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Northern Ireland Assembly

Monday 1 December 2014

The Assembly met at 12.00 noon (Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair).

Members observed two minutes' silence.

Assembly Business

Committee Membership

Mr Principal Deputy Speaker: As with similar motions, this will be treated as a business motion and there will be no debate.

Resolved:

That Mr Paul Givan replace Mr Gordon Dunne as a member of the Committee for Health, Social Services and Public Safety; that Mr Paul Givan replace Mr Sydney Anderson as a member of the Committee for Enterprise, Trade and Investment; that Mr Sydney Anderson replace Mr Alastair Ross as a member of the Committee for Employment and Learning; and that Mr Sammy Douglas replace Mr Paul Givan as a member of the Assembly and Executive Review Committee. — [Mr Weir.]

Committee Business

Electricity Policy: Part III — Grid Connections: Review Report

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 15 minutes to propose and 15 minutes to make a winding-up speech. All other Members will have five minutes.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): I beg to move

That this Assembly approves the report of the Committee for Enterprise, Trade and Investment on its Review into Electricity Policy: Part III - Grid Connections (NIA 196/11-15); and calls on the Minister of Enterprise, Trade and Investment, in conjunction with Executive colleagues, the Northern Ireland Authority for Utility Regulation, the System Operator for Northern Ireland and Northern Ireland Electricity, to implement, as applicable, the recommendations contained therein.

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank all those who gave evidence to the Committee during the review: those who provided written submissions; those who corresponded with the Committee; and those who attended the Committee to give oral evidence. In particular, I convey my thanks to the Committee staff, who were very dedicated in compiling the huge range of information and evidence that was given to us in a well-thought-out report.

The motion is about part III of the Committee's review into electricity policy.

Part I was on the security of electricity supply and part II was on electricity prices. Adoption of the recommendations in part III, which is grid connections, can have a positive impact on security of supply and electricity prices.

The structure of the electricity market is highly complex as an overall entity; sometimes one could wonder whether it is deliberately so. Nevertheless, each of its constituent parts is complex in its own right. That includes complexities associated with legislation, policies, strategies, processes, structures, infrastructure, markets, pricing, regulation and relationships between the various stakeholders. Not only is the electricity market complex, it is very dynamic.

Fossil fuel costs for generation fluctuate wildly as world events dictate prices. Changes to legislation, here and in Europe — the rest of Europe, I should say — impact on our generation mix. Also, the single electricity market across the island is still very much in the development stage. It has taken the Committee time to gain a sound understanding of the interrelationships and interdependencies between the various constituent parts that go to make up a utility that most of us take very much for granted. I think that every Committee member, past and present, would admit that they still have much to learn: I know that I can certainly say that.

Given these complexities, given the uncertainties and given the time it takes to develop a full understanding of the key elements of the electricity market, we expect those who know, those who are the experts and those whose job it is to develop and agree policy for electricity — namely the Department of Enterprise, Trade and Investment — to have a clear long-term vision and strategy for where they see the electricity market in 10, 15 or 20 years' time, and that this vision and strategy would be widely communicated and agreed with key stakeholders in the electricity market. We expect DETI to constantly monitor that strategy and we also expect it to keep an eye on the horizon and adjust the strategy as required to navigate smoothly around the uncertainties and unexpected barriers that the long-term future will undoubtedly bring.

During the review, it became apparent that there is little, if any, evidence of a clear, agreed, long-term vision and strategy for electricity. A number of key stakeholders informed the Committee that they could see little evidence of a vision. The Committee itself was able to find little evidence, too. Departmental officials told the Committee that they disagreed with this view that there is no long-term vision or strategy for electricity, but the Department provided no evidence to back this up. If the Department has a long-term vision and strategy for electricity, it must now share that with the industry, with electricity consumers and with this House. If it

does not have a long-term vision and strategy for electricity, as seems more likely, there is a considerable piece of work to be done, and I hope that the Department recognises the importance and urgency associated with that work.

Of course, the Department may argue that it has the strategic energy framework, and on that it is, of course, correct. The strategic energy framework has the goals of building competitive markets, ensuring security of supply, enhancing sustainability and developing our energy infrastructure. It tells us that DETI will do a lot of ensuring, promoting, encouraging, supporting and working with others. It is not, however, visionary. It ends in just over five years, and it does not tell us what our energy mix will look like in 20, 15, 10 or even five years. It does not tell us how DETI will work in the long term to achieve an appropriate energy mix with fair prices and fair and transparent returns to developers, suppliers and network operators, and it does not tell us how it will achieve security of supply. Neither is it a strategy, as it does not provide a road map for how DETI will achieve a vision for energy in the long term.

Renewable electricity is an important and increasingly essential part of our energy mix. The Department established the sustainable energy interdepartmental working group to ensure a coordinated approach to sustainable energy across government, but despite the increasing importance of renewable electricity and the need for a more coordinated approach to renewables to ensure our long-term electricity security, this group has not met for some time. Given the growing importance of renewables in our energy mix, it is important that the sustainable energy interdepartmental working group meets regularly and is seen as a valuable contributor to the development, implementation and management of the Department's vision and strategy for electricity.

The two key themes that continuously arose in relation to grid connections were problems associated with the cost of connections and problems associated with delays for developers in getting connected.

Developers complained about the long delays, sometimes running into years, before they got a decision from NIE about the viability of a development. Often when a response does come, it turns out that the cost of connecting the development renders it completely unviable. High costs and long delays are crippling the renewable electricity industry for many developers.

Under current regulatory arrangements, NIE is the only company permitted to construct grid connection assets. Generators must pay NIE to construct assets and connect them to the grid. The cost is dictated by NIE through its regulated statement of charges, and NIE also controls the timescale for making connections. Many developers believe that they could save a considerable amount of time and money if they were permitted to have these assets constructed by other companies.

In the South of Ireland and in Britain, there are more open arrangements, where developers can contest the costs for connections, and, if connections can be provided at a lesser cost, developers can arrange for them to be constructed by a third party. There is wide support for similar contestability arrangements here. The industry wants contestability, and the system operator, SONI, is in favour of it. DETI and the Utility Regulator are content to see it introduced, and NIE informed the Committee that there are no major obstacles to the introduction of contestability. Why, then, is it not happening?

Although the Utility Regulator's work plan contains an objective for contestability, the regulator informed the Committee that the delivery of contestability arrangements would require a two-to-three-year time frame. The Committee fails to see any justification for such a long delay, given the widespread support for its introduction. Indeed, NIE reached an agreement with SSE for the contestable delivery of a large-scale wind farm at Slieve Kirk, so a precedent of workability has already been established. The Committee would like to see NIE developing similar informal arrangements for contestability and will encourage the Utility Regulator to develop formal arrangements in a much shorter time frame than the three years currently proposed.

The Committee recognises that the electricity grid infrastructure needs to be reinforced to maximise the use of renewable electricity. However, this is a long-term plan. In the shorter term, much more needs to be done to take advantage of smart technologies such as micro grids to help to get more renewable electricity connected and to reduce the cost of connections. Little is currently known about micro grids in this country, and the technology seems to be developing very quickly. It is essential that all key stakeholders get to grips with micro grids and their potential to assist in providing an effective addition to the electricity network. It is also essential that NIE is allocated sufficient resources in the next electricity price determination to fund smart grid

solutions, similar to the way in which funding is provided in Britain and the Republic. As a region with ambitions to be a leader in the development of renewable electricity, we should be at the forefront of developing advanced solutions to support those very ambitions.

On transparency and communications, the Committee found that considerable problems are being created for developers because they simply do not know where they stand with NIE. There are perceptions of inconsistencies in NIE's charging. There are perceptions that NIE's charges are higher than they should be, and there are perceptions of reluctance on the part of NIE to provide information to developers. The absence of a clear and transparent strategy in NIE for communicating with developers is contributing to a climate of uncertainty and is leading to considerable problems in the industry. For example, there is evidence that delays and uncertainty about the time frames and costs are leading to withdrawal of investment. The Utility Regulator must ensure that NIE has an appropriate and effective strategy for communicating with developers.

Much of the problem surrounding transparency and communications seems to stem from NIE's policies and processes, which do not seem to provide the most appropriate mechanisms for developers who are seeking grid connections. Processes contribute to delays, and they contribute to the costs being higher than necessary. Compared to Britain, the time taken here to get a project from feasibility to connection is considerably longer, and time frames are much less certain.

Those delays and uncertainties can add considerably to development costs. The Utility Regulator and the system operator must work with NIE to help it to review and improve its policies and processes on grid connections for the benefit of renewable electricity development.

12.15 pm

To finish on a positive note, one of the most frustrating problems for developers that was identified during the review was the lack of detailed information that was provided by NIE to enable developers to make informed investment decisions. The Northern Ireland Renewables Industry Group (NIRIG) informed the Committee that NIE has a heat map that provides information to developers on where grid capacity is available for developers to connect. The problem was that that heat map

did not provide enough detail for developers to make an accurate estimation of cost.

The Committee recommended that NIE introduced a revised heat map with more detailed information, and I am happy to report that NIE has implemented that recommendation and that the detailed heat map can be accessed on its website. I can further report that the first indications from NIRIG are that the new system provides much more detailed information and is a much improved tool for developers. It is early days, but the signs are good. The Committee will keep a watching brief to ensure that the new system does what developers need. On that point, NIE is to be commended for its efforts.

The Executive has made a considerable commitment to renewable electricity through the 40% target. To achieve that, we must make a commitment to renewable electricity developers that they will be supported to deliver connections at the least cost within the shortest possible time frame. We must also make a commitment to consumers that we will look after their interests by providing the most appropriate long-term solution to achieve a reliable electricity supply with the lowest possible electricity prices.

To deliver on those commitments, we must have a clear vision of what—

Mr Wilson: I thank the Member for giving way. I know that the rhetoric of what he is saying sounds great, but will he explain to me how, on one hand, he can say that he wishes to see the promotion of renewables to the extent of 40% of our production being from that source, while at the same time, ensuring that consumers get cheap electricity? Renewable electricity costs about three and half times as much to produce as electricity from gas.

Mr McGlone: Perhaps the Member would want to address that to his party colleague the Minister. That Department introduced the renewables obligation certificate (ROC) system. I thank him for his intervention. That is an anomaly that the Executive would probably need to address if it requires addressing. There are a lot of businesses out there that are highly dependent on the ROC system, and the Executive has made commitments — indeed, the Member may even have been a Minister when the Executive signed up to them.

To emphasise the point, we must also make a commitment to consumers that we will look after their interests by providing the most appropriate long-term solutions to achieve a

reliable electricity supply with the lowest possible electricity prices. To deliver on those commitments, we must have a clear vision of what the electricity generation mix and the electricity market will look like in 10, 15 and 20 years.

Go raibh maith agat a Phríomh-LeasCheann Comhairle as ucht an ama. Thanks very much, Mr Principal Deputy Speaker, for affording me the opportunity to present the report.

Mr Dunne: I too welcome the motion and the opportunity to speak on it. It is an important issue that the Committee has looked at extensively. The Committee gathered evidence from a wide range of stakeholders within the renewables sector — from renewable energy providers and generators, NIE, DETI officials and a number of other interest groups.

There have been significant advancements within the renewables sector across Northern Ireland over the last five to 10 years. More and more small-scale wind generators are located across many of our constituencies, and they bring real benefits to users and the environment.

Despite those advances, a number of key issues have been identified relating to the challenges that are faced by those who are developing diverse sources of electricity generation. One major challenge relates to getting connection to the Northern Ireland grid. As we aim to reach the 40% renewables target by 2020, improvements need to be made to assist those who are willing and capable of helping us to reach those ambitious but significant targets.

There is a need for improved assistance for developers who are trying to identify sites where there may be capacity to connect. Therefore, NIE needs to review and revise the heat map facility urgently to help applicants identify circuits that have capacity for connection to the grid.

Mrs Hale: I thank the Member for giving way. Does he agree that NIE should follow a proper process and that the regulator should deal robustly with long delays that result in huge costs to individual companies, as is seen in my constituency of Lagan Valley today?

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

Mr Dunne: Yes, I thank the Member for the point she has made. It is important that NIE

improve its systems and processes and that it work strictly to them and become more efficient and effective in delivering connection to the customer.

Mr Wilson: I thank the Member for giving way. Does he also accept that, if the connections are to be subsidised, that subsidy will inevitably fall on the bills that go to consumers' households?

Mr Dunne: I thank the Member for the intervention. That is a real challenge of renewables, and one that everyone has to face. We have targets to meet. The directive comes from Europe, and it presents a real challenge. At the end of the day, it is a challenge that the customer has to face. A number of witnesses also commented on how they would like to have more access to the NIE GIS system when trying to identify possible sites.

Planning permission, of course, also remains a challenge for renewable projects. Delays are often a result of NIE being reluctant to get involved in processing the grid connection prior to the planning approvals. Projects here tend to be slow, and that can often lead to frustration with the whole process. We definitely heard clear evidence of that from a number of contributors to the Committee. I understand that the Republic runs such a twin-track approach, but many of those whom we spoke to, although sympathetic, said that that approach can result in a blockage on the availability of sites and that many projects could be committed to but not processed, because they had yet to receive full planning permission. We need more flexibility from NIE to work with developers and to do initial work on projects as planning permission is being progressed. The issue of planning permission extension was also brought to our attention. That should be considered for long-term projects, as the delays with connections can often put at risk the overall project.

We also received clear evidence of developers experiencing delays with connections by NIE, which has the monopoly on the provision of lines here. There seems to be a real problem with communication between developers and NIE. Some developers spoke of delays, some of which ran on for a number of years after being given conditional offers from NIE. In many of the cases, the offers were found to be misleading and unachievable. After work with the Utility Regulator, I understand that such offers have been withdrawn and that only offers that are achievable within a specific time are made.

Many who were involved in our evidence sessions believe that NIE is not delivering as efficiently and effectively as possible. Many would welcome performance standards being introduced for NIE by the Utility Regulator, with penalties or customer compensation where NIE fails to perform. Given the high costs and delays associated with grid connections, contestability for grid connections would certainly bring benefit to those who are seeking to develop a renewable project. That would help to ensure value for money and that NIE works to an improved standard. There is no doubt that the grid is weak and needs considerable investment to allow for improved capacity and capability, particularly in the west of Northern Ireland. Smart grid technology can also play a significant role in supporting increased grid capacity —

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

Mr Dunne: — and reducing costs for developers. It should be seriously considered as a way forward.

Mr Kinahan: As many on the Committee will know, I am new to the subject. I was amazed to find how complicated our electricity industry is. I was also staggered to find that we have an electric power system that is based on the 1950s and 1960s. That is as old as me, and lots of me is failing already. No comments from the rest of you.

I am also staggered at how slow we seem to be at dealing with matters. When I spoke at our party conference, I called for the need for us to develop a world in which we are agile and make decisions quickly. We just do not seem to do that in this Building. That made me think of my army days when I was working slowly and the colour sergeant told me that I worked at the speed of a stunned slug. Let us make sure that we do not work at the speed of a stunned slug. Let us make sure that we take on board what happens today and work quickly. We need to act with speed so that our economy can thrive, and electricity is very much part of that.

You heard from others today that our grid system is not even up to supporting our renewable target of 40%, that the planning system is slow and that the charging system is inconsistent. There are a lot of other issues to consider, and they are covered in the report. I thank the Ulster Farmers' Union for all its points. That was one of the few sessions that I was there for in my time on the Committee. We heard that the connection quotes are

phenomenally expensive and that people are left with matters in limbo. Having paid their money, they still do not know whether they will get on to the grid. We need to resolve all those issues. As of 31 December, I think that 686 single wind turbine applications were all waiting. We need to get a faster planning system. We need to go back to that point about being agile and moving quickly. We need an accurate heat map, open and transparent communication and to work with all the stakeholders all the time.

I am told that the cost of getting to that 40% is £420 million. We also have the cost of the interconnectors and of reinforcing. So, let us look at how Scotland, Wales and all the other countries have looked at raising funds, whether it is public-private funding or levering funding differently. Let us look at how we can do things quickly and finance them and work with everybody so that we have an economic and efficient system.

I was appalled to see the comment in the document under the heading "Vision and Strategy" that said:

"there is little evidence of a long-term vision or plan for the electricity grid."

Let us make sure that we have one. We have the actions, timelines and targets all put in place and, if necessary, pilot projects, given that our budgets will be struggling over the next few years. Let us find a way of getting forward very quickly indeed so that our businesses know that it is coming and that it will be on board and they can get the connections that they want. I know that it sounds easy to say that, but we must set targets so that we get there.

When we are talking of corporation tax maybe coming to us in the next few days, I think that it is just one of the masses of little things that we have to have in place. If you are going to bring investment into Northern Ireland, businesses have to know that their electricity system will be able to support them. I feel that we have been slow on that as well. There are so many things that we have to have in place to work with corporation tax. So, let us look quickly at what is there. I do not have the name of the American base, but I know that Fort Bragg has its own grid system. Let us look at how they got it and at putting in a pilot project and actually getting something in place. There is masses to be done. I look forward to hearing from the Minister. Let us hope that we can find a quick way of getting this all started and of getting somewhere.

Mr Lunn: I always have to say on these occasions that it is mighty difficult to talk about a report that you have seen only just this morning because you do not have a Committee place. When Mr McGlone moved the motion, he said that Committee members had much to learn. I can tell you that it is 10 times worse when you are not a Committee member. Having looked at the report, I can say that it seems to be highly competent, and I support the recommendations therein, with the caveat that they are complex and require a lot of work to be done very quickly. In fact, I wonder whether some of the recommendations should be prioritised, given the urgency of the situation.

Clearly, something has gone wrong in Northern Ireland. It seems astonishing that, on a windy island, the cost of wind turbines is so high, mainly because the cost of grid connection can be up to 10 times the proportion of the cost in England and five times that in Ireland or Scotland. The variation in the cost of quotations also seems to be unbelievable. Somehow, systems and processes that have been put in place elsewhere have clearly not been put in place in Northern Ireland, and it is hard to disagree with the view implicit in the report and explicit in one recommendation that the Department's vision and strategy are unclear and somehow lacking.

12.30 pm

Looking on from outside the Committee, it seems to me that one issue is that NIE's functions have slightly changed, but its processes have not changed to match that. It does not seem to have the right focus on the client and, on occasions, seems almost obstructive. Why, for example, should a developer be able to tee off from an existing line in Great Britain but not in Northern Ireland, and why can a budget estimate not be given at the same time as capacity is reserved? As ever, communication is essential. Maybe there are good reasons for those problems, but NIE has certainly not declared them.

It is also clear that, while planning applications are now being processed more quickly, our problem remains that planning requirements have changed, but planning processes have not changed with them. I appreciate that the issue is complex and that parallels with elsewhere do not necessarily apply, but I will be interested to hear the outcome of the System Operator for Northern Ireland's consultation on the so-called hybrid solution. It is good to hear that applications for wind turbines have increased by about 50% in just two years, and, if I understand it correctly, applications for solar

panels are also increasing. It is important now to have systems and procedures in place that can deal with what we hope will be an ongoing rising demand for those in the rest of the decade.

I also note that there is a requirement for a longer-term vision, to which Mr Kinahan referred. Much of the grid was constructed in the first place over half a century ago, and that is perhaps the timescale that we need to consider with much of our electricity network policy. Therefore, I very much see why the Department and, indeed, the Executive need to be clear about their long-term vision and strategy.

On the basis of the evidence in the report and that presented in Committee that I have seen, I support all the recommendations, and the recommendation that I support most strongly is the introduction of contestability. It seems to be an appropriate hybrid solution that would introduce greater efficiency to the overall system, and not having it there puts us at a clear disadvantage with the rest of the UK. Indeed, there seems to be no reason at all for delay, and, as someone pointed out, there is a good example in Northern Ireland at Slieve Kirk. I strongly suggest that NIE work with providers to draw up a list of approved companies for contestable delivery of grid connections. I also endorse the recommendation about a heat map that should be updated annually and regularly so that people can have a much clearer idea of where the opportunities arise.

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

We are up to about 20% generation from renewables, and there are six years to go and an awful lot of applications and interest in the pipeline. If we get the system and the processes right, I certainly hope that the target is doable. I will watch with interest over the next six years. We support the report's recommendations.

Mr Frew: I welcome the report and its targeted recommendations. It cannot be read in isolation and is part III of the Committee's wider review of this important issue.

Make no mistake about it, Mr Deputy Speaker and the Assembly, electricity is the blood that runs through the veins of industry in this country. Unless we get it right, I have absolutely no doubt that it will stifle and hurt business. It will hurt our manufacturing base and rural parts of Northern Ireland, probably more than the cities. It is vital that the

Committee keeps its eye on where that is going and that the Minister and the Department keep that as their number one priority because, without electricity, we do not have industry, and it is important —

Mr Wilson: I thank the Member for giving way. Does he also accept that it is very important for the strategies that DETI is pursuing at present in attracting, for example, data companies, banking etc, which are huge energy users? They need cheap energy and to be sure that there will be an energy supply that they can rely on in the future.

Mr Deputy Speaker (Mr Dallat): The Member has an additional minute.

Mr Frew: Thank you, Mr Deputy Speaker. I welcome the Member's contribution. He has been very active, even in this debate, which is very encouraging, because he is absolutely right. We need to be on top of it. To me, it is as big an issue as — if not a bigger issue than — the corporation tax debate at present. It is vital, because some businesses will pay so much corporation tax and others will pay none, but they all need electricity to operate and to make things.

It does not just affect our businesses. I have a constituent, who I am working for at the minute, who tried to get a grid connection for their home. Forget about renewable energy. Forget about business. It was for their home, and they were quoted something in the region of £7,000, maybe going up to £10,000. They were told to go and speak to their neighbour to try to achieve a way leave. When they went to their neighbour, they asked the questions: "Would it be OK for us to put this thingy in here to get this thingy here for us to get thingy electricity?" They do not know what they are talking about. Why should the onus be on the householder to do that?

Then, after months, NIE stepped in and, of course, the person who needed to give the way leave did not know what they were talking about or what they wanted. They were scared of the whole proposition. When NIE went back to them, they agreed eventually. That is the problem that householders and other people are facing on a day-to-day basis. Then, when everything was agreed, a year and a half later, the bill went up. It was not £5,000 any more, or even £10,000, which was a rough estimate, but £14,000. It is unacceptable that the same thing can cost so much more a year and a half later. When you look at the figures and scrutinise the work of NIE in that regard, you can see glaring

holes. That is what I am currently investigating. That is a personal constituency matter, but it typifies the problem that householders are facing at present.

One thing about the report that I do not necessarily agree with — we debated it in the Committee last time — is with regard to DETI needing a strategy because there is no strategy in place. There has to be a strategy in place, and there is a strategy in place. Indeed, the Minister launched the strategic '2050 Vision' study last year, which the Committee got a copy of. So, there is always a strategy in place. It is about making sure that that strategy moves forward with the times.

Mr Agnew: I thank the Member for giving way. Whilst there might be an overall energy strategy, does he not accept that, specifically for the grid, the current demand-led approach — ie, strengthen when demand comes forward — is unacceptable? We need a strategic approach to the strengthening of the grid.

Mr Frew: Yes, and that strategy will have to come not only from DETI but from the Utility Regulator, NIE, SONI and even the Planning Service, because all of those organisations play a part in that, but you are quite right. I am running out of time, if the Member wants me to give way.

In some of the detail, it is very clear that, whatever strategy we have going forward, it is a balance. We can all crow about investment, strengthening the grid here and putting a micro-grid in there. That is all technology that we need. We can also crow about renewable energy targets, but if they put businesses out of business and if householders cannot cope and cannot afford it, we have to think about that. That is something that I am becoming even more aware of as time goes by, because our businesses are hurting with the cost of electricity at the moment. We cannot place any more burden on those businesses. There is talk about balancing it out. It is very much a balancing act —

Mr Deputy Speaker (Mr Dallat): The Member's time is almost up.

Mr Frew: —and it is something that we need to be very careful of moving forward.

Mr Anderson: Up until a few minutes ago, I was a member of the Enterprise, Trade and Investment Committee. Although I have only just stepped down, I want to speak briefly in support of the Committee's motion, which asks

the House to approve its third report on its extensive review of electricity policy in Northern Ireland.

Last December, we debated security of supply and, in March this year, presented our second report, this time on pricing. In its third report, the Committee has given detailed consideration to the complex area of grid connections. None of those areas stands alone; all overlap and one impacts on the other. Grid connection is a highly technical issue, and it will take time for interested parties to fully digest the contents and recommendations of the report. I recognise that, as has been mentioned, not everyone has had the opportunity to examine the report in detail. The report and its recommendations are central to the whole area of the development of renewable energy. It is especially important because we have clear and demanding targets to meet by 2020 under the strategic energy framework. In just six years' time, we need to ensure that 40% of our energy is sourced from renewables. We have made some steady progress, and we are doing a lot better than many other countries in growing our renewable energy sector. Also, it is fairly clear that there is no shortage of interest from developers, with 42 large-scale schemes at various stages being taken forward but not yet finalised and many applications from small-scale renewable connections. The interest is there, but there are several challenges and problems, as outlined in the report. There needs to be a holistic, balanced and proactive response from all the key players. At the end of the day, as we stressed when we considered pricing, the needs of the consumer, domestic and business, must be a prime consideration in the development of any strategy.

Our research has highlighted a number of concerns about the problems faced by developers who are keen to connect to the grid. Due to congestion on the grid as a result of the high penetration of renewable energy, connection costs are now two to three times higher than they were in 2012. They are much higher than in the rest of the United Kingdom or in the Irish Republic and there are considerable delays in processing applications.

Mr B McCrea: I thank the Member for giving way. Earlier, Mr Agnew made a point about having a strategic approach to the grid; to build it out rather than wait for demand. Does the Member agree that we should build out now in anticipation? If so, who does he think should pay for that investment?

Mr Deputy Speaker (Mr Dallat): The Member has an additional minute.

Mr Anderson: I thank the Member for the intervention. On who should pay, we really have to look at pricing. As my colleague Mr Frew stated, businesses and domestic consumers have to be considered in the mix. There is a lot of work to do and I hope that, as we go forward, all those concerned about connection to the grid, pricing and security of supply will get together and come up with the proper solutions, bearing in mind businesses and consumers.

In light of the high costs and delays, it is vital that progress be made on opening up the market to competition and contestability. I know that the Minister is supportive of the need for contestability; so too are the Utility Regulator and NIE. One of our recommendations is that this should be introduced within an earlier time frame than is currently proposed. Some of the witnesses we took evidence from were unhappy with aspects of NIE's performance. I hope that those concerns will be looked at and addressed where necessary. We recommend that the Utility Regulator ensures that NIE has an appropriate and effective communications strategy in place for developers. That strategy must be open and transparent. The report refers to access to the NIE heat map. That issue might need further consideration by the Committee, but it would be very helpful if NIE could improve and update its heat map and help developers understand how best to use it. The map should be updated regularly. I referred to the Utility Regulator. She and SONI must do all that they can to work with NIE on a range of recommendations contained in the report.

All the key players have responsibility to collaborate and cooperate so that we can meet our 2020 target. The strategic energy framework, to which I referred earlier, is the agreed basis on which we move forward. As the key policymaker in the field of energy, DETI must continue to lead the way. We need to face the challenge of energy supply with a high degree of determination. Security and reliability of supply are vital to us all and fundamental to economic development.

I am sure that the Minister will address some of the issues in the report later in the debate, so I will leave it there and commend the Committee's report to the House.

12.45 pm

Mr McKinney: I welcome the opportunity to contribute to today's debate. I reaffirm the Chairman's remarks on the importance of the Minister and the other relevant bodies implementing the recommendations in the Committee's report. I would like, first, to thank the Committee and, indeed, Sydney Anderson, for its work. I also thank all the contributors for their valuable input, which I hope will prove highly beneficial in our immediate and future approach to energy policy.

It is clear that there is broad consensus that a transformation is needed in our energy system if our society is to meet the challenges of environmental sustainability, security of supply, infrastructural renewal and, as has been reflected here this morning, economic affordability. A key plank of this transformation is obviously the strengthening of the grid to allow for greater access for renewable energy developers. Of course, as has already been reflected, that would go some way to achieving our 40% target by 2020. Therefore it is unacceptable that, despite the ETI Committee's conducting two previous inquiries into energy policy, along with a long-standing concern over electricity supply, those responsible have failed to take sufficient reasonable measures to ensure that our national grid is properly strengthened and that we have the proper infrastructure in place to guarantee security of supply and to accommodate developers of renewable energy.

There is a lack of long-term vision, policy or strategy and no attempt at a joined-up approach to the development of our network. They say that if it walks like a duck and quacks, then it is a duck. The opposite, of course, applies: if it is not walking and not quacking, it is not there and is not connected, as the Chairman reflects. Those failures have become evident through our Committee investigation. There has been a lacklustre approach to strengthening the grid, and there are significant failures in supporting developers in accessing it. The current approach is adding significant cost and uncertainty and acts as a disincentive to potential investors. As we have heard, significant delays —

Mr B McCrea: Will the Member give way?

Mr McKinney: I will.

Mr B McCrea: Can I ask a question similar to the one that I asked Mr Anderson? On the idea of taking a strategic view of building out the grid in advance, would you support the regulator increasing the price to the consumer or to

businesses in order to do that in a timely fashion for a long-term vision? Do you think that there is some other way that we can finance the building-out of the grid?

Mr Deputy Speaker (Mr Dallat): The Member has an extra minute.

Mr McKinney: Thank you, Mr Deputy Speaker. At the moment there are people who are willing to invest in some of this grid connection, but they cannot. The very processes that we have are a disincentive. As I say, that is adding costs. We have significant fuel poverty here, and these are issues that we need to deal with. Allowing people to connect to the grid through freeing up the processes can work in a positive regard.

Developers have also expressed —

Mr Wilson: Will the Member take an intervention?

Mr McKinney: Go ahead.

Mr Wilson: I am bemused by the logic that, by giving companies cheaper access to the grid — in other words, subsidising them through increased bills for consumers — somehow or other you will deal with fuel poverty. There is only one of two ways of paying for a connection: either the consumer pays for it, or the people who want to pay for the electricity pay for it.

Mr McKinney: Thank you for the intervention. As I understand it, the costs are spread over the national bill network. Therefore it is a small additional contribution on many more bills, and we can get a benefit here.

It has also become clear that planning permission must be reassessed, as developers here are at a serious financial disadvantage in comparison with the Republic. Those factors create uncertainty, which has the knock-on effect of increasing the risk for investment, especially when we consider that it becomes difficult to predict future financial impact due to the lack of clarity on timescales and costs. As I have reflected, these are putting many projects at risk, which is counterproductive in achieving our overall 2020 targets. In that regard, the Committee report highlights the need to make the process of obtaining grid connections as transparent and as cost-effective as possible and to streamline the process, minimising cost and delay.

The SDLP is committed to the view that we must work closely with all our Departments and with our colleagues in the Republic to ensure the effective and efficient sharing of energy resources with full cross-border interconnection. We must therefore deliver an all-Ireland initiative on energy, so that developers, business and consumers, North and South, can benefit from renewable energy at a competitive price.

Mr Wilson: I wish to emphasise the point that Paul Frew made: this is one of the most important issues that the Assembly needs to deal with, because of the importance of energy to industry, the frequent discussions that there are here about fuel poverty and the need to retain the companies we have at present.

I must say that the more I listen to the arguments made here today, the more I despair of the understanding that there is of the issues. We cannot say that we want secure and cheap energy supplies and yet have Member after Member jumping up to say that we must aim for the most expensive energy that we could have: renewable energy. Indeed, it is significant that the German economy, which is nowhere near 40%, is now turning its back on renewables and is building coal-fired power stations.

I do not want to get into how we generate electricity. This discussion is about grid connections, and there are implications. If we go for more windmills across the countryside in remote areas where there are no power lines at present, we must strengthen the grid. Strengthening the grid requires money to be spent. The question that has been asked, time and again, is this: if we want to go for that target — it seems that the Assembly and the Executive are committed to it — and give planning permissions to renewable energy generation in remote areas, it will require the strengthening of the grid. Who pays for that?

From the discussion we have had so far, it seems that the report is almost an agenda for the renewable energy industry: "We should be allowed to build our turbines in the middle of nowhere, but somebody else should pay for the connection, so that we can then sell electricity to consumers in Northern Ireland". If that is the case, not only will we find that we are charging people for electricity that costs about three and a half times more than electricity generated from gas, but we are saying that, by the way, consumers will have to pay for the connections into this. That goes on to the bill, and it is not an inconsequential amount of money, as the Member who spoke previously tried to suggest. A huge investment will be required to

strengthen the grid in that way. If we are going to reflect the true cost of producing renewable energy, then, if we have to strengthen the grid, the people who want to produce that renewable energy should pay the cost of it.

Mr Frew: I thank the Member for giving way. I have sympathies for his argument and for the direction in which he is taking the debate. Does he also realise that for homeowners who wish to build a house in the countryside and apply for a connection to the grid the cost is sometimes too much and transparency in the billing is non-existent?

Mr Deputy Speaker (Mr Dallat): The Member has an additional minute.

Mr Wilson: Here is the contradiction: somehow or other these huge energy producers, who are subsidised already for the erection of the turbines and the electricity they generate, should be subsidised for the connection, but the ordinary homeowner will have to pay the full economic cost. That is the inequity of the thing.

Let us look at another parallel. If a developer wants to build on a greenfield site — we had this discussion recently in the Social Development Committee — we expect developer contributions for upgrades of roads, improvements to junctions and increasing traffic capacity. If that is the case when it comes to housebuilding, why do we not apply the same principle when it comes to the generation of electricity? I am sure that the member of the Green Party is appalled by what I am saying, because he does not want consumers to know the true cost of green electricity, but I will let him intervene anyway.

Mr Agnew: I thank the Member for giving way. Actually, my question is this: will he be honest with consumers? He talks about the cost of renewable energy, but, as he knows — he is proud to be an economist — the supply of oil and gas is fixed, but demand is rising. The price will only continue to rise. If he does not change his position, he will lock Northern Ireland consumers into ever-rising electricity prices.

Mr Wilson: It is unfortunate that he should make that intervention at this time. The price of gas has never been lower. It is going down. People pay less for their petrol and diesel than they have paid for a couple of years. As a result of fracking, which I know is a bad word for him, we now find that OPEC can no longer use its monopoly in the way in which it did and that the Americans are looking for world

markets in which to sell energy. Of course, we have reserves under the ground in Northern Ireland.

Mr Deputy Speaker (Mr Dallat): The Member's time is almost up.

Mr Wilson: If it were not for the Minister of the Environment and the Green Party opposing a cheap form of local energy, people could benefit from that as well.

Mr Allister: There certainly was a headlong rush in Northern Ireland, across the United Kingdom and further afield towards green energy, and perhaps quite unrealistic aspirations and commitments were made and targets set. The flaw in that headlong rush was that there was no forward planning to enable the network to receive that upsurge. Yes, it was encouraged hugely. Indeed, a number of individuals — perhaps I will come back to one later — were so swept along in the belief that all that they had to do was to make the commercial commitment to turbines and they would be welcomed with open arms that only now are they finding that the door is being closed on them. There was a lack of forward planning for a network capable of dealing with the upsurge.

That is compounded by the fact that, in the triangular relationship that oversees energy, we have the Department overseeing policy, we have NIE, SONI and all of that, and then we have the regulator. It is a triangle within which the buck is passed very easily. It becomes very frustrating for those who are trying to deal with the system. Under, I think, article 12 of the Electricity (Northern Ireland) Order 1992, NIE has a statutory duty to develop a network in an economic, efficient and co-ordinated manner, yet the problem today is that, in large parts of the Province, there is no network so advanced in that regard.

You then go to the regulator, which is, in truth, not accountable to anyone. It is not accountable to the Department, we are told. It is notionally accountable to the House in some opaque fashion, but it is not really accountable to anyone. Therefore, NIE blames the regulator, the regulator blames whomever it wants and you just go around that triangular arrangement of one blaming the other. Meanwhile, ordinary people out there suffer the consequences of being led up the garden path.

Mr B McCrea: I appreciate the Member giving way. He is learned in legal matters and will be aware of a court case or challenge between the regulator and NIE. Does he think that it would

be the right thing for Northern Ireland to put up the prices to consumers and business so that we could build out the grid in advance of demand, or does he think that the regulator was right to restrain NIE's ambitions in that regard?

Mr Deputy Speaker (Mr Dallat): The Member will have an additional minute.

Mr Allister: I think that the very first point that I made was that we got ahead of ourselves. We headed down a road without any thought of where we were going and without planning for it. Now we are in this conundrum, where either the consumer pays to upgrade the network or inordinate prices are put on those who want to have turbines etc, and the turbines then become utterly economically unviable. We really are in a conundrum of our own making, by setting targets without planning far enough in advance.

Let me illustrate the point. The Minister will know the company that I am talking about in Ballycastle in my constituency. It is in the food sector. It wanted to build a new line of production. Its energy advice was that it needed to provide a turbine to do that. It was offered a connection charge of £63,000. Then a couple of years later, it was told, "Oh, by the way, instead of £63,000, it's now over a quarter of a million pounds". It was then in a predicament, not knowing what to do. In March this year, NIE told it, "Well, we might allow you an off-grid connection where there is zero exporting". Last month it was told, "No, we can't allow you an off-grid connection". All the while, the DARD grant, which is there to fund the production expansion, will expire in March. That company has been passed from pillar to post, from Department to the Utility Regulator to NIE, and frankly, all the time, its business is going down the tube.

1.00 pm

One of the fundamental problems is that the Ballycastle substation has not been upgraded, so it cannot take a bidirectional flow of power — it cannot allow power to flow in a reverse fashion back to the substation. Because of the failure to prepare the network in accordance with what would have been necessary if you were going to embrace this upsurge in green energy, we now have a situation where people who are willing, eager and anxious to go down that road have been led up the garden path. The people in this case expended £30,000 on professional fees and put their business on hold in anticipation of getting the connection, but now with everyone walking away from them,

they are told, "Sorry, we can't provide you the connection. We can't allow you off grid. We can't really allow you to do anything. It's just tough". That is the product of an ill-thought-out policy such as we have seen with the surge of desire to embrace green energy without any thought of how we will cope with it.

Mr Deputy Speaker (Mr Dallat): The Member's time is almost up.

Mr Allister: We incentivised it, but we failed to provide the basic infrastructure. Unless and until that is addressed, this will become one sorry tale —

Mr Deputy Speaker (Mr Dallat): The Member's time is up.

Mr Allister: — after another, as far as I can see.

Mr Deputy Speaker (Mr Dallat): I call Mr Steven Agnew, who may speak for three minutes and should take no interventions.

Mr Agnew: Thank you, Mr Deputy Speaker, for the direction and the opportunity to speak.

When we sit together as a Committee and address the issue, an assumption is made that we want to reach our 40% target and that, whilst that should not be at all costs, it should be the direction of travel. It is unfortunate that we then get to the Chamber and get interventions that take us off that track. It is interesting to look at the distance between Mr Wilson and the Minister in terms of where they sit, because I think that that highlights the differences in their positions.

Mr Wilson: Of course, there is a good grid connection between us. *[Laughter.]*

Mr Agnew: Yes. The fact that Mr Wilson is on the fringe of his party on the issue highlights the fact that he is on the fringe of expert opinion.

As I pointed out, the fact is that the prices of oil and gas will continue to rise. Mr Wilson points to a current dip in the prices, but the trend is upwards. As he put it to me, if he learnt a wee bit of economics, he would know, as he knows fine rightly, that, when you have fixed supply and rising demand, only one thing will happen to costs: they will rise. He is tutting, because it is not fixed. I know that Mr Wilson might live in the short term; I live in the long term. The fact is that, unless we are going really long-term — we are talking about millions and billions of

years — we are not going to produce more oil and gas. We might extract some more in the short term, which might give dips in price, but the reality is that the prices are only going to rise.

Renewables are our only option. It is right that the report, the Committee and, indeed, the Department's strategy make the assumption that we need to increase our deployment of renewables and take the benefits that come with that through the increased indigenous supply of energy, the jobs it creates, the carbon savings and the contribution that we can make to tackling climate change.

Members spoke about cheap energy and electricity, but we have to be honest with consumers, whether business or domestic, that there will not be a cheap electricity solution. What we can get is the best solution at the cheapest price, but it will not be cheap and will not solve fuel poverty. In the first instance, we have to look at energy efficiency and a reduction in the energy we use, but we must also get the best solutions for the medium to long term.

Mr Deputy Speaker (Mr Dallat): The Member's time is almost up.

Mr Agnew: It is not just a quick fix to get us over the line but what is in our best interest, which is why I spoke about a strategic approach to grid investment and energy generation.

Mrs Foster (The Minister of Enterprise, Trade and Investment): I welcome the opportunity to contribute to what has been a very good debate, insofar as there have been challenges and not everyone has gone in the same direction. It is good to have that discussion on the Floor. In one sense, the debate has arisen due to the success in increasing the amount of renewable electricity we generate and consume. Before I go into the contents of the report, let me say that I am familiar with the issues raised today and highlighted by the report. Indeed, I have had numerous meetings with and many items of correspondence from renewable developers of all sizes who want to connect to the grid, including farmers.

The message I take from the Committee's report and recommendations is that there are no quick and easy solutions and there is certainly no solution that will not ultimately have an impact on consumer bills. A number of Members mentioned that, if you are going to do x, you have to pay for it by putting up people's

bills. We should always have that at the back of our mind. Mr McKinney referred to upgrading the grid, but we should remember that the costs of the grid are paid for by Northern Ireland consumers — not UK consumers or the island of Ireland, but Northern Ireland consumers. We should keep that to the front of our mind.

The Committee quite rightly considered that area as part of its overall review. It fits in well with the other two documents that I received from the Committee on security of supply and pricing. We now have part III of the report — grid connection — and all three areas are linked, which the Committee Chair referred to. All three are dependent on each other and cannot be looked at in isolation, and it is important that the recommendations are framed accordingly.

Given the limited opportunity to consider the Committee's report — Mr Lunn made that point — I do not propose to go through the recommendations in any detail now. As I said in the energy pricing debate, it is puzzling that an important debate must take place so soon after the report has been published, as it leaves very little time for a considered response. However, I assure the Committee and Members that I will provide a full written response in due course.

Many of the issues raised during the Committee's evidence gathering fall outside the control of my Department, a point that Mr Allister made with some frustration. I sometimes share his frustration. The Utility Regulator is an independent body, and it must be independent if it is to protect the consumer in the face of what was an NIE monopoly and is now moving to more competition. It is sometimes frustrating, because everything is linked and different parts of the system are responsible for different parts of policy, regulation or delivery. However, many of the issues raised are not the responsibility of the Department. I am not saying that to avoid responsibility but because it is fact. I note that many of the report's recommendations fall partly or entirely to the Utility Regulator, and, if some of the solutions require investment, it is right that the regulator has the authority to determine the costs for the consumer.

I said that I had met a lot of developers who are frustrated by delays or by costs to the grid, but it is easy to get carried away and not to look at where we have come from. In just under 10 years, the contribution from renewables to the grid has increased from 3% to just under 20%,

and the 20% target, as you may recall, was to be met by 2015, so we are very much on target.

As the report notes, renewables growth on the entire island of Ireland is faster than in many other parts of the world. We have a challenging target, which was set in the strategic energy framework, of 40% by 2020. It is sensible that we review that target at this stage in terms of costs and benefits as we approach the mid-point of the 10-year strategy. We are looking at that at the moment and will review it next year. I hope to publish the Department's conclusions in relation to that 40% target next year.

Strategic decisions flowing from that will be informed by that work. I cannot preempt the outcome and what will come forward, but there has been a lot of discussion today about strengthening the grid and how we should go ahead and strengthen it. Of course, if we did that, Northern Ireland consumers would have to pay for it. We have been looking to see whether we can access any European funding to strengthen the grid. At the moment, we are looking at funding that may be available under thematic objective 4, which could well tie in with our commitment on our renewable energy mix by 2020. We are working with the regulator, the transmission system operator — SONI — and NIE to identify potential grid-strengthening projects that could avail themselves of that funding. So, we are trying to think of other ways to strengthen the grid rather than putting it on —

Mr Frew: I thank the Minister for giving way. We have heard calls from Members today that we should just advance, expand and invest in our grid. There are a couple of things there. First of all, when you invest in anything, someone pays for it. Secondly, where do we advance the grid? Whilst there is pressure on Ballycastle substation and Kells substation, there will also be pressure on other substations. Where do we put that advancement in? Surely that is where a demand-led side of things must come in.

Mrs Foster: It is probably a mixture of the two. Obviously, the regulator would not allow it in any event. If we said to NIE, "You must strengthen the grid in this part of the country", it would go to the regulator to allow that to happen. The regulator would have to assess what that would cost consumers in Northern Ireland. If it felt that it was excessive, it would not allow it to happen. We are trying to look at other ways of strengthening the grid as well as putting the burden onto the consumer.

I do not agree with the Committee's observation that there is no vision or strategy for the electricity grid. We have a strategic energy framework, and we are looking at reviewing it next year. We also have the strategic vision, which I recall discussing with Committee members. It was completed last year, and the Committee received a copy. It sets out views on the potential direction of the energy policy and energy mix scenarios. However, I have to say that we are talking a long way ahead of ourselves. Goodness knows what else will come into the energy mix at that time.

We are looking very much at integrating — I had a discussion about this with the SEM committee in Dublin last week — the systems in Great Britain, the island of Ireland and, indeed, France and improving our interconnection between all the parts. Let me say this: Mr Agnew commented that renewables was the only option for the future, but that is not entirely true. If he is totally open, particularly in the context of integration with Great Britain, nuclear is an option as well. Nuclear is the part of the scene in Great Britain. Therefore, we will be interconnected with that and using nuclear energy in the future.

It is all very well to call for a vision for 2050, but I do not have a crystal ball to know what will happen anywhere, never mind in Northern Ireland, in terms of the energy mix moving forward to 2050. We can have a vision, and we have that. We have the strategic vision for 2050 —

Mr Ó Muilleoir: Will the Minister give way?

Mrs Foster: Yes, I will give way.

Mr Ó Muilleoir: I am grateful to my colleagues on the Committee for doing all the heavy lifting on this. The strategy around renewables can, of course, be a job creation strategy as well. As regards Mr Wilson's friends in Germany, there are 38,000 people in Germany working on wind energy. I presume, Minister, that a key part of Invest NI's work is looking at how renewables can be an economic driver.

Mrs Foster: That has very much been part of our work. Indeed, the Member will be familiar with the DONG energy plant in the Titanic Quarter, which has been a tremendous piece of work.

1.15 pm

We need to look at this in the wider sphere. This is not about just Northern Ireland or the

island of Ireland. We are moving into a system whereby we will be connected to Great Britain and, indeed, further afield. We need to bear that in mind.

The vision is there, so I disagree with that recommendation. The strategy is very much there as well, so I am a little bemused by some comments that were made in relation to that.

The report calls for the reconvening of the sustainable energy interdepartmental working group (SEIDWG) as a matter of urgency. I received similar requests from NIE and NIRIG, and I will be chairing that meeting on 15 January next year. SONI, NIE and NIRIG have been invited to attend and present to the group.

On competition and contestability, I reiterate my Department's support for seeing contestability introduced in Northern Ireland. That is important. The regulator is processing that, and I look forward to seeing it conclude in a timely manner.

I have some concerns regarding the recommendation that DETI, SONI and the regulator should strongly encourage NIE to voluntarily work with appropriate providers to draw up a list of approved companies for contestable delivery of grid connections and transmission at distribution levels. I remind Members that unbundling obligations arising from European Union directives and regulations required the separation of SONI from NIE ownership, and there is no role for SONI in this matter. That equally applies to the recommendation suggesting that the Utility Regulator and SONI must work with NIE to review and improve NIE's policies and processes relating to grid connections. Similarly, the Department has no role in how a commercial company should conduct its business.

While my Department has no direct role, I agree that NIE needs to look hard at some of its practices in terms of customer service. We have all had people come to our offices to complain about the way in which they were treated by NIE. I made that clear to NIE in a letter I sent as an MLA as recently as this month in relation to connection charges. So, it does need to look at the way in which it works with consumers on the ground. I understand that NIE cannot wave a magic wand and solve every connection problem, but improvements may be possible in timescales for response, clarity and transparency in connection charging. I am hopeful that NIE's Project 40 work can produce technical and commercial solutions for the renewable industries.

I welcome and support innovation and development of new technologies where it is in the interests of customers. A very good example of that was seen at an event hosted by Mr McCrea in relation to storage at which I spoke recently. I thought that was an excellent example of how we can use new and innovative ways to make a difference. I hope we can move that forward.

There is no silver bullet. Good policy remains very much a case of trying to balance costs against security of supply and environmental issues. I welcome the fact that there has been such good engagement in the debate. I hope that it is indicative of the fact that many more Members are taking an interest in this issue and not just Committee members.

I pay tribute to Mr Anderson, who is leaving the Committee. I wish him well in his new post. I look forward to working with Mr Givan when he comes into position.

My Department will respond in detail to the recommendations. I thank the Committee for bringing this report to the House.

Mr Flanagan (The Deputy Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a LeasCheann Comhairle. I am glad to have the opportunity to wind up the debate on electricity policy. I thought we were beyond winding up things to get a bit of electricity but maybe that is the way we are going in future.

I thank the Members who took part in the debate for their contributions and interest in this important topic. As Members said, this is a complex issue and it takes time to get to grips with some of the complexities of electricity policy, particularly around grid connections. It is a huge issue for consumers and businesses, particularly those involved in the renewable electricity sector.

I think it was Mr Frew or Mr Wilson who made the comment that the Assembly needs to keep this to the fore, and I think the Assembly certainly has. This is the third report that we have published as part of our now concluded inquiry into electricity policy. I am sure that other members of the Committee will be glad that we can talk about other things now apart from electricity policy, because, apart from Mr Frew, an awful lot of them do not have a pile of interest in it. A lot of us would prefer to talk about people as opposed to electricity policy.

This is the third and final report of the Committee's inquiry. I thank the Committee

staff, who have done an excellent job in helping us, as lay people, to get our heads around an extremely complicated process. I also thank all of those who have provided evidence and expert advice to the Committee on this issue.

The inquiry started nearly two years ago as a result of the substantially higher prices that large energy users here pay compared with those in most other parts of Europe. Our blushes were largely spared by Italy, whose costs were the highest in Europe, closely followed by ours: we managed to come in second place all the time.

Running through the inquiry were five main themes: the need for a clear vision and a strategy; the need for contestability arrangements to be put in place; the need for smart-grid solutions, including microgrids; the need for NIE to be more transparent and communicate better with developers; and the need for NIE to improve its policies and processes to better meet the needs of developers.

The absence of a clearly communicated vision and strategy for electricity has been covered in detail by other Members, including the Chairman in his opening remarks. There are a lot of objectives that the Department wants to see implemented, such as the 40% target, reforming the electricity market and improving competition. Those objectives are mostly a reaction to events, rather than things that have arisen from an overall vision and strategy.

Sydney Anderson will be missed on the Committee. He played a key role in the formulation of the report: maybe he can put that in his next Assembly manifesto. He told us that all the key stakeholders should be involved in developing a vision. Danny Kinahan agreed that we need to act quickly to develop the strategy that we need, along with the development of pilot projects. As Trevor Lunn said, it is a complex matter, but it is an extremely important one and needs to be acted on quickly.

Paul Frew told us that electricity is the blood that runs through the veins of business, and that is how important it is. However, he disagreed with the view that there is no vision or strategy. Is the report that he referred to a strategy, a vision or an analysis of what the electricity sector will look like in 2050? That is something that is completely different.

Mr B McCrea: Will the Member give way?

Mr Flanagan: I will, Basil, because the next two words I have down here are, "Basil's question". So, fair play to you, Basil: you must have quare eyesight. *[Laughter.]*

Mr B McCrea: Far be it from me to interrupt when you are going to quote me.

I was disappointed that I was not able to take part in the debate, because it is an area that we have looked at in the all-party group. The key issue the Minister raised was that, if we are going to enhance the grid, which there seems to be some benefit from, somebody has to pay. That could be the consumer or industry, or the Minister raised the point about other funds from Europe or wherever. Did the Committee consider at any time who should pay for enhancing the grid?

Mr Flanagan: I thank the Member for his question. I am a bit disappointed that he changed it, because he has asked the same question three times, although it is the same question in essence.

It is important for us to clarify where phase III of the inquiry came from. It started after we had been inundated with complaints from people who wanted to connect to the grid. There were people who wanted to connect a single wind turbine and were being quoted figures of up to £1 million and experienced never-ending delays. That was the logic behind our looking at the whole issue of grid connection. We were going to stick it on as an addendum to phase II, which was on other aspects of electricity policy, but we thought that this issue needed a specific report.

The question of who pays for it is an important one, because somebody has to. If somebody wants to put up a single wind turbine, is it worth them spending £1 million to connect it to the grid? It certainly is not: they would be better off not connecting it to the grid and using it to generate their own power in their house, farm business or wherever. Larger projects pay for their own connection, because it makes economic sense for them to do so. Speaking personally — I am stepping away from speaking on behalf of the Committee — there needs to be a policy where the connections that have an overall economic benefit, help our economy and move towards reduced prices and more sustainable energy need to be prioritised, instead of running about putting a wind turbine up on the top of every hill. So I hope, Basil, that answers your question somewhat.

Mr Frew: I thank the Member for giving way. I take it that this is a personal view of a strategic outlook. I am sure that he will know his party's position that the North/South interconnector is vitally and strategically important for keeping bills down and preventing customers from spending a lot of money on electricity. How does he respond?

Mr Flanagan: I hear you, Paul, and I will say the same thing that I have said every other time. I am mandated by successive Sinn Féin ardfeiseanna to tell you at every available opportunity, through the Chair, that we are opposed to the construction of an overhead North/South interconnector, and at our most recent ard fheis we approved a motion calling for the North/South interconnector to be built underground as part of the A5/N2 project, which is going to happen. There is no reason why it cannot be built as part of that project, through underground ducts, and I hope that we move to that process.

Somebody used the phrase, "the understanding of the issues". I think it was Mr Wilson, and I want to respond to a number of issues. He talked about ROCs, and ROCs are a huge issue. There is an issue around the over-subsidisation of some forms of renewable electricity. However, ROCs are funded through a Westminster scheme, so they actually provide more benefit here for electricity customers than they cost. It comes back to "the understanding of the issues". Maybe, Mr Wilson would like to know that windmills are used for milling flour and wind turbines are used for generating electricity — a fundamental difference.

In terms of vision and a strategy, the Minister told us that a vision document was published in July 2013. The Committee was presented with a copy of that, but we have heard nothing on it since. Through our deliberations on this most recent phase of the inquiry, it has not been raised once by the Department. So, the Committee would be keen to follow that up with the Department to see what is happening with that vision document that was launched last year.

Contestability was an issue that caused us an awful lot of bewilderment. As there is no contestability — because NIE has to do the work — we presumed that there would be objection somewhere. But, week after week, people came in and said, "We have no issue with contestability". Then NIE came in and said, "We have no issue with contestability", and we really could not understand why it has not happened yet. Everybody wants to see it happening. It is happening in Britain and in the

South, and those two existing models seem to be working.

One of the big frustrations that people who are trying to connect have is that they are given one price from NIE. There is no transparency with it, and they cannot go somewhere else to get a competing price. We think that NIE should just implement this straight away. I do not think that there is any need for three years' delay, because it is causing serious frustration for people. It can bring benefits, and, as Trevor Lunn said, there is no reason for long delays. Sydney Anderson even said that the Minister supports contestability. So, there is no logic for it not happening. I think we need to see progress on this a lot sooner.

In terms of smart grids and micro grids, it seems that micro grids, if properly developed, can bring real benefits to communities, developers and renewable electricity generators. If we have an agreed vision for clean, green affordable electricity, micro grids can be part of a strategy to achieve that vision and can help put us in the forefront of new technology with the economic benefits that that can bring, as my colleague Máirtín alluded to.

However, in the absence of a vision, smart technologies are merely one more issue to be considered in the plethora of issues that compete for the limited attention and resources in the Department and other agencies that are trying to implement the Department's policies.

In terms of transparency, it is good to see that NIE has revised and developed its heat map. That is to be welcomed. It is good to see that there has been an initial positive response from the industry —

Mr Deputy Speaker (Mr Dallat): The Member's time is almost up.

Mr Flanagan: This can only be a first step along the road to increased transparency in NIE. From all our evidence, there is deep frustration with NIE, and hopefully it will take that on and try to sort out the deep problems it has.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Enterprise, Trade and Investment on its Review into Electricity Policy: Part III - Grid Connections (NIA 196/11-15); and calls on the Minister of Enterprise, Trade and

Investment, in conjunction with Executive colleagues, the Northern Ireland Authority for Utility Regulation, the System Operator for Northern Ireland and Northern Ireland Electricity, to implement, as applicable, the recommendations contained therein.

1.30 pm

Pensions Bill: Extension of Committee Stage

Mr Brady (The Deputy Chairperson of the Committee for Social Development): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 March 2015, in relation to the Committee Stage of the Pensions Bill (NIA 42/11-16).

Go raibh maith agat, a LeasCheann Comhairle. The Committee Stage of the Pensions Bill began on 19 November and is due to conclude on 20 January 2015. The Committee issued a call for evidence on 25 November, and that is due to end on 16 December. The Committee gave a commitment to conclude its consideration of the Bill within the 30-working-day time frame. To achieve that, it will take oral evidence tomorrow and hopes to hear from other witnesses before Christmas recess. It is nevertheless vital that the Committee scrutinise the Bill and do so effectively — to a standard that the House would consider adequate and that the public would expect. The Committee has already heard that there are potentially winners and losers in the new Pensions Bill, and we must give the issues closer scrutiny and examine just what we can do to minimise the impact of the Bill on those for whom it is not likely to be favourable. We may not have much room for flexibility, but that does not mean that we should simply rubber-stamp the legislation.

There is no way of knowing how many responses from stakeholders will be received before 16 December or how many sessions will be required to hear oral evidence from witnesses in the new year. With all that in mind, although the Committee will seek to complete its consideration within the 30-day time frame and hopes very much to do so, members agreed that it was important to build in sufficient time to address those unknowns. In seeking an extension, the Committee is, in effect, taking a precautionary approach. The Committee therefore agreed a motion to ask the Assembly for an extension to the Committee Stage until 26 March 2015, with the

understanding that it intends to complete Consideration Stage much sooner than that. On behalf of the Committee, I ask the House to support the motion.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 March 2015, in relation to the Committee Stage of the Pensions Bill (NIA 42/11-16).

Off-street Parking (Functions of District Councils) Bill: Extension of Committee Stage

The following motion stood in the Order Paper:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 30 January 2015, in relation to the Committee Stage of the Off-street Parking (Functions of District Councils) Bill (NIA 40/11-16). — [Mr Clarke (The Chairperson of the Committee for Regional Development).]

Motion not moved.

Mr Deputy Speaker (Mr Dallat): The motion was not moved, so the Committee Stage has not been extended.

Private Members' Business

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Dallat): I call Lord Morrow to move the Further Consideration Stage of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill.

Moved.—[Lord Morrow.]

Mr Deputy Speaker (Mr Dallat): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 3, 31 to 43 and 47 to 61, which deal with technical issues and commencement. The second debate will be on amendment Nos 4, 15 to 30 and 44 to 46, which deal with issues relating to the protection of victims. The third debate will be on amendments Nos 5 to 14, which deal with paying for sexual services and support for exiting prostitution.

I remind Members who are intending to speak that they should address all the amendments in each group on which they wish to comment. Once the debate on each group has been completed, any further amendments in the group will be moved formally as we go through the Bill and the Question on each will be put without further debate. I also remind Members that, at Further Consideration Stage, debate is restricted to the further amendments to the Bill. If that is clear, we shall proceed.

Clause 7 (Minimum sentence for offence under section 1 or 2)

Mr Deputy Speaker (Mr Dallat): We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 and 3, amendment Nos 31 to 43 and amendment Nos 47 to 61. Those amendments deal with technical and commencement matters.

Members will note that amendment Nos 32 to 43 are consequential to amendment No 31 and that amendment Nos 49 to 55 are consequential to amendment No 48. I call the

Minister of Justice, Mr David Ford, to move amendment No 1 and to address the other amendments in the group.

Mr Ford (The Minister of Justice): I beg to move amendment No 1: In page 6, line 28, at end insert "and for "that paragraph" substitute "that provision";".

The following amendments stood on the Marshalled List:

No 2: In page 6, line 41, at end insert "(za) in Article 4(2) (interpretation) omit the "and" at the end of sub-paragraph (c) and after paragraph (d) add—

"(e) a sentence falls to be imposed under section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2014 if it is required by that provision and the court is not of the opinion there mentioned;";.— [Mr Ford (The Minister of Justice).]

No 3: In page 7, line 7, leave out subsection (9).— [Mr Ford (The Minister of Justice).]

No 31: In clause 24, page 17, line 5, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 32: In clause 24, page 17, line 8, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 33: In clause 24, page 17, line 11, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 34: In clause 24, page 17, line 13, leave out "victim's" and insert "complainant's".— [Lord Morrow.]

No 35: In clause 24, page 17, line 14, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 36: In clause 24, page 17, line 15, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 37: In clause 24, page 17, line 17, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 38: In clause 24, page 17, line 19, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 39: In clause 24, page 17, line 22, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 40: In clause 24, page 17, line 23, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 41: In clause 24, page 17, line 26, leave out "victim" and insert "complainant".— [Lord Morrow.]

No 42: In clause 24, page 17, line 26, leave out "victim's" and insert "complainant's".— [Lord Morrow.]

No 43: In clause 24, page 17, line 28, at end insert

"(2) In this section—

"the accused" means a person who is alleged to have committed, or has committed, an offence under section 1 or 2;

"complainant" means a person against or in relation to whom an offence under section 1 or 2 is alleged to have been committed, or has been committed."— [Lord Morrow.]

No 47: In clause 30, page 20, line 24, leave out subsection (2) and insert

"(2) Except as provided by the following subsections, this Act comes into operation on the day after Royal Assent.

(3) The following provisions come into operation on such day or days as the Department may by order appoint—

(a) section 11 (with Schedule 3);

(b) section 13.

(4) Sections 12 and 21 come into operation one month after Royal Assent.

(5) Section 15(1) to (4) and (6) comes into operation on 1 June 2015.

(6) Section 22(1) to (3) and (5) to (11) comes into operation 10 months after Royal Assent."— [Mr Ford (The Minister of Justice).]

No 48: In schedule 3, page 38, line 22, leave out head (c).— [Mr Ford (The Minister of Justice).]

No 49: In schedule 3, page 38, line 23, leave out ", the Secretary of State or the Commissioners" and insert "or the Secretary of State".— [Mr Ford (The Minister of Justice).]

No 50: In schedule 3, page 38, line 30, leave out ", the Secretary of State or the Commissioners" and insert "or the Secretary of State".— [Mr Ford (The Minister of Justice).]

No 51: In schedule 3, page 38, line 31, leave out ", the Secretary of State or the Commissioners" and insert 'or the Secretary of State'.— [Mr Ford (The Minister of Justice).]

No 52: In schedule 3, page 39, leave out lines 4 and 5.— [Mr Ford (The Minister of Justice).]

No 53: In schedule 3, page 39, leave out line 21.— [Mr Ford (The Minister of Justice).]

No 54: In schedule 3, page 39, line 28, leave out "(c) the Commissioners,".— [Mr Ford (The Minister of Justice).]

No 55: In schedule 3, page 39, line 31, leave out ", the Secretary of State or the Commissioners" and insert "or the Secretary of State".— [Mr Ford (The Minister of Justice).]

No 56: In schedule 3, page 39, line 37, after "may" insert ", subject to paragraph (3A),".— [Mr Ford (The Minister of Justice).]

No 57: In schedule 3, page 39, line 42, at end insert

"(3A) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements."— [Mr Ford (The Minister of Justice).]

No 58: In schedule 4, page 44, line 12, at end insert

"THE SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008 (NI 2)

7A.—(1) In Article 22(2)(b) (meeting child following sexual grooming, etc.) for paragraph (ii) substitute—

"(ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2014 (human trafficking) committed with a view to exploitation that consists of or includes

behaviour within section 3(3) of that Act (sexual exploitation), or”.

(2) In Article 58(7) for "Articles 59 to 60" substitute "Article 60".— [Mr Ford (The Minister of Justice).]

No 58: In schedule 4, page 44, line 12, at end insert

"THE SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008 (NI 2)

7A.—(1) In Article 22(2)(b) (meeting child following sexual grooming, etc.) for paragraph (ii) substitute—

"(ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2014 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or”.

(2) In Article 58(7) for "Articles 59 to 60" substitute "Article 60".— [Mr Ford (The Minister of Justice).]

No 59: In schedule 5, page 47, line 4, column 2, at beginning insert

"

	Article 59.
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"— [Mr Ford (The Minister of Justice).]

No 60: In schedule 5, page 47, line 11, at end insert

"

The Policing and Crime Act 2009 (c. 26)	Section 15.
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"— [Mr Ford (The Minister of Justice).]

No 61: In the long title, leave out from "offences" to end and insert

", slavery and other forms of exploitation, including measures to prevent and combat such exploitation and to provide support for victims of such exploitation; and for connected purposes."— [Mr Ford (The Minister of Justice).]

Mr Ford: I welcome the opportunity to open the Further Consideration Stage debate and to speak to the amendments in the first group. In doing so, I will take a moment or two to thank Lord Morrow for the spirit of partnership with which he has continued to work with me and my team to identify the further amendments that are necessary to achieve the Bill's desired effect. I emphasise the importance of the Bill in changing and strengthening how we respond to the unacceptable crimes of trafficking, and I pay tribute to the determination and commitment that Lord Morrow has shown in driving the Bill forward.

Indeed, I noticed that, in a recent discussion on the Modern Slavery Bill in the House of Lords, not only did a number of noble Lords praise Lord Morrow for his contribution to legislation in Northern Ireland but some of them even included the Minister of Justice in their tributes. A number certainly pointed out that we are in a better place than England and Wales on the basis of the legislation that we are putting through.

I thank my team and the Office of the Legislative Counsel (OLC), which also played a large part in the Bill. I also thank Lord Morrow's team, particularly Mark Baillie, for the significant work that has been done over many months. I believe that it leaves the Bill in a much better place, although it is undoubtedly still entirely true to Lord Morrow's original intentions.

The amendments in this group are largely technical in nature and are needed to ensure that the provisions in the Bill have the intended effect that the Assembly has agreed and are appropriately aligned within the existing legislative framework. I am pleased that, as was the case at Consideration Stage, the overwhelming majority of the amendments have been agreed between Lord Morrow and me.

Amendment Nos 1 to 3 to clause 7, which are tabled in my name and supported by Lord Morrow, are consequential to clause 7, and are needed to ensure that the minimum sentence provision made under that clause is embedded within the sentencing framework provided for within existing legislation.

The amendments are pretty technical. Amendment No 1 amends article 2 of the Criminal Justice (Northern Ireland) Order 1996 so that the article includes appropriate terminology. Amendment No 2 amends article 4 of the Criminal Justice Order to include clause 7 in the relevant interpretation provisions in that order. Amendment No 3 removes subsection 9 from clause 7, because the revised

commencement arrangements under amendment No 47 make provision for clauses 1 and 2, and the respective offences under those clauses, to come into effect on Royal Assent. Therefore, subsection 9 is no longer needed.

Amendment Nos 31 to 43, all of which are to clause 24, have been tabled by Lord Morrow. Again, those amendments are technical in nature and, collectively, would have the effect of replacing the word “victim” with the word “complainant” throughout the clause, as well as defining what is meant by the word “complainant” and the words “the accused”.

Whilst I have no strong concerns about the effect of those amendments, I have been advised that they are not necessary. What is meant by “complainant” and “the accused” is well established and does not need further definition. Furthermore, since clause 24 makes provision on police interviews, that is, before criminal proceedings commence, I believe that the term “victim” is more appropriate. That is why I have not added my name to these amendments.

I understand that Lord Morrow is keen to reflect the terminology of the equivalent legislation in England and Wales, and there are certainly some suggestions that there are potential benefits of having a consistent approach. As such, I do not intend to push these amendments to a vote

Amendment Nos 48 to 57 to schedule 3 are tabled in my name and supported by Lord Morrow. Once more, those are technical amendments that are intended to correct and refine the earlier provisions agreed by the Assembly at Consideration Stage. Members will be aware that, together, clause 11 and schedule 3 make provision for the introduction of slavery and trafficking prevention orders (STPOs). In particular, part 2 of schedule 3 makes provision for the notification requirements that will apply to individuals subject to an STPO, and part 3 makes supplementary provision. In that context, paragraphs 18 and 19 of schedule 3 make provision for the supply of information between the Chief Constable and certain bodies and persons in order to verify information that has been provided under the notification requirements. Those bodies currently include Her Majesty’s Commissioners for Revenue and Customs. Amendment Nos 48 to 55 will simply remove HMRC from that list as further legal advice has confirmed that this function is already available under section 19 of the Anti-terrorism, Crime and Security Act 2001 and is supported by a memorandum of understanding

between HMRC and the Association of Chief Police Officers. I am content, therefore, that the power already exists, and I have tabled these amendments in order to avoid duplication.

Amendment Nos 56 and 57 make provision for the destruction of any information shared with the Chief Constable under paragraph 19 once the STPO ceases to have effect and the individual is no longer subject to the associated notification requirements. These amendments ensure that the same arrangements are in place for the retention and destruction of information under paragraph 19 of schedule 3 as for fingerprint and photographic data under paragraph 15 of schedule 3.

Amendment Nos 58 to 60 to schedules 4 and 5 are also tabled in my name and supported by Lord Morrow. Together, they make further consequential provision and repeals.

Amendment No 47 to clause 30 has been tabled in my name. I am grateful for the support of Lord Morrow and the Chair of the Justice Committee in bringing that amendment. Members will recall that, during Consideration Stage, I undertook to look again at what commencement provisions should apply, with a view to ensuring that the Bill was commenced as early as possible. The effect of amendment No 47 is that the vast majority of measures in the Bill, with the exception of a very few specified provisions, will come into effect on the day after Royal Assent.

Members will be aware that some of the provisions will require preparatory work in respect of guidance or strategies. So, in some cases, the provisions are to be commenced automatically within a fixed period after Royal Assent. Clauses 12 and 21, which relate to a human trafficking and slavery strategy, and guidance as to compensation for victims, will commence one month after Royal Assent, and clause 22, which makes provision for independent guardians, will commence 10 months after Royal Assent. I know that many Members will be interested in the commencement arrangements for clause 15, or as it was, clause 6. That provision will come into effect on 1 June 2015. It will probably be about four months after Royal Assent rather than the six months that were seen as desirable by the justice agencies.

Some provisions will require secondary legislation. In implementing a number of measures, we will also need to take cognisance of equivalent developments in the other UK jurisdictions. In order to accommodate that work, amendment No 47 makes provision for

clause 11 and schedule 3 relating to STPOs, and clause 13 in respect of the duty to report suspected victims of trafficking and slavery, to be commenced by order of the Department. I trust that the proposed commencement arrangements, which have been agreed with Lord Morrow and the Justice Committee, will demonstrate my practical commitment to the full commencement of the Bill as early as possible and that the Assembly will support amendment No 47.

Finally, in this section, Mr Deputy Speaker, amendment No 61, in the name of Lord Morrow, would amend the long title to reflect more accurately the additional provisions that were inserted into the Bill at Consideration Stage.

Mr Givan (The Chairperson of the Committee for Justice): As the Minister indicated, this group of amendments is largely technical in nature and is intended to tidy up the wording of the clauses and schedules to ensure consistency. I will, therefore, concentrate my remarks on amendment No 47 to clause 30, which relates to the commencement of the provisions in the Bill and to which the Committee has put its name in support.

The Committee first considered the commencement powers during Committee Stage and decided that the provision enabling the Bill to come into force by order of the Department needed to be changed so that commencement did not require action by the Department. The reason for that was to avoid placing the Department in the position of having to decide when to commence provisions with which it was not in policy agreement, particularly clause 15, which relates to the criminalisation of the purchase of sexual services, which the Minister opposed at Consideration Stage, but the Assembly clearly supported by a majority of 81 votes in favour to only 10 against.

1.45 pm

The Committee discussed the matter, and members were of the view that it would be preferable to remove the requirement to commence the Bill from the Department of Justice. Having considered several options, the Committee agreed that the preferred approach would be to build in some time between the Bill receiving Royal Assent and its commencement to enable Departments and organisations that will be responsible for the implementation of the provisions in the Bill to develop the necessary

measures and procedures, particularly in relation to support services and training.

As outlined at Consideration Stage, the Committee initially agreed to bring forward an amendment to commence the Bill three months after it received Royal Assent. Following representations by Lord Morrow that, to provide the necessary time to put in place effective measures to support those who wish to exit from prostitution, a longer time frame for commencement would be helpful. The Committee agreed to extend the timescale in its initial amendment to six months.

As the Minister had already tabled an amendment to the commencement provision to bring certain clauses of the Bill into operation on the day after Royal Assent, the Committee brought forward an amendment to his amendment to ensure that all the provisions in the Bill came into effect six months after Royal Assent if they had not already been commenced. The Committee adopted the approach of amending the Minister's amendment as it enabled him to commence those provisions in the Bill that he wished within six months, thus providing flexibility but also achieving our aim of ensuring that the commencement of the rest of the clauses did not sit within the gift of the Department.

At Consideration Stage, the Minister chose not to move his amendment and, therefore, the Committee amendment was not called. In not moving it, the Minister indicated that he shares the wish of the Committee and Lord Morrow to see the Bill commenced in its entirety as soon as possible after Royal Assent. However, given the difference in approach between him and the Committee and the complexity of the amendments passed, in his view, it was better to take the time before Further Consideration Stage to see whether the issues could be resolved and agreement reached on the commencement of the Bill.

While disappointed not to have the opportunity for the Assembly to consider the Committee's amendment, I indicated at the time that I hoped that an amendment that satisfied everyone could be agreed, otherwise the Committee would again table an amendment at Further Consideration Stage. The Committee received information on the Minister's proposal for the commencement of the Bill and the wording of the amendment just in time to enable us to consider it prior to and during our meeting last Wednesday.

Noting that the proposals — the details of which the Minister has outlined — have the support of

the Bill sponsor, Lord Morrow, and achieve the intent of the Committee to remove the requirement for the Department to commence provisions with which it is not in policy agreement, the Committee agreed to support the proposed amendment rather than bring forward one of its own. The Justice Committee welcomes the fact that, with the amendment, the vast majority of the provisions in the Bill will come into effect either on Royal Assent or within six months of it, and the Committee commends support for it to the Assembly.

Speaking briefly in my capacity as a Member of the House, I want to place on record my thanks to Lord Morrow and the Minister for the constructive way in which they engaged around this particular issue. It was something that the Committee wanted to press in respect of commencement, and the agreement that was reached with Lord Morrow and the Minister is much more preferable to the Committee having to put forward its own amendment.

We support the amendment that has been placed before us. It is not that I do not trust the Minister to respect the will of the Assembly, but, in my view, it is better to take a belt-and-braces approach to the issue. It has been well documented since the commencement of the process that the Minister and the Alliance Party were very much opposed to clause 6, which is now clause 15. In order to ensure that the will of the Assembly will be implemented, it is better for the powers to be put into the Bill through the Assembly rather than leaving it in the hands of the Minister who, based on his word, we would need to trust to put it into effect.

Mr McCarthy: I thank the Member for giving way. Does the Member agree with the Justice Minister when he said earlier that the fullest cooperation between his Department and Lord Morrow is exactly where we are at today, and it should be welcomed by everyone?

Mr Givan: I welcome the fact that Lord Morrow, through his tenacity, has been able to put through this legislation, despite the vast resources thrown against him by the Minister and his departmental officials, who campaigned extensively against one aspect of the Bill, namely clause 6. I appreciate the cooperation that has existed on every other aspect of the Bill and the support on that, but the Minister and the Alliance Party have been very much against the criminalisation of the purchasing of sexual services. We have now reached the position where the Minister has to respect the will of the Assembly because of the vote that was passed by 81 votes in favour to only 10 against and every Alliance Member was one of those 10. It

is not unreasonable therefore to not put the Minister in the invidious position where he would need to put in place an order that would go against the way in which he and his colleagues voted. Therefore, the Assembly is able to save the Minister that embarrassment. I appreciate the fact that we have got to that position today.

Mr Ford: I am grateful to the Member for giving way. That is presumably why I co-signed all but one of the amendments before us today relating to clause 15. I accept that that is group 3; I will not push that point.

Mr Givan: Again, I welcome how the Minister has been brought to the table on the issue to the point where he has had to support it.

The debate has been very constructive and good, but, on a point of principle, I certainly felt that it was important that the commencement provision around what has been the most controversial aspect of it was not left in the gift of the Department to bring in through an order. I do not want to go over a previous occasion, but the Assembly voted in the past on a particular issue and the Minister has not implemented the will of the Assembly in respect of that issue. So, rather than have that repeated and being alert to what has happened in the past, I was keen to have the amendment through the Committee. I got Committee support for it, and, today, having had the Minister support the amendment, we will be able to pass it through the Assembly.

Mr Deputy Speaker (Mr Dallat): I call Mr Tom Elliott. I must advise the Member that I may have to interrupt him for Question Time. It depends entirely on how loquacious he is.

Mr Elliott: Thank you, Deputy Speaker. I can assure you that you will not have to interrupt me. Well, I cannot guarantee that, but you will not have to interrupt me because of time.

I welcome the opportunity to discuss the amendments to this important Bill further. The Committee Chair outlined how important he feels it is, not only for himself but for the Committee, and how important the cooperation through the Committee and with the Department has been. I put on record my thanks to the Department and the Committee staff for their help and support.

I want to briefly deal with amendment No 47, which is the one that there is most interest in, because all the amendments in this group are, as they say, technical. The Minister and the

Department appear to have been forced into this somewhat by the role of the Committee in bringing forward the earlier amendment on the timescale. I think that the Minister may have been resistant to a timescale at all in that respect, but, thankfully, he has come to see that it is probably positive to bring in that timescale to ensure that there is no slippage and that the clause is enacted in a way that the majority of the House, Lord Morrow and the Committee want it to be enacted. It is just a matter of having that security. I feel that is important, and I welcome it. While the Minister may have been pressurised or forced into it somewhat, he seems to now be at a stage at which he is willing to ensure that it is implemented.

Deputy Speaker, I hope that was brief enough for you and the team. That is all I need to say on that group.

Mr Deputy Speaker (Mr Dallat): I call Mr Stewart Dickson. I give him the same useful advice.

Mr Dickson: I hope to be relatively quick as well, Deputy Speaker.

I also welcome the positive engagement between Lord Morrow and the Justice Minister to identify further amendments that will ultimately strengthen the legislation. Although, as has been said in the Chamber already, we have some disagreements on parts of the Bill, I genuinely commend Lord Morrow for the efforts that he has put into progressing the Bill to this stage with the Minister and the Justice Department.

As Members have said, the amendments in this group are mostly technical, designed to make sure that the Bill works as smoothly as possible within the existing framework. However, I would just like to point out again, following the Minister's contribution, that we consider amendment Nos 31 and 41 to be necessary, and we believe that "victim" would be a more appropriate term to use in clause 24, as it makes provision in respect of police interviews before the commencement of criminal proceedings. As the Minister has explained, however, we understand Lord Morrow's motivation behind those changes and do not intend to push those matters to a vote, but perhaps Lord Morrow can outline to the House to what extent he considers the use of different terminology from England and Wales in that clause to be detrimental, given that the intention of the Bill is to provide greater support to victims.

However, as I said, the intention of the amendments in this group is to tidy the Bill. I see no reason to oppose them, and look forward to the discussion of the next group.

Mr Deputy Speaker (Mr Dallat): Order. As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to speak will be Lord Morrow.

The debate stood suspended.

2.00 pm

(Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair)

Oral Answers to Questions

Employment and Learning

Department for Employment and Learning: Abolition

1. **Mr Agnew** asked the Minister for Employment and Learning, following the announcement in January 2012 that his Department was to be abolished, to outline the discussions he has had with the Office of the First Minister and deputy First Minister regarding the arrangements to divide his departmental functions between the Department of Education and the Department of Enterprise, Trade and Investment. (AQO 7158/11-15)

Dr Farry (The Minister for Employment and Learning): In July 2012, the First Minister and deputy First Minister announced that they wished to await the outcome of engagement with party leaders on the number of Departments before making any decision on the future of DEL. The matter is on the agenda of the ongoing all-party talks.

I believe that the number of Departments should be rationalised from 12 to eight from the start of the next mandate of the Assembly. However, any reallocation of functions should be based around the creation of what are essentially new Departments, rather than existing Departments subsuming new functions into existing organisational structures and corporate plans.

My Department may have been created as an amalgamation of functions from different Departments. However, today, it is a coherent organisation based around a unified agenda of promoting and addressing the skill needs of the people of Northern Ireland and helping them to find and sustain employment.

Much of the current synergy in DEL would be lost in the event that its functions were dispersed. Indeed, there would be a very real danger that the Executive's ability to grow and transform the economy at a time of critical importance would be substantially damaged. For those reasons, I consider that virtually all the functions of the Department should remain

together, either in a single Department or as part of a wider Department of the economy. While there may be a superficially attractive option to have a single Department addressing education, from nursery to higher education, the more compelling requirement is to ensure that further education and higher education are directly meeting the needs of the economy. The present interface between DEL and DE is managed and can continue to be managed under any future arrangements.

Mr Agnew: I thank the Minister for his answer. This seems to be yet another example of OFMDFM promising what it cannot deliver. The Minister referred to the talks' proposals to take a more strategic approach to reducing the number of Departments. Will he outline any lessons that have been learned in the process of his Department being looked at to make sure that, if we do make this strategic decision, we can actually deliver on it?

Dr Farry: I do not agree that this is something that has been forgotten by OFMDFM. The correct decision has been taken to view it as part of a wider consideration of Departments. That process is very much alive today. Members will be aware that that item is being discussed actively in the current round of talks. There may well be a positive outcome in that regard.

We want to avoid the situation where Departments are carved up for political ends, which was the danger in 2012. Today, we have the opportunity to do this as part of a wider reform of government structures, which is more about servicing the people and businesses of Northern Ireland in as efficient and effective a way as possible.

We can certainly learn lessons from the discussions in 2012, when all stakeholders — universities, colleges, business organisations and students themselves — saw the benefit of a single Department of the economy rather than my Department being split between two Departments.

We can also look to experiences elsewhere in these islands. For example, universities are part of the Department with responsibility for business in the London setting, which gives them a certain profile. By contrast, in the Republic of Ireland, they are part of a wider Department of Education and Skills and, frankly, tend to get lost in discussions around primary and secondary education in that jurisdiction.

Mr Ross: I tend to agree with the Minister that what we want to see, ultimately, is a Department for the economy that would include some of the powers that his Department currently has. Will the Minister explain the benefits of seeing colleges and universities as economic drivers and how a Department for the economy would help, not only in the work that Invest Northern Ireland does to attract companies to invest in Northern Ireland but in training young people in economically relevant areas?

Dr Farry: I tend to concur with the Member. Just to be clear, I see virtually all my Department going into a Department of the economy alongside virtually all of DETI. There may well be other functions across Departments that could be consolidated in such a manner. It is very clear that the further education sector and universities are a key part of the economic narrative in Northern Ireland. Look, for example, to what Invest Northern Ireland is doing in reaching out to companies overseas. Universities are central to that narrative.

Our colleges' relevance to the economy has come on in leaps and bounds in the past decade. At the tip of the spear, they are offering programmes through our shared skills scheme, whereby they will provide the ready-made employees that companies require. We have been able to attract companies to Northern Ireland based on a very innovative approach that is not available in competing jurisdictions for what are often mobile international investments.

Moreover, the curriculum in our colleges and universities is heavily determined by the needs of the economy. Frankly, that is why we are investing public money in colleges and universities: to ensure that they are providing the skilled workers of the future to meet the demands of the economy. We know that we will need more and more higher-level skills in the years to come, and our colleges and universities are the key delivery partner in that regard.

Mr Elliott: Given that the Minister has indicated that his Department is supportive of a single Department for the economy, what areas in his Department does he suggest go to other Departments, and to which of the other Departments?

Dr Farry: I hesitate, since the views that I am expressing are my personal views on the matter and those of my political party. I would not

speak on behalf of individual members of staff in the Department. However, it is interesting to note that when the Employment and Learning Committee did an exercise in that regard in the spring of 2012, the views that came across strongly from employees in the Department were that they saw themselves as part of a single Department of the economy. They understood the economic relevance of what they were doing, and that is why they were motivated to fulfil the service functions that we ask of them.

To reiterate on Mr Elliott's question, I envisage virtually all the functions of my Department being part of a single Department of the economy. My Department is a coherent, unified Department based around skills and employability. All the different divisions are pushing in the one direction. I believe that they should be transferred en bloc to the new architecture, and I believe that that view is supported by virtually all the stakeholders in wider society.

Mr Principal Deputy Speaker: Mr Oliver McMullan is not in his place.

FE Colleges: Budget

3. **Mr Beggs** asked the Minister for Employment and Learning what impact the reduction to his departmental spending in the draft Budget 2015-16 will have on further education colleges. (AQO 7160/11-15)

Dr Farry: Considering the scale of budget cuts facing my Department — 10.8% — there will undoubtedly be detrimental impact on further education colleges, including their provision of front-line services. Officials from my Department are working with colleges to consider different options for reducing spend, and that will require making difficult decisions over the coming weeks. The colleges have been advised that, in the event that they are faced with cuts of 10.8%, it will mean 500 fewer staff and 16,000 fewer student enrolments. I assure the Assembly that my Department will strive to mitigate the worst impact of the cuts. However, it is clear that even core front-line services will be affected.

Mr Beggs: As the Executive and, indeed, the Assembly debate the Budget and try to ensure that adequate funding is provided to further education, will the Minister assure me and my constituents that constituencies such as East Antrim, where there is no effective centre of further education, will not be further marginalised and that there will be adequate

outreach into local communities? At present, the Northern Regional College recognises that parts of Carrickfergus, Larne and, indeed, Moyle are not adequately provided with FE opportunities.

Dr Farry: I can give the Member an assurance, in the sense that we are not planning any major revisions of the FE estate outside what is envisaged in the weighted business case for redevelopment in the Northern Regional College area. However, we are not expecting any major changes in the southern part of its jurisdictional area.

As for community outreach, I have a very strong commitment that we will seek to ensure that we are providing skills, including to the most vulnerable in our society. However, at this stage, it is very difficult to give any guarantees, because we are still bottoming out with the colleges how they will approach this. Until we get an indication of a more favourable financial settlement, it is very difficult to give any assurance that any particular service area will be entirely immune from cuts. However, I am not taking a salami-slicing approach to what the further education sector is doing. We will approach community outreach in a considered, strategic manner, with a view to what is most important for the economy and how we ensure that we continue to engage with those most marginalised from the economy.

Mr Rogers: Many young people at age 16 decide to further their education in their local further education college rather than stay on in school. How will you ensure that they are not negatively impacted upon, as opposed to what may have been the case had they stayed in school?

Dr Farry: My answer is similar to that which I gave to Mr Beggs a few minutes ago. We will be as strategic as we can in the approach that we take. The Member will be aware that some acknowledgement was given in the draft Budget to the role of further education and, indeed, that of my Department in a wider sense through training organisations for 16- to 19-year-olds. Bluntly, if we have a situation where disproportionate protection is given to the Department of Education for further education and training, there will be a major inequity in our support. To put it very bluntly again, we will end up with a situation where predominantly middle-class children who are availing themselves of a grammar school education will get a greater degree of protection than those who are in the further education and training sector. The demographics in that are

sometimes different to what we would see for those who stay on in secondary-level education.

Ms Lo: The proposed cuts to the Minister's Department are really severe. If he needs to make cuts in the further education sector, what difficulties will he face?

Dr Farry: It is worth referencing that the further education sector has been run on a very efficient basis over the past number of years. There has not been an increase in funding for further education in real terms since 2007, so in its actual related spend, it has been surviving on an ever-decreasing budget. That means that it has been pushing efficiencies over the past number of years.

The sector has also been consolidated to a great extent. We are now down to six colleges across Northern Ireland. Before that, we were well into the teens, and before that, there were well over 20 different colleges across Northern Ireland. So, there has already been a considerable consolidation in the FE sector. That does not preclude us doing more on that, and one of the areas that we are looking at is whether there is scope for a shared service delivery across the sector. I am pleased that all the colleges are very much up for looking at solutions in that regard. I need to make it clear that it is very difficult to see where the FE sector can make savings that are genuine efficiencies, as opposed to what are, very sadly, going to be cuts in provision.

Belfast Metropolitan College: Montgomery Road

4. **Mr Newton** asked the Minister for Employment and Learning for an update on the redevelopment of the Belfast Metropolitan College's Montgomery Road campus. (AQO 7161/11-15)

Dr Farry: The Belfast Metropolitan College is preparing a comprehensive estates strategy for all its campuses. Following significant recent investment in new facilities in Titanic Quarter and Springvale, the college is considering its needs for the remainder of its estates infrastructure.

Included in that is a strategic outline case for the redevelopment of the Castlereagh campus on Montgomery Road. That will consider, at a high level, the accommodation that is required to meet the current and future curriculum and business demands for the area. The college

has advised that a strategic outline case will be submitted to my Department in the new year.

Mr Newton: I thank the Minister for his answers so far. Is he prepared to think in the new year about the development of the site in a three-phase strategy? As such, the vocational units that are proposed to be on the site would be taken as one phase; the potential for Belfast City Council to provide a leisure centre on the site would be taken as a second; and the college itself may be taken as a third. That might not happen in any particular order, I might add, but such phasing might allow for something to actually happen on the site in what is a constrained financial situation.

Dr Farry: I am very much open to what the Member says, and we are happy to look at how we can develop our estate in as creative a manner as we possibly can. However, without that degree of creativity, particularly in how we can generate additional capital, it is unlikely that we are going to be able to progress this in the short- or medium-term future. There are quite a lot of works on further education in the pipeline. The Member will know that a number of schemes have been approved in the southern region, and we are awaiting decisions on the Northern Regional College area.

Both those areas have had underinvestment relative to the other four college areas in recent years. Whether it is because of the economics or the justice of the situation, those two areas need to be given priority in new capital funding.

2.15 pm

There are also proposals on a new shared facility for the South West College on the old Erne Hospital site in Enniskillen. In that context, we are willing to receive the case from BMC. If there is a different way to slice this up, that may make the situation somewhat easier. All I can say to the colleges is that the more quickly business cases are received, the more quickly we can process them. We can make bids to draw that money down as and when capital funds become available.

NEETs: European Funding

5. **Mr Maskey** asked the Minister for Employment and Learning for an update on his Department's efforts to draw down European funding to improve the opportunities for young people who are not in education, employment or training. (AQO 7162/11-15)

Dr Farry: My Department has been developing the 2014-2020 European social fund (ESF) programme and consulted on its proposed content in summer 2013. The draft operational programme was submitted to the European Commission for approval in July 2014. Since then, the public expenditure climate has worsened considerably. The draft Budget for 2015-16 provides for a net 10.8% cash reduction in the Department's baseline of £756 million, which equates to a cut of £82 million. On top of that, £35 million of funding in addition to the baseline, which my Department spends largely on the provision for young people, comes to an end at the end of the current financial year.

The total ESF allocation for 2014-2020 is approximately £165 million. As part of developing the programme, I have ensured that young people aged between 16 and 24 years who are not in education, employment or training (NEET) are a key priority group for support from the fund. Approximately £20 million of the European social fund budget will be made available to support young people in this age bracket. It is hoped that 25,000 NEET participants will avail themselves of training. In addition, around £8 million of ESF funding is being directed to finance the community family support programme, which targets young people and their families. It is expected that 12,600 NEET participants aged 16 and over will be supported under this programme.

It should be noted that, to enable the Department fully to avail itself of this European funding, a departmental contribution of 25% — some £17 million — must be secured, with an additional 35% — £24 million — match funding being required from other public or private sources.

Mr Maskey: I thank the Minister for his response. I appreciate the budgetary problems that he and others in the Executive face at this time. Will he elaborate on whether he is in a position to engage further with the EU Commission to look at other ways in which to maximise the drawdown of funds for such programmes?

Dr Farry: We are privileged in Northern Ireland through our membership of the European Union — long may that be the case — in that we have access to the European social fund. It allows us to access resources that would simply not be available through our domestic budget. It is a huge opportunity for us. We have received a larger European social fund pot for the forthcoming period than we did for the outgoing one, so we already have an improved situation.

That said, there are more pressures on the European social fund, given the cuts in funding that are coming to us.

Rather than getting a different ESF allocation, there could be more productive discussions on whether Northern Ireland could make applications to any new funds that are produced by the European Commission over the coming months. I am certainly more than up for that. I know that the MEPs will be eager to scope out such opportunities directly in Brussels, as will the Office of the Northern Ireland Executive in Brussels. We will certainly keep an open mind on that.

Mr Swann: I thank the Minister for his answers to date. I recently met Start360 and Barnardo's in Ballymena, which are funded under the social investment fund (SIF). They have been directed to apply for ESF funding, which will be a complicated change of direction for them. Will the Minister tell us what advice his departmental officials give to voluntary and community organisations that are being redirected to ESF for the first time? Will he also undertake to visit Start360 and Barnardo's in Ballymena to see the work that they do?

Dr Farry: One needs to be slightly careful about direct engagement with organisations, given that we are part of a competitive process in the allocation of those funds. It is important that that process is seen to be open and transparent.

Members of our ESF team have been engaged in a series of roadshows across Northern Ireland to provide information to anyone who is interested. We have been pleased by the degree of engagement that we have had in that regard. Indeed, there has been an event in each of the new 11 district councils. That is the best way to get information across on the nature of the process in a fair and open manner. I certainly wish all the organisations well in that regard. I assure them that we will give every bid we receive due consideration. We will see how far the money goes in meeting the projects that come forward. However, I stress that we are in a competitive process with a fixed amount of money, so Members need to be aware that we will not be able to support everything in due course.

Mr Campbell: When deploying the resources from the ESF, will the Minister ensure that young people, not only those not in education or training, who live in hard-to-reach areas are particularly targeted? They appear, by and

large, to have been missed by many of the schemes in the past.

Dr Farry: Yes. The Member makes a useful point in that regard. At times, when you have a process where bids come in on a competitive basis, the resultant distribution of funds can be more of a reflection of the capacity of organisations to make bids than of the need on the ground. That is why we have gone for a much more strategic approach. We are trying to identify need at a grass-roots level to ensure that there is better coverage in that regard.

It is also important to stress that, in terms of the most vulnerable young people, it is not simply those in the NEET category whom the fund will be of relevance to. We will be able to support young people with disabilities. The fund will have a particular focus on level 1 attainment, which will be the trigger point for accessing some of our mainstream level 2 programmes, such as the forthcoming new system of youth training, which will revolutionise what we do in training for those leaving school at 16. In addition, the European social fund can support what we do in that scheme and in apprenticeships.

Undergraduate Places: Cuts

6. **Mr Anderson** asked the Minister for Employment and Learning, given the possible cuts in undergraduate places at Queen's University and the University of Ulster, for his assessment of the likely impact this will have on the local economy. (AQO 7163/11-15)

Dr Farry: Northern Ireland's higher education providers play a vital role in meeting the skill needs of the local economy not only by providing a supply of highly skilled graduates but by reskilling and upskilling the existing workforce. The Northern Ireland skills strategy identifies the skills issues that need to be addressed to reduce the productivity gap between Northern Ireland and the rest of the UK by 2020. The strategy recognises the need for upskilling the current workforce and achieving a higher proportion of individual workers with higher-level skills — in the region of 80% by 2020. Our approach has been commended by the OECD following worldwide research that it has carried out. It regards the current education and training system in Northern Ireland as having some of the best international practice and aspects that are world-class.

Skills are the foundation for delivering improved productivity and growth. They provide the

platform for successful innovation and export-led growth, and they are the most important factor for attracting inward investment to Northern Ireland. The need to develop the Northern Ireland skills base further, particularly in higher-level skills, in our higher education sector is recognised in the Executive's Programme for Government and supporting strategies. The role of the universities is critical in driving sustainable economic prosperity through high-quality and internationally excellent research and translating that research into successful innovation through knowledge transfer. Those are all central planks of the Northern Ireland economic strategy and the Executive's recently published innovation strategy. Indeed, university income from business and community engagement reached some £92 million in 2012-13. Recent job announcements, including those by Citi, are concrete examples of how high-level skills can drive our economy forward. The cuts proposed for my Department will have a very significant and unavoidable impact on our higher education institutions, affecting their capacity to provide the high-level skills and qualifications necessary to grow our economy.

Mr Anderson: I thank the Minister for that response. Does he accept that, if places are cut in our universities, it will make it even more difficult for Invest NI to attract high-quality jobs to Northern Ireland?

Dr Farry: Absolutely. That, amongst other reasons, is why I am so concerned about the impact of cuts on my departmental budget. Some 70% of my budget is allocated to our universities and colleges, so absorbing 10-8% cuts as a Department without touching the front line in our universities and colleges is extremely difficult. I am determined to work with the institutions to see how far we can mitigate the impact of cuts on the front line, as there may well be things that we can do, but, ultimately, we need a more responsible approach across the board to setting the Budget in Northern Ireland. We have to understand that our universities are an investment in the future. This is not money that we are wasting; this is an investment in the future of our economy and the future of our young people. We need to have a fundamental reassessment of where we are going. One thing that I am loath to do is simply stretch our budgets ever further and dilute the quality of what is offered by our universities. That is not in anyone's interest.

It is worth noting that, depending on which funding band you are talking about, there is already a funding gap of between £1,000 and £2,500 per place in Northern Ireland relative to

Great Britain. That is an existing structural problem, and the current budget is only compounding it. There are major decisions that we will have to take over the coming weeks, both at Executive level and in my Department, on how we can try to mitigate this. If we cut back on the scale of our universities and colleges, that will send out a very negative message to the rest of the world, as well as to our young people locally.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí. I thank the Minister for his answer. He will be aware that a rally organised by FE and HE students against the cuts to colleges and universities is due to take place tomorrow. Does the Minister accept that we all need to work together to present a united approach to the British Government and send them a clear message that the cuts that they are trying to impose on the block grant are seriously damaging the Executive's ability to deliver core, front-line services?

Dr Farry: There is some work for parties to do in making a common approach to Westminster and seeing what funding packages we can secure, but trying to wipe the slate clean and forgetting about things like welfare reform is not a realistic strategy. The pathway before us in that regard is clear. If the Member is concerned about the looming cuts to further and higher education, he and his party colleagues have it in their power — they have, not the British Government — to make difficult but responsible decisions about putting the funding of the Northern Ireland Budget back on a sustainable footing and beginning to address the problems that we face across a range of Departments.

Mrs McKevitt: In his previous answer, the Minister talked about the front line and how important that was. If things do not work out for this Budget, can he give us the projected job losses in higher and further education?

Dr Farry: on the basis of the level of cuts, we are talking about several hundred job losses in the higher education sector. That is a serious state of play for the individuals concerned as well as the universities. I am concerned by what the Member says about things not working out for the Budget. We cannot sit back in the Assembly waiting for something to drop from the sky as if it is beyond our control. I stress to the Member that her party has a major role to play in acting more responsibly around budgets. We must be prepared to take difficult decisions, whether by raising revenue or by recognising that welfare reform is inescapable. No one

wants to go down that route, but it is a reality that we face as a devolved region. The solutions lie in our hands. It is not a case of sitting back, waiting for a solution; we are part of the problem. Let us sort it out ourselves.

Mr Principal Deputy Speaker: That ends the period for listed questions. We now move to 15 minutes of topical questions. Question number 8 has been withdrawn.

North West Regional College: Strabane Campus

T1. **Mr Byrne** asked the Minister for Employment and Learning what proposals his Department has to use a new build to meet the accommodation needs at the Strabane campus of the North West Regional College. (AQT 1821/11-15)

Dr Farry: At this stage, there is nothing in the pipeline. There is a potential redevelopment of the Springtown campus of the North West Regional College, but there is no capital spend on the radar for Strabane.

2.30 pm

Mr Byrne: I welcome the Minister's answer. However, it raises a further question. Given that Strabane has suffered so much unemployment in the past and we are trying to get some economic development in the area, does he agree that a business case for a new build would be an advisable opportunity to take for the future?

Dr Farry: Yes, in theory. The provision of a revised FE campus will be an economic activity generator. The issue, however, is how far we can stretch budgets in terms of the investments that we are making at present. There is a host of other projects that we are currently committed to. I also stress that the economic future of Strabane does not depend on an FE college being redeveloped in the town. There are a host of other things that we can do, including working with people directly and their skills through existing provision and what we can do to attract jobs into the area. I am certainly happy to play my role in that regard.

Young People: Protection from Cutbacks

T2. **Mr Dallat** asked the Minister for Employment and Learning what steps he has taken to ensure that the most vulnerable young

people, usually those who are furthest away from the labour market, are protected and will not be affected by the cutbacks, austerity moves and whatnot that his Department is in the throes of. (AQT 1822/11-15)

Dr Farry: At this stage, I cannot give the Member a cast-iron guarantee in that regard, nor tell him the full details of how we are going to try to go about protecting those young people who are most vulnerable. However, I can give the Member an assurance that there are two guiding principles that I am adopting in how we go about looking at the challenge of the cuts facing us. The first one is to try to prioritise those areas of activity that are most relevant to the economy. I stress that virtually everything that we do is relevant to the economy, but we will prioritise those areas that are most relevant to the economy. The assured skills programme, where we work directly with investors on putting people straight into jobs, is an example in that regard.

Secondly, we have a commitment to try to protect those young people who are most vulnerable. I fully understand why that question is being asked. However, in terms of the scale of cuts that we are facing, it is next to impossible to give any guarantee that we will have 100% protection for any area of the work of the Department.

Mr Dallat: The Minister's answer is somewhat disappointing. Since we have made reference to that marginal line called the border, can I ask the Minister what discussions he has had with the Irish Government to ensure that those people on both sides of the border are protected, because they are often the people who are furthest away from the labour market?

Dr Farry: First of all, I am slightly confused as to why the Member is a bit disappointed with my answer. This is where the wheels begin to come off budgets. We have been warning all along that putting all the eggs into the basket of protecting the current welfare budget will have implications elsewhere for how we help those other people in society who are most vulnerable. The investment that we can make in skills and employability is the means by which we give people the opportunity to secure a job and move out of the welfare situation. That is the trade-off that we, as an Assembly, are now making because of the decisions that certain people have chosen to make.
[Interruption.]

Mr Principal Deputy Speaker: Order.

Dr Farry: On cooperation and discussions that we have been having with Ministers in the Republic of Ireland, the answer is very simple: I want a cheque from my colleagues in the Republic of Ireland. We are currently educating about 3,500 people from the Republic of Ireland in FE colleges in Northern Ireland, because there is not an adequate provision there. That is particularly the case in County Donegal, for which North West Regional College is becoming the main provider of education and training at level 2. It amounts to something like £7 million that is going out of the Northern Ireland block grant to train students from the Republic of Ireland.

I am more than happy that we see students moving in both directions across the border, with certain courses provided on one side of the border and other courses provided on the other side of the border. That is the natural way that this situation should be. However, in further education, it is currently one-way traffic from the South into the North, particularly in the Donegal-to-Derry corridor. That has a massively disproportionate impact upon our budgets. It is a structural problem that we have to resolve on a North/South basis. We are up for doing it, but my colleagues in the Republic of Ireland are not prepared to face up to this reality at present.

Engineering: Women

T3. **Mrs Hale** asked the Minister for Employment and Learning how he is supporting women into engineering through sector attractiveness and retention. (AQT 1823/11-15)

Dr Farry: I concur that gender balance in engineering as well as in other key areas of our economy is crucial. We have a heavily skewed workforce. Frankly, without a proper equal opportunities approach, the sector, and the economy as a whole, will miss out on a lot of talent that is available.

We have worked to develop an engineering action plan as part of a wider working group that I established in 2012. Gender considerations are part and parcel of that. The Equality Commission has, with the STEM business coordinator, devised a charter of best practice for business, which will, hopefully, also be effective in attracting women into the sector.

The issue is not purely about attraction into the sector. It is also about retention and progression within work, and there are barriers in that regard that we also need to turn our minds to.

Mrs Hale: I thank the Minister for his answer. You spoke earlier about how high-level skills drive our economy, so would you agree that funding appropriate programmes to deliver and support expansion of the advanced manufacturing and engineering sector would send the right message to not only women but to the industry as a whole?

Dr Farry: We are very happy to do promotional work in this area because whether there is a key equal opportunities rationale or a key economics rationale, there is a strong imperative for us to seek to maximise participation in these areas.

Again, I stress that as we look to the areas that are set to grow most over the coming years, they are, at present, heavily male dominated. By contrast, the areas under most pressure, most notably the public sector, tend to be disproportionately female. So there is a major structural problem here that will be only exacerbated in the coming years unless we take action to correct this and ensure that we have a strong pipeline with both genders in key sectors such as engineering.

Budget 2015-16: Vulnerable People

T4. **Ms McCorley** asked the Minister for Employment and Learning how he is protecting the most vulnerable people when preparing for his budget for 2015-16. (AQT 1824/11-15)

Ms McCorley: Gabhaim buíochas leis an Aire as a fhreagraí. An dtig liom iarraidh ar an Aire caidé mar atá sé ag cosaint na ndaoine is laige, agus é ag ullmhú dá bhuiséad don bhliain 2015-16?

Dr Farry: That tends to follow on from the question asked by Mr Dallat. I am trying to be as responsible as I can in that regard. It is a key determinant in my deciding where cuts are, sadly, going to have to be made.

Regarding equal opportunities, let me say to the Member for Sinn Féin what I said to the SDLP: if we continue with a single-minded approach to trying to protect the vulnerable through not facing up to difficult decisions around the welfare budget, there will simply be less money available to help those who are most vulnerable to get a foot on the ladder, to invest in their employability skills and enable them to find and sustain employment.

Choices have to be made in that regard. There is no point in the Member talking about what I am doing to protect the vulnerable when the

policies that are being adopted by default, through the blockages from her party, are having an adverse effect on our ability to help the most vulnerable.

Ms McCorley: Go raibh maith agat. Does the Minister accept that if there were to be a reduction in student places, or an increase in tuition fees, that would nevertheless impact most greatly on those from disadvantaged backgrounds?

Dr Farry: Indeed, that may well be the case. If we end up with, for example, fewer places locally, it will mean that people are forced to look for a place in Great Britain or, by default, they will have nowhere to go in terms of higher or further education.

Again, it comes down to this point: what are we going to do differently in order to have a sustainable Budget settlement? There is no point coming into the Chamber and talking about how we are going to carve things up and how I am going to stop something from happening that is, sadly, an inevitable consequence of the Budget settlement that pertains in Northern Ireland. Unless we change direction, we will have these circular arguments incessantly for the coming months and years.

Apprenticeships: United Youth

T5. **Mrs D Kelly** asked the Minister for Employment and Learning how many of the 100 apprenticeships announced by junior Minister Bell some 18 months ago under the Together: Building a United Community strategy have been provided by his Department. (AQT 1825/11-15)

Dr Farry: We are waiting to see what money will be available for the United Youth programme in the 2015-16 Budget. We are at an advanced stage in the co-design process for United Youth, and we have put out the call for a number of projects. Although I have £1 million in my budget this year to proceed with the programme, until we have some degree of certainty about having any budget in 2015-16 to take the programme forward, it would be irresponsible to press the "go" button. Therefore, while there is no core funding in my Department's budget for United Youth, I am optimistic that we will be able to secure some funding to enable us to expand the programme over the coming months.

Mrs D Kelly: In essence, Minister, 18 months on you are telling us that not one apprenticeship place has been provided. Will

you give a commitment, to me and to the House, that you will tell us, if there are to be any such places, how the resources will be targeted across the North?

Dr Farry: I am not going to stand here and take any points on what we are spending or not spending until other parties in the Chamber adopt a more responsible approach to this —

Mrs D Kelly: You are not delivering.

Dr Farry: There is no point in the Member heckling from the sidelines that we are not delivering. Until her party adopts a more responsible attitude to funding in Northern Ireland, we are going to be going around and around in circles — *[Interruption.]*

Mr Principal Deputy Speaker: Order.

Dr Farry: This may well be news to the SDLP, but most people in the outside world recognise that you cannot deliver if you do not have a budget. That is a simple fact of life.

Northern Regional College, Coleraine: Future

T6. **Mr Campbell** asked the Minister for Employment and Learning for an update on the future of the Northern Regional College in Coleraine. (AQT 1826/11-15)

Dr Farry: We are awaiting receipt of a final business case, hopefully in the next few weeks, on the capital investment in the Northern Regional College. As I commented earlier, there are a number of different aspects to it. One is the redevelopment of a site in Ballymena as a consolidated site and a redevelopment in the northern part of the jurisdiction, which may be in Coleraine or Ballymoney. I am not going to say anything further in case I upset somebody. Decisions will be taken in that regard.

Compared with some other areas in Northern Ireland, there has been historical capital underfunding in the Northern Regional College area. Therefore, I am happy to give it priority, and we will seek to find the money, if and when available, to facilitate those matters proceeding as quickly as possible.

Mr Campbell: The Minister will be aware that the premises in which the staff in the Coleraine campus operate are not good. I was in them recently. Will he endeavour to come to that conclusion in order that the staff there can

deliver a state-of-the-art service for the entire community on the Causeway Coast?

Dr Farry: I am keen that we make such decisions as quickly as we possibly can. The issue has been hanging around for quite some time. I am not going to stand here and argue that the accommodation in Coleraine is of sufficient quality. We need to bottom out precisely what curriculum provision will be required, because that is the key to determining the estate that we require. The case for redevelopment is beyond question. The issue is exactly what we provide, where we provide it and how quickly we provide it, all of which will be determined by money.

Enterprise, Trade and Investment

Mr Principal Deputy Speaker: Questions 4, 7 and 15 have been withdrawn, within the agreed procedures.

Sandwich Sector: Upper Bann

1. **Mrs Dobson** asked the Minister of Enterprise, Trade and Investment what support her Department and its agencies can provide to the sandwich sector in Upper Bann. (AQO 7173/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): Businesses in the sandwich sector can avail themselves of a range of advisory assistance and free workshops from Invest Northern Ireland on a number of topics, including design, finance and exporting. A wide range of information is also available through www.nibusinessinfo.co.uk.

Invest NI conducted a study of the highly competitive sandwich sector in 2012, and an update of that study has just been completed. The study found that overcapacity is an issue in the sector and that the risk of displacement must be considered carefully by Invest NI.

Sandwich sector projects that apply for financial assistance will continue to be assessed on a case-by-case basis, and the potential for displacement will be rigorously challenged, in line with the study's recommendations.

2.45 pm

Mrs Dobson: I thank the Minister for her answer. She will be aware that I have written to her on behalf of a company in my constituency

that has concerns about the displacement of jobs and investment, following Invest NI's support to the industry. Is it her view that displacement has occurred? Will she agree to meet, alongside me, representatives of the company to discuss its concerns?

Mrs Foster: I am certainly happy to meet the Member with the company that she speaks of. Indeed, I hope that that company will continue to engage with Invest Northern Ireland to discuss and explore other options. I very much hope that displacement has not occurred in the sector, although it has been pointed out that there is a risk of displacement because there is overcapacity in the sector. Certainly, if she wants that meeting, we will have that discussion, and I will bring with me officials from Invest Northern Ireland who will be able to talk her through the other awards that were made, in particular to the sandwich sector.

Mr Anderson: I thank the Minister for her answers so far. What support and assistance does her Department give to the food processors in the agrifood sector in Upper Bann, such as Moy Park and other major employers in the area?

Mrs Foster: Moy Park continues to be one of our exemplar companies, particularly in the agrifood sector. Back in July, I had the pleasure of making an announcement with Moy Park of 628 new jobs across its three sites in Dungannon, Craigavon and Ballymena. It continues to invest in the local community. It continues to invest in the workforce, in its processes and in innovation, and therefore we will continue to support it. I am particularly pleased that it continues to provide so much employment for people outside Belfast. It is certainly a company that goes from strength to strength.

Mrs D Kelly: Minister, can I broaden the discussion to the level of VAT and ask whether you have had any success, through talking to your Executive colleagues or, indeed, to Westminster, in gaining the ability to reduce the level across the hospitality sector?

Mrs Foster: That is something that the hospitality sector has been lobbying quite hard on, and I support it in that, because I believe that hotels, particularly those in border regions, are having a very difficult time with their pricing structure, given the nature of VAT in the Republic of Ireland. Of course, it is a matter for the Westminster Government. We will continue to raise the issues in all that, and I hope that we

will have support for that right across the House.

Air Connectivity Study

2. **Mrs Cameron** asked the Minister of Enterprise, Trade and Investment for an update on the air connectivity study. (AQO 7174/11-15)

Mrs Foster: The main focus of the air connectivity study has been an assessment of the economic impact on Northern Ireland of short-haul air passenger duty, which the Northern Ireland Centre for Economic Policy carried out. I anticipate receipt of the report early this month, after which I shall discuss the findings with the Finance Minister and arrange for publication.

To support our airports in improving air access, I have tasked Invest Northern Ireland with taking a lead role in working with the airports on new air route opportunities. Invest Northern Ireland's business expertise is already proving to be a valuable asset that the airports, in conjunction with Tourism Ireland, can draw upon.

Changes introduced earlier this year to state aid rules for airlines also provide an opportunity for government to provide start-up aid to incentivise new routes. We have been calling for that for some time. My Department will work closely with Northern Ireland's airports to support any bids for new routes to the UK regional air connectivity fund, which the Department for Transport launched in November.

Mrs Cameron: I thank the Minister for her answers so far. Given that Belfast International Airport employs a large number of people in my constituency, what work is your Department doing to encourage new routes into Northern Ireland to sustain and grow employment in the future?

Mrs Foster: It will come as no surprise to the Member or, indeed, to the House that that is something that I have been talking about for some time. We very much need to increase the number of direct access flights into all airports in Northern Ireland. To that end, as I indicated, Invest Northern Ireland has become more strategically involved with the airports. Indeed, it attended the World Routes conference in Chicago in September this year, alongside Belfast International and Belfast City airports. They do that to give an economic background to those airports when they are lobbying companies to try to get them to put a flight into

Northern Ireland. That is working very well, and the airports appreciate the work that Invest is engaged in.

We are also working with the airports to see what we can achieve from the UK regional air connectivity fund. That is a competitive fund, so we will have to compete with other regions of the UK, but that does not put me off. We are well placed to put forward a strong case for access to the fund, but that is done in conjunction with the airports.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers so far. Will she join me in welcoming the ambition shown by the new managing director of Belfast International Airport, Graham Keddie, who has spoken about new transatlantic links, in the first instance to our cousins in Canada?

Mrs Foster: Absolutely. We have been working closely with Belfast International Airport on that. I want that route to be back in place. If I were asked where that is on my list of routes, I would say that it is probably first or second. I believe that that route would be viable and sustainable in the longer term, and it is just about trying to find a suitable partner to bring their aircraft in. Indeed, we have had a number of meetings with air carriers from Canada and outside Canada to see whether they will take a route back into Canada from Belfast International Airport. I absolutely agree that Graham Keddie seems to be very focused on Canada, and I will do all that I can to support him.

Mr Kinahan: I thank the Minister for her answers so far. Will she support my call for an enterprise zone at Belfast International Airport, because that would make it even more of a reason to connect flights to that airport?

Mrs Foster: Mr Keddie has put together an interesting proposal on the industrial land that surrounds the airport. Obviously, we are still trying to secure the first enterprise zone for Northern Ireland in Coleraine, which was announced some time ago, and we hope that progress will be made there. I will certainly support Mr Keddie in his vision for Belfast International Airport in trying to make more use of the ground that the airport owns around the runway so that he can make it a more viable project.

Small Business Support: East Antrim

3. **Mr Dickson** asked the Minister of Enterprise, Trade and Investment what support she plans to make available to small businesses in east Antrim. (AQO 7175/11-15)

Mrs Foster: Invest Northern Ireland provides a wide range of support to small businesses across Northern Ireland, including in east Antrim. Indeed, during 2013-14, 81% of Invest NI offers were to local small businesses. This support covers help to create jobs, research and development and skills and exporting. In east Antrim, for example, Invest Northern Ireland provided over £230,000 to Yelo Ltd, ultimately to create 15 new jobs and to assist projects aimed at research and development and developing trade activities. In addition to financial support, Invest NI provides help to start a business through the regional start initiative, advice and guidance through its wide range of free workshops and seminars on topics such as exports, design, finance and information through nibusinessinfo.co.uk. Over the last five years, 556 locally owned business starts offered support, with an estimated 318 jobs.

Mr Dickson: I thank the Minister for her answer. Excellent work has been done by two enterprise agencies, Carrickfergus and Larne. How will you guarantee that that work will continue once the local authorities are merged into one?

Mrs Foster: I very much hope that the enterprise agencies will see this as an opportunity for a renewal of their vision for their areas. I was with LEDCOM, the Larne Enterprise Development Company, recently to celebrate the Advance programme, which had been run in conjunction with the Department for Employment and Learning. It was an absolutely tremendous programme, whereby 100% of those young people achieved jobs at the end of it. I thought that that was very good value for money, and, more than that, it was using a social enterprise model to try to get these young people involved. So I very much hope that Larne, Carrick and all the enterprise units across Northern Ireland will see this as a new opportunity. They can learn from their colleagues across Northern Ireland about best practice and then use it in a meaningful way to help people. I congratulate LEDCOM in particular.

Mr Ross: I also congratulate the work that Ken Nelson and his team do at LEDCOM. One of

the Department's priorities is to encourage entrepreneurship and people to start their own business. Will the Minister advise the House on what specific support there is for those in our community who may consider starting their own business?

Mrs Foster: I thank the Member for his question. Many times, you will have young people who want to start their own business. In many cases, you will have people who are entrepreneurs of necessity; in other words, they have been made redundant and have to find a new way. We have a range of programmes to help all those people. We have the regional start initiative, which provides support at a very basic level for individuals who want to start their own businesses. Sometimes that is not needed; sometimes, it very much is needed. We also operate the Go for It brand, which provides programmes and initiatives to try to stimulate enterprise, particularly with under-represented groups, whether they are women, young people or people with a disability. We provide a range of support to people who want to export, whether that tries to give them help with trade initiatives, skills or innovation. So, Invest Northern Ireland has a wide range of initiatives available. However, importantly, there is also a range of initiatives that we funded through the councils. I have seen some very good examples across Northern Ireland of the use of the European regional development fund (ERDF) in that respect.

Mr McMullan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers so far. I also join in the congratulations for LEDCOM and the wonderful work it does.

Minister, I ask you to look at the dispersed rural areas in east Antrim, such as Glenarm, Carnlough and the glens area, where young people find it difficult to get to work in small businesses because of the lack of transport. What help is there for small businesses in those areas?

Mrs Foster: I thank the Member for his question. The initiatives that I have just mentioned that try to support entrepreneurs are also very much available to those who live in rural areas. Indeed, some of our best artisan producers live in rural areas, and I am sure that he will know of some in the glens who are working very hard to provide niche products for the home and export markets. We have seen them grow, and some of them are in his area. For example, the way in which Glenarm Salmon has grown its exports and has been able to

become a global player in salmon production has been a tremendous exemplar for everybody else. So, I very much say to the Member that the range of supports are available right across Northern Ireland.

Mr Beggs: The Minister will be aware of the high regard in which the Larne Enterprise Development Company and Carrickfergus Enterprise are held as a result of their innovation, flexible rental terms and training and support. Will the Minister indicate how, when companies want to develop in the future, Invest NI will step in and link well with the new councils so that companies will be able to grow further? Will she also assure me that the information on the NI Business Info site will continue to be updated centrally and will be available to all business in Northern Ireland that need it?

Mrs Foster: In relation to the Member's last point, I want to very much confirm that that will be the case. The website nibusinessinfo.co.uk will be there for the whole of the business base. We very much want that to remain the case despite the fact that some powers from Invest Northern Ireland will go to councils.

The new arrangements will only work if there is a partnership ethos, and I hope that the councils will see it as such. Invest Northern Ireland certainly stands ready to assist with the transition of the powers that are going to councils, but it will also give a strategic lead for Northern Ireland. I hope that the councils will work with it on where we want to see Northern Ireland in general. We will also support them in their particular areas.

EU Funding

5. **Mr Lynch** asked the Minister of Enterprise, Trade and Investment for an update on her Department's efforts to draw down EU funding. (AQO 7177/11-15)

Mrs Foster: Since 2007, when the current EU programming period commenced, over £250 million of European funding has been drawn down through the work of my Department. Some £167 million of that has come from the ERDF sustainable competitiveness programme, £40 million from the framework programme 7, £44 million from INTERREG IVa programme and £500,000 from the competitiveness and innovation programme.

3.00 pm

We have ambitious plans to build on that success going forward. We are on track to draw down a further £33.3 million ERDF from the current competitiveness programme and are in the final stages of negotiating a new package of ERDF funding under the investment for growth and jobs programme, which will be worth over £240 million up to 2020.

Invest NI has also recently secured £165,000 per annum, until 2020, from the competitiveness of SMEs (COSME) programme to run the Enterprise Europe Network, which provides invaluable advice and guidance to SMEs. In addition, the Executive's innovation strategy sets a target to draw down €145 million — £114 million at current exchange rates — from Horizon 2020, and we have put in place a network of 12 research experts to help us achieve that.

Mr Lynch: Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer; there were some fairly positive figures in it. However, it is widely accepted that there is a lack of investment in innovation in regions along the border. Has the Minister any recommendations on how EU funding could be better used to support border businesses and Ireland-wide trade?

Mrs Foster: Ideas have to come forward for them to be developed into applications, so, I encourage border businesses to look at all the programmes available — my goodness, there is a wealth of them — to try to help their particular businesses. However, the businesses must do that in connection with an academic institution. The further education colleges and universities have to be very much involved.

I am looking forward to jointly opening the Collaborate to Innovate conference on Wednesday of this week. It will be very much focused on Horizon 2020 and on how we can make the most of it for all of Northern Ireland. I look forward to ideas coming forward from that conference on how we can do things better. We can always do things better in the next round. So, let us learn the lessons from FP7 and try to ensure that we get even more funding drawn down from Horizon 2020.

Mr Campbell: The Minister just mentioned Horizon 2020. Can she outline how firms and individuals who believe they may qualify could qualify for it and how they could take advantage of such a significant possible investment?

Mrs Foster: Absolutely. The £80 billion — that is £80 billion — of funding that is available for

countries across Europe under Horizon 2020 presents a huge opportunity for Northern Ireland companies and research organisations, not just in terms of securing funding, but the collaborative networks that can be drawn together. We took the view that we needed to up our game with regard to funding from Horizon 2020, and we have put in place those 12 contact points in particular sectors. So, if a company in that sector believes that it may have an idea that could benefit from funding, it can get in touch with the relevant sector contact point and move forward.

Initial figures just received from the Commission, which are still being processed, show that we have won €6.5 million in the first six months of Horizon 2020 calls in 2014. That is to be welcomed, but I hope that there will be other opportunities to draw down even more funding.

Mr A Maginness: I thank the Minister for her answers. Given the fact that we have a huge fund of €80 billion in Horizon 2020, and that there is other extensive funding, does the Minister agree that there needs to be a review, perhaps not immediately, but, say, mid-term, of our funding targets so as to maximise the European funding at large that is available to industry and business, and to people in Northern Ireland generally?

Mrs Foster: I certainly do not think we should be reviewing our target just yet. We have only set the Horizon 2020 target. It is quite a stretching target, if you look at where we were in terms of FP7. There are certainly a number of programmes that we could be accessing, including, as I said in my substantive answer, the COSME programme, which we have not really taken advantage of to date and which we are now plugged into. It is all about knowing what is coming down the track and what is available for our particular sectors. It is about the knowledge and getting into the European system and trying to work together to make sure that we get as much drawdown as possible. That is why I am looking forward to the conference on Wednesday, which, I hope, will provide us with the opportunity of networking.

Mr McCallister: In the Minister's substantive answer, one of the funds that I did not notice being mentioned was the joint European resources for micro to medium enterprises. I am sure that the Minister will be aware of the considerable difficulties faced by business in accessing finance. The Welsh drew down £75 million of the fund, and the north of England

drew down over £300 million. Why has Northern Ireland not drawn down any in the first tranche? Are there any plans for the Minister to draw down in the second tranche, which runs to 2020?

Mrs Foster: I am not aware of any plans to draw down any funding. I think that the Member will recognise that we have quite an exhaustive suite of access to finance provisions put forward by Invest Northern Ireland. Indeed, we have loan provisions put down for different sectors, but if there is something in particular that the Member feels has not been financed that he thinks should have been financed by that fund, I will be very interested to hear about it, and we can have that conversation.

Mr Principal Deputy Speaker: Gordon Dunne I remind people that the cameras work in this place. You need to pay attention when the Minister is on her feet. I call Mr Gordon Dunne.

Mrs Foster: What is happening behind me?

Mr Dunne: Trevor Clarke.

Mr Principal Deputy Speaker: Sorry, I beg your pardon. Gordon, you have distracted me as well. I call Trevor Clarke.

Mr Clarke: I hope that I do not look like Gordon Dunne.

Tourism Ireland

6. **Mr Clarke** asked the Minister of Enterprise, Trade and Investment what plans she has to review Tourism Ireland. (AQO 7178/11-15)

Mrs Foster: I would like to know what is going on behind me, but anyway. Tourism Ireland was set up under the framework of the Good Friday Agreement of 1998 and is jointly funded by the Northern Ireland Executive and the Irish Government. Any review would, therefore, have to be undertaken within that context. However, as part of the approval process for Tourism Ireland's three-year corporate plan and annual business plan, my officials review Tourism Ireland's performance and ensure our key priorities are included.

Mr Clarke: I thank the Minister for that answer. Minister, you will not be surprised by Belfast International Airport's disappointment in Tourism Ireland. Indeed, I share that disappointment as a representative from that area, given that it promotes Ireland as a whole and describes the gateway being through

Dublin. Given the amount of money that your Department puts into that department, what can you do to try to make it market Northern Ireland much better?

Mrs Foster: To be honest, in the past, the relationship between the airport and Tourism Ireland has not been too good, but I hope that it has improved. I believe that it should have improved. I hope that Tourism Ireland will continue to market Belfast International as a hub, as well as Dublin, but we need to get more flights into Belfast International. That is the critical point. I hope that Tourism Ireland will work very hard alongside Invest Northern Ireland to make sure that that becomes a reality.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thought that the Minister had to keep an eye on what was in front of her, but now she has to keep an eye on what is behind her too. Does the Minister accept that there is considerable merit in island-wide promotion here, particularly in areas such as Fermanagh, which could greatly benefit from some of the 750,000 people who fly into Knock airport annually coming further up the North towards Fermanagh, Donegal and Leitrim through increased cross-border promotion?

Mrs Foster: I take the view that direct access anywhere into somewhere that is close to Northern Ireland is of benefit. Indeed, I said to Destination Fermanagh that it should interact with Knock airport to see if it could get some of those people up who flew into Knock airport, but we definitely need to have more direct access flights into Belfast so that people can make this their first stop. If they want to travel, that is very good. We encourage that and we would like them to do that, but we need to have more direct access into Northern Ireland.

Mr Allister: Is delivering the Northern Ireland Tourist Board from the dead hand of Tourism Ireland a red line issue for the Minister in the current political talks, or is it an issue at all?

Mrs Foster: It is not an issue at all, because the Northern Ireland Tourist Board stands on its own two feet. It is there, according to the Belfast Agreement, to market Northern Ireland within the island of Ireland, and it will continue to do so. It also welcomes a lot of familiarisation trips to Northern Ireland and helps people to familiarise themselves with Northern Ireland. So, that has not come up as an issue at all, and I hope that he is not suggesting that political opponents will raise it

as an issue, because they have not done so thus far.

Mr McCarthy: Will the Minister give a commitment that, if she gets the opportunity to contribute to the tourism strategy, she will ensure that the new, revitalised Exploris in Portaferry is in the promotional material, so that we can encourage visitors to that constituency?

Mrs Foster: I very much hope that I will have something to do with the tourism strategy moving forward given that I set the policy for tourism in Northern Ireland. As far as marketing Exploris outside Northern Ireland and, indeed, throughout Northern Ireland is concerned, I hope that the new, invigorated Exploris takes the opportunity to do just that and to make sure that it draws visitors down to that beautiful part of the world to have an experience. It is somewhere that I think has been oversold in the past and I hope will be sold very heavily in the future.

Mr Principal Deputy Speaker: I call Mr Gordon Dunne; sorry for keeping you.

Job Promotion: North Down

8. **Mr Dunne** asked the Minister of Enterprise, Trade and Investment how many jobs have been promoted by Invest NI in North Down since 2012. (AQO 7180/11-15)

Mrs Foster: Between 1 April 2012 and 31 March 2014, Invest Northern Ireland promoted 287 jobs in the North Down constituency area. For example, in 2011-12, Invest NI provided £1.5 million of support to Munster Simms Engineering, which will lead to the creation of 59 new jobs in the area. Other companies in the area that have received support from Invest NI include Mango Direct Marketing and Teleperformance.

Mr Dunne: I thank the Minister for her answers and her ongoing support for North Down. Indeed, we need it, and we look forward to her next visit to the constituency. Having said that, will the Minister give us some indication as to how many jobs have been promoted and created in North Down since the jobs fund was set up in 2011?

Mrs Foster: I thank the Member for his warm invitation. I am looking forward to going back to North Down, and, when I do, he always has a full agenda packed in for me. Since its inception in April 2011 in North Down, the jobs

fund has promoted 201 jobs, and 100 jobs have been created up to September 2014.

Mr Agnew: I thank the Minister for her answer and thank the Member for bringing the question. Will the Minister outline why, given the overall picture, such little investment is going into North Down from Invest NI, especially given that we have the South Eastern Regional College and a great guild space in the constituency?

Mrs Foster: A better question to ask me — and I do not have the answer in front of me at the moment — may be this: "How many applications were made for funding in North Down by different companies?", because I or Invest Northern Ireland cannot just go in and make awards of grants and funding; they have to be applied for. So, if the Member would like me to investigate that point, I am certainly happy to do so.

Corporation Tax

9. **Mr Elliott** asked the Minister of Enterprise, Trade and Investment how her Department and Invest NI are preparing for the anticipated devolution of corporation tax varying powers. (AQO 7181/11-15)

Mrs Foster: My officials have been working alongside those in Her Majesty's Treasury and HMRC for some time in preparation for the potential devolution of corporation tax to help shape how the regime could work in practice.

To inform future FDI strategy, my Department has already carried out research on our competitiveness in key sectors in order to prepare for low corporation tax. Invest Northern Ireland has also begun to look at how its sales proposition and existing business solutions might need to change alongside corporation tax. Work has been ongoing with the Northern Ireland Centre for Economic Policy to update estimates of the economic impact in advance of the decision. Initial results demonstrate that there is still a very strong economic case, both in terms of job creation and economic growth.

Mr Principal Deputy Speaker: Apologies, Mr Elliott. That is the end of the time for listed questions. We must now move on to topical questions. Question 1 has been withdrawn within the appropriate time frame.

Agrifood Strategy: Financial Commitment

T2. **Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment what financial commitment has been secured to deliver on the agrifood strategy, albeit that that is something for which she has joint responsibility with the Minister of Agriculture and Rural Development. (AQT 1832/11-15)

Mrs Foster: That is a difficult one because DARD will have particular routes through which it will want to draw down funding, including the rural development funding, which I understand has gone to the Commission for approval. We tend to support companies directly, such as in the Moy Park example I gave earlier or, indeed, we work with the overall group in terms of a marketing body, which is something that we are coming very close to making a decision on.

I cannot therefore give you a specific figure for overall funding, but we have worked and will continue to work with the agrifood companies right across Northern Ireland.

3.15 pm

Mrs D Kelly: This again might be across both remits, but you may have noticed that Minister Simon Coveney recently signed an agreement in China for dried milk products. Have any such overtures been made by your Department, alongside DARD, for our dairy farmers?

Mrs Foster: We closely watch what is happening with milk, particularly given the ongoing price volatility. I actually had an opportunity to speak to Simon Coveney about that very issue a couple of weeks ago when we were at a conference on the future of the agrifood sector. I was a little disappointed because — I do not know whether it was that trade mission on which he signed up to that milk programme — I understand that some Northern Ireland companies expressed a desire to go on the trade mission and were not able to. That is something that we will follow up on. There is a good working relationship there. We are in collaboration on some occasions and in competition on other occasions, but we work closely to make sure that we know what is happening.

Tourism Potential: Upper Bann

T3. **Mrs Dobson** asked the Minister of Enterprise, Trade and Investment to explain what support her Department has given to

boost the tourism potential in the Upper Bann constituency, following the earlier question about supporting business growth in that area. (AQT 1833/11-15)

Mrs Foster: As I said in response to Mr Agnew's question about the funding that has gone to his area, we have to have the applications come forward for support. I was pleased by the way in which Armagh city — I know that it is just outside her constituency — positioned itself for the event held last Saturday. I thought that that went very well. If people come forward with proposals, we will of course try to work with them, as we will with the nine destinations right across Northern Ireland.

Mrs Dobson: Specifically for Upper Bann, does the Minister agree that the short answer is "precious little"? You will be aware that each year in Scarva we have the second largest tourism event in Northern Ireland and massive tourist potential, yet, in Upper Bann in the past three years, the only tourism development scheme that received funding was, ironically, the relocation of the tourist information centre in Banbridge. Why have you chosen to centralise funding and not strategically target investment — *[Interruption.]*

Mr Principal Deputy Speaker: Come to a question, please.

Mrs Dobson: — in tourism across Northern Ireland? Sorry, Mr Principal Deputy Speaker, but, with the hecklers to my left, it is very hard to ask a question.

Mrs Foster: I fundamentally do not agree with the Member about Scarva, for example. I have been to Scarva on every occasion. I have been there with visitors to promote Scarva. I have been to the house and done everything that I can to promote Scarva. It is a huge event and is completely under-reported by our media here — very disappointingly, I have to say.

I will continue to work. I have not had any requests from the Member to meet her in the Assembly on the subject of tourism. I look forward to her coming forward with requests to meet alongside tourist bodies. She will then realise that I have worked with a number of tourist bodies in Upper Bann.

Mr Clarke: She would not want to —

Mr Principal Deputy Speaker: Listen, folks, this Minister in particular does not need a chorus of support; she can answer the

questions herself. Let us hear the questions and the answers, please.

Social Enterprises: DETI Assistance

T4. **Mr Easton** asked the Minister of Enterprise, Trade and Investment what assistance her Department is offering to the establishment of social enterprises. (AQT 1834/11-15)

Mrs Foster: I have long been a supporter of the social enterprise sector. Indeed, as I indicated, I had the opportunity to be at a very successful social enterprise initiative at the Larne Enterprise Development Company (LEDCOM) just recently. I welcome the opportunity to attend social enterprise initiatives. Another one that I was at recently related to C S Lewis. I am delighted to see the way in which that has been developed in east Belfast. The social enterprise model works well in a range of sectors, and we underestimate it at our peril. As we rebalance the Northern Ireland economy away from the public sector and towards the private sector, the social enterprise model is a very good one to get involved in.

Mr Easton: As the economy has improved, have the Minister and her Department noticed an increase in the number of social enterprises that have been established across Northern Ireland?

Mrs Foster: The then Minister for Social Development and I undertook a mapping exercise to find out. Until then, we did not really have a register of the number of social enterprises in existence in Northern Ireland. The mapping exercise finished, I think, last year. We will know when we look at this year whether there has been an increase. Unfortunately, I cannot tell him over a period of time, but, now that the mapping exercise has been completed, we will be able to see whether we are in growth mode, as, I suspect, we are, or whether we are falling back. If he asks me next year, we might have a clearer indication.

Enterprise Zone: Coleraine

T5. **Mr Campbell** asked the Minister of Enterprise, Trade and Investment for an update on the first enterprise zone, which it is hoped will soon be located in Coleraine. (AQT 1835/11-15)

Mrs Foster: I thank the Member for his question. I had a useful meeting with him, the council and the University of Ulster to try to sort out the remaining difficulty about land. I

understand that we are tantalisingly close to having the matter sorted out. We can then move forward with the enterprise zone for Coleraine.

Mr Campbell: I thank the Minister for that useful and helpful information. Will she outline just once again for the House and the wider community the tangible benefits that will flow from companies that may want to take advantage of locating in the enterprise zone?

Mrs Foster: I hope that it will help to market the area in a very progressive way. It means that they will be able to avail themselves of enhanced capital allowances, so it suits companies that are capital-intensive as opposed to job-intensive. I know that there is a view on the new tenant of the first enterprise zone in Northern Ireland. I wish them well and hope that, once this little barrier has been got over, we can move forward.

Curry Yogurt and Profanities

T6. **Mr Dickson** asked the Minister of Enterprise, Trade and Investment whether she agrees that, between “curry yogurt” and Members of the House who swear, her job has been made particularly difficult. (AQT 1836/11-15)

Mrs Foster: Thankfully, both of those who swore are no longer Members of the House, and I welcome that. We need to look to the great potential that we have. This week in particular, I hope that we do not lose our focus. If we get the announcement that we think we are going to get, I hope that we realise the potential for us all and will be positive about it.

Mr Dickson: I appreciate that and the focus that is required. Therefore, does the Minister agree with me that this week's damaging exposure on 'Spotlight' of Members' scandalous expenses further detracts from that focus?

Mrs Foster: I certainly believe that, if anyone has been engaged in wrongdoing involving the expenses of this place, they should be brought before the appropriate authority — absolutely.

Corporation Tax: Update

T7. **Mr Girvan** asked the Minister of Enterprise, Trade and Investment for an update on the devolution of corporation tax. (AQT 1837/11-15)

Mrs Foster: We hope that there will be some indications, this week or next, on whether the

power to devolve corporation tax will come to the Northern Ireland Assembly. I suppose that the real debate will begin then. For my part, I believe that it will bring huge benefits to Northern Ireland. I do not just say that; we have had independent work carried out on what it will mean for the economy. Unfortunately, some commentators seem to think that it will be of benefit just to large companies: that is not the case. It will help the whole economy in Northern Ireland. If we are going to have more jobs, people will have money to spend in our restaurants and shops, the level of our economy will rise, and smaller companies will be able to become involved in the supply chain for larger companies. I think that it will be a tremendous good news story for Northern Ireland. I very much hope that we get a positive announcement in the next few days.

Mr Girvan: I thank the Minister for her answer. Will she discuss the comment made by Bro McFerran from Allstate, which sent out a very mixed message on the benefits that corporation tax would bring to the Northern Ireland economy?

Mrs Foster: I was disappointed to hear what Bro had to say. I do not think that that view is shared by the rest of his business colleagues and certainly not by the other commentator who was on the programme on which he made the comments.

I am also a little bit surprised, given that his company, Allstate, has been the recipient of a lot of money from Invest Northern Ireland. We have striven to work with Allstate; it has a tremendously positive influence not just in Belfast but in Strabane and Londonderry, and I hope that that relationship continues. However, as I say, I am disappointed with those comments.

Dairy Processors: DETI Contact

T8. **Mr Irwin** asked the Minister of Enterprise, Trade and Investment whether, given the current difficult export markets, due in part to the Russian import ban, she has had any contact with local dairy processors. (AQT 1838/11-15)

Mrs Foster: I certainly have had conversations on price volatility and the Russian ban, which I hope will be reviewed next year, as we were just starting to grow our agrifood sector exports into the Russian area. We will work alongside the sector and use all our good offices here, in Westminster and in Europe to help in whatever way we can.

Mr Irwin: I thank the Minister for her reply. Will she give a commitment that she will continue to work with local processors to try to find new markets for their products?

Mrs Foster: We absolutely will continue to try to find new markets. I often say that, when I started this job, I spent a lot of my time in the United States of America looking at the market there. I have spent quite a lot of time recently in markets that are further away, such as the Far East and the Middle East, as we are looking for new markets not just for the agri-sector but for all the sectors that we work very hard to support.

Industrial Land: Omagh

T9. **Mr Buchanan** asked the Minister of Enterprise, Trade and Investment for an update on Invest Northern Ireland's progress in identifying and obtaining industrial land for Omagh. (AQT 1839/11-15)

Mrs Foster: This is turning into a bit of a story, as the Member will know. We very much want to have more industrial land in Omagh, and we put out a call for interested landowners to come forward. About five or six did so, but some of the land was not suitable, as the Member will appreciate. We are still hopeful that we will be able to have more industrial land in Omagh because we are aware that it is very much needed.

Mr Buchanan: I thank the Minister for her response. Given the difficulty that lands were not available, does she have any timescale as to when this may be brought to a close? There is a real need for this type of development land in the area.

Mrs Foster: I do not have an actual timescale. However, all I will say to the Member, and I hope that it will reassure him, is that this is probably at the top of Invest Northern Ireland's property portfolio agenda at this time. I will go back to Invest and ask whether it has a timescale for resolving the issue, and I will write to the Member when I have that information.

Corporation Tax: Benefits

T10. **Mr Ó Muilleoir** asked the Minister of Enterprise, Trade and Investment whether she believes we are doing enough to sell the benefits of the devolution of corporation tax to the community and to business. (AQT 1840/11-15)

Mrs Foster: I suppose that that is not for me to answer; it is for somebody else. I hope that all colleagues in the Executive will take a very positive role in trying — assuming that the power is devolved to us — to debunk the theory that it is just about big business and banks. It is not; it is fundamentally about jobs, as far as I am concerned. It is about getting people across Northern Ireland into employment, so that argument should be put very strongly.

Mr Ó Muilleoir: Thank you, Minister. When you spoke earlier in that regard, the terminology that you used was almost that of a new era of job creation. In that new era, do you think that it may be possible to start targeting jobs at certain locations, not only Fermanagh but west of the Bann and west and north Belfast?

Mrs Foster: The Member knows that he will always get brownie points when he mentions Fermanagh. This will become a self-fulfilling prophecy for the skills that will be available in particular areas, so people will look to those areas for those skills. I hope that we can work in partnership with local enterprise and council agencies so that we can put together a portfolio of the skills that are available in a particular area.

Mr Principal Deputy Speaker: Thank you, Minister. I note that we do not often work our way through the entire list of topical questions, so well done.

3.30 pm

Question for Urgent Oral Answer

BBC 'Spotlight': Assembly Expenses

Mr Principal Deputy Speaker: Mr Jim Allister has given notice of a question for urgent oral answer to the Assembly Commission. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their places. The Member who tabled the question will be called automatically to ask a supplementary question.

Mr Allister asked the Assembly Commission what steps it proposes in light of the BBC 'Spotlight' revelations about the abuse by some MLAs of Assembly expenses.

Mr Principal Deputy Speaker: I call Mrs Judith Cochrane to answer on behalf of the Assembly Commission.

Mrs Cochrane: I thank the Member for his question.

The Assembly Commission takes its responsibilities for the proper management of public funds seriously. Since the restoration of the Assembly in 2007, the Commission has introduced a wide range of measures to improve the framework of financial support for Members and to be transparent about the use of public funds. Those measures include the full publication of Members' expenses for office cost expenditure (OCE) claims going back to 2003-04, which is essentially for the past 10 years; placing restrictions on the employment of family members; introducing a requirement for evaluation to be carried out by independent valuers of all constituency offices, unlike other parliamentary institutions where a valuation is only required in certain circumstances; bringing forward legislation to establish the independent financial review panel to determine the level of expenditure that can be claimed to reimburse Members for costs incurred in carrying out their Assembly duties; and an annual audit, undertaken to the highest professional auditing standards, in line with the public-sector internal audit standards, to cover the expenditure claims made by a random selection of 25% of all Members, in addition to the audit of the Commission's expenditure by the Comptroller and Auditor General every year.

A number of the issues raised in the programme have already been addressed through the measures that I have outlined, and, in addition, the Assembly's accounting officer had referred two matters to the PSNI in advance of the broadcast of the programmes. Furthermore, the Commission has already met to consider some of the issues that were raised and has tasked officials with bringing a paper of options to consider models for administering expenses. The Commission is due to meet again at the conclusion of this item of plenary business.

The Assembly Commission's commitment to good governance and the prudent use of public money is steadfast, and appropriate action will be taken to address any substantive issues. The Commission will seek to continually strengthen and improve its systems and processes.

Mr Allister: If the Assembly Commission has been doing its job, why did it take a television programme to expose the near-industrial-scale

abuse of expenses going on, it seems, right under the Commission's nose; and, if the PSNI comes asking questions about bogus cultural societies or a bogus research company, can the Member assure us that, this time, they will not be told, "Move on, nothing to see here" and, this time, the Assembly Commission will open its books entirely in a totally transparent way?

Mrs Cochrane: I thank the Member for his question. I understand that he has already written to the Assembly's accounting officer to address a couple of those matters. Assembly officials met with the PSNI, back in 2009, regarding a complaint that had been made. At that meeting, they advised the PSNI that no evidence of activities of a criminal nature had been brought to their attention, nor had any evidence of criminality been identified through the annual programme of audits that is carried out by the Assembly.

Of course, if there is any issue that the PSNI comes forward with, the Commission will review all aspects of the allegations and will indeed liaise with, and give whatever assistance it can to, the PSNI.

Mr Ross: The Member has outlined the rule changes that have taken place over the last number of years, and I am sure that she would agree that we have a system where, if there has been a misuse or an allegation of a misuse of Assembly allowances, that can be investigated, first, by the independent Commissioner for Standards and, in more serious cases, perhaps by the Police Service of Northern Ireland. However, given the spotlight that is on Members' allowances, does she believe that it is now time for the Commission to give consideration to a new independent body, not only to determine allowances and salaries for Members but to administer allowances to Members? That body would sit outside the existing structures.

Mrs Cochrane: I thank the Member for his question. As I outlined, the Commission has requested a paper to be brought forward with some options. We will meet again straight after this meeting to review the content of the broadcasts. We will assess whether there were any substantive issues that have not already been resolved through the current process and whether further improvements could be made to the current administration of Members' claims in the existing Independent Financial Review Panel (IFRP) determination. We will consider the various models that are available for an overall system to see whether that needs to be changed or alternatively identify any other

issues that we might want the IFRP to consider as part of its next determination.

Mr Maskey: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Given some of the allegations, can the Commission member advise the House of how the Commission intends to deal with the question of unregulated family employment, of which there seems to have been quite a number of incidents, and how that squares with fair employment legislation?

Mrs Cochrane: I thank the Member for his question. I stated some of the measures that have been put in place to restrict the employment of family members to one per Member, although those who were already in post obviously were not sacked as a result of that determination. This is something that the Commission can look at going forward as a means to tighten up the issue.

Mr Eastwood: The Member has hinted at change to come. She sort of said that on the back of Mr Ross's question. Will there be any independent investigation or inquiry into the allegations that were made in the programme?

Mrs Cochrane: As I said, the Commission will look into the issues in more detail that were raised. If there are any substantive issues that have not been resolved or are not in the process of being resolved, an independent investigation may be the way forward. That is something that the Commission will discuss. It may be by means of new powers being given to the IFRP or a completely separate body being set up to look at this.

Mr Swann: What reassurances can the commissioner give this House that neither the Commission nor any single member of it will hamper the investigation by the PSNI or any other body?

Mrs Cochrane: At the end of the day, we as Commission members form part of a corporate body. Therefore, we are there not to act on behalf of our parties but in the best interests. All of what we want to look at will be to ensure the full openness and transparency of all Members' claims.

Mr Lunn: Again, on the back of Mr Ross's question, in which he seemed to suggest that there could be a brand new body to oversee these matters, the fact is that we have the Independent Financial Review Panel. The problem is that it is a bit short on teeth. Does the Member agree that perhaps an expansion

of that panel's powers to include investigative powers and the ability to issue more than one determination in a mandate might be the way forward?

Mrs Cochrane: The current system allows assurance of all expenses undergoing a review. At the moment, all original invoices etc have to be put in place along with an assessment of their admissibility. I said in my answers to two other Members that, yes, the Commission will meet after this meeting. I understand that we already have a number of items in a paper to consider a way forward. Yes, perhaps one way to do that would be to strengthen the role of the current panel.

Mr Campbell: In supporting the concept of the creation of a body in the style of the Independent Parliamentary Standards Authority (IPSA), does the Commission member agree that those issues that have not been dealt with yet and were mentioned in the programme need to be rooted out for the future, but that it would strengthen everyone's hand if a publicly funded body like the BBC were equally open and transparent about the wages, salaries, overheads and expenses that it incurs as the rest of us are?

Mrs Cochrane: I thank the Member for his points. I am not going to comment on the BBC at the moment. Some Members have stated that wrong claims were made against them. The Commission will certainly assess the entirety of those claims. If it is clear that some of them were not factual in nature, I imagine that the Commission will want to raise that with the BBC.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Will the Commission set out clearly the rules relating to the rental of constituency offices and the requirements placed on elected Members so that the public can get a full understanding of the precise nature of those rules?

Mrs Cochrane: I thank the Member for his question. There are clear rules in place and the Commission takes the view that the regime is clear. They are set out in paragraph 9 subparagraphs (11) to (14) of the IFRP determination. A Member cannot claim for the cost of office rentals if the office is leased from a family member or from a person with whom the Member has a connection under certain sections of the Companies Act 2006, or a person from whom the Member, or his or her family members, derives a financial benefit. The Commission may ask the panel to consider

whether further measures need to be adopted to ensure a more open and transparent approach is available to landlords of constituency offices. The IFRP rule on the maximum amount a Member can reclaim for office rent is also set out in the IFRP determination.

Mr Agnew: I hold open competition, including interviews, for all my roles with all my staff. I do that in spite of the rules rather than because of them. Is the Commission supportive of introducing at least some basic rules to reflect the fact that those roles are paid out of the public purse and also to ensure that Members get the best quality staff?

Mrs Cochrane: The employment of individual staff from OCE is a matter for individual Members. Members often work in different ways. Some people focus more on constituency and casework issues as opposed to research, so different Members will have different requirements. Speaking in a personal capacity, my hiring of staff is done in an open and transparent manner as well. It is certainly something that the Commission will discuss, as will whether there are best practice guidelines that can be put in place.

Mr McNarry: I ask the Commission to ensure that there will be no similarities to the investigation into the Northern Ireland Events Company, which was about a £1 million loss that cost over £1 million to investigate. After seven years, there has been no report and no sight of any PSNI involvement. Will the Commission give assurance to the Assembly that it will not be hooked on delays awaiting a report that could take longer than this Assembly's remit? Will she give an answer as to the timescale in which this Assembly will be presented with a factual and concluding report?

Mrs Cochrane: I am not entirely clear about the relationship he made between that investigation and what we are talking about here. The Commission will review all aspects of the allegations that have been made. If it transpires that there are matters that have to go to the PSNI, HMRC, the Charities Commission or whoever, that will be the case. I cannot speak for those bodies to say exactly how long it will take for them to finish their investigation.

Mr Irwin: I was one of the Members highlighted in the programme; it was stated that I bought an office desk at £1,725. Of course, a picture of that desk was put in the programme. I totally refute the allegation made in the 'Spotlight' programme. Indeed, this was a complete built-

in unit with an office counter, cupboards and an office desk all in one. I am quite happy for the Assembly Commission to look at my desk. I am quite happy for the BBC 'Spotlight' programme to take a picture and put it in a programme to clear the air on that one.

What can be done to protect Members who are falsely accused?

Mrs Cochrane: I thank the Member for his question. As I have stated, while I am not keen to comment on parts of the programme in relation to individual Members, the Commission will review all aspects of it in a measured way. If it feels that there are issues of factual inaccuracy that require clarification with the BBC, the Commission will consider whether to do that and in what manner.

Mr Principal Deputy Speaker: That concludes this item of business. I thank Ms Cochrane for taking the questions from Members.

3.45 pm

Assembly Business

Extension of Sitting

Mr Principal Deputy Speaker: Order. I have received notification from the Business Committee of a motion to extend the sitting past 7:00pm under Standing Order 10(3A).

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 1 December 2014 be extended to no later than 10.00pm. — [Mr Weir.]

Private Members' Business

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill: Further Consideration Stage

Clause 7 (Minimum sentence for offence under section 1 or 2)

Debate resumed on amendment No 1, which amendment was:

In page 6, line 28, at end insert "and for "that paragraph" substitute "that provision";".— [Mr Ford (The Minister of Justice).]

The following amendments stood on the Marshalled List: Nos 2, 3, 31 to 43 and 47 to 61.

Lord Morrow: Before I turn to the amendments in group 1, as I said at Consideration Stage, I am grateful to all those who have had an input into the development of the Bill. In particular, I want to thank the Minister and officials of the Department of Justice, the Department of Health and the Attorney General and his officials for their work between Consideration Stage on 20 October and today. There are others who are worthy of mention, but I have decided to refrain until Final Stage in the not-too-distant future — hopefully, I am not being presumptuous.

I am grateful to the Minister for setting out the detail of the technical amendments in group 1. He set out the detail of amendment Nos 1 to 3 to clause 7, the clause introducing a minimum sentence, and I urge Members in the House to support them.

The amendments I have tabled to clause 24 are technical amendments replacing the term "victim" with "complainant". This change brings the clause into line with existing legislation on special measures for victims acting as witnesses, namely the Criminal Evidence (Northern Ireland) Order 1999.

Amendment No 43 also introduces a new section 24(2) to clarify the definitions of the terms "the accused" and "complainant" used in the clause. The amendments help to clarify how the clause will be applied in practice. Although the amendments are not co-signed by the Minister, I have discussed them with him, and he has indicated that he is not opposed to them.

I welcome amendment No 47 on commencement, tabled by the Minister and the Chair of the Justice Committee. I support the amendment for the reasons already outlined by the Minister and the Committee Chair.

Amendment Nos 48 to 60 to schedules 3, 4 and 5 in the name of the Minister of Justice and co-signed by me are technical amendments that he has already eloquently explained.

The last amendment in this group, amendment No 61, tabled in my name, will extend the long title of the Bill. The amendment results from the additions to the Bill that were made at Consideration Stage and ensures that the long title of the Bill reflects this wider scope. I hope that Members will support this change and the rest of the amendments in the group.

Mr Ford (The Minister of Justice): I am grateful to those who have contributed to this short debate on the first group, particularly to the Chair for his usual constructive comments. I am not sure whether I could say quite the same thing about Mr Elliott's contribution, but he seemed to be in vaguely the same area. I am also grateful to Mr Dickson and most particularly to Lord Morrow, recognising the good work that has been done in partnership. I commend this group of amendments to the Assembly and trust that they will be supported.

Amendment No 1 agreed to.

Mr Principal Deputy Speaker: Amendment No 2 has already been debated.

Amendment No 2 made: In page 6, line 41, at end insert "(za) in Article 4(2) (interpretation) omit the "and" at the end of sub-paragraph (c) and after paragraph (d) add—

"(e) a sentence falls to be imposed under section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2014 if it is required by that provision and the court is not of the opinion there mentioned;";.— [Mr Ford (The Minister of Justice).]

Amendment No 3 made: In page 7, line 7, leave out subsection (9).— [Mr Ford (The Minister of Justice).]

Clause 13 (Duty to notify National Crime Agency about suspected victims of offences under section 1 or 2)

Mr Principal Deputy Speaker: We now come to the second group of amendments for debate.

With amendment No 4, it will be convenient to debate amendment Nos 15 to 30 and 44 to 46. The amendments relate to proposed changes to the arrangements for protecting victims. Specifically, they address a power to change the body to be notified under clause 13; a name change for the independent legal guardian; the definition of "separated child"; additions to the statutory defence clause; and the removal from the Bill of clause 26, which provides for a Northern Ireland rapporteur. Members will note that amendment Nos 17 to 24, 26 to 28 and 46 are consequential to amendment No 15 and that amendment No 45 is consequential to amendment No 4.

Mr Ford: I beg to move amendment No 4: In page 8, line 36, at end insert

"(5A) The Department may by order substitute for the reference to the National Crime Agency in subsection (1) a reference to such other body or person as may be specified in the order."

The following amendments stood on the Marshalled List:

No 15: In clause 22, page 13, line 31, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 16: In clause 22, page 14, line 2, leave out from "or" to end of line 4 and insert

"(2A) This section also applies to a child who appears to the Regional Health and Social Care Board to be a separated child."— [Lord Morrow.]

No 17: In clause 22, page 14, line 8, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 18: In clause 22, page 14, line 15, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 19: In clause 22, page 14, line 22, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 20: In clause 22, page 14, line 27, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 21: In clause 22, page 14, line 34, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 22: In clause 22, page 14, line 35, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 23: In clause 22, page 14, line 37, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 24: In clause 22, page 14, Line 39, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 25: In clause 22, page 14, line 41, after "ascertaining" insert "and communicating".— [Lord Morrow.]

No 26: In clause 22, page 15, line 18, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 27: In clause 22, page 15, line 24, leave out "Independent Legal Guardians" and insert "independent guardians".— [Lord Morrow.]

No 28: In clause 22, page 15, line 25, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

No 29: In clause 22, page 15, line 36, leave out from "who" to end of line 41 and insert

"who—

(a) is not ordinarily resident in Northern Ireland;

(b) is separated from all persons who—

(i) have parental responsibility for the child; or

(ii) before the child's arrival in Northern Ireland, were responsible for the child whether by law or custom; and

(c) because of that separation, may be at risk of harm.

(11) A reference in any other statutory provision to the guardian of a child does not include a reference to an independent guardian appointed under this section."— [Lord Morrow.]

No 30: In clause 23, page 16, line 37, leave out from "any of the following offences" to end of line 1 on page 17 and insert

"—

(a) an offence under—

(i) section 4(2) of the *Misuse of Drugs Act 1971* committed in respect of a Class B or Class C drug;

(ii) section 5(2) of that Act committed in respect of a Class B drug;

(iii) section 6(2) of that Act;

(b) an offence under section 26A(3)(a), (b), (d), (e), (f) or (g) of the *Immigration Act 1971*;

(c) an offence under section 1, 2, 3 or 4 of the *Forgery and Counterfeiting Act 1981*;

(d) an offence under section 106 of the *Asylum and Immigration Act 1999*;

(e) an offence under section 4 of the *Identity Documents Act 2010*.— [Lord Morrow.]

No 44: In clause 26, page 18, leave out clause 26.— [Lord Morrow.]

No 45: In clause 29, page 20, line 3, at end insert "(za) an order under section 13(5A) (power to amend body to be notified about suspected victims);".— [Lord Morrow.]

No 46: In clause 29, page 20, line 15, leave out from "child" to "order" on line 16 and insert

"independent guardians) shall not be made unless a draft of the regulations".— [Lord Morrow.]

Mr Ford: I emphasise that amendment No 4 is also supported by Lord Morrow.

Members will know that clause 13 is intended to improve our understanding of and response to human trafficking and slavery-type offences as they occur in Northern Ireland by placing a duty on specified public authorities to report suspected cases of trafficking and slavery to the National Crime Agency. Amendment No 4 maintains that effect but is intended to future-proof the Bill against any potential structural changes in the reporting arrangements, particularly in the light of the recently published review of the national referral mechanism, which suggested the possible establishment of a new modern slavery intelligence hub situated in the Home Office. Amendment No 4 provides an order-making power to amend the reference to the NCA, in the event that the responsibility for collating reports of suspected cases should pass to another body. Amendment No 45 is consequential to amendment No 4 and ensures that the new order-making power is included in

the general provision on orders and regulations under clause 29.

Amendments to clause 22 relating to independent guardians are covered by amendments Nos 15 to 29. They were tabled by Lord Morrow and are intended to ensure that the intentions of the clause with regard to separated children are deliverable in practice. Amendment Nos 15, 17 to 24 and 26 to 28 are purely technical in nature. Their effect is to change the title of the guardian throughout clause 22 from "Independent Legal Guardian" to "independent guardian". That was necessary to remove any potential confusion with other guardian roles, including parental responsibility and statutory guardian roles, such as the guardian ad litem. Amendment No 29 inserts new subsection (11) for further clarification. Amendment No 16 inserts new subsection (2A), which removes the connection between a separated child and the national referral mechanism and clarifies that the Health and Social Care Board shall determine who is a separated child. Amendment No 25 introduces the requirement for the guardian to communicate the views of the child. This is to ensure that the child's views are heard unfiltered by those making decisions regarding them. As well as inserting a new subsection (11), amendment No 29 amends subsection (10), which provides a revised definition of "separated child" to ensure that children are not brought into scope unnecessarily and to give effect to the policy intention.

Given the time pressures between Bill stages, the Executive have not yet had an opportunity to consider formally and agree the proposed changes under amendment Nos 16, 25 and 29. However, I understand that the Minister of Health, Social Services and Public Safety, who would be responsible for implementing them, is supportive of them and that officials from his Department have worked with the Office of the Legislative Counsel and Lord Morrow to ensure that the provisions of clause 22 are deliverable in practice, particularly on the definition of a separated child. I cannot therefore formally endorse those amendments without Executive approval, but I will certainly not oppose them. I trust that the House will take the suitable hint.

The definition proposed at Consideration Stage would have included all children arriving in Northern Ireland in groups, such as those with school trips or voluntary groups, even where there was no risk of harm to children and where they travelled with their parents' consent in the company of other responsible adults.

The new proposed definition under amendment No 29 uses the phrase "ordinarily resident", which is the phrase that is used in the Health and Personal Social Services Order 1972. The revised definition also includes a harm test, which will allow discretion to be exercised and prevent children from being deemed as separated unnecessarily.

Amendment No 46 to clause 29 is consequential upon these changes to the guardian's title provided for by the amendments to clause 22 and is similarly technical in nature.

Amendment No 30 to clause 23 was tabled by Lord Morrow and supported by me. Members will recall that clause 23 creates a defence for slavery and trafficking victims who have been compelled to commit certain offences as a direct result of being a victim of slavery or relevant exploitation. The defence does not apply to offences attracting a maximum sentence of five years or more, except in a small number of specified offences under the Misuse of Drugs Act 1971, which are particularly relevant to victims of human trafficking.

Amendment No 30 adds to the list of offences that the clause 23 defence will cover and has been informed by the EU directive on trafficking in human beings, which recommends that victims should be protected from prosecution for criminal activities involving the use of false documents.

As such, amendment No 30 makes provision for a number of offences relating to false documentation to be covered by the defence. Those include the following: an offence under section 4 of the Identity Documents Act 2010 relating to the possession of false identity documents with improper intention; offences under section 26A of the Immigration Act 1971 relating to registration cards; and an offence under section 106 of the Immigration and Asylum Act 1999 relating to dishonest representations. It also includes offences under sections of the Forgery and Counterfeiting Act 1981 relating to forgery, copying a false document and using a false instrument or document. Those are section 1, dealing with forgery; section 2, which is on copying a false instrument; section 3, dealing with using a false instrument; and section 4, which deals with using a copy of a false instrument.

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

Members will agree that human trafficking victims would be particularly vulnerable to criminal exploitation through those offences. I

am supportive of the amendment and believe it is consistent with the Modern Slavery Bill and the EU directive.

I am grateful to Lord Morrow for tabling the final amendment in this group, amendment 44, which would remove the existing provision for a Northern Ireland rapporteur under clause 26.

Members will be aware that I have laid a legislative consent memorandum before the House seeking the extension to Northern Ireland of the UK-wide Independent anti-slavery commissioner under the Westminster Modern Slavery Bill. I expect that, before long, I shall be standing here again to debate that motion.

It is my firm view that a commissioner operating across the entire UK provides a better oversight model than the local rapporteur under clause 26. I do not need to labour my reasons for that, as Members will be aware of them. They touch on accountability, greater oversight, wider opportunities to identify best practice and learn from other jurisdictions, and greater economies of scale.

Members may be aware that Kevin Hyland, a former head of the Metropolitan Police service's human trafficking unit, has now been appointed as the commissioner designate. My Department participated in the appointment process, and I lobbied the Home Secretary to ensure that the commissioner could operate in a very robust way that is helpful to Northern Ireland. I am grateful that she changed her initial proposals as a result of the lobbying in support of the proposals that Lord Morrow and I had.

I welcome Mr Hyland's early appointment, which will allow the important work to commence. I have spoken to him on a number of occasions, and he has agreed to participate in a cross-border conference on forced labour that my Department will co-host with the Department of Justice and Equality next month. I hope that Members will be reassured, therefore, that Mr Hyland is already demonstrating his commitment towards Northern Ireland as one of his priorities. My Department and I look forward to working closely with him over the coming months.

Lord Morrow quite rightly emphasised in earlier debates that he wanted to see the Home Secretary's plan before withdrawing the proposal for a local rapporteur. I am grateful that he has now agreed that the independent anti-slavery commissioner's role is an alternative to the Northern Ireland rapporteur that provides all the cover that we need in this

jurisdiction. I trust that Members will support this amendment to remove clause 26 from the Bill.

I commend these amendments to the House.

Mr Givan (The Chairperson of the Committee for Justice): Thank you, Mr Deputy Speaker. In this group of amendments, I want to focus on amendment No 44, which would remove from the Bill the provision for the Northern Ireland rapporteur.

4.00 pm

When the Justice Committee considered this clause during Committee Stage, there was clear support for the concept of an independent oversight mechanism to provide effective monitoring and accountability arrangements. The key issue was whether a Northern Ireland rapporteur or a UK-wide anti-slavery commissioner was more appropriate.

While a UK-wide commissioner was attractive, given the clear international nature of and dimension to human trafficking and the fact that such a commissioner could look comprehensively at the actions of all the organisations and agencies involved in tackling trafficking in Northern Ireland, including the Home Office, the UK Human Trafficking Centre and the Gangmasters Licensing Authority, which a Northern Ireland rapporteur would not be able to do, there were concerns that a UK-wide commissioner might not consider the specific needs of Northern Ireland and its particular challenges, including the land border with the Republic of Ireland.

There was also concern that, as initially drafted in the Modern Slavery Bill, the UK-wide commissioner would consider only law enforcement and not areas such as victim support, which the Northern Ireland rapporteur was intended to have the power to do.

To inform our consideration of the issue, when the Committee visited Sweden, members met the Swedish national rapporteur and discussed her role and remit and the benefits of having such an appointment. The Committee subsequently agreed to support the principle of having an independent body to monitor and report on the response to human trafficking in Northern Ireland. While noting that the remit of the anti-slavery commissioner, which would be created by the Modern Slavery Bill, could be extended to Northern Ireland, in the absence of further information regarding how the commissioner would operate and the extent to which the post would meet the particular needs

and requirements of Northern Ireland, the Committee agreed to support the provision in the Bill for a Northern Ireland rapporteur. It also agreed that it would consider the matter further once clarity on the remit and responsibilities of the UK-wide anti-slavery commissioner was available.

More recently, the Committee considered further information provided by the Department of Justice on the independent UK-wide anti-slavery commissioner and has considered a proposed legislative consent motion that would extend the remit of the commissioner to Northern Ireland.

The Committee noted that agreement had been reached on a range of issues to ensure the interests of Northern Ireland would be fully covered by the commissioner, including a requirement for the Home Secretary to consult devolved Ministers, including the Minister of Justice, on the appointment of the commissioner; a duty on the Home Secretary to consult devolved Ministers before agreeing the strategic plan or annual report; and a power for the Northern Ireland Minister to be able to request ad hoc reports on Northern Ireland matters. In addition, it noted that reports by the commissioner will be jointly submitted to the Home Secretary and devolved Ministers and that there will be a statutory duty on the Northern Ireland Minister to lay reports before the Northern Ireland Assembly. The Committee then agreed that it was content to support extending the remit of the anti-slavery commissioner to Northern Ireland rather than having a separate Northern Ireland rapporteur. The Committee, therefore, supports amendment No 44.

As an MLA, I support all the amendments in the name of my colleague the Lord Morrow.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. We support all the amendments bar amendment No 44. The provision in amendment No 44 extends beyond the role and remit of a rapporteur.

We have all heard that this is unique legislation. As mentioned in today's debate and previous debates, it has created interest elsewhere, particularly in Leinster House, where an Oireachtas Committee is discussing the same type of issues. Obviously, Lord Morrow's Bill has been mentioned at Westminster, and he has received praise for his work.

Given that the Bill is more than just about trafficking — there are other aspects on prostitution — it is necessary and desirable for

it to be scrutinised when it becomes an Act to see how it performs. That would not have to be an ongoing process; it could be time bound, or it could be every two years. If, as expected, the Bill is approved by the Assembly and becomes an Act, that would allow us to have some measure and debate on the impact that it is having on human trafficking and sexual exploitation through prostitution.

Indeed, at the last stage of the Bill, we argued very strongly for the inclusion of that independence. Not to take away from the work of a rapporteur or any outcome of the Modern Slavery Bill in Westminster, but we felt that, here, it was important that, some time in the future, we would have a debate, an argument and perhaps a validation of our intended purpose, so that we could say that the Bill set out to achieve a, b, c and d, and it did so. That is why we will not support that amendment.

Mr A Maginness: First of all, I pay tribute to Lord Morrow for bringing this Bill to the House and the work that he has put into it, which was enormous — one individual dealing with very detailed and, at times, complex legislation. It faithfully reflects the European directive on human trafficking, and he has done us all a great service by bringing the Bill, steering it through the Assembly and working very closely with officials in the Department of Justice. Of course, despite some differences, the officials, the Minister and the Department of Justice worked together with Lord Morrow, and I think that it is a good example of the Assembly working together. It might be a rare example but is, nonetheless, a good one that should be noted by those who watch our proceedings in the Assembly.

I also have to say that the Committee worked very closely with Lord Morrow and helpfully added to the debate around the Bill and helped to perfect the legislation before the House today.

Group 2, in many ways is a further honing of the various clauses to make sure that they are fit for purpose and essentially waterproof against challenge. I think that these further amendments are helpful in doing just that, and I welcome them.

I understand some of the concerns expressed about amendment No 44. I certainly, initially, along with other colleagues, took the view that it would be better to have a specific Northern Ireland rapporteur to deal with the various issues that need to be addressed that arise from human trafficking and from this Bill. However, I think it is clear that having a

Northern Ireland rapporteur, although desirable, would not be a great use of resources or public moneys. Given the extent of our problem and given the functions that a local rapporteur would have to carry out, it is therefore, I believe, preferable to use the office of the UK commissioner with an extensive remit to Northern Ireland. That is the right way to proceed with this. We will get value for money; it does not, as far as I know, cost the Department here resources or cost it financially —

Mr Ford: I appreciate the Member's giving way. Just on a technical point, we would be expected to make a small contribution towards the UK-wide role, but it would be significantly less cost than a separate Northern Ireland office.

Mr A Maginness: Yes. That is the point that I was trying to make, perhaps imperfectly. Nonetheless, it is important that we avail ourselves of the opportunity of using the UK commissioner. In relation to our situation in Northern Ireland, I would have preferred a local person. Nonetheless, I think that this is the right way to proceed, and it is a very important function that we keep the situation here under control and under supervision. This, I believe, is the best way of doing so in the present circumstances. It may well change in the future, and it is open to us to review it at some stage in the future, but, at this time, I think that this is the best way forward. For those reasons, we will be supporting amendment No 44. I believe that the House should support amendment No 44 as being the best way forward in all the circumstances.

Mr Elliott: I welcome the opportunity to speak on this group of amendments. There are just a couple that I want to highlight. The first is the group of amendments including amendment No 15 and the series of amendments that are similar to it. It removes the word "legal" to make it "independent guardian". This morning, I received a briefing document that deals somewhat with this particular aspect, although I would be grateful for a little clarification around the legal aspect. I understand that it is obviously so that there is a clear distinction between a legal guardian for a child as opposed to this type of independent guardian. Is this independent guardian still responsible to the courts in Northern Ireland? Will it have a responsibility to the courts service or will it be directly responsible to the courts or social services? I would be grateful for that clarification.

Amendment No 29 amends the criteria of a separated child. This follows an amendment at Consideration Stage. I welcome the clarification because I think that it does put a little more meat on the issue and allows us to make a better assessment of the separated child. That amendment came in at quite a late stage in the proceedings, I suppose, the last time, so I welcome the opportunity to have that in the Bill. I heard what the Minister said about it, and I accept that situation.

Amendment No 44 removes the Northern Ireland rapporteur, given the legislative consent motion that is coming forward regarding the Modern Slavery Bill and having a UK-wide anti-slavery commissioner. I think that, again, this is a positive advancement. I think that it will streamline the process. It will make it easier to manage and hopefully will have an overall positive impact. So, again, I and the Ulster Unionist Party have no difficulty supporting this amendment and, indeed, the others. The only thing that I ask for in clarification is around that legal aspect of the independent legal guardian.

Mr Dickson: I also welcome the opportunity to speak on the amendments in group 2. Similar to the last group, I view these as non-contentious amendments that will help to strengthen the Bill, and I support them. However, I want to touch on a couple of them very briefly.

The Bill acknowledges the importance of cooperation with the National Crime Agency, and amendment Nos 4 and 45 are very important in this regard to ensure that any changes in the reporting structures can be accommodated. I think that it is also important to put on record my party's view that our efforts against these heinous crimes would be greatly strengthened if we were to allow the National Crime Agency to operate in Northern Ireland. Indeed, it is sad that some of those who continue to support this Bill cannot bring themselves to support a key element of the necessary structures in our fight against what is an international crime issue.

Victims should and must be our primary focus. Therefore, I welcome the addition under amendment No 30 of further offences for which victims are protected from prosecution, including those in relation to false documentation. As I said, these amendments are non-contentious and will improve the Bill. I encourage Members to support them.

4.15 pm

Lord Morrow: I am grateful to the Minister for setting out the detail of the amendments in the second group.

Amendment No 4 and the consequential amendment No 45 to clause 29 are sensible amendments. They will ensure that, if future changes are made to the operation of the National Crime Agency so that there needs to be a change in the way in which the agency is notified about suspected victims, the Department can ensure that the correct organisation is referred to in the legislation using an order-making power.

I should say that I am proud that the Assembly has been the first of the United Kingdom jurisdictions to vote for a statutory guardian for child trafficking victims. The Assembly also voted that the same guardian should be available for separated children. I have tabled a series of amendments to ensure that the Assembly's intentions on separated children are deliverable in practice.

Before I go any further, I should make it clear to the Assembly that the Minister of Health is supportive of my proposed amendments, although, due to time pressures, he was unable to go through the formal procedure to seek Executive agreement as was originally intended.

I am grateful for the cooperation of the Minister of Health; Department of Health officials, especially Elaine Colgan; the Office of the Legislative Counsel; the Children's Commissioner; and the Law Centre for working together to develop this series of amendments to ensure that the Assembly's intentions on separated children are deliverable in practice. In particular, I pay tribute to the Children's Commissioner, Patricia Lewsley-Mooney, for her positive engagement with me on clause 22. I know that she is due to leave her post in the near future, and I hope that she can take pride in the role she has played in seeing an effective guardian for separated children take shape.

A series of amendments — Nos 15, 17 to 24 and 26 to 29 — relates to changing the name from "Independent Legal Guardian" to "independent guardian". The purpose of that is to ensure that there is no confusion with other legal guardian roles, such as a person who has parental responsibility for a child — that is, someone who is very much involved in the day-to-day care of a child. I am also adding new subsection (11) to make it clear that, wherever there is any other reference to a guardian in legislation — for instance, a statutory guardian ad litem — it will be separate from an

independent guardian, which is to be available to children who are separated from their parents or caregivers and to child trafficking victims. There is also a consequential amendment, amendment No 46, to the regulatory powers in clause 29 to update the name of the role.

I am also making it clear, by a slight change of wording, that clause 22 will apply to a trafficked child who goes through the national referral mechanism and to a separated child who does not but falls within the definition of a separated child. At Consideration Stage, the Minister pointed out correctly that, as drafted, a separated child had to be going through the national referral mechanism to be eligible for a guardian. That issue is resolved by amendment No 16, which also sets it out that the Health and Social Care Board shall determine who is a separated child.

Members will want to know how that decision will be made. The Health and Social Care Board issued regional operational guidance in November 2013 in relation to separated children. That guidance, which is currently under review, was developed with a number of agencies, including the trusts, the Border Force, the PSNI, UKVI, VOYPIC etc, to create guidance on pathway and interventions to be pursued by the respective agencies individually and collectively to assess and determine the status of a separated child. I want to make it clear that it is the intention that that guidance and any future updates will be the basis of decision-making, so there is no need for a new framework for decision-making to be set out in this legislation. I will ensure that reference to the existing guidance will be made in the explanatory notes, which will make it clear that the guidance will be used to assist HSCB staff to make the assessment of whether a child is separated.

Through amendment No 29, I am also tabling a new definition of "separated child" in subsection (10) to ensure that children are not brought into scope unnecessarily and to give effect to the policy intention Members voted for on 20 October. The definition proposed at Consideration Stage would have included all children arriving in Northern Ireland in groups, such as those on school trips or with voluntary groups, even where there was no particular risk of harm to the child, and where they travelled with their parent's consent in the company of other responsible adults. The new definition has three elements, the first of which is residency. A child should have come into Northern Ireland from somewhere else. It uses the phrase "ordinarily resident", which is the phrase

currently in use in the Health and Personal Social Services (Northern Ireland) Order 1972. Members will want to know that that could be a child from another part of the United Kingdom, as well as from further afield. Secondly, a child must be separated from those who have parental responsibility for them or from their regular caregivers. Thirdly, the revised definition also includes a harm test, which will allow discretion to be exercised and prevent children being deemed "separated" unnecessarily.

Finally, I am making a small amendment to clause 22(6)(a) with amendment No 25, so that the guardian will need not only to ascertain the wishes of the child but to communicate with them.

Members, I hope that you will feel that the amendments meet the spirit and substance of what you were asking for when you voted for guardians at Consideration Stage.

I should also add that I was asked to consider adding a requirement that a guardian should be able to represent a child before a court and tribunal. That is a sensible request, and it was my understanding that the Bill already provided that. I had the Bill drafted with the intention that that should be covered. For the record, I have subsequently been assured by the Department of Health that such representation is covered by clause 22(6)(b)(ii).

Amendment No 30, in my name, to clause 23, co-signed by the Minister of Justice, is important to ensure that victims of human trafficking are adequately protected from criminalisation. The introduction of a statutory defence, which was supported by all sides of the House at Consideration Stage, will, I believe, be valuable to victims of trafficking who have been forced to commit certain criminal offences. The amendment that I put forward today simply extends the ambit of the defence to include a set of offences that trafficking victims are particularly at risk of. I felt that the amendment was necessary because of recital 14 in the preamble to the 2011 European directive on human trafficking. As Members have heard me say before, I do not agree with everything that comes out of the European Union. However, the anti-trafficking directive has proved to be a very positive move. Recital 14 outlines that:

"Victims of trafficking in human beings should, in accordance with the basic principles of the legal systems of the relevant Member States, be protected from prosecution or punishment for criminal

activities such as the use of false documents, or offences under legislation on prostitution or immigration, that they have been compelled to commit as a direct consequence of being subject to trafficking.”

As the Bill stands, victims of human trafficking and slavery would not be able to utilise the statutory defence with regard to the use of false documents and a number of immigration offences. Amendment No 30 would ensure that the defence was available to victims of trafficking in such cases.

The offences outlined in the amendment largely involve the production and use of forged documents by an individual victim. It is important to note that the defence would not apply where an individual was involved in the production of false documents for the use of others. I am aware that one of the tools used by traffickers in bringing people to this country for exploitation is giving them false papers. If a victim is caught with such papers, they commit a crime, but, in these circumstances, it is clearly not one of their making. I am also aware that the use or creation of false documents may be the only way that an individual victim may seek to escape from those who are abusing them, but, in doing so, again, they commit an offence. I am sure that Members will agree with me that allowing the statutory defence to apply in such cases, which would require a clear causal link between using the false papers and the person's situation of trafficking, is in the spirit of what we are trying to achieve with clause 23. Following discussions with the Department of Justice, I am of the view that that is a sensible addition to the clause. I am grateful to the Minister and his team for the positive way in which they have engaged with me on the matter.

At Consideration Stage, I gave my view that clause 26 should remain in the Bill until the exact nature of the Anti-slavery Commissioner in the Modern Slavery Bill had been finalised and the Assembly had had an opportunity to review the legislative consent motion. Having seen the final proposals, I am satisfied at the present time that the Anti-slavery Commissioner presents the best way forward, given current budgetary constraints. There are also advantages to be gained from opting in to the commissioner, who will operate across the whole of the United Kingdom.

Trafficking often involves the movement of people, whether that be across international borders, regional borders or even more locally. It requires cooperation at global, continental, national and local levels. A UK-wide Anti-

slavery Commissioner will have the benefit of being able to share with the PSNI and other key agencies in Northern Ireland the experiences, good practice and points for learning from counterparts in other parts of the UK.

Therefore, I recommend that the Assembly support the proposal to opt in to the Anti-slavery Commissioner. As a result, I recommend that clause 26 be removed from the Bill. I hope that Members will support all the amendments in group 2.

Mr Ford: These are important amendments that will help future-proof the Bill, facilitate our understanding of the nature and scale of these heinous practices and, ultimately, offer greater protection for victims, especially child victims. In almost all respects, I am grateful for the support from Members who have spoken. I will deal briefly with the comments that were made around the Chamber.

Mr Givan, both personally and as Committee Chair, outlined why he and the Committee were supportive of amendment No 44. I will touch later on the references that Lord Morrow made. Although Mr McCartney talked about wanting to be able to have debates here about the reports that will be produced and said therefore that he did not support amendment No 44, it is the case that we have the power in this place to request specific reports from the commissioner. Those reports would be laid before the Assembly, providing a perfect opportunity for any of them to be debated should Members wish to hold a debate on them.

There is also a specific power under clause 15 — if amended later, as, I suspect, it is likely to be, — that there will be reporting on the impact on human trafficking and prostitution offences from the effect of the Bill. Therefore, once there is an Act in place, we will have the full opportunities to debate reports. Members are not particularly reticent about tabling motions for debate on matters that they consider important, whether or not there is a formal report laid before the House. Mr Maginness originally saw a benefit in having a local rapporteur but could now see the benefit in tying into the UK-wide commissioner. Mr Elliott, Lord Morrow and Mr Dickson made similar points. There is clearly broad consensus about moving to link into the UK-wide system and getting the benefits from it.

Mr Elliott asked about the specific role of the guardian and, in particular, how it might relate to the courts. The guardian is specified as being an employee of an appropriate charity appointed by and under the arrangements made by the Health and Social Care Board and

responsible through its normal accountability arrangements. It is possible that such guardians, like any public official, could find themselves before the courts for how they carried out their duties, but, in my memory, I cannot remember cases of social workers or health visitors being brought before the courts for the way in which they did their job, and I see no reason to assume that the guardian will be expected to be before the court.

But, clearly, the issues are for the robust arrangements that the Department of Health and the Health and Social Care Board are setting in place.

4.30 pm

Mr Elliott: I thank the Minister for giving way. I appreciate that clarification. My query was on whether the guardian has any responsibility to the courts, and the Minister indicated that, no, that is not the case. However, I will point out that, in other examples, social services representatives are sometimes called before the courts and have to give information and, indeed, evidence in some children's cases.

Mr Ford: I congratulate Mr Elliott for picking up the next point, because, as Lord Morrow highlighted, after that, there is the potential for the guardian to appear in court to represent the child. I shall not repeat the subsection because I would probably get it wrong, but Lord Morrow spelt it out in detail in his contribution. He also dealt in detail with the role of the Health and Social Care Board, and I trust that that will satisfy the House that we will ensure that the provisions of the legislation properly cater for separated children.

Lord Morrow also added to the list of those whom we must thank, including the Children's Commissioner and our former colleague in this place, Patricia Lewsley-Mooney, as well as, indeed, the DHSSPS officials, who have certainly helped me while I have been considering this group of amendments. So, I am grateful to them, as well as to those officials in my Department who have been working on it.

Lord Morrow also explained the key issues on the statutory defence and agreed with me, particularly on the relevant offences that relate to the victims of trafficking and the particular need to consider how they may go. He then spelt out the particular benefits that I and he believe we will now get from having the UK-wide commissioner. I believe that we now have a better role for that commissioner, because neither Lord Morrow nor I gave up when the

Home Secretary produced some early proposals that would not have been particularly helpful to this jurisdiction. I believe that it is an example of constructive engagement. We may be the smallest of the three justice jurisdictions in the United Kingdom, but it proves that we can be effective when we speak together and can sometimes even persuade Whitehall to listen. I am grateful for the help that Lord Morrow gave in ensuring that, on this occasion, Whitehall listened.

On that basis, I believe that all the amendments in this group should receive the Assembly's full support. They carry through on our commitment to fight slavery and trafficking, and I trust that, when we come to vote on them later, they will have our full support.

Amendment No 4 agreed to.

Clause 15 (Paying for sexual services of a person)

Mr Deputy Speaker (Mr Beggs): We now come to the third group of amendments for debate. With amendment No 5, it will be convenient to debate amendment Nos 6 to 14. This group comprises eight amendments to clause 15, including an increased penalty, a new category of offending behaviour and drafting changes. Amendment Nos 13 and 14 combine and revise the provisions dealing with support for those who wish to exit prostitution. I call Lord Morrow to move amendment No 5 and to address the other amendments in the group.

Lord Morrow: I beg to move amendment No 5: In page 9, line 13, at end insert

"(1A) In the heading to Part 5, after "PROSTITUTION" insert "AND PAYING FOR SEXUAL SERVICES OF A PERSON"."

The following amendments stood on the Marshalled List:

No 6: In page 9, line 23, at end insert

"and A knows or believes that the payment is made or promised by a third party."— [Lord Morrow.]

No 7: In page 9, line 26, leave out "level 3 on the standard scale" and insert "the statutory maximum".— [Lord Morrow.]

No 8: In page 9, line 29, leave out "not exceeding the statutory maximum".— [Lord Morrow.]

No 9: In page 9, line 33, after "services" insert "(other than sexual services)".— [Lord Morrow.]

No 10: In page 9, line 38, after "sexual" insert

"; or

(d) B touching B in a sexual manner for the sexual gratification of A, B being physically in A's presence.— [Lord Morrow.]

No 11: In page 9, line 39, leave out paragraph (5) and insert

"(5) B does not commit an offence by doing anything which (apart from this paragraph) would amount to—

(a) aiding, abetting, counselling or procuring the commission of an offence under this Article by A;

(b) conspiring with A to commit an offence under this Article; or

(c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under this Article by A."— [Lord Morrow.]

No 12: In page 10, leave out lines 1 to 17 and insert

"(5) The Department must before the coming into operation of subsection (4) raise public awareness of the change in the law to be effected by that subsection.

(6) The Department must, at the end of the period of 3 years beginning with the coming into operation of subsection (4), review the operation of Article 64A of the Sexual Offences (Northern Ireland) Order 2008 and lay before the Assembly a report on that review; that report must in particular include—

(a) information as to the number of arrests and convictions during that period in respect of offences under Article 64A;

(b) the Department's assessment of the impact of Article 64A on the safety and well-being of persons providing for payment sexual services of the kind to which that Article applies;

(c) information as to the number of arrests and convictions in the period covered by the report in respect of—

(i) offences under section 2 committed with a view to exploitation that consists of or includes behaviour within section 3(3) (sexual exploitation);

(ii) offences under section 4 committed with the intention of committing an offence mentioned in sub-paragraph (i); and

(d) the Department's assessment of the extent to which Article 64A has operated to reduce human trafficking for the purposes of sexual exploitation."— [Lord Morrow.]

No 13: In clause 19, page 13, leave out subsections (1) and (2) and insert

"(1) The Department of Health, Social Services and Public Safety must, in conjunction with the other Northern Ireland departments, prepare and publish a strategy in relation to actions to be taken by Northern Ireland departments in the exercise of their respective functions to ensure that a programme of assistance and support is made available to persons who wish to leave prostitution.

(2) The strategy must—

(a) be published no later than 10 months after the coming into operation of this section; and

(b) provide for a programme of support and assistance to be made available in accordance with the strategy no later than 1 April 2016.

(2A) The strategy must ensure that assistance and support provided to a person—

(a) is not conditional on the person acting as a witness in any criminal proceedings;

(b) is provided only with the agreement of that person; and

(c) is provided in a manner which takes due account of the needs of that person as regards safety and protection from harm.

(2B) The strategy must ensure that assistance and support is offered from a person who is of the same gender as the person receiving it.

(2C) The Department of Health, Social Services and Public Safety must, in conjunction with the other Northern Ireland departments—

(a) review the strategy (or revised strategy) for the time being published under this section at intervals of not more than 3 years; and

(b) if appropriate, revise the strategy and publish the revised strategy."— [Lord Morrow.]

No 14: In clause 20, page 13, leave out clause 20.— [Lord Morrow.]

Lord Morrow: I am grateful to the 81 Members who voted in support of this clause on 20 October. I believe that this is an important step in helping to reduce the demand for individuals trafficked for prostitution and in reducing the level of prostitution in the Province. I have never said that it will end all prostitution, but I believe that it will be a step forward in reducing it and the exploitation that goes alongside it.

I was very pleased to see the announcement by the Justice Minister in the Republic of Ireland last week that they will be seeking to follow our lead in criminalising the purchase of sexual services. As Members opposite will no doubt like to hear, it is positive to see an all-Ireland approach being taken in that area anyway. Following the Assembly vote in favour of the clause, I engaged with the Department of Justice over some technical concerns about aspects of the clause raised by the Minister of Justice during the debate on 20 October. I am grateful for his input and for that of his officials and the Office of the Legislative Counsel. As a result, I am proposing some technical amendments to the clause to ensure that the objectives that the Assembly voted for are met.

Amendment No 5 would amend the title of Part 5 of the Sexual Offences Order 2008, in which the offence sits. The other offences in that Part explicitly refer to prostitution, so the amendment would ensure that there is no discrepancy with the new offence.

The term "prostitute" is not specifically referred to in clause 15 because, as well as the evidential restrictions that that term presents, which were articulated by the Attorney General in his evidence to the Justice Committee, using the term "person" emphasises the humanity of the individuals involved in selling sex and prevents the continued application of often unfair stereotypes and stigma to those individuals. That is particularly important when considering those who have been trafficked, coerced or who end up in prostitution because of some vulnerability.

I am proposing two amendments on payments. Amendment No 6 is to new article 64A(1)(b) to

ensure that person A cannot unwittingly commit an offence if a third party has paid a person to give A sexual services. It will require A to know that a payment has been made or believes that a payment has been made. Amendment No 9 is to new article 64A(3) and clarifies that provision of sexual services cannot constitute payment under the offence. That will ensure that consensual sex between two adults where there is no form of payment does not fall within the offence.

I am proposing two amendments on fines. Amendment No 7 is to the summary offence penalty, so that it reads that the maximum fine is the statutory maximum, which is the correct terminology for a fine in which the offence is triable either way. Amendment No 8 is to the indictable offence. It will ensure that the penalty just refers to a fine, which in the Crown Court can be limitless.

One of the key points that I made on 20 October was that it was not my intention that the seller should be subject to any liability if someone sought to buy or did buy sex from them. The Department of Justice has advised that the current wording is not extensive enough to prevent potential criminalisation of the seller, so I am proposing amendment No 11 to ensure that the intentions of the Assembly are met.

On 20 October, the Assembly voted for an amendment requiring the Department of Justice to produce a report on the operation of the offence and its effects on human trafficking and offences under the Bill. Since the report relates to offences in addition to new article 64A, I am proposing amendment No 12 to remove that requirement from the text of new article 64A of the Sexual Offences Order 2008 and put it instead in the main text of clause 15. The amended text also consolidates the requirements to produce the report into one clause and specifies that the report should address offences of trafficking for sexual exploitation, which is the trafficking offence relevant to the operation of new article 64A. Amendment No 12 will also require the Department to raise public awareness of the change in the law before clause 15 comes into effect on 1 June 2015.

During the Minister's Consideration Stage speech, he expressed concerns that some of the scenarios that I said would not be covered by that clause would indeed be covered under my Bill. The Minister raised the concern that lap dancing would fall within the scope of clause 15. As Members know, I took extensive advice from the Attorney General about the

wording of the clause before Consideration Stage, and he said that lap dancing would not be covered. However, the Minister has since expressed concern that certain circumstances would not be covered by the offence, namely when a person was exploited to provide sexual services in the form of the sexual touching of themselves observed by the client. That may not sound like a major consideration to some, but let me assure you that that practice goes on and that people are trafficked for that purpose. If I ignored this, it would amount to a clear dereliction of my duty.

As a result, on the advice of the Attorney General, I propose a further amendment, amendment No 10, to line 38 on page 9, clarifying that an offence is committed in such circumstances where the two parties are in each other's presence. I must be clear with the Assembly that the Department still has reservations about this addition. Indeed, Members will be aware that this is the only amendment to clause 15 that the Minister has not co-signed. The Department believes that, while I may have tackled the major concern that it raised, the new definition would encompass lap dancing where there is no direct sexual touching of the dancer and stripping. Members will know that I very clearly stated at Consideration Stage that it is not my intention that those activities should fall within the scope of clause 15. I have raised the point with the Attorney General, and he advises me that what we would consider lap dancing and stripping, where there is just lap dancing and stripping, would not fall within this definition and, consequently, disagrees with the Department's interpretation.

I recognise that the Department has the same concerns as me; it does not want the wrong people falling within criminal law when that is not the intention of the Assembly. However, I am taking the advice of the Attorney General and have tabled amendment No 10 to ensure that those who should fall within the law do so. I hope that Members will support amendment No 10 and the other amendments that I propose to clause 15.

I move on now to clause 19. Members will remember that the Assembly voted to have a strategy and a programme of assistance and support for those who want to leave prostitution. That is an indication of the importance that the Assembly places on the need for support for individuals to exit prostitution and the need for that type of support to go hand in hand with the new offence that the Assembly supported in clause 15. Amendment No 13 is substantially a tidying-up exercise to combine the two

elements of the Assembly's wishes into one clause. As a result, I propose that clause 20 is removed.

Before I go any further, I should make clear to the Assembly that the Minister of Health is supportive of my proposed amendments, although, due to time pressures, has been unable to use the formal procedure for Executive agreement. I am grateful for the cooperation of the Health Minister and his officials, especially Elaine Colgan, and the Office of the Legislative Counsel for working with me on those amendments.

Amendment No 13 has three key provisions that I want to bring to Members' attention. The first is that both the programme and strategy must include all Departments across government. I think that that is a constructive move. The second is that the amendment to clause 19 commits the Department to produce a strategy within 10 months of Royal Assent and for the programme of assistance to be in place by 1 April 2016. That will give the Department time to consult on the strategy and go out to tender for providers of the service. The third is that the strategy will be reviewed every three years rather than every year, which allows the strategy to provide a longer-term focus. That said, the amended wording builds in flexibility for revision and publication of the strategy to quickly incorporate learning identified at the point of delivery.

I hope Members feel that the amendments to clause 19 reflect the Assembly's wishes as expressed at Committee Stage and will support them and the rest of the amendments in group 3 wholeheartedly.

Mr Givan (The Chairperson of the Committee for Justice): I will speak very briefly as Chairman of the Committee on this group of amendments.

Amendment Nos 13 and 14 merge clauses 19 and 20, which provide for assistance and support for those wishing to exit prostitution and a strategy in relation to that. As indicated at Consideration Stage, the Committee agreed from the outset that a strategy to provide support services for those who wish to exit prostitution was necessary, and the evidence that we received very strongly emphasised the need for that. The further detail regarding the strategy provided for by amendment No 14 is therefore welcome.

While the Committee has not considered the other amendments in the group, which relate to clause 15, the Committee supported, as I

outlined at Consideration Stage, the provision to criminalise the purchase of sexual services, and the amendments appear to tidy up and, in some respects, enhance clause 15. They do not therefore go against the Committee position.

4.45 pm

Speaking briefly as a Member, I welcome the amendments, as I believe that they enhance the provision that the Assembly voted upon and that they will provide for better legislation. I welcome the way in which Lord Morrow and the Minister have engaged in respect of that. It is important, in making a significant change to the law on this issue, that we try to get the most robust legislation possible, and I think that the amendments do that.

I welcome again the amendments on the exiting strategies and the work around them. That is something that the Committee heard evidence on and required work to be done on, and Lord Morrow has engaged very proactively in recognising that it did need to be developed. It deals with a lot of the accusations made at the start that all this Bill was about was clause 6 when the intent has always been to do what is best and to provide the best support for the victims of this crime. The exiting strategies and support mechanisms are very important to it.

I suppose, Mr Deputy Speaker, that I am a little disappointed that some of the Members who railed against clause 6 and who made accusations that all we were interested in was the criminalisation aspect are not in the Chamber today. I appreciate that the Alliance Party, which did vote against it, is here. However, others were very vociferous, yet, when it comes to making legislation better, in my view, for those who want to exit prostitution, they are not here today. The genuine motivation of some of those who sought to undermine Lord Morrow's efforts will not be lost on the wider public.

Given that this is the last group of amendments, I put on record my thanks to the Committee staff for their work in supporting us at this stage of the Bill's proceedings. I thank the Minister and his officials for their work to allow Further Consideration Stage to progress very smoothly. It is a demonstration of how the Committee has helped to create effective legislation by complementing the work that Lord Morrow and the Minister have engaged in. The Committee has taken a complementary and supportive role in that, and we are getting better legislation as a result. I commend the amendments to the House.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. At the beginning, I echo how the Chairman finished off by saying that we appreciated the work of the Committee staff in supplying whatever information we required as the Bill went through its Committee Stage. Again, I thank the Minister and his officials, who were also very willing to assist us in the many, many issues that we had to address. I also thank Lord Morrow and the people he worked with. Certainly, any time that we asked for clarity on an issue, he was very willing to supply us with it.

We will support all the amendments in this group, except one. I will explain that presently. The amendments on the exiting strategies and the support mechanism are excellent because we had to send a clear signal that this was not just about clause 6; it was about wider issues. I think that the amendments, particularly how the Health Department will address and provide the support mechanisms, are to be welcomed.

We had a concern. The proposer of the Bill outlined what we believe were potential unintended consequences around the lap dancing and strip clubs scenarios. I think it is important that the proposer is now saying that it is the advice of the Attorney General that these would not become criminal offences, as we would say, in terms of the potential unintended consequences. I would like to hear the views of both the Minister and the proposer of the Bill, Lord Morrow, when each of them speaks. If someone unfortunately found themselves in that position and was charged, is what we say here today — and perhaps what he has said — a form of defence if it became an indictable offence? We await the outcome of that.

Mr A Maginness: I support the amendments in this section. I also thank the staff of the Justice Committee for their work, which was, at times, very difficult and complex. They did a great job and I would like to put on record, as an individual member, our gratitude to the staff.

These are tidying-up amendments. It is important to emphasise the support that will be given to people who wish to leave prostitution, and that given to people who have been involved in human trafficking. It is very important that we show that support as a society.

There are obviously some question marks over amendment No 10. As I understand it, the Attorney General has advised that particular amendment as a tidying-up of the Bill in relation to this aspect. It is preferable that we follow the Attorney General's advice in this matter. I

cannot speak for my party, but only as an individual Member, because we have not had an opportunity of discussing this particular issue. However, I accept what Lord Morrow has said: that this is effectively a tidying-up amendment which has the Attorney General's support and weight behind it. Given that, I would prefer to support it rather than oppose it.

Mr Elliott: I welcome the opportunity for discussion around these amendments to the Bill. I want to touch on two amendments. The first is amendment No 11, which obviously provides further issues around the decriminalisation of the selling of sexual services. In one aspect, it almost seems to put clarity into the situation; in others, because of what it is doing, it may be confusing the situation in that it says that we are criminalising the purchase of sexual services, but we are now going further in the decriminalising of the selling of sexual services. I did not have a great lot of time to make a general assessment of that, or even to speak to Lord Morrow about the reasoning for that clarity. Maybe he will give us a wee bit more detail on that when he is winding up.

Amendment No 12 puts clarity into the reporting mechanism in relation to article 64A of the Sexual Offences (Northern Ireland) Order 2008. I must say that I very much welcome this amendment. It will be helpful to the Bill and, in the longer term, in establishing the progress and the positives or negatives of this particular aspect of the Bill. Again, I welcome that. Hopefully, in the future, that will be a positive aspect.

I would also like to put on record my thanks, as I did earlier, to the Committee staff, Lord Morrow, the Chair of the Committee and, indeed, the Minister and his staff in the Department as well, because obviously quite a lot of work went on, not only in the Committee, which we saw at first hand, but also behind the scenes.

Mr Dickson: The Alliance Party will support the majority of amendments in group 3, not because we think that the overall provision around the payment for sexual services is good law, but because we accept the reality that a majority of Assembly Members have made it clear that they wish to see the purchase of sexual services criminalised.

When we last debated this issue, we explained in detail why we do not think that it will reduce the market for trafficking for sexual exploitation and why we believe it could create a more dangerous situation for those who have been

trafficked and indeed for those who have not been trafficked. Nevertheless, we are where we are. Our view is that we have to make whatever improvements we can to the Bill as it stands.

I wish to place on record my wholehearted support for mechanisms to assist those who wish to exit prostitution and commend those organisations that deliver those services. I trust that the Bill will enhance those services.

Today, I will focus my remarks on concerns that I have about amendment No 10. Indeed, others have referred to it. The Bill as it stands does not seem to cover circumstances in which someone is forced to perform sex acts in the presence of a purchaser but the purchaser is not involved in any touching. This is a weakness. The amendment tries to address it, but while amendment No 10 appears to cover these circumstances, it also creates new problems, substantially widening the scope of offences, and will have unintended consequences. I would like to hear Lord Morrow's explanation of why he believes that there are not, and will not, be unintended consequences. Once the Bill leaves the Floor of the House and becomes law, it will be a matter for the courts, and no longer this House, to interpret.

If we are going to legislate as loosely as to say that person A commits an offence if they obtain sexual services from person B in exchange for payment and that this includes circumstances where person B does not touch person A but touches themselves for the sexual gratification of person A, would that not also make it an offence to, for example, watch lap dancers or strippers or purchase a strippergram or kissogram for a party? While many would regard such activities as morally questionable, I doubt that many think that they would be illegal. However, it appears that this amendment would make their purchase illegal.

We could even go further: what about cases in which someone goes to see a play with sexually explicit scenes? Some people may go because they consider it art, but what about those who go to enjoy particular scenes for sexual gratification? If my reading of this amendment is correct, then when an actor or actress touches themselves in a sexual manner in the presence of an audience member who has paid to watch it for the purpose of sexual gratification, that audience member has technically committed an offence. For example, are we to have 'Lady Chatterley's Lover' banned from the stages of Northern Ireland once more?

This highlights the type of problems which will inevitably arise when we try to use the term "sexual services" without a proper statutory definition. We simply cannot draw clear parameters of the offence. It might be useful to share an example from Canada, where the Supreme Court struck down its prostitution laws last December. A lawyer who was involved in the case said that:

"I think it's both a key thing and an example of a bigger problem with the bill when the thing that's being regulated — it's described as sexual services, [but] the Bill doesn't contain a definition of what it is. That's a real vagueness problem."

That Bill was not dissimilar to this one.

The legislation in Canada ran into big problems because it violated the legal principle that says that the law has to be knowable, clearly articulated and not applied arbitrarily. Can we be guaranteed that with this clause? With this amendment, we are potentially entering into uncharted territory. I am not sure whether the consequences are simply not appreciated by the DUP or whether it is trying to drag us back to a Victorian era in which we will all have to cover up our piano legs.

The reality is that this amendment could be seriously detrimental to the efforts of the police, the prosecution service and the courts to tackle human trafficking by opening up the offence much wider and diluting the effectiveness of the Bill.

We really need to look at how the original problem that was identified can be effectively addressed. It seems more logical to reintroduce the prostitution element to give the matter more clarity. Otherwise, as I have explained, the legislation will increasingly encroach on areas where it is not appropriate or, indeed, deflect from the heinous and serious crime of human trafficking. This is supposed to be a Bill to address the trafficking and exploitation of human beings, not to legislate for sexual ethics more generally. If the amendment passes, we risk further losing focus on the Bill's primary objective. Therefore, I encourage Members to reject it and enable us to look again at how we can address the problem more effectively.

5.00 pm

Mr Ford: I note that a number of Members praised the work of my staff in dealing with the

Bill. I certainly thank them. It is an illustration of the positive way in which we have approached the vast majority of issues that came up as we have discussed the various stages of the Bill.

The Assembly has made clear its desire to see the criminalisation of the purchase of sexual services. Although I am personally not convinced by that approach, I nevertheless engaged with Lord Morrow on amending clause 15 to ensure that the Assembly's intent matches the provision in the Bill. The majority of the amendments tabled to the clause for today fall within that category. Lord Morrow has given detailed explanations of the reasons for them all. As he highlighted, we have agreed on most of the issues, but not all. I am grateful, for example, that Lord Morrow agreed to the Department's wish in amendment No 11 to see conspiracy and procurement added to the list of offences that the person selling sexual services can no longer be found to have committed. That is a key, useful statement for the clarity with which we sought to decriminalise those involved in prostitution, and that was clearly the wish of Lord Morrow from the beginning. I hope that Tom Elliott will bear in mind that point as we look at the implications of amendment No 11.

I am also grateful that Lord Morrow accepted the Department's view put forward in amendment No 12 that it was more appropriate to impose a duty on the Department to raise public awareness of the change in the law rather than, particularly in these days of budgetary restraint, running an advertising campaign. The Department will make endeavours to ensure that the public know of the new law, although I suspect that debates in the House have done that very well up to now. In particular, we will highlight to those by whom the impact will be felt most heavily — the sex workers — the changes and when they will occur. We have been made aware that there is much concern among that group of individuals about the introduction of the law and the effects that it will have on their well-being and safety.

There are other fundamental issues that, despite all the agreement that we have reached in so many areas, I still have concerns about, particularly the continuing desire to include a statutory definition of "sexual services". Amendment No 10 adds a further angle to that. The origin of the existing definition was, as I understand it, an attempt to confine criminalisation to the purchase of sex from a prostitute rather than other less direct activities not involving physical presence or contact. Unfortunately, that definition was flawed, as it

seemed to exclude from prosecution some circumstances in which potentially an offence should be available. Those circumstances were pointed out by the Public Prosecution Service (PPS). The offence, as it stands after Consideration Stage, does not appear to cover circumstances in which, for example, a person paid for an individual to perform an intimate sex act in his presence but no touching took place involving the purchaser, even in cases in which the person was subjected to force.

Lord Morrow fairly outlined in his opening speech the view that I have taken on the basis of the advice that I received in this area. Amendment No 10 seeks to address the gap and should allow for prosecution in the circumstances described by the PPS. However, I firmly believe that, although addressing that flaw, the amendment simply adds a different problem by opening up the offence still further to those who purchase sexual services involving activities beyond the private sphere. For example, it would include watching lap dancers, strip artists and live sex shows, providing that whatever is purchased is bought for sexual gratification, which, one imagines, is largely the case. Frankly, one imagines that it is largely the purpose. It could also, as Mr Dickson said, include the purchase of so-called strippergrams and kissograms, whether there is touching or not. Is that beyond what the Assembly intended when it passed the clause at Consideration Stage? I ask that question, because it seems to me that we are now going way beyond the Assembly's intent at that stage. Indeed, Mr McCartney raised how it would relate to lap dancing.

Let us remind ourselves of the words. Proposed article 64A(4) reads:

"(4) No offence is committed under this Article unless the sexual services that are provided or are to be provided by B to A involve—

- (a) B being physically in A's presence,*
- (b) B touching A or A touching B, and*
- (c) the touching being sexual."*

The amendment would add the words:

*"; or
(d) B touching B in a sexual manner for the sexual gratification of A, B being physically in A's presence."*

It seems to me that that is a very wide-ranging definition.

Mr McCartney: Will the Minister give way?

Mr Ford: I will give way.

Mr McCartney: Lord Morrow mentioned that the Attorney General feels that this does not fall within that definition. Have you had any contact with the Attorney General to clear this matter up?

Mr Ford: I congratulate Mr McCartney on somehow reading from his position the next line of my hand-scribbled notes. Members have quoted the Attorney General's view. The Attorney General believed and, indeed, said in my presence that he did not believe that those activities would be covered. Certainly the advice that I have is, bluntly speaking, that, if people engage in lap dancing or stripping, they are touching themselves in a sexual way for the gratification of those who are observing it. I find it difficult to suggest that that is not covered by amendment No 10. Therefore, I believe that we are going way beyond the normal understanding that we had when this was originally introduced when we were talking about prostitution. There may not be many strip clubs operating in Northern Ireland, but, if we run the risk of criminalising activity way beyond the original intent, that raises some difficulties. My view is that by removing the context of prostitution from the offence and relying instead on seeking a statutory definition of sexual services —

Mr A Maginness: Will the Minister give way?

Mr Ford: I give way to the Member.

Mr A Maginness: The Minister said that he had had some discussions with the Attorney General, but he also said that he had received alternative advice. Could he outline whom he received that alternative advice from?

Mr Ford: Mr Deputy Speaker, I think that my response to Mr Maginness will have to be that there is a convention that Ministers do not reveal the advice they have received. I was merely quoting a conversation with the Attorney General, since practically every other Member seems capable of quoting it. Where my other sources of advice are concerned, I shall maintain the usual ministerial protocol.

Mr A Maginness: I thank the Minister for giving way. I am not asking the Minister to name his adviser, but did he seek and receive alternative legal advice? He seems to indicate that the

advice was contrary to what the Attorney General said. Could he clarify that?

Mr Ford: I am sorry, but I cannot clarify that, for the reason that I gave about the normal protocol.

My view had been that removing the context of prostitution from this offence and relying instead on a statutory definition of sexual services cannot precisely draw the parameters that we need for the law to be clear and easily understood. Lord Morrow quoted the Bill that was published in Dublin last week. I notice that the proposal in that Bill confines the offence to:

"purchasing sexual services in the context of prostitution".

That is very different from where we are. It is not actually the case that Dublin is following Belfast; Dublin is thinking carefully and clearly in a way that I honestly believe this House has failed to do. When I was considering those points, I asked Lord Morrow to consider either reinstating the prostitution element or amending the offence to remove the attempt to define sexual services. The offence would then rely solely on the Public Prosecution Service and the courts as arbiters of the Assembly's policy intent, rather than on statute. Any statutory definition —

Mr Givan: I appreciate the Minister giving way. He indicates that it would be left to the courts to establish the Assembly's policy intent. I do not accept that the amendment is vague. I believe that it deals effectively with an issue that needs to be dealt with, and the Attorney General supports that position. However, even if you accept that it would be left for the courts to establish the policy intent, where — throughout all that Lord Morrow has proposed, throughout a 1,300-page report of Justice Committee deliberations and throughout all these Assembly debates — would they ever find that the policy intent is what the Alliance Party is trying to say it to be? Nowhere on the record is that the case, because it is not the case.

Mr Ford: The issue is not what the Alliance Party wants the policy intent to be; the issue is ensuring that we do not have a statutory definition that creates more problems and has come about because of the attempt to remove the word "prostitution" from it. I believe that we have plenty of examples of where it is possible for the courts to interpret. Courts interpret appropriate policy intent day and daily without having matters spelt out. Any statutory definition is unlikely ever to be exhaustive

without the context being set. It could inhibit the ability of the judiciary to interpret the wording of the offence in a flexible and sensible way. I retain those concerns.

I was not able to persuade Lord Morrow of my position, and he did not persuade me of his. Therefore, his amendment is tabled without agreement. I genuinely believe that, by dealing with this aspect of seeking to produce a statutory definition in a way that is almost trying to tackle prostitution without actually using the word "prostitution" in the context of a Bill dealing with trafficking rather than taking a comprehensive look at sexual offences in general, we in the House are running into difficulties in a way that makes it likely that this law will become extremely difficult for the police and the Public Prosecution Service. We may have to re-examine it in a few years' time as we report on its operation, as we or, at least, others in this place after us will be obliged to do.

I also retain doubts about the proposals for the offence being available for trial in the Crown Court. From a departmental point of view, it seems unlikely that the offence as drafted will allow for a sufficient range of factors to demarcate a summary trial from an indictable option. Again, this position was not accepted by the Bill sponsor. The option to try in the Crown Court remains. Amendment Nos 7 and 8, therefore, simply correct errors in the penalties that are available for both summary and indictable convictions.

Finally, I asked for some change to be made to the duty to report to the Assembly on a number of aspects of the Bill, both on human trafficking and on the operation of the new article 64A. The Department's view is that the duty to report on the operation of the new offence did not provide sufficient scope to include a duty to report on convictions for trafficking offences under sections 2 and 4 of the Act and on the extent to which the new offence has operated to reduce human trafficking. The new offence, unlike the existing one, has no connection with trafficking, and convictions will not be related to trafficking. However, I failed to persuade Lord Morrow of the sense of a statutory separation of the duty to report, although, in effect, this would have continued to result in identical reporting arrangements to the Assembly. Amendment No 12, therefore, represents a compromise for a single duty to report to be contained in the Act rather than, as previously drafted, in the Sexual Offences Order.

I want to make it absolutely clear that the amendments to clause 15 that have been jointly tabled do not represent in their entirety the

changes that the Department would like to have seen made to the provisions, most of which were rejected by the Bill sponsor. However, given that the Department was involved in the process of reaching a compromise on some of these issues, I have added my name to those amendments. They represent only the extent of the outcome of negotiations. Research has shown that this new offence is unlikely to succeed in reducing the demand for paid sex and, therefore, may have limited effect in changing the market for trafficking for sexual exploitation. However, the Assembly has made clear its desire to take this path. I have, therefore, agreed to amendment Nos 5 to 9, 11 and 12 but continue to caution against the amendment to the definition of sexual services.

I now turn briefly to amendment Nos 13 and 14, which amend clauses 19 and 20 respectively and have been tabled by Lord Morrow.

5.15 pm

Again, whilst I understand that the Minister of Health, Social Services and Public Safety is, in principle, supportive of these amendments, the Executive have not had the opportunity to agree the changes they would incorporate. I understand, however, that DHSSPS officials have worked with the Office of the Legislative Counsel and Lord Morrow to ensure that the intentions of the previous clauses 19 and 20 are deliverable in practice.

The proposed amendments combine the provisions in those two previous clauses into one clause 19, so that clause 20 is no longer required. This seems to be a sensible approach. I am sure that Members will be reassured to note that the key elements of clause 20 — the requirement to develop a strategy, and the requirement to involve other Northern Ireland Departments — have been retained. Again, whilst not formally approved by the Executive, I suspect that they will be acceptable to the House.

I note the move to a three-year strategy rather than an annual review, which will allow the strategy to provide a longer-term focus whilst retaining flexibility to quickly incorporate learning identified at the point of delivery. Again, this seems to be the sensible approach.

With the exception of amendment No 10 to clause 15, I commend the amendments to the House.

Lord Morrow: At this stage of our debate, I would like to thank everyone who has taken

part. To all intents and purposes, it has been a good debate.

Right from the first day that I set out on this road, there were those in this House — some of them not here today — and those outside it who said that I had an ulterior agenda; that my Bill was just a cover for something else. I hope that I have made it clear, not only in the content of the Bill but in the amendments, that my Bill does what it says on the face of it, nothing more and nothing less, and that it has no agenda other than to tackle human trafficking and exploitation. That has been at the root of my Bill and the drive behind it. That is why I brought it to the House and why I want it to succeed. I think that, to all intents and purposes, it has succeeded and will succeed. There are those even today who have tried to read into my Bill things that, they feel, it will do, and, I feel, it will do no such thing.

I am not ungrateful to those who stated where they feel that it should be different. That is fair enough. However, I take great exception to those who criticised me personally and my Bill and who are not here today to put their case. They seem to have disappeared into the sunset. Those sort of people will want to ask themselves questions. I suspect that the public will also want to ask them why they were not here today to put their case in relation to these amendments, and to the Bill, which is now virtually at its end game. They were not here for the long haul, but I suppose that we have in the Assembly, as in every walk of life, sprinters and long-distance runners. The long-distance runners are here today and the sprinters are elsewhere.

I listened carefully to the points that were made, particularly around amendment No 10. I will reiterate the key points. The practice that amendment No 10 covers is a sad reality and a driver for human trafficking. I emphasise again and again, and will emphasise as often as I possibly can, that this Bill is about tackling human trafficking; one of the greatest scourges in society, and not only here but across the world. The last figure that I heard for the numbers trafficked across the world was something like 90 million.

We can be a leader in relation to this scourge of human trafficking in this region of the United Kingdom. I do believe, no matter what the Minister says, that the Government in the Irish Republic are taking a long, hard look and there is every potential that they will go down the same road as us in tackling this scourge and implementing some of the legislation that we will have in the Assembly if it gets onto the statute book. As I said earlier, if I had not dealt

with this issue and had ignored the scenario that the Bill seeks to address, it would have been a sad dereliction of my duty.

Members will recall that, when I first came to the House to talk about my Bill, I quoted a very famous individual, the great William Wilberforce, who was a great abolitionist. When he addressed MPs all those years ago, he spoke the immortal words:

"you may choose to look the other way but you can never again say that you did not know."

If there are some who, even after this debate, feel that they cannot support some of the amendments, that is a matter for them, but I urge them to rethink. I can say, without a shadow of a doubt, that, when I was dealing with amendment No 10, I spoke to the Attorney General. If someone can direct me to a higher court or a higher authority on these matters, I am ready to listen. If so, that person can tell me, "You shouldn't have gone there with it; you should've gone somewhere else". If so, I would like to hear from you; maybe you will come to me privately afterwards.

First, the Attorney General is very clear that amendment No 10 will address the need to cover demand for the scenario where a person is exploited to provide sexual services in the form of the sexual touching of themselves observed by the client. Secondly, he is very clear that amendment No 10 will not criminalise lap dancing and stripping, as some have tried to insinuate here today.

Mr Dickson said that the amendment would cover that type of activity and even watching films. I suspect that, no matter what I say, Mr Dickson will be of the same opinion when he walks out through the door today, because there is none as blind as those who will not see and there is none as deaf as those who will not hear. There are some who, no matter what I say today, have their minds made up that this measure will not be effective or that it will go into other territory. As I said, I cannot go anywhere else for advice, other than the channels through which I went. Amendment No 10, and I urge the House to consider it, is crucial.

Mr McCartney: Will the Member give way?

Lord Morrow: Yes, I will.

Mr McCartney: I do not think that any of us doubt the principle behind you trying to close

that gap. As we heard today, perhaps the gap in all this was the absence of the amendment at Committee Stage, where we could have examined it and tested it with the Attorney General.

We are getting two conflicting reports. The Minister says he has received legal advice that gives one view, and you say you have received other legal advice that gives another view. So, there is a genuine dilemma, and you cannot accuse people of turning and looking the other way. We are trying to make sure that, in six or nine months, we do not have to come back and say, "There was an unintended consequence, which we should have avoided".

Lord Morrow: I heard what the Member said. He quoted the Minister saying that he has got legal advice. There have not been many differences between me and the Minister on the Bill — I want to emphasise that — and it is better sometimes to build on the positives. However, maybe the Minister will do what I have done and reveal his legal advice. Who gave that legal advice? I am quite clear about where I got mine, and I have made it known on the Floor today who gave me that advice. Maybe, the Minister will feel obliged to be similarly transparent and will tell us where he got his legal advice.

Mr Allister: Will the Member give way?

Lord Morrow: Yes.

Mr Allister: The Member knows that I am supportive of his Bill. On this point about amendment No 10, it would seem to me that the key words that inform the amendment are the words already in article 64A(4), as set forth in clause 15(4), where it says:

"No offence is committed under this Article unless the sexual services that are provided or are to be provided by B to A involve",

and then the Bill sets out physical action between B and A, one way or the other.

The amendment introduces "B touching B", as opposed to A or B touching each other. But might it not be that the key consideration is whether, in B touching B, they are providing a service to A? In other words, are the key words "provided by B to A" a specific requirement of the offending; namely, that B touching B must be specifically for the purpose of providing a service to A? Or is it enough that it is a generic service to anyone and all and sundry who might be present? If it is premised upon it having to

be provided by B to A, is it not a specific requirement of the offending in respect of B touching B that it is specifically directed at A? Would that not, therefore, take you outside the lap-dancing situation, unless it was a one-to-one scenario of lap dancing? If multiple people are present at the lap dance, where is the proof that the service is provided from B to A in B touching B? I think that the distinction might be whether it is a generic requirement that it is simply a provision of a service, or a specific requirement of the provision. Maybe the Member has a view about that.

Lord Morrow: I thank the Member for what he said. I listened as carefully as possible. Let me say this: amendment No 10, which may be worth repeating, states:

"B touching B in a sexual manner for the sexual gratification of A, B being physically in A's presence."

I thought that it was quite clear what we were trying to do here. Let me also say that, as I said earlier, we know that people are actually trafficked for this sort of activity. This House, and I in particular, feel that I would be failing in my duties if I did not seek to address such a situation. I believe that the Bill would be less effective than ever was intended, and I believe that potentially other things could have been happening that we missed on an occasion like this. That is why I say to the House, "Think very, very carefully before you vote against this."

Mr McCartney has said that he feels that there is a gap here, and he referred to the two sets of legal advice. It has to be said that Bills can be amended. If, at a later date, it is discovered that the Bill requires an amendment, it can be brought back to the House. Having listened to the tone of the debate, not only today but at the previous stage, I believe that there would be an appetite in the Assembly to make it as tight as possible.

I believe that if we go for amendment No 10 on clause 15, we have all the issues covered.

I strongly commend it to the House and, as I said earlier, I ask Members to think very carefully before they vote against this. I think that it needs to be repeated that the Attorney General has assured me that this is the way to go. I cannot turn to anyone else. I will leave it, and Members can now make up their mind.

5.30 pm

Mr McCartney: Will the Member give way?

Lord Morrow: Yes.

Mr McCartney: Is there not a point about the ability to bring the Bill back and amend it in the future? It is also open to you to do that, but, where there is a genuine doubt about the advice — and I think that you have to accept that there is — some Members have not got the opportunity to speak to the Attorney General or, like the Minister, to take legal advice. Prior to both of you speaking, we had outlined that other people are saying that there is a possibility of unintended consequences, and we have to protect ourselves from that as well.

Lord Morrow: In relation to access to the Attorney General, I understand that his office and his services are available to individual MLAs who want to seek his advice in relation to a piece of legislation. Therefore, his door is always open. I am not speaking on behalf of him, and I need to be careful here, but I want to say that I understand that his services are readily available to any MLA who feels that they need to go to him and talk to him, not least about a piece of legislation that will go through the House. Therefore, I will stop there. I will leave it up to Members to decide, and I emphasise that I strongly urge them to support amendment No 10 in relation to clause 15.

Amendment No 5 agreed to.

Amendment No 6 made: In page 9, line 23, at end insert

"and A knows or believes that the payment is made or promised by a third party."— [Lord Morrow.]

Amendment No 7 made: In page 9, line 26, leave out "level 3 on the standard scale" and insert "the statutory maximum".— *[Lord Morrow.]*

Amendment No 8 made: In page 9, line 29, leave out "not exceeding the statutory maximum".— *[Lord Morrow.]*

Amendment No 9 made: In page 9, line 33, after "services" insert "(other than sexual services)".— *[Lord Morrow.]*

Amendment No 10 proposed: In page 9, line 38, after "sexual" insert

"; or

(d) B touching B in a sexual manner for the sexual gratification of A, B being physically in A's presence."— [Lord Morrow.]

Question put, That amendment No 10 be made.

The Assembly divided:

Ayes 52; Noes 35.

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mr Maurice Devenney, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Dr McDonnell, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Poots, Mr Ramsey, Mr G Robinson, Mr Ross, Mr Spratt, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Clarke and Mr G Robinson

NOES

Mr Agnew, Mr Boylan, Mr Brady, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Flanagan, Mr Ford, Mr Hazzard, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Dickson and Mr McCarthy

Question accordingly agreed to.

Amendment No 11 made: In page 9, line 39, leave out paragraph (5) and insert

"(5) B does not commit an offence by doing anything which (apart from this paragraph) would amount to—

(a) aiding, abetting, counselling or procuring the commission of an offence under this Article by A;

(b) conspiring with A to commit an offence under this Article; or

(c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under this Article by A."— [Lord Morrow.]

Amendment No 12 made: In page 10, leave out lines 1 to 17 and insert

"(5) The Department must before the coming into operation of subsection (4) raise public awareness of the change in the law to be effected by that subsection.

(6) The Department must, at the end of the period of 3 years beginning with the coming into operation of subsection (4), review the operation of Article 64A of the Sexual Offences (Northern Ireland) Order 2008 and lay before the Assembly a report on that review; that report must in particular include—

(a) information as to the number of arrests and convictions during that period in respect of offences under Article 64A;

(b) the Department's assessment of the impact of Article 64A on the safety and well-being of persons providing for payment sexual services of the kind to which that Article applies;

(c) information as to the number of arrests and convictions in the period covered by the report in respect of—

(i) offences under section 2 committed with a view to exploitation that consists of or includes behaviour within section 3(3) (sexual exploitation);

(ii) offences under section 4 committed with the intention of committing an offence mentioned in sub-paragraph (i); and

(d) the Department's assessment of the extent to which Article 64A has operated to reduce human trafficking for the purposes of sexual exploitation."— [Lord Morrow.]

Clause 19 (Assistance and support for exiting prostitution)

Amendment No 13 made: In page 13, leave out subsections (1) and (2) and insert

"(1) The Department of Health, Social Services and Public Safety must, in conjunction with the other Northern Ireland departments, prepare and publish a strategy in relation to actions to be taken by Northern Ireland departments in the exercise of their respective functions to ensure that a programme of assistance and support is made available to persons who wish to leave prostitution.

(2) The strategy must—

(a) be published no later than 10 months after the coming into operation of this section; and

(b) provide for a programme of support and assistance to be made available in accordance with the strategy no later than 1 April 2016.

(2A) The strategy must ensure that assistance and support provided to a person—

(a) is not conditional on the person acting as a witness in any criminal proceedings;

(b) is provided only with the agreement of that person; and

(c) is provided in a manner which takes due account of the needs of that person as regards safety and protection from harm.

(2B) The strategy must ensure that assistance and support is offered from a person who is of the same gender as the person receiving it.

(2C) The Department of Health, Social Services and Public Safety must, in conjunction with the other Northern Ireland departments—

(a) review the strategy (or revised strategy) for the time being published under this section at intervals of not more than 3 years; and

(b) if appropriate, revise the strategy and publish the revised strategy."— [Lord Morrow.]

Clause 20 (Strategy on assistance and support for exiting prostitution)

Amendment No 14 made: In page 13, leave out clause 20.— [Lord Morrow.]

Clause 22 (Independent Legal Guardian)

Mr Deputy Speaker (Mr Beggs): Members, there are a number of conversations going on. I urge you to respect the Chamber so that we can all hear what is being said.

Amendment No 15 made: In page 13, line 31, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 16 made: In page 14, line 2, leave out from "or" to end of line 4 and insert

"(2A) This section also applies to a child who appears to the Regional Health and Social Care Board to be a separated child."— [Lord Morrow.]

Mr Deputy Speaker (Mr Beggs): Amendment Nos 17 to 24 have already been debated and are consequential to amendment No 15. I propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 17 made: In page 14, line 8, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 18 made: In page 14, line 15, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 19 made: In page 14, line 22, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 20 made: In page 14, line 27, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 21 made: In page 14, line 34, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 22 made: In page 14, line 35, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 23 made: In page 14, line 37, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 24 made: In page 14, Line 39, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 25 made: In page 14, line 41, after "ascertaining" insert "and communicating".— [Lord Morrow.]

Mr Deputy Speaker (Mr Beggs): Amendment Nos 26 to 28 have already been debated and are consequential to amendment No 15 and related amendments. I propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 26 made: In page 15, line 18, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 27 made: In page 15, line 24, leave out "Independent Legal Guardians" and insert "independent guardians".— [Lord Morrow.]

Amendment No 28 made: In page 15, line 25, leave out "Independent Legal Guardian" and insert "independent guardian".— [Lord Morrow.]

Amendment No 29 made: In page 15, line 36, leave out from "who" to end of line 41 and insert

"who—

(a) *is not ordinarily resident in Northern Ireland;*

(b) *is separated from all persons who—*

(i) *have parental responsibility for the child; or*

(ii) *before the child's arrival in Northern Ireland, were responsible for the child whether by law or custom; and*

(c) *because of that separation, may be at risk of harm.*

(11) *A reference in any other statutory provision to the guardian of a child does not include a reference to an independent guardian appointed under this section.*— [Lord Morrow.]

Clause 23 (Defence for slavery and trafficking victims in relation to certain offences)

Amendment No 30 made: In page 16, line 37, leave out from "any of the following offences" to end of line 1 on page 17 and insert

"—

(a) *an offence under—*

(i) *section 4(2) of the Misuse of Drugs Act 1971 committed in respect of a Class B or Class C drug;*

(ii) *section 5(2) of that Act committed in respect of a Class B drug;*

(iii) *section 6(2) of that Act;*

(b) *an offence under section 26A(3)(a), (b), (d), (e), (f) or (g) of the Immigration Act 1971;*

(c) *an offence under section 1, 2, 3 or 4 of the Forgery and Counterfeiting Act 1981;*

(d) *an offence under section 106 of the Asylum and Immigration Act 1999;*

(e) *an offence under section 4 of the Identity Documents Act 2010.*— [Lord Morrow.]

Clause 24 (Protection of slavery and trafficking victims in criminal investigations)

Amendment No 31 made: In page 17, line 5, leave out "victim" and insert "complainant".— [Lord Morrow.]

Mr Deputy Speaker (Mr Beggs): Amendment Nos 32 to 43 have already been debated and are consequential to amendment No 31. I propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 32 made: In page 17, line 8, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 33 made: In page 17, line 11, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 34 made: In page 17, line 13, leave out "victim's" and insert "complainant's".— [Lord Morrow.]

Amendment No 35 made: In page 17, line 14, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 36 made: In page 17, line 15, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 37 made: In page 17, line 17, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 38 made: In page 17, line 19, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 39 made: In page 17, line 22, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 40 made: In page 17, line 23, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 41 made: In page 17, line 26, leave out "victim" and insert "complainant".— [Lord Morrow.]

Amendment No 42 made: In page 17, line 26, leave out "victim's" and insert "complainant's".— [Lord Morrow.]

Amendment No 43 made: In page 17, line 28, at end insert

"(2) In this section—

"the accused" means a person who is alleged to have committed, or has committed, an offence under section 1 or 2;

"complainant" means a person against or in relation to whom an offence under section 1 or 2 is alleged to have been committed, or has been committed."— [Lord Morrow.]

Clause 26 (Northern Ireland Rapporteur)

Amendment No 44 made: In page 18, leave out clause 26.— [Lord Morrow.]

Clause 29 (Orders and regulations)

Mr Deputy Speaker (Mr Beggs): Amendment No 45 has already been debated and is consequential to amendment No 4.

Amendment No 45 made: In page 20, line 3, at end insert "(za) an order under section 13(5A) (power to amend body to be notified about suspected victims);".— [Mr Ford (The Minister of Justice).]

Mr Deputy Speaker (Mr Beggs): Amendment No 46 has already been debated and is consequential to amendment No 15 and to the related amendments to clause 22.

Amendment No 46 made: In page 20, line 15, leave out from "child" to "order" on line 16 and insert

"independent guardians) shall not be made unless a draft of the regulations".— [Lord Morrow.]

Clause 30 (Short title and commencement)

Mr Deputy Speaker (Mr Beggs): Amendment No 47 has already been debated.

Amendment No 47 made: In page 20, line 24, leave out subsection (2) and insert

"(2) Except as provided by the following subsections, this Act comes into operation on the day after Royal Assent.

(3) The following provisions come into operation on such day or days as the Department may by order appoint—

(a) section 11 (with Schedule 3);

(b) section 13.

(4) Sections 12 and 21 come into operation one month after Royal Assent.

(5) Section 15(1) to (4) and (6) comes into operation on 1 June 2015.

(6) Section 22(1) to (3) and (5) to (11) comes into operation 10 months after Royal Assent."— [Mr Ford (The Minister of Justice).]

Schedule 3 (Slavery and trafficking prevention orders)

Mr Deputy Speaker (Mr Beggs): Amendment No 48 has already been debated.

Amendment No 48 made: In page 38, line 22, leave out head (c).— [Mr Ford (The Minister of Justice).]

Mr Deputy Speaker (Mr Beggs): Amendment Nos 49 to 55 have already been debated and are consequential to amendment No 48. I propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 49 made: In page 38, line 23, leave out ", the Secretary of State or the Commissioners" and insert "or the Secretary of State".— [Mr Ford (The Minister of Justice).]

Amendment No 50 made: In page 38, line 30, leave out ", the Secretary of State or the Commissioners" and insert "or the Secretary of State".— [Mr Ford (The Minister of Justice).]

Amendment No 51 made: In page 38, line 31, leave out ", the Secretary of State or the

Commissioners' and insert 'or the Secretary of State'.— [Mr Ford (The Minister of Justice).]

Amendment No 52 made: In page 39, leave out lines 4 and 5.— [Mr Ford (The Minister of Justice).]

Amendment No 53 made: In page 39, leave out line 21.— [Mr Ford (The Minister of Justice).]

Amendment No 54 made: In page 39, line 28, leave out "(c) the Commissioners,".— [Mr Ford (The Minister of Justice).]

Amendment No 55 made: In page 39, line 31, leave out ", the Secretary of State or the Commissioners" and insert "or the Secretary of State".— [Mr Ford (The Minister of Justice).]

Amendment No 56 made: In page 39, line 37, after "may" insert ", subject to paragraph (3A),".— [Mr Ford (The Minister of Justice).]

Amendment No 57 made: In page 39, line 42, at end insert

"(3A) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.".— [Mr Ford (The Minister of Justice).]

Schedule 4 (Minor and consequential amendments)

Amendment No 58 made: In page 44, line 12, at end insert

"THE SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008 (NI 2)

7A.—(1) In Article 22(2)(b) (meeting child following sexual grooming, etc.) for paragraph (ii) substitute—

"(ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2014 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or".

(2) In Article 58(7) for "Articles 59 to 60" substitute "Article 60".— [Mr Ford (The Minister of Justice).]

Schedule 5 (Repeals)

Amendment No 59 made: In page 47, line 4, column 2, at beginning insert

"

	Article 59.
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"— [Mr Ford (The Minister of Justice).]

Amendment No 60 made: In page 47, line 11, at end insert

"

The Policing and Crime Act 2009 (c. 26)	Section 15.
---	-------------

"— [Mr Ford (The Minister of Justice).]

Long Title

Amendment No 61 made: In the long title, leave out from "offences" to end and insert

", slavery and other forms of exploitation, including measures to prevent and combat such exploitation and to provide support for victims of such exploitation; and for connected purposes."— [Lord Morrow.]

Mr Deputy Speaker (Mr Beggs): That concludes the Further Consideration Stage of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill. The Bill stands referred to the Speaker.

Adjourned at 6.00 pm.



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