,700

Fostaíocht Chothrom – Socraíocht£10,000

**Iontaobhas SSS an Fheabhail**

Leatrom ar bhonn Gnéis – Socraíocht£2,000

**Iontaobhas Pobail SSS Homefirst**

Leatrom ar bhonn Gnéis – Socraíocht£1,000

Fostaíocht Chothrom – Socraíocht£400

**Seirbhís Otharcharranna TÉ**

Leatrom ar bhonn Gnéis – Socraíocht£5,000

**Iontaobhas SSS an Ghrúpa Ríoga Ospidéal agus an Ospidéal Fiaclóireachta**

Pá Comhionann/Luach Comhionann

– Socraíocht£19,000

Fostaíocht Chothrom – Socraíocht£26,000

**Iontaobhas SSS Phobal agus Ospidéal Uladh**

Fostaíocht Chothrom – Socraíocht£5,000

**2000****Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt**

Leatrom ar bhonn Gnéis – Socraíocht£16,083

**Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt**

Fostaíocht Chothrom – Socraíocht£5,000

**Iontaobhas SSS Ospidéal Alt na nGealbhan**

Leatrom ar bhonn Gnéis – Socraíocht£1,669

**Iontaobhas SSS Ard Mhacha agus Dún Geanainn**

Fostaíocht Chothrom

– Dámhachtain na Cúirte Oibreachais £10,000

**Iontaobhas SSS Ospidéal Cathrach Bhéal Feirste**

Pá Comhionann/Luach Comhionann

– Socraíocht£295,575

Fostaíocht Chothrom – Socraíocht£2,000

**Iontaobhas Pobail SSS Craigavon agus Dhroichead na Banna**

Leatrom ar bhonn Míchumais – Socraíocht£650

**Iontaobhas SSS Ospidéal Cheantar Craigavon**

Leatrom ar bhonn Cine – Socraíocht£250

Fostaíocht Chothrom

– Dámhachtain na Cúirte Oibreachais£1,600

Fostaíocht Chothrom – Socraíocht£250

**Iontaobhas SSS na Páirce Glaise**

Leatrom ar bhonn Gnéis – Socraíocht£215

**Iontaobhas SSS an Iúir agus Mhúrn**

Leatrom ar bhonn Gnéis

– Dámhachtain na Cúirte Oibreachais£2,500

**Iontaobhas SSS Thuaisceart agus Iarthar Bhéal Feirste**

Leatrom ar bhonn Gnéis – Socraíocht£3,000

**Iontaobhas SSS an Ghrúpa Ríoga Ospidéal agus an Ospidéal Fiaclóireachta**

Leatrom ar bhonn Gnéis – Socraíocht£8,000

Fostaíocht Chothrom – Socraíocht£5,000

**Iontaobhas SSS Phobal agus Ospidéal Uladh**

Leatrom ar bhonn Gnéis – Socraíocht£3,500

Tá an tsuim a chaith gach bord agus gach iontaobhas ar chostais dlíthíochta idir 1996/97 go 1998/99 á léiriú sa tábla thíos.



**COSTAS SEIRBHÍSI DLÍ DE RÉIR BOIRD AGUS IONTAOBHAIS  
1996 – 1999**

	1996/97	1997/98	1998/99
	£	£	£
<b>BORD SSS</b>			
Tuaisceart	70,816	77,272	82,250
Deisceart	86,745	71,659	65,000
Oirthear	144,240	277,812	185,221
Iarthar	225,454	80,000	80,000
<b>Iomlán:</b>	<b>527,255</b>	<b>506,743</b>	<b>412,471</b>
<b>IONTAOBHAS SSS</b>			
Ospidéal Cathrach Bhéal Feirste	87,480	85,302	60,000
an Grúpa Ríoga Ospidéal	125,000	136,647	212,824
Pobal agus Ospidéal Uladh	74,968	67,259	151,262
an Dún agus Lios na gCearrbhach	218,221	149,437	143,040
Deisceart agus Oirthear Bhéal Feirste	57,901	96,172	157,000
Tuaisceart agus Iarthar Bhéal Feirste	64,315	89,100	75,699
Craigavon agus Droichead na Banna	19,716	26,000	44,018
Ospidéal Cheantar Craigavon	14,740	23,650	49,843
an tIúr agus Múrna	25,085	30,400	34,376
an Pháirc Ghlas	33,301	23,176	21,904
Ospidéal Mater	11,182	14,141	23,775
an Clochán	62,018	95,632	168,925
Seirbhís Otharcharranna TÉ	66,571	19,924	23,773
Homefirst	86,551	126,828	91,600
an Feabhal	26,000	55,486	69,870
Loch-Cheantar na Speiríní	21,600	55,257	63,954
Ard Mhacha agus Dún Geanainn	14,626	47,000	55,000
Alt na nGealbhan	16,000	9,000	29,000
na hOspidéalí Aontaithe	34,441	56,142	77,555
<b>Iomlán:</b>	<b>1,059,716</b>	<b>1,206,553</b>	<b>1,553,418</b>

### Long-Term Sick Leave

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) the number of staff in each health trust area on long-term sick leave in each of the last three years and (b) the total number of staff in the Health Service on long-term sick leave in each of the last three years. (AQW 791/00)

**Ms de Brún:** The number of incidents of staff on long-term sick leave in each health and social services

trust in each of the last three years ending on 31 March is shown in the table below.

HSS Trust	1998	1999	2000
Altnagelvin Hospitals	149	158	169
Armagh and Dungannon	452	448	407
Belfast City Hospital	406	462	520
Causeway	319	335	331
Craigavon and Banbridge Community	291	286	288
Craigavon Area Hospital	212	217	251
Down Lisburn	621	610	739
Foyle	435	413	477
Green Park	275	244	261
Homefirst Community	546	511	516
Mater Infirmorum Hospital	130	129	139
Newry and Mourne	312	309	257
North and West Belfast	572	610	642
Northern Ireland Ambulance Service	142	138	142
Royal Group of Hospitals and Dental Hospital	1057	1082	1113
South and East Belfast	671	568	573
Sperrin Lakeland	556	611	628
Ulster Community Hospital	603	604	665
United Hospitals	602	587	557
<b>Total</b>	<b>8351</b>	<b>8322</b>	<b>8675</b>

The total number of incidents of staff on long-term sick leave in the HPSS, including boards and agencies, in each of the last three years ending 31 March is shown below:

	1998	1999	2000
<b>HPSS</b>	8521	8478	8897

Tá líon theagmhais foirne ar shaoire bhreiteachta fhadtéarmach i ngach iontaobhas SSS i gach bliain de na trí bliana deireanacha ag críochnú ar 31 Márta á léiriú sa tábla thíos.

Iontaobhais SSS	1998	1999	2000
ISSS Ospidéal Alt na nGealban	149	158	169
ISSS Ard Mhacha agus Dhún Geanainn	452	448	407
ISSS Ospidéal Cathrach Bhéal Feirste	406	462	520
ISSS an Chlocháin	319	335	331
ISSS Pobail Craigavon agus Dhroichead na Banna	291	286	288
ISSS Ghrúpa Ospidéal Cheantair Craigavon	212	217	251
ISSS an Dúin agus Lios na gCearrbhach	621	610	739
ISSS an Fheabhail	435	413	477
ISSS na Páirce Glaise	275	244	261
ISSS Pobail SSS Homefirst	546	511	516
ISSS Ospidéal Mater Infirmorum	130	129	139
ISSS Iúir agus Mhúrna	312	309	257
ISSS Thuaisceart agus Iarthar Bhéal Feirste	572	610	642
ISSS Sheirbhís Otharcharranna TE	142	138	142
ISSS an Ghrúpa Ríoga Ospidéal & an Ospidéal Fiaclóireachta	1057	1082	1113
ISSS Dheisceart agus Oirthear Bhéal Feirste	671	568	573
ISSS Loch-Cheantar na Speiríní	556	611	628
ISSS Ospidéal Phobal Uladh	603	604	665
ISSS na nOspidéal Aonhathithe	602	587	557
<b>Iomlán</b>	<b>8351</b>	<b>8322</b>	<b>8675</b>

Tá líon iomlán theagmhais foirne ar shaoire bhreiteachta fhadtéarmach sa SSSP, na boird agus gníomhaireachtaí san áireamh i gach bliain de na trí bliana deireanacha ag críochnú ar 31 Márta á léiriú sa tábla thíos:

	1998	1999	2000
SSSP	8521	8478	8897

### Occupational Therapy: Waiting Times

**Mr Dodds** asked the Minister of Health, Social Services and Public Safety to detail the current waiting times for occupational therapy visits in the North Belfast constituency and how these compare with other constituencies. (AQW 794/00)

**Ms de Brún:** The information is not available in the form requested.

Níl an t-eolas ar fáil san fhoirm a iarradh.

**Mr Dodds** asked the Minister of Health, Social Services and Public Safety to detail the amount of extra money allocated by the Eastern Health and Social Services Board to address occupational therapy waiting times in the current year. (AQW 795/00)

**Ms de Brún:** The Eastern Health and Social Services Board has allocated an additional £408,000 in the current year to address occupational therapy waiting times.

Leithroinn Bord Sláinte agus Seirbhísí Sóisialta an Oirthir £408,000 sa bhreis i mbliana le tabhairt faoi amanna feithimh don teiripe ceirde.

### Oral Health Strategy

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety to detail what additional resources she is allocating to the implementation of her dental strategy. (AQW 807/00)

**Ms de Brún:** My Department's oral health strategy is currently being evaluated to establish whether, and if so, what, changes are needed to ensure that appropriate targets for oral health are set and what steps need to be taken to ensure that they are met. I will consider the resource implications when I receive the evaluation.

Tá measúnú á dhéanamh faoi láthair ar straitéis sláinte bhéil mo Roinne le fáil amach an bhfuil athruithe le déanamh, agus má tá, cad iad na hathruithe atá riachtanach le cinntiú go bhfuil spriocanna cuí leagtha síos don tsláinte bhéil, agus cad iad na céimeanna is gá a thógáil le cinntiú go mbainfear amach iad. Déanfaidh mé machnamh ar na himpleachtaí acmhainne nuair a gheobhaidh mé an mheastóireacht.

### Reciprocal Health Care

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety what steps she is taking to ensure that the Northern Ireland reciprocal health care arrangements with other countries are fully reciprocal. (AQW 808/00)

**Ms de Brún:** The Department of Health in London negotiates the terms of reciprocal health care arrangements with other countries on our behalf. Reciprocal agreements are in place with a number of countries outside the European economic area for the provision of urgently needed medical treatment either at reduced cost or, in some cases, free of charge. Emergency medical treatment is provided on a similar basis throughout the 15 countries of the EU plus Iceland, Liechtenstein and Norway. In all cases visitors receive treatment on the same terms as nationals of the country being visited. People visiting other countries, or, indeed, coming here on a visit may find that the range and type of medical services available may be different or more restricted than in their own country. Therefore it is not possible to ensure full reciprocity. If I become aware of any difficulties being experienced by people from here in gaining access to health care in countries with which we have a reciprocal agreement, I will take the matter up with the Department of Health in London.

Is é an Roinn Sláinte i Londain a shocraíonn téarmaí do shocrúithe cúraim sláinte ar ár son le tíortha eile. Tá socrúithe cómhálartacha i bhfeidhm le roinnt tíortha lasmuigh de cheantar eacnamaíoch na hEorpa le haghaidh soláthar cóireáil liachta a bhfuil gá práinneach léi ar chostas íseal nó, i gcásanna áirithe, saor in aisce. Cuirtear cóireáil dochtúra éigeandála ar fáil ar an bhonn céanna ar fud 15 thír an Aontais Eorapaigh móide, an Íoslainn, an Lichinstéin agus an Iorua. Faigheann cuairteoirí i dtír a gcuarta i gach cás an chóireáil chéanna ar na téarmaí céanna agus a fhaigheann náisiúnaigh na tíre sin. Féadann daoine, agus iad ar cuairt i dtíortha eile nó ag teacht anall anseo ar cuairt, a fháil go bhfuil an réimse agus an cineál seirbhísí liachta atá ar fáil éagsúil leo sin nó níos teoranta ná iad sin ina dtíortha féin. Mar sin de, ní féidir cómhálartacht iomlán a chinntiú. Má fhaighim amach go bhfuil deacrachtaí ar dhaoine ón áit seo teacht ar chúram sláinte i dtíortha a bhfuil socrú cómhálartach againn leo, tabharfaidh mé an t-ábhar i gceist leis an Roinn Sláinte i Londain.

### Pilot Needle/Syringe Exchange Schemes

**Mr Ford** asked the Minister of Health, Social Services and Public Safety to outline her plans for the implementation of pilot needle exchange schemes for heroin addicts, particularly in Ballymena; and if she will make a statement. (AQW 934/00)

**Ms de Brún:** Earlier this year, my Department, in collaboration with the health and social services boards and drug co-ordination teams, secured resources to introduce pilot needle/syringe exchange schemes throughout the four health and social services boards. A co-ordinator has been appointed to the Department of Health, Social Services and Public Safety to facilitate the process of setting up these pharmacy-based schemes.

Work is currently underway to draw up detailed implementation plans and identify pharmaceutical contractors to provide the service in the relevant areas. It is expected that training will take place during January and February, with the first schemes up and running in March 2001. Further schemes will then be rolled out, with an anticipated six or seven schemes in place by June 2001. While the exact locations for the schemes have not yet been identified, they will be targeted at areas where the need is greatest.

Níos luaithe i mbliana d'éirigh le mo Roinn i gcomhar leis na boird sláinte agus seirbhísí sóisialta agus leis na foirne comhordaithe drugaí acmhainní a fháil le scéimeanna píolóta malartaithe snáthaidí/steallairí a bhunú trí na ceithre bhordcheantair sláinte agus seirbhísí sóisialta. Ceapadh comhordaitheoir chuig an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí leis an phróiseas a ghabhann le bunú na scéimeanna seo, a bheas suite i gcógaslanna, a éascú.

Faoi láthair tá obair ar siúl le pleananna feidhmithe mionsonraithe a ullmhú agus conraitheoirí cógaisíochta a aimsiú le seirbhísí a sholáthar sna ceantair chúí. Táthar ag dréim leis go gcuirfear oiliúint ar fáil i rith mhí Eanáir agus mhí Feabhra agus go mbeidh na chéad scéimeanna faoi lán seoil i mí Mhárta 2001. Bunófar scéimeanna eile ina dhiaidh sin agus táthar ag súil go mbeidh sé nó seacht de scéimeanna ann faoi mhí Mheithimh 2001. Cé nár aimsíodh go fóill cá háit go beacht a mbeidh na scéimeanna suite, beidh siad dírithe ar na ceantair is mó riachtanas.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Career Breaks: Women

**Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment what steps are being taken to assist women returning to work after career breaks. (AQW 751/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** You asked what steps are being taken to assist women returning to work after career breaks. The employment and training programmes and services listed below are relevant to this group of workers.

### NORTHERN IRELAND CHILDCARE STRATEGY

The Northern Ireland childcare strategy comprises a range of measures that will give parents — particularly women — greater choice in how they combine their family responsibilities, by:

- raising the quality of childcare;
- making childcare more affordable; and
- improving access to childcare.

The range of measures include:

- the establishment of a childcare partnership in each HSSB area;
- financial assistance by the new opportunities fund for the creation of new out-of-school-hours childcare capacity;
- the development of a childcare information system;
- a training strategy for the childcare sector;
- the establishment of good practice networks; and
- the sure start initiative.

To help parents meet the costs of childcare, the working families tax credit, which was introduced in October 1999, includes a childcare tax credit. Details are available from the Inland Revenue.

## WORK-LIFE BALANCE CAMPAIGN

On 6 December I am launching the Work-Life Balance campaign. This campaign will encourage more employers to consider the business benefits of employment practices which enable their employees to achieve better balance between work and their other responsibilities or interests.

The campaign has the support of the CBI, IOD, NI Federation of Small Businesses, the NI Chamber of Commerce and Industry, NIC/ICTU and a number of prominent employers.

## OTHER PROGRAMMES

### JobCentre Network

The Training and Employment Agency's network of jobcentres provides a comprehensive range of advice, guidance and job search to all jobseekers and particularly those finding difficulty competing in the labour market, including long-term unemployed, women returners and young people.

### New Deal

Both the New Deal for 18- to 24-year-olds and the New Deal for 25-plus pilot programme provide early access to New Deal opportunities for women returners.

### Jobskills

Jobskills is targeted mainly at 16 and 17 year old school leavers with provision for young people aged up to 24 years who are about to enter employment to undertake modern apprenticeship training. There is therefore the potential for Jobskills to assist some women returning to work after a career break. Lone parents undergoing Jobskills training can receive a contribution toward the cost of childcare of up to £70 per week for one child and £105 for two or more children.

### Bridge to Employment

Women returners are actively encouraged to apply for training opportunities under the Bridge to Employment programme, which in general has a 75% success rate in converting participation to full-time jobs. Childcare arrangements for lone parents are also funded during training on the programme.

### Worktrack and Enterprise Ulster

Temporary employment opportunities are available through *Worktrack*, which aims to progress participants into sustainable employment at the earliest opportunity. In addition there are opportunities with Enterprise Ulster, which offers training and work-related experience for the unemployed through a range of activities, mostly of an environmental or amenity nature.

### Lifelong Learning

- Individual Learning Accounts\* - discounts off the cost of learning opportunities, are open to anyone, including those in employment. Initially a discount of £150 is available or 80% (up to £400) off the cost of some computer courses.

- *Learndirect* Helpline\* - 0800 100900 offers access to training guidance workers to help people with learning choices.
- *Learndirect* Learning Centres\* - expanding network of learning centres at which anyone can sign up for access to high quality learning opportunities in bite-sized chunks. The learning is online and can be undertaken at home, in the workplace or in the centre.
- Open Learning Centre\* - (mainly in the Belfast area) offer free work-related training for women returners and others for whom traditional provision is unsuitable.

\*These programmes are particularly suitable for women, whether returning to work, or in part-time/low paid jobs working to improve their skills and job prospects.

### Smart.Women programme and Web Wise Women programme

- The Smart.Women programme, which is being delivered by the Management Institute at the University of Ulster, is a computer-based supervisory management programme.
- The Web Wise Women programme, delivered by Parity Training is currently recruiting women who wish to pursue a career in the growth area of e-mail business.

Both these programmes are pilots which are targeted at women who have been out of the workplace for 12 months. The initiatives aim to equip women with the skills, knowledge and self-confidence to return to the workplace at management level.

Both programmes involve a work placement with a small to medium-sized company. On completion, the programmes will be evaluated together in order to ascertain the need for future provision in this area.

### Further Education Sector

The Department funds a range of initiatives in the further education sector aimed at access and increasing participation.

### EU-Funded Programmes

The Department of Higher and Further Education, Training and Employment's European unit carries responsibility for the employment sub-programme of the EU special support programme for peace and reconciliation (EUSSPPR); the EMPLOYMENT and ADAPT Community Initiatives; the human resource element of the cross-border INTERREG II Programme, and the Northern Ireland Single Programme Document.

While none of these programmes have specific elements for women returning to work after career breaks, equality of opportunity is a feature of them all, and women returners have taken up many opportunities to update their experience, acquire new skills or undertake confidence-building programmes to assist their return to the work place. Examples include:

- the training for women network, which allocated just over £5 million from EUSSPPR on behalf of the Department to support single gender training and development;
- the PlayCare initiative — £5.5 million of EUSSPPR funds — which supported the development of over 100 PlayClubs offering out-of-school-hours childcare; and
- a strand within the Employment Community Initiative known as New Opportunities for Women (NOW), one of the aims of which is reconciliation of work and family life.

### Section 75 duties

The section 75 duties include a requirement on all public authorities to have due regard to the need to promote equality of opportunity between people with dependants and people who do not have dependants. The section 75 duties apply to all the functions of each public authority concerned, including their personnel functions, and over 30% of all people in employment in Northern Ireland are in public sector organisations. The section 75 duties therefore have significant implications for women seeking to return to work in the public sector after career breaks.

## REGIONAL DEVELOPMENT

### Bus Shelters (West Belfast)

**Dr O'Hagan** asked the Minister for Regional Development if he will detail the programme for upgrading the bus terminals in west Belfast in line with the upgrade elsewhere in the city. (AQW 712/00)

**The Minister for Regional Development (Mr Campbell):** I propose answering Assembly Questions AQW 712/00 and AQW 714/00 together.

As part of my Department's policy to develop a more balanced and integrated transport system in Northern Ireland, Roads Service, in conjunction with Translink, is planning to provide quality bus corridors (QBCs) on all the main radial routes into Belfast. The QBC concept enhances bus operations by improving:

- bus journey times and reliability;
- the quality and frequency of bus services; and
- the quality and accessibility of waiting and boarding facilities, including the provision of bus shelters.

The first QBC was introduced on the Saintfield Road in South Belfast in June 2000, and at present plans are being developed to introduce QBCs on Albertbridge Road and Falls Road/Andersonstown Road on the eastern and western approaches respectively to the city centre. Further QBCs on other main radial routes will be

introduced thereafter. The plans include the provision of bus shelters. Roads Service hopes that the Falls Road/Andersonstown Road QBC will be provided in 2001-02.

The QBC on the Saintfield Road was chosen as the first QBC scheme in the city as it offered the greatest potential for attracting car drivers to use public transport while also providing improved services and facilities for those who already use the bus services. However, the proposed extent of the overall QBC programme and the nature of the routes involved mean that people from all areas and social groups will benefit from this initiative. The issues of whether the first scheme met TSN requirements and whether it was equality proofed were not therefore essential criteria in the decision-making process.

### Bus Services (West Belfast)

**Dr O'Hagan** asked the Minister for Regional Development if he will detail the following information concerning Translink services in West Belfast: (a) the number of bus routes; (b) the number of buses serving these routes; (c) the frequency of services; (d) the average number of passengers per journey/day; (e) the annual income generated through the usage of Citybus, Ulsterbus and Flexibus by passengers in West Belfast parliamentary constituency. (AQW 713/00)

**Mr Campbell:** I am informed by Translink that

- there are 17 bus routes in West Belfast;
- it is not possible to quantify accurately the number of buses serving these routes, as buses can be used to serve all parts of the city, and not just a specific area. However, in order to provide all the scheduled services in West Belfast, Translink has suggested that a maximum of 80 buses is required, but if the company had to provide these services in isolation, that is, within West Belfast only, then less than 80 buses would be required.
- At peak hour times the average service frequency varies from six minutes to 120 minutes. At off-peak times the average service frequency varies from 15 minutes to 120 minutes. A more detailed breakdown of service frequency is provided below

Service Number	Average Peak Hour Frequency (Mins)	Average Off-Peak Frequency (Mins)
12 (Turf Lodge via Whiterock)	20	30
13 (Lenadoon)	20	30
14 (Ladybrook)	6	15
15 (Shaws Road)	15	30
39 (Silverstream)	12	15
63 (Glencairn)	10	15
73 (Springmartin)	10	15
80 (Oldpark via Springfield)	20	30
81 (Turf Lodge via Springfield)	20	30
82 (Royal Hospitals)	30	30
89 to 92 (Donegall Road Services)	15	40
532 (Lisburn via Falls Road)	30	120
533 (Lisburn via Falls Road)	8	30
534 (Twinbrook via Upper Dunmurry Lane)	20	-
535 (Poleglass)	6	30
536 (Stoneyford)	120	-
537 (Twinbrook via Glen Road)	15	30
538 (Twinbrook via Shaws Road)	-	30

- (d) It is not possible to quantify accurately the average number of passengers per journey per day. However, by interpreting results for Citybus as a whole, Translink has suggested that there would be an approximate average of 36 passengers per journey at peak periods and 14 passengers per journey at off-peak periods.
- (e) It is not possible to give an accurate figure for annual income generated for Citybus, Ulsterbus and Flexibus in the West Belfast parliamentary constituency. However, Translink has suggested that it would be in the region of £3 million per year.

### Bus Shelters (South Belfast)

**Dr O'Hagan** asked the Minister for Regional Development if he will confirm that the upgrading of bus terminals in South Belfast met the requirements of TSN and was equality proofed. (AQW 714/00)

**Mr Campbell:** I propose answering Assembly Questions AQW 712/00 and AQW 714/00 together. I understand that these questions relate to the provision of bus shelters.

As part of my Department's policy to develop a more balanced and integrated transport system in Northern Ireland, Roads Service, in conjunction with Translink, is planning to provide quality bus corridors (QBCs) on all the main radial routes into Belfast. The QBC concept enhances bus operations by improving:

- bus journey times and reliability;
- the quality and frequency of bus services; and

- the quality and accessibility of waiting and boarding facilities, including the provision of bus shelters.

The first QBC was introduced on the Saintfield Road in South Belfast in June 2000, and at present plans are being developed to introduce QBCs on Albertbridge Road and Falls Road/Andersonstown Road on the eastern and western approaches respectively to the city centre. Further QBCs on other main radial routes will be introduced thereafter. The plans include the provision of bus shelters. Roads Service hopes that the Falls Road/Andersonstown Road QBC will be provided in 2001-02.

The QBC on the Saintfield Road was chosen as the first QBC scheme in the city as it offered the greatest potential for attracting car drivers to use public transport while also providing improved services and facilities for those who already use the bus services. However, the proposed extent of the overall QBC programme and the nature of the routes involved mean that people from all areas and social groups will benefit from this initiative. The issues of whether the first scheme met targeting social need requirements and whether it was equality proofed were not therefore essential criteria in the decision making process.

### Road Improvement Scheme (Omagh)

**Mr P Doherty** asked the Minister for Regional Development if, when deciding to postpone the Omagh road improvement scheme, he considered the effect this decision will have on the Omagh 2010 Strategy; and if he will make a statement. (AQW 728/00)

**Mr Campbell:** I assume that this question is about the Omagh throughpass scheme. At present I have not taken any decision to postpone this or any other road schemes in my Department's major works preparation pool.

When I addressed a meeting of the Assembly's Regional Development Committee on 15 November 2000, I took the opportunity to appraise members of my concern that a number of schemes may have to be deferred due to funding pressures. Whilst the draft Budget provided sufficient resources in the next financial year (2001-02) for the roads capital programme the planning of longer-term projects which require two or three years for completion presents difficulties unless there is a clear picture of proposed allocations in future years (2002-03 and 2003-04). To date, such funding has not been secured and, for illustrative purposes, I mentioned a number of schemes that could be affected if this funding issue is not resolved. I will be pressing for the necessary resources to be made available in order that progress on all schemes is not delayed.

### Translink: Disabled Access

**Mr Paisley Jnr** asked the Minister for Regional Development what representations he has made to

Translink to ensure that adequate facilities and provision for disabled access is available on all their services.

(AQW 749/00)

**Mr Campbell:** Action is being taken to improve accessibility of public transport services for people with disabilities. This month my Department will issue, for consultation, new regulations to provide improved access and facilities for passengers with disabilities travelling by rail. Draft regulations to improve accessibility for people with disabilities on buses and coaches are being taken forward by the Department of the Environment. When the Assembly has considered and approved these regulations Translink will have responsibility for implementing the necessary arrangements.

### Rural Public Transport

**Mr Paisley Jnr** asked the Minister for Regional Development if he will detail what progress is being made to improve public transport in rural areas.

(AQW 752/00)

**Mr Campbell:** My Department's rural transport fund is supporting significant improvements to public transport in rural areas. Grant aid has been provided to Ulsterbus for the purchase of 10 new midi-buses for use in rural areas, and the fund is currently subsidising services on 28 new routes operated by Ulsterbus.

With assistance from the fund, 12 rural community transport partnerships, located across Northern Ireland, are already operating services, using 20 fully accessible minibuses provided by the Department. Another five partnerships are being formed.

In the draft Budget for 2001-02, £1.6 million has been allocated for the rural transport fund.

### River Flooding (West Tyrone)

**Mr Gibson** asked the Minister for Regional Development to detail what discussions he has had with the Minister of the Environment regarding river flooding in West Tyrone.

(AQW 763/00)

**Mr Campbell:** I have not had any discussions with the Minister of the Environment about river flooding in West Tyrone. My officials have had discussions with officials from the Rivers Agency about specific flooding issues. In addition, an inter-agency flooding liaison group is examining how current arrangements and procedures can be enhanced to improve the response to flooding incidents across Northern Ireland. This group is led by Rivers Agency and includes officials from Roads Service and Water Service. It is expected that the group will be in a position to report shortly.

### Traffic Flow (A26)

**Mr McClarty** asked the Minister for Regional Development to (a) detail current traffic flow figures for the A26 between Coleraine and Glarryford, b) provide an evaluation of these figures, (c) outline the criteria used to assess the need for road dualling and (d) give a timescale for the commencement of dualling between Coleraine and Glarryford.

(AQW 775/00)

#### Mr Campbell:

(a) Latest available traffic flows (1998), in terms of vehicles per day (vpd), on the A26 between Glarryford and Coleraine are as follows:

Glarryford to Ballycastle junction	approximately 15,000 vpd
Ballycastle junction to Ballymoney Bypass	approximately 11,000 vpd
Ballymoney Bypass	approximately 13,000 vpd
Ballymoney to Coleraine	approximately 14,000 vpd

(b) My Department's Roads Service has assessed the above figures along with accident statistics, the geometry of the existing road and opportunities for overtaking along the route. After careful consultation with locally elected representatives Roads Service has started an extensive two-year programme of improvement works.

(c) If a single carriageway is perceived to be giving less than an acceptable level of service in terms of journey times, reliability, road safety et cetera, Roads Service will identify and assess options for improving its level of service, taking into account factors such as traffic volumes, traffic mix and road alignment. These options may include dualling. Normally, however, in GB the Department of the Environment, Transport and the Regions has concluded that a typical single-carriageway trunk road will operate satisfactorily with only occasional peak-period congestion with a traffic flow of up to approximately 18,000 vehicles per day.

(d) Proposals to extend the dualling on this road are currently being assessed, along with many other worthwhile schemes, for possible inclusion in the Department's 10-year forward planning schedule of major works. Until this assessment is completed next year, I am not in a position to give a timescale for the commencement of these schemes.

### New Millennium Foot and Cycle Bridge

**Mr McClarty** asked the Minister for Regional Development if he will detail (a) a breakdown in funding for the new millennium foot and cycle bridge across the River Bann at Coleraine and (b) the estimated number of users in the first two years after completion.

(AQW 776/00)

**Mr Campbell:** The new bridge is being funded as follows:

Department for Regional Development	£745,000
Sustrans Millennium Grant	£350,000
Coleraine Borough Council	£5,000
<b>Total (current estimated cost)</b>	<b>£1,100,000</b>

It is anticipated that the bridge will facilitate in excess of 260,000 users each year in the early years after completion.

## SOCIAL DEVELOPMENT

### Pensioners on Low Income

**Mr Gibson** asked the Minister for Social Development what measures he is taking to assist pensioners on low incomes. (AQW 737/00)

**The Minister for Social Development (Mr Morrow):** The minimum income guarantee (MIG) for pensioners will increase significantly next year to £92.15 a week for single pensioners and £140.55 a week for couples, and to at least £100 for single pensioners and £154 for pensioner couples by 2003. The MIG capital limit will increase from April 2001 as part of the commitment to improving help to pensioners and to better reward savers. In addition, the new pension credit, to be introduced by 2003, will benefit pensioners on low and moderate incomes.

A take-up campaign to encourage more pensioners to claim MIG commenced in May 2000. Approximately 40,000 pensioners identified in Northern Ireland have been contacted by way of a mailshot. To date, over 6,000 have contacted the national freephone claim line number or their local social security office to obtain a claim form.

In addition, winter fuel payments are made to most people aged 60 or over. The payment, which is set at £150 for future years, has been increased by a further £50 for this winter — a payment of £200 for all eligible pensioner households. The scheme has also been extended to include men, as well as women, from age 60 during the qualifying week.

### Social Fund

**Mr Gibson** asked the Minister for Social Development if he will detail what resources are available to the social fund. (AQW 738/00)

**Mr Morrow:** There are two budgets under the social fund. The first is a grants and loan scheme, which provides £47.15 million for the current financial year.

The second scheme provides assistance for maternity costs, funeral costs and winter fuel payments. This is not cash limited. In the last financial year, payments totalled just over £24 million, £21 million of which related to winter fuel payments.

### Means-Tested Benefits

**Mr Gibson** asked the Minister for Social Development if he will detail what proportion of benefit amounts paid to pensioners are means tested. (AQW 760/00)

**Mr Morrow:** The proportion of benefit amounts paid to pensioners that are means tested is estimated to be 19% in 1999-00.

### Assistance for Pensioners on Modest Private Pensions

**Mr Gibson** asked the Minister for Social Development what plans he has to help pensioners who do not qualify for the minimum income guarantee and who are in receipt of a modest occupational pension. (AQW 761/00)

**Mr Morrow:** In my speech to the Assembly on 3 October I made clear my concern for pensioners with low or modest private pensions or savings that put them beyond the limits for income-related benefits and my commitment to tackling this issue. My Department has now issued 'THE PENSION CREDIT: a consultation paper', which seeks views on proposals to help these pensioners. This new pension credit, which I would propose to introduce from 2003, will guarantee a minimum income of £100 for a single pensioner, or £154 for couples, and this will keep pace with earnings. In addition, those pensioners with low or modest incomes — under £135 a week for a single person, and £201 for couples — will receive a weekly cash payment for every pound of income they have from savings, a second pension or earnings. The paper also proposes the abolition of the capital rules so that it is the income from savings rather than the amount of savings that will decide entitlement.

For the first time, pensioners who have been prudent and planned for their retirement will be rewarded rather than penalised as they are under the current system.

### State Pension

**Mr Gibson** asked the Minister for Social Development if he will detail the recent representations he has received on the level of the state pension. (AQW 762/00)

**Mr Morrow:** During the period from 1 December 1999 to 30 November 2000, 23 representations were received by myself or my Department on the level of state pension. One was from an organisation, and the



remainder were from members of the public. The main themes of the representations were dissatisfaction with the 75p increase in pension from April 2000 and a call for the restoration of the earnings link.

I am pleased to confirm that from next April, the basic state pension will increase by £5 a week for single persons and by £8 for pensioner couples, with an increase of £3 and £4.80 respectively in the following year.

### Advice Sector

**Mr McClarty** asked the Minister for Social Development if he will (a) offer additional funding resources to the advice sector in Northern Ireland during the financial year 2000-01 and (b) increase the rate support grant to district councils for advice in the financial year 2000-01; and if he will make a statement.

(AQW 774/00)

**Mr Morrow:** Other than additional funding of £76,000 to regional advice-giving organisations, part of which was to reflect inflation, there will be no general increase in departmental funding either paid directly to the advice sector or through the rates support grant which is channelled to district councils under the community services programme. My Department is presently considering proposals for a new community services programme, which may have implications for the funding of local advice services in the following years.

### Disabled Adaptations

**Mr Shannon** asked the Minister for Social Development to detail the distribution of the extra £1.5 million allocated for disabled adaptations and to specify how this will be distributed to each constituency.

(AQW 785/00)

**Mr Morrow:** The final allocation of the additional £1.5 million has not yet been determined, but the probable allocation to each Housing Executive area is:

Belfast	£480,000
South	£75,000
South East	£270,000
North East	£300,000
West	£375,000

The allocation is being made to ensure that the programme in each area reflects the demand for adaptations and, as far as possible, to ensure that waiting times are similar in all areas of Northern Ireland.

It is not possible to break this down to constituency level.

**Mr Shannon** asked the Minister for Social Development to detail the number of people waiting for

disabled adaptations in the Strangford area for the years 1998-99, and 2000 to date.

(AQW 786/00)

**Mr Morrow:** This is a matter for the Northern Ireland Housing Executive. I have been advised by its chief executive that the information is not readily available in the form requested. However, the following information for the district council areas of Ards and Castlereagh approximately equates to the Strangford area.

#### DISABLED FACILITIES GRANT (PRIVATE SECTOR HOUSING)

	1998/99	1999/2000	April-October 2000
Ards	5	1	6
Castlereagh	5	7	18

In the Housing Executive districts of Ards and Castlereagh, there is one adaptation outstanding in respect of Housing Executive property prior to April 1999.

**Mr Shannon** asked the Minister for Social Development to detail the number of disabled adaptations awaiting completion since 1998 in each constituency.

(AQW 787/00)

**Mr Morrow:** This is a matter for the Northern Ireland Housing Executive. I have been advised by its chief executive that the information is not readily available in the form requested. However, the following information covers the Housing Executive's district areas.

#### DISABLED FACILITIES GRANT (PRIVATE SECTOR HOUSING)

	1998/1999	1999/2000	April-October 2000
Belfast	92	76	67
North East	34	18	32
West	320	158	91
South	121	16	91
South East	48	40	44

The Housing Executive currently has 1432 outstanding major adaptation schemes to its own properties.

### Social Security Office (Newtownards)

**Mr Shannon** asked the Minister for Social Development if he will provide a private room within the social security office in Newtownards to facilitate discreet interviewing.

(AQW 792/00)

**Mr Morrow:** There is a private interviewing room available to customers in the Newtownards office. However, due to the volume of demand, it is not always available. If a customer asks for a private interview by appointment, the request can generally be met.

It is planned that all Northern Ireland social security offices will be refurbished over two to three years, commencing in May 2001. The provision of private

interviewing rooms will be taken into account as part of this refurbishment.

**Mr Shannon** asked the Minister for Social Development if it is his intention to upgrade the social security office in Newtownards. (AQW 793/00)

**Mr Morrow:** It is planned that all Northern Ireland social security offices, including the Newtownards office, will be refurbished over two to three years as part of the welfare reforms and modernisation programme. It is anticipated that the refurbishment programme will commence in May 2001. However, the exact order of office roll-out has not yet been finalised.

### **Northern Ireland Housing Executive: House Sales**

**Mr Beggs** asked the Minister for Social Development to detail the steps he is taking to reduce the current average period of 11 months to complete a house sale. (AQW 796/00)

**Mr Morrow:** This is a matter for the Northern Ireland Housing Executive. The chief executive has advised me that projected house sales this year are 5,240 — almost 1000 more than predicted, and the highest since 1984/85. This has affected performance and, as a consequence of a review, a number of measures have been taken by the

Housing Executive to improve on those aspects of the process over which it has control. These include the setting up of three locally based dedicated teams to oversee sales and the implementation of improvements in the process of gathering information which is needed before an offer of sale can be made.

Since 1 April there has been a steady improvement in the time taken to make offers, although this does not always feed through to a reduction in the overall time taken to complete a sale. It is anticipated, however, that overall performance will improve as the changes introduced have their full impact on the process.

### **Winter Fuel Allowance**

**Mr Gibson** asked the Minister for Social Development if he will confirm that everyone entitled to receive the winter fuel allowance has been paid. (AQW 810/00)

**Mr Morrow:** Everyone in receipt of social security benefits who qualifies for a winter fuel payment will receive it by 8 December. Those who had to make claims and did so by 22 September will also receive payment by 8 December. Claims made later cannot be guaranteed to be paid before Christmas, but they will be processed as quickly as possible.

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