



Northern Ireland
Assembly

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Northern Ireland Assembly

Tuesday 8 March 2016

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

Members observed two minutes' silence.

Assembly Business

Plenary Business: 7 March 2016

Mr Speaker: The first item of business is the consideration of business not concluded on Monday 7 March. All business in yesterday's Order Paper was considered, so we will move on.

Northern Ireland Public Services Ombudsman: Nomination

Mr Speaker: The motion is from the Assembly Commission. The Business Committee has agreed to allow up to 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Ms P Bradley: I beg to move

That this Assembly, in accordance with section 3(1) of the Public Services Ombudsman Act (Northern Ireland) 2016, nominates Marie Anderson for appointment as the Northern Ireland Public Services Ombudsman.

The Public Services Ombudsman Act 2016 delegates to the Assembly Commission responsibility for determining the criteria for appointment and making arrangements to identify, by fair and open competition, a person to be nominated by the Assembly for the role of ombudsman.

As Members are aware, the Act establishes and makes provision about the office of the Northern Ireland Public Services Ombudsman. It abolishes the offices of the Northern Ireland Commissioner for Complaints and the Assembly Ombudsman for Northern Ireland. The Act provides that the Northern Ireland Public Services Ombudsman is, by virtue of holding that office, the Northern Ireland Judicial Appointments Ombudsman and has a remit

broadened to cover the Assembly Commission, colleges and universities, and councillors.

The Assembly Commission believes that the Act has strengthened and enhanced the office and that a suitable candidate has been identified. The Assembly Commission ran an open selection process involving me and Ms Ruane on behalf of the Commission and Jim Martin, the Scottish Public Services Ombudsman. I take this opportunity to thank Mr Martin for his time and expertise.

I should also like to take this opportunity to thank, on behalf of the Assembly, Dr Tom Frawley for his distinguished and widely recognised work as the Assembly Ombudsman and Northern Ireland Commissioner for Complaints since September 2000.

Following the recruitment process, Marie Anderson was the successful candidate. Members may be aware that Ms Anderson has been the deputy ombudsman since May 2009 and has developed a strong reputation in that position. She is a qualified solicitor with previous experience as senior legal assistant at the Northern Ireland Housing Executive and is the first Assistant Information Commissioner for Northern Ireland. Today, I seek the Assembly's agreement to the nomination of Marie Anderson as the first Public Services Ombudsman. I am confident that Ms Anderson's skills and experience will allow her to be an excellent ombudsman.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): The Committee welcomes the nomination today by the Assembly Commission of Mrs Marie Anderson for appointment to the new office of Northern Ireland Public Services Ombudsman, or NIPSO for short. Mrs Anderson is the first ombudsman to be nominated under the legislation brought through the Assembly by the Committee for OFMDFM, which merges and reforms the existing offices of Assembly Ombudsman and Commissioner for Complaints. The NIPSO will also have new powers over, for example,

schools, universities and further education colleges, which are included in the ombudsman's remit.

This will be an exciting challenge for Mrs Anderson. On behalf of the Committee for the Office of the First Minister and deputy First Minister, I wish her well in her new role and look forward to working with her. I echo the sentiments expressed earlier that Mrs Anderson is highly skilled and extremely well suited to carry out this important role.

I would like to take this opportunity to convey the Committee's thanks to the outgoing ombudsman, Dr Tom Frawley, for his work as ombudsman. The Committee is also extremely grateful to Dr Frawley for his significant contribution to the development of the new legislation.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle, gabhaim buíochas le Comhaltaí as a n-óráidí. I thank Members for their contributions. Aithním gurbh é Acht an Ombudsman um Sherbhísí Poiblí an chéad reachtaíocht a thug Coiste Reachtuil de chuid an Tionóil tríd an Teach. I recognise that the Public Services Ombudsman Act was the first legislation taken through the House by a Statutory Committee.

Ba mhaith liom mo bhuíochas a ghabháil arís le Coiste an Chéad Aire agus an LeasChéad Aire agus le gach feidhmneannach de chuid an Tionóil a chuidigh leis an Acht a fhorbairt agus a chur i bhfeidhm. I would like to use this opportunity to thank the Committee for the Office of the First Minister and deputy First Minister and all the Assembly officials who contributed to developing and implementing the Act.

As Ms Paula Bradley stated in her opening remarks, the Assembly Commission was determined to recruit a high-quality candidate in keeping with the demands and profile of the ombudsman's office. Táimid cinnte go bhfuil an t-iarrthóir sin againn in Ms Anderson. In nominating Ms Anderson, we are confident that we have succeeded. She has an impressive legal and public service background and a wealth of experience in the ombudsman's sphere.

Personally, it is an even greater pleasure to be winding this motion to appoint Ms Anderson on International Women's Day. Is forbairt an-dearfach é a hainmniúchán inniu, agus, faoi réir cheadú an Tionóil, guím gach rath uirthi ina post. Her nomination today is an extremely positive development and, subject to the Assembly's approval, I wish her well in the post.

Tá súil agam go dtacóidh Comhaltaí ar fud an Tí leis an rún. Molaim an rún don Teach. I hope that Members from across the House will support the motion, and I commend it to the House.

Question put and agreed to.

Resolved:

That this Assembly, in accordance with section 3(1) of the Public Services Ombudsman Act (Northern Ireland) 2016, nominates Marie Anderson for appointment as the Northern Ireland Public Services Ombudsman.

Private Members' Business

International Women's Day 2016

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to wind. All other Members who are called to speak will have five minutes. I call Karen McKevitt, the chairperson of the Speaker's reference group on a gender-sensitive Assembly.

Mrs McKevitt: I beg to move

That this Assembly supports the celebration of International Women's Day 2016 and Assembly Women's Week 2016; affirms its commitment to encouraging more women into politics and public life; acknowledges the importance of the work of the Speaker's reference group on a gender-sensitive Assembly; and advocates the establishment of a women's parliamentary caucus.

It is my privilege to propose the all-party motion before us today — a day known globally as International Women's Day. I take this opportunity to thank the Business Committee for giving time to list the motion and for it to be scheduled earlier than usual.

On 9 March 2015, the Assembly approved the Assembly and Executive Review Committee's report on women in politics and the Northern Ireland Assembly. The Committee concluded that the under-representation of women in politics in Northern Ireland is a serious issue that must be addressed as a matter of urgency. The Committee made recommendations to the Assembly, the Executive and political parties with the aim of addressing that under-

representation of women in politics in Northern Ireland as a matter of urgency.

Numerous submissions to the Committee called for the establishment of a women's parliamentary caucus as an example of good practice in supporting existing female politicians and encouraging aspiring female politicians to enter politics. The Committee brought that recommendation forward, and I am pleased to inform you that the Assembly women's caucus will be officially launched today, 8 March 2016 — International Women's Day. The caucus held its first meeting yesterday, 7 March.

The key objectives of the women's caucus include reviewing and influencing policy and legislation from a gender perspective; increasing the representation of women in the leadership of parliamentary Committees; building capacity and empowering women through training women Members on Assembly rules and procedures; training women Members on the procedures for and drafting of private Member's Bills; improving the leadership and parliamentary skills of its members by offering conflict resolution workshops and leadership training programmes to empower women; and building confidence and encouraging them to be heard. The women's caucus will also work towards raising awareness of gender equality issues and gender sensitivity through the media; creating a social space for women and fostering a sense of solidarity; and developing and maintaining strong relationships among women MLAs and relevant bodies and organisations. The caucus will undoubtedly lobby decision makers, internal and external, on gender-related issues, advocate gender equality on a local, national and international level and network with relevant stakeholders and organisations to promote gender sensitivity.

A political career path is deemed as being not family-friendly due to long plenary sittings and the varying demands placed on Members' time. It remains true that women are the main carers in our society, and, as such, we need to explore strategies to improve the work-life balance and consider childcare issues and other caring responsibilities. That will be another key priority for the women's caucus.

One final objective for the caucus will be the development of a strategic plan for dealing with gender-sensitive issues and the promotion of gender mainstreaming within the Northern Ireland Assembly. AERC recommended the establishment of a working group on a gender-sensitive Parliament and that that working group should have equal membership of male and female MLAs. If progress towards a

gender-sensitive Assembly is to be achieved, it will continue to be important for the Speaker's reference group to comprise male and female Members, who can act as champions in the short and long-term — that is, the next mandate — and bring a strategic perspective to the work of the group. The women's caucus, however, will be an all-female caucus.

I acknowledge the Assembly Commission's contribution to raising the profile of gender-sensitive issues. I also commend the AERC and the secretariat staff involved in the report on women in politics and the researchers in Research and Information Service (RaISe), who deepened the understanding of the barriers to the representation of women and of gender equality issues.

10.45 am

The Speaker's reference group on a gender-sensitive Assembly was established on 10 February 2016. I would like to thank the Speaker for taking such a proactive role and for establishing the reference group on a gender-sensitive Assembly. I would also like to thank my colleagues Sandra Overend, Paula Bradley, Caitríona Ruane, Trevor Lunn and Steven Agnew, who sit on the group with me. All signed today's motion and are dedicated to increasing the number of females across political and public life.

The purpose of the Speaker's reference group is to support and advise on Assembly initiatives; to enhance and support the engagement of women in politics, including the women in politics leadership programme developed by Politics Plus; to provide the Speaker with advice on progress towards a gender-sensitive Parliament; to prepare a three-year gender-sensitive Assembly action plan based on the recommendations from the AERC inquiry and Inter-Parliamentary Union best practice; and to support the establishment of the women's parliamentary caucus, which it has now done.

A lot of work has been undertaken by Politics Plus to address the under-representation of women in political and public life. It has been working to develop strong, sustainable international links; foster relationships between communities and across generations; and enhance the role of women in peace-building and civic society through the successful delivery of the women in politics leadership programme, which includes the women in public life programme, the young female leaders academy, and expert one-on-one training.

While the women's caucus, with the support of Politics Plus and the Speaker's reference group, has much work to do, I should mention some positive equality changes that have occurred in political life: the position of the First Minister for Northern Ireland is now held by Arlene Foster; we have seen the work of Nicola Sturgeon, leader of the SNP and First Minister, in Scotland; and, of course, Hillary Clinton is fighting in the USA to be the Democrat candidate in the presidential race. Now that the decision has been made to appoint Marie Anderson as Public Services Ombudsman, I can add her to that list. We are absolutely delighted that she will take up that post, particularly on an important day like today.

With more women taking up high-profile positions, it is hoped that positive media coverage will help to inspire more women to see politics as a suitable career path, and I highly recommend it to anybody. However, we cannot sit back and wait for societal changes; we must change our society. It is my hope that the women's caucus will drive change so that the male: female ratio in the Assembly will be much closer to 50:50 by 2020.

Ms P Bradley: I am delighted to stand in the Chamber in support of the motion on International Women's Day 2016. First, I would like to say a few words of thanks, and the first person whom I want to thank is you, Mr Speaker. I thank you for your commitment to women in politics and women in public life. A few months ago, Caitríona Ruane and I, having come up with one or two ideas that we thought might be good to look at for International Women's Day, ambushed you in your office. You took those ideas, and not only did you make the Assembly celebrate International Women's Day, you made it into International Women's Week. For that, on behalf, I am sure, of everyone, especially all the women, I say that we are extremely grateful. You and, of course, your staff, have put together a fantastic programme. Thank you for your commitment to bringing about a very special week and a very good week for women in the Northern Ireland Assembly.

I would also like to thank the women's lobby; without it and its support, we would not be in this position today. I do not think that we would have advanced this far — and we have advanced. We need not kick ourselves too much, because we have come a long way since I was first elected in 2011. I thank the women's lobby for its perseverance, for hammering on, for banging that drum, and saying that women deserve more equality.

I also want to thank the AER Committee. Many of you will be aware that Caitríona Ruane and I are the only two females on the Committee. When we brought up the issue of women in the Northern Ireland Assembly, there was no gnashing of teeth, although, at times along the road, some of the men wanted to throw their papers in the air. However, none did, and they supported us 100% in what we wanted to achieve. We may not have achieved all that we wanted, but we came some way.

It is due to the AERC that we are where we are. It is through its recommendations that we have the Speaker's reference group and our caucus. There are exciting times ahead for us all.

I thank Karen McKeivitt and Sandra Overend for taking on the roles of chair and vice-chair of the Speaker's reference group and looking at issues around a more gender-sensitive parliament, which is an issue that arose in our AERC report. When we look at creating a gender-sensitive Parliament, we look at many issues, but many of the issues that affect our gender also affect the male gender as well, such as the timings of our sittings, childcare and various other issues. So we are not just here to bang the drum for the wives, mothers and daughters in the Chamber; we are also here to assist in getting equality for fathers, sons and husbands. I thank them for taking on those roles.

I was pleased yesterday, when we had the inaugural meeting of the women's caucus, to put forward the name of Caitríona Ruane for chair. I will be supporting her. We have a very good working relationship. We are a bit of an unlikely pairing at times, and we disagree on lots and lots of things, but there is one thing we do agree on, and that is equality for women and a higher representation of women in the Chamber.

When I came here in 2011, I had already been a councillor and mayor of a borough. I remember delivering my first speech in the Chamber, and it was on domestic violence and violence against women. I was like a rabbit in the headlights. My knees were quaking; I was so nervous and intimidated by the Chamber. It is due to the support that I have had from my party colleagues and other people in the Chamber that I can stand here today and not feel like that rabbit in the headlights.

Ms Ruane: Will the Member give way?

Ms P Bradley: Yes, I will indeed.

Ms Ruane: I thank the Member for her comments and for the tremendous work that she and her team have done in relation to gender equality. Does she agree with me about the importance of having women at every level on all different Committees? That makes a significant difference for women.

Mr Speaker: The Member has an extra minute.

Ms P Bradley: I thank the Member for her intervention. I could not agree more: we play a very significant role as legislators, making laws within this Assembly. That cannot be underestimated.

Being a Member of this Assembly has helped me to achieve my goals: it has empowered me and helped me to unlock the potential that I have, and I know there is much more potential ahead. If you had asked me whether that would happen four years ago, I might have given you a very different answer. I am glad to say that I am a Member of this Assembly, and I hope that by being one I have unlocked potential amongst women, whether they are young or old, to empower them to achieve what they want to achieve.

I wish everyone a very happy International Women's Day 2016.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Lá Idirnáisiúnta na mBan sona daoibh uilig. Happy International Women's Day to you all. I join Paula Bradley and Karen McKeivitt in congratulating the Speaker on the tremendous International Women's Week programme.

You will be relieved to hear that today, rather than focussing on gender inequality in our society, I am going to celebrate the achievements of women in this Chamber and the major steps that we have taken in a very short period of time.

This is the exact date on which we debated the AERC report last year. I pay tribute to every member of that Committee, and I see that most of them are in the Chamber. That was the starting point of this journey, and it was a very important starting point. We lit the building up in purple for the first time. That was Judith Cochrane's proposal, and we all supported it. The AERC also went to Iceland, where we saw some very tangible things that could be done to bring about real changes. That is something which, I know, the women's caucus and, I am sure, the gender-sensitive Parliament working group will continue to look at.

The highlight of my time here was probably the trip to Sweden, where, for the first time, I got to know a lot of the women from various parties on a personal basis. I learnt a lot there, and I hope that we built real friendships. At least, I feel that I built real friendships, while respecting all our differences.

Since this time last year, we have had the first meeting of the women's caucus — the women's caucus is being launched tonight by Martin McGuinness and junior Minister Pengelly — and we have had about four meetings of the gender-sensitive Parliament. There is a range of events, including a visit from the granddaughter of one of the suffragettes, on Friday, which, I think, Paula is officiating at. That is a fantastic way to end Assembly women's week.

We also have a First Minister who is a woman; we have two junior Ministers; we have a Minister for Agriculture and a Minister for Culture, Arts and Leisure; we have an Assembly Commission in which, for the first time, it is three all, which makes it a much nicer place to be; and we have two women Whips. I used to be in the lonely place of being the only woman Whip, but we now have two women Whips. That did not happen by accident. That happened because women were taking power and being supported by men in parties who understood the importance of true equality within each of our parties.

As Paula Bradley said, it does not mean that we all agree with each other. We do not. We disagree on lots of occasions. Yesterday, Paula Bradley and I were on different sides of voting on an amendment, and, straight after that, we supported each other in the women's caucus. The trick is how we manage our differences.

I enjoyed very much working with you all. The fact that there were more women in Committees made them much nicer places to be. I also personally thank my colleague Raymond McCartney. The Whip and group leader in our party do a lot of work together, and I have to say that he has been a joy to work with over the last number of years and a really good group leader.

As we have this debate, I am conscious that we are losing some very good women who are not standing for election. We are losing Judith Cochrane; we are losing Bronwyn McGahan; we have lost Sue Ramsey; we have lost Michelle Gildernew; we are losing Anna Lo. I think that the Chamber and Assembly are going to miss those women. I pay tribute to them and

wish them all the best. I have no doubt that we will be seeing you up here again in whatever guise —

Ms P Bradley: Will the Member give way?

Ms Ruane: I will.

Ms P Bradley: The Member has mentioned some of our high-profile women. Does she agree that having women here creates great role models for our next generation of female politicians?

Mr Speaker: The Member has an extra minute.

Ms Ruane: Thank you for your intervention. I absolutely agree with you. That struck me, last night, as we had an amazing event in the Long Gallery with some powerful women participants. There were over 90 women and men there last night. It was a powerful event, and I am looking forward to the events that are coming up.

I end by saying that I lost my mother in December. She was a good, strong woman, who had a great life. She reared seven children; she reared them in different times. Women like my mother, and all our mothers, fought the good fight in their way, in their time. As a mother and mamó — a grandmother — I put on record my thanks to her.

Mr Lunn: You caught me on the hop, Mr Speaker. On International Women's Day, I am very pleased to be the first man — perhaps, the only man — to speak in the debate. As a member of your reference group, I am very pleased to do so, and to speak in favour of the motion, of increased female participation in public life, and of the Assembly recognising that we have a problem of unequal representation and that we have an obligation to do something about it.

I commend your initiative, Mr Speaker, in setting up the reference group. I will contribute in any way that I can to the work of that group, as I am sure that Steven Agnew will, although he is not here today.

11.00 am

Mrs Cochrane: I thank the Member for giving way. Can I just put on record my thanks to my colleague Trevor Lunn for all the work he has done in his role on the AERC? Does he agree that men have as important a role as women in continuing to drive the changes through so that

we see really able women here and playing a really important role in public life?

Mr Speaker: The Member has an extra minute.

Mr Lunn: I thank my party colleague for that. I will put it bluntly: you will not make the progress that you would like to make in this place without the support of men. That is a given. I hope that a lot of other men who maybe do not need much persuasion will come on board with the initiative as time goes on.

The women's caucus will be established today. Both groups can then drive forward an agenda that, I hope, will place women on a more equal footing in this place. If we set the example, others will follow and the boards of public companies and those receiving support from public funds can be encouraged, persuaded or cajoled to do likewise. The public appointments process should also be made to adopt a more equitable approach to its operation, not just to women, frankly, but to minorities of all kinds, because it is something that is very lacking in its performance to date.

Mr Speaker, your initiative, of course, has its roots in the AERC report on women in politics a year ago, one of the more significant reports that that Committee has brought out. We have produced almost 30 recommendations, two of which you have now acted on. If they were all adopted, they would certainly go a long way towards achieving the results we would all like to see. I will just refer briefly to some of the recommendations. Recommendation 1 states:

"political parties should consider developing targeted membership strategies to encourage more women".

Note the words "should consider".
Recommendation 2 states:

"The Committee recognised that high profile female MLAs can act as positive role models and...that political parties should take this into account when making political appointments".

Well, the point has been made: we now have six female Ministers in this place, which is an excellent tribute to the fact that the Assembly is trying to do something. In particular, we have a female First Minister. I welcomed that appointment. It is a major step forward.

Recommendation 7 states:

"political parties may wish to consider the introduction of measures to increase the number of female candidates being put forward for election."

Of course, that is really at the heart of it. Whatever we do or can put in place by consensus across the Chamber, it is still up to political parties to put people forward and to put women forward not just in a tokenistic way but to put them up for winnable seats. That is the difference.

Mr Lyons: I thank the Member for giving way. Like many others in the Chamber, I came through local government first. Does the Member agree that that is where emphasis should also be placed? Getting more female candidates into local government will eventually lead to, hopefully, more candidates here as well.

Mr Lunn: Yes, that goes without saying. I am talking about local government as well as the Assembly. That is certainly the breeding ground for Assembly candidates of either gender, so I appreciate the point that Mr Lyons makes.

Recommendation 12 states that we:

"should consider adopting measures from...international best practice to create a gender sensitive Northern Ireland".

There is certainly a lot to learn from international best practice in that respect. Ms Ruane mentioned the Icelandic experience, which was memorable — short but very informative. I would say that.

Recommendation 22 is the last that I will refer to:

"the Assembly should ensure, where possible, gender representation be considered when agreeing official delegations from the Assembly."

That would send a good message to whomever we are dealing with that this is an Assembly that values equal representation as far as possible. I am absolutely in favour of that as well.

Of course, with regard to Stormont and local councils, it is absolutely up to parties to put a fair proportion of women up for winnable seats. That is the key to this. Frankly, it is also for women to assert themselves within parties. They appear to me to be perfectly capable of

doing that. It goes against the natural way of things in Northern Ireland, but it is changing, and it is time that it changed. The old notion that behind every great man is a woman is so out of date that I should not even be saying it.

I see that my time is up, Mr Speaker. I also celebrate International Women's Day. I wish all our women well and a good day, and I wish the women's caucus and your group every success into the new mandate.

Mrs Pengelly: I rise to support the motion and to celebrate women, their lives, hopes, ambitions and achievements on this International Women's Day. I welcome the opportunity to shine a light and celebrate the freedoms, rights and liberties that we enjoy in the Assembly, in Northern Ireland and across the world, while noting that more can be done here and much more must be done internationally.

When I grew up in Northern Ireland in the 1980s and into my teens in the 1990s, I knew that there had been some challenges for women. However, like so many of my generation, I believed that the world was hurtling towards a point of gender equality and protection — I assumed that that would happen — at which we all had the space, regardless of gender, to choose the opportunities and pathways that we wanted.

I remember hearing about the suffragettes, about how women used to have to leave the workplace when they got married, about archaic family law systems where the mother had no rights and about how even a glimpse of an ankle was considered shocking. As a child, those customs, laws and challenges seemed almost unimaginable. We had come so far. Yet, as a woman in my thirties, I look across the world and see what seems to be, at times, a regression in those rights and liberties and in the value of girls and women across the world.

The statistics are stark. Some 27 countries still practise female genital mutilation, impacting on 200 million young girls and women. Globally, one in three women will experience violence at the hands of a male partner. Globally, 30% of violence against women starts during pregnancy. The majority of women killed across the world are murdered by a partner or close family member. Closer to home, the England and Wales crime statistics show that one woman is killed every three days by a partner or former partner. I was shocked when I read that statistic. It is not something that we see on the news every night or every week. Even as a child and as a teenager, I laughed at

the idea of how shocking it would be to show an ankle as in the customs of 100 years ago, and I had no idea that, in 2016, women around the world would be publicly flogged and even killed for doing just that.

The global developments have not just threatened peace and world stability but posed a huge threat to the liberties and rights of women. It really struck me from speaking to some of the young women involved in some of the projects around female empowerment that they do not share the expectation that I had in my teenage years in the 1990s and that they see the global threat to female liberty much more starkly now. We must stand united and fight against the rising tide of hate and misogyny internationally and prevent the further crushing of whole generations of women who have so much to give to medicine, art and literature and to the ideas and policies that will shape our world in governments, in offices, in the Civil Service, in businesses and in politics.

Maya Angelou, one of the strongest women of recent times and somebody whom I consider to be a role model, said about strong women:

“You may encounter many defeats, but you must not be defeated. In fact, it may be necessary to encounter the defeats, so you can know who you are, what you can rise from, how you can still come out of it.”

There is indeed much to grieve when we look internationally, but I welcome the steps that the Assembly has taken on female participation and support.

I want us to take from today a revived sense of purpose in securing and enhancing our liberties, participation and roles in life in Northern Ireland, while doing what we can to help and support women here and across the world.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Tá áthas orm deis a bheith agam páirt a ghlacadh sa díospóireacht tábhachtach seo ar maidin agus beidh mé ag tacú leis an rún. I am absolutely delighted that I and the Assembly have the opportunity this morning to mark International Women's Day. A number of events have unfolded this week, particularly here in the Assembly. It is notable that, although there has been a very tight legislative schedule this week, space has been made this morning to ensure that we highlight, acknowledge and validate the significant role that women have played in the promotion of

rights and social justice across continents and down through the decades.

This week, there will be a focus on the role of women, particularly in the Assembly. I want to acknowledge, Mr Speaker, the series of events that your office has organised this week in close cooperation with a number of women, and particularly the new focus groups that are being set up. It is important that we continue that work. There will be particular focus on the women MLAs who have been elected since 1998, and, tomorrow, you are hosting a lunch for them, particularly former Members. I want to acknowledge the role of Mary Nelis, who you will know well from the Foyle constituency and with whom Maeve McLaughlin and I have worked closely over many years. Mary Nelis is an excellent example of a strong woman, with a strong personality, and a good public representative. We have seen that on a range of issues before. When the political mainstream made it difficult for people to raise their voice, Mary Nelis certainly raised her voice on the rights of women, vulnerable people, tenants, people in poverty, prisoners and, indeed, anybody else who was struggling to assert his or her rights. Mary Nelis was always there. She is an excellent role model for many people and an excellent representative for women MLAs.

Ms Boyle: Will the Member give way?

Mr McCartney: I will, surely.

Ms Boyle: Given that it is International Women's Day, and given that it was recently Mother's Day, will the Member agree with me that we should also remember those women from local government and the Assembly who are now deceased and remember the contribution that they made to local government, the Assembly and other walks of life through democracy? We should also acknowledge and remember them today. Go raibh maith agat.

Mr McCartney: Absolutely.

Mr Speaker: The Member has an extra minute.

Mr McCartney: Thank you very much, a Cheann Comhairle. I have absolutely no doubt that this week and, I am sure, at the gathering tomorrow in particular, people will remember those who have unfortunately passed away, be they public representatives from the Assembly, local government or, indeed, each of our political parties. Those women were very strong and very forceful in ensuring that

women's rights were always asserted, be it in a party or right across society.

I want to welcome the initiative of the women's caucus. I am particularly pleased that it was one of the recommendations from the Assembly and Executive Review Committee, of which I am a member. That in itself was an excellent piece of work. It showed good foresight, because, when that Committee was set up, that was not perhaps seen as being one of its tasks. In particular, I thank Paula Bradley and Caitríona Ruane for proposing the initiative. When we examined it, we started to see many of the issues that needed to be addressed, and those continue to be addressed. The people in the caucus are formidable representatives in their own right and when it comes to asserting the rights of women in the Assembly to make this place better on gender issues. I have absolutely no doubt about that.

I will move on to the subject of under-representation of women in sport, which is right across the board. Billie Jean King, who was a formidable tennis player, last night made the point that her generation was the generation that broke through and brought women to the table. She said that the challenge for the next generation of women was to ensure that their voice becomes stronger, their responsibility becomes greater and that delivery becomes something that women can be proud of, so that the next generation of women, when they go forward, will be going into a better space.

11.15 am

The task for not just the caucus but us all is that this caucus will open up and create the responsibility and a better place so that, in five or 10 years, if there is another inquiry by the Assembly and Executive Review Committee, they can look back and say that the origin of that piece of work was good, necessary and required, and, more importantly, that it was delivered.

Mr Rogers: I am delighted to acknowledge International Women's Day and speak on the motion. When we look over history — the Member opposite talked about the suffragettes — if it were not for people like Emmeline Pankhurst and the movement to give women the vote, how many of us would be here today?

We think of women like Florence Nightingale, the lady with the lamp, the soldiers' friend and so on, and the work that she did. Another nurse was Calamity Jane, who was famous for some of her more adventurous exploits but

spent her life attending to smallpox victims in the dark hills of Dakota.

We then think of somebody like Mother Teresa, who was among the poor all the life. She said:

"Not all of us can do great things but we can do small things with great love."

Maybe that is a model for us today.

Reference has been made to the work of the AERC, its various visits and work on women in politics. The key message for me, whether it is the Assembly or local government, is that we need to be a lot more family friendly, not just for the women but for the men as well. Speaking particularly with a rural cap on, and thinking of people like Karen here or our First Minister, Arlene Foster, from County Fermanagh, that issue needs to be taken into consideration.

In this year of commemorations, we have to acknowledge the role that women played. In Ireland, we think of the great work of Mary Robinson and, in particular, of Mary McAleese. Could anyone other than Mary McAleese have done it when Queen Elizabeth came to Ireland? I do not think so. They have made a major contribution to building bridges in this land.

On a day like this — the Member opposite spoke about this as well — we have to think of women who are suffering today. We think of the women in Nigeria who were kidnapped by Boko Haram, or in refugee camps in Syria, Calais or wherever. We think also of the women suffering here, who lost a partner or children in the conflict or other horrific events. I think particularly of a young wife, a constituent of mine, who buried her husband last week as the result of a road traffic accident and who is trying to pick up the pieces of her life with four young children.

Caitríona spoke about her mother. Where would any of us be without our mothers? My mother is long deceased, but she was a great countrywoman. On a lighter note, I have a wife and four daughters, so International Women's Day is nearly every day in our house for my son and me.

I want to acknowledge the great work of women, whether mothers or people who have dedicated themselves to the single life, whether in politics or just across the world. I wish the women's caucus every success because most of these women will come back to this Assembly in the next mandate, and I look forward to helping where I can, as a man, in taking their case further.

Mr Speaker: Does that mean that you are going to do what you are told? *[Laughter.]*

Ms Sugden: Happy International Women's Day to everyone, the women and the men, because I do not think anyone would be in the Chamber without a woman, and that is their mother.

Mr Speaker, I join others in thanking you for your commitment in progressing gender equality in the Assembly. I feel that that will be your legacy.

As a Member who will have been here for coming up to two years on the day of the election, I know that your support of me, particularly as an independent female in the Assembly, has been really greatly received. You stood up last year and declared yourself a feminist, and, Mr Speaker, I think you have earned that. I hope that your successor, who maybe will be a female, will continue to build on that wall so that we can keep reaching that glass ceiling that we need to keep breaking time and time again.

I pay tribute to all female MLAs. It was a really wonderful man who got me here, but I think my learning experience in these past two years really was guided by the women in the Chamber. Being an independent in this corner, and a female independent at that, can be quite difficult. However, I have looked to the strength of other women and have seen how they have conducted themselves in the Chamber, from all sides of the House, and I appreciate their guidance. So, I thank you all for being there.

As I said, I will have been an MLA for two years on the day of the election. This year, 2016, has been a great year. I hope it will be a better one, but we will see in May. It saw the first female First Minister in Northern Ireland, and I am kind of glad she is not here because I must admit that Arlene Foster is someone who I have always admired. I would be quite embarrassed saying this if she were in the Chamber. I admire her because she is a really good politician. She is not just a good female politician; genuinely, she is a good politician. I think that is how women need to progress; we should not be set aside and considered to be not good at things because we are women. We are good at things generally. I have never seen myself as any less capable simply for being female. If others do, quite frankly, that is their problem, not mine. I hope that is how other younger women will see the Assembly today and see me. If I can leave the Chamber today and the only message I have given out is that we as women will be good role models for other women coming forward —

Ms Ruane: Will the Member take an intervention?

Ms Sugden: Yes. Please; go ahead.

Ms Ruane: I understand the Member has been nominated as woman of the year in her constituency, so I congratulate her. I know you will not be with us tonight for the launch of the women's caucus, so I am taking this opportunity to congratulate you.

Mr Speaker: The Member will have an extra minute.

Ms Sugden: Thank you very much. I appreciate that. I also pay tribute to Caitríona Ruane. We had our first meeting of the women's caucus yesterday. I should not really be on it, if I am quite honest, because I am an independent Member. It was designated by d'Hondt, but Caitríona Ruane went out of her way to ensure that I am on it. We had a discussion about what the politics of that was, and I am quite ashamed to say that I put the politics ahead of the generosity she offered me as a woman. I am quite happy now to put on record that Sinn Féin gave up a seat so that I could be on the group because it saw the value of me being on it for my constituency and for other women. I think that is important, and I think that is why women generally have such a good input to politics here. We can set aside our differences and can work together and simply get things done.

Today is International Women's Day. Mr Speaker, you have made a week of events, and I think it is really a fantastic week of opportunities. I am going to declare 2016 as the year for women, particularly in Northern Ireland, because I think we deserve it and it is a good message that we need to send out to women and men.

Mrs Overend: As vice chairperson of the Speaker's reference group on a gender-sensitive Assembly and as an Ulster Unionist MLA, I very much welcome the opportunity to conclude on this debate, pertinent as it is on International Women's Day. I will add my voice to all the others wishing everyone in the Chamber and further afield a happy International Women's Day.

It is clear that women have pushed through the sticky door or the glass ceiling or whatever metaphor you wish to use. They will continue to do so, but, all too often, not enough manage to follow the pioneers through. I have said in previous discussions like this that conditions

need to be set up so that women are given the same chance in politics as men, as in the STEM sector, in business, on boards and so on. That assistance is gained through ensuring that women are given the right support to allow them to succeed.

I want to go through some of the issues that all the contributors mentioned this morning. Everyone raised really good points. I congratulate Paula, who said that the Assembly has empowered her. Many of us have done things that we never thought we could do in our term as Assembly Members. I am glad that the Assembly has empowered her and so many women around here. Of course, it has empowered men and women, but we really want to unlock the potential of women. There is a lot to be said about finding the right balance of men and women in the Assembly and in so many places in society.

Caitríona Ruane mentioned that the highlight of her work in this area was the trip to Sweden. It was like going back to university for a lot of us. Boy, times have changed when can use your camera phone to take photographs of the notes in front of you rather than having to scribble everything down. It was a great opportunity, and I agree with her sentiments about it.

Ms Ruane also mentioned that we are supported by men in our parties, and I agree that that is important, too. Indeed, I would not be standing here without the support of all the men in the Ulster Unionist Party who encouraged me to stand in Mid Ulster, and I thank them for that continual encouragement.

Some Members: Hear, hear.

Mr Speaker: Your Back-Benchers.

Mrs Overend: Mr Trevor Lunn said that if we set an example others will follow, and I think that that is a very good point. He also said that we should not use the old saying anymore that behind every man is a good woman, and that is very much the case. At this stage, behind every woman in the Assembly, there is a great team of support, whether it is a husband, a mother or a grandmother. We need that support behind us so that we can spend long hours in this place and dedicate much of our time to this job. I would like to place on record my thanks to my support mechanism at home in Mid Ulster.

Emma Pengelly talked about the global threat to female liberty. Women may be more inclined to think about issues of compassion, but we all

— men and women — should consider that. I thank Mrs Pengelly for highlighting the issue and join her in supporting that. Raymond McCartney focused on the events this week. Again, I add my thanks and recognition to women who have served in previous Assembly mandates in this place. I think of our Ulster Unionist Members — I am not sure whether they are attending the get-together tomorrow — Joan Carson and Pauline Armitage. So, I add my thanks to previous female MLAs.

Seán Rogers referred to many female role models from Florence Nightingale to the amazing Calamity Jane. I would also like to recognise — I am sure that many will agree with me — another role model for many of us in Northern Ireland, and that is Her Royal Highness Queen Elizabeth, who has reigned over the United Kingdom for over 60 years. That is an amazing accomplishment, and I am sure that others will agree with that.

I thank Claire Sugden for her contribution to the debate. She reminded us that, whether we are a man or a woman, we would not be here without a woman, and that is our mother. I congratulate her on her two years as a Member; I certainly feel that she has made a difference in the many things that she has done.

I echo the comments of all other Members who spoke and congratulate the Speaker on taking the initiative in proceeding with all his work in this area.

I acknowledge the work of the Assembly Executive and Review Committee and the secretariat staff who supported the Committee in its inquiry into women in politics and the Northern Ireland Assembly. Many Members this afternoon — Paula Bradley, Caitríona Ruane and Trevor Lunn — highlighted the work of AERC, which has been crucial in examining this issue. Trevor endorsed the recommendations in the report, and I am sure that that can be continued and pursued.

11.30 am

The work of Politics Plus has been excellent and has sought to strengthen the role of women in political and public life through various programmes such as the women in politics programme, the women in public life programme, the experts in residence programme and the young female leaders academy. Politics Plus has also had a crucial role to play in supporting the establishment of the Speaker's reference group on a gender-

sensitive Assembly and the Northern Ireland Assembly women's caucus. As vice-chairperson of the Speaker's reference group on a gender-sensitive Assembly, I want to acknowledge and thank the chairperson, Karen McKeivitt, for all her work as chairperson of that group and for proposing the motion. I also want to thank all the members of the group — men and women, importantly — for developing a draft gender-sensitive action plan and for their support for the establishment of the Northern Ireland Assembly women's caucus.

AERC concluded that the under-representation of women in politics in Northern Ireland is a serious issue that must be addressed as a matter of urgency. It recommended that the Assembly should establish a working group on a gender-sensitive Assembly, which should be made up of an equal number of male and female members. That group was established on 10 February, and its membership comprises male and female MLAs.

Numerous submissions to AERC called for the establishment of a women's parliamentary caucus as an example of good practice that would support existing female politicians and encourage aspiring female politicians to enter politics. As a result, the Committee recommended that the Assembly should facilitate the creation of a women's caucus. With the support of Politics Plus, the Speaker's reference group worked to establish the Northern Ireland Assembly women's caucus, which will be officially launched this evening. It had its first meeting yesterday and, as the proposer of the motion said, its vision is to have a united women's Assembly caucus that works together, irrespective of political party affiliation, to ensure equality for all, to provide an opportunity for women to exchange and ensure that there is cross-party collaboration on ideas, to form collective platforms on particular policies and actions, and to support one another on issues and areas of common concern. The chairperson of the group, Mrs McKeivitt, in proposing the motion earlier, spoke about the proposed objectives of the caucus.

In her paper entitled 'Women Legislators in Northern Ireland: Gender and Politics in the New Legislative Assembly', Kimberley Cowell-Meyers stated:

"Women legislators may not be able to influence institutional norms, policy priorities or policy outputs in the absence of a critical mass of women (over 30 per cent) ... Yet, even in the absence of a critical mass of women, the efforts of women legislators to

have effect as women may be advanced by establishing a women's legislative caucus".

According to the Inter-Parliamentary Union's 2013 'Guidelines for Women's Caucuses':

"Women's caucuses ... are mechanisms that have been created within the parliaments of many countries to strengthen cooperation among women engaged in political life. Such caucuses can bring women parliamentarians together across party lines in effective alliances around a common goal ... Women's caucuses help to build the capacity of women parliamentarians, organizing and providing support and training to make them better members. According to research conducted by the Inter-Parliamentary Union, the main challenge facing newly-elected women find is coming to grips with how male-dominated the system is and figuring out the parliament's written and unwritten rules and procedures."

Therefore, while the Northern Ireland Assembly has 23 female Members, which equates to 20% of Members overall, I am particularly pleased that we have created a women's caucus. Our numbers in the Assembly may be small, but we are no less a force to be reckoned with. We have achieved much with our numbers and have much to be proud of. It is up to women to put their shoulders to the door and give it a hard shove, but it is up to Assembly Members to hold that door open and encourage many others to come through.

Question put and agreed to.

Resolved:

That this Assembly supports the celebration of International Women's Day 2016 and Assembly Women's Week 2016; affirms its commitment to encouraging more women into politics and public life; acknowledges the importance of the work of the Speaker's reference group on a gender-sensitive Assembly; and advocates the establishment of a women's parliamentary caucus.

Mr Speaker: It gives me the greatest possible pleasure to say that the Ayes have it. I do not know whether anybody flunked the challenge.

Executive Committee Business

Rural Needs Bill: Final Stage

Mrs O'Neill (The Minister of Agriculture and Rural Development): I beg to move

That the Rural Needs Bill [NIA 67/11-16] do now pass.

I am absolutely delighted that the Bill has reached its Final Stage and am grateful for the support it has received during its Assembly stages. I do not intend to revisit the provisions of this important Bill in any great detail today. The Assembly has already taken considerable care in scrutinising them.

The Bill has benefited from the close examination that it has received. I take this opportunity to thank the Chairperson and members of the Committee for Agriculture and Rural Development for their detailed scrutiny and for the recommendations in the Committee's report, which resulted in a number of amendments being tabled at Consideration Stage. I am pleased that I was able to support those amendments, and I believe that the Bill that we have before us today is stronger as a result. I also want to pay particular thanks to the many stakeholders who have contributed to the development of this Bill. Their advice and contributions have been invaluable. Indeed, many of the amendments made to the Bill throughout its passage came from rural stakeholder groups. I also want to thank OFMDFM, the Office of the Attorney General, the Office of the Legislative Counsel, the Departmental Solicitor's Office, and the Bill Office, which have given us all so much support and advice along the way. I also want to thank the Committee for Agriculture and Rural Development Clerk and her staff for their diligence and determination to ensure that the Committee Stage was completed by January. Last but not least, I want to thank my departmental officials who have worked very hard on this Bill, particularly given the time constraints involved.

I also thank Members for their amendments and helpful contributions to the debates on the Bill in its passage through the Assembly. The resulting Bill is legislation that can make a real difference to the lives of rural dwellers. However, the process does not stop here: we need to continue to work hard to make sure that the Bill is effective in ensuring the robust

application of rural proofing across all sectors of government.

I think that this is an appropriate moment for me to remind the House of the key principles of the Rural Needs Bill. This Bill is the first of its kind in these islands, and I am pleased to say that the North is leading the way. There has been widespread support from stakeholders for this new Bill. This Bill will require that rural needs are appropriately taken into account by public authorities in policymaking and service delivery. The key principles of the Bill mean that rural issues will be embedded, as a matter of course, in the development and delivery of all government strategies and policies; information on rural proofing will be made available in a transparent way; and government will take a joined-up and collaborative approach in taking account of rural needs when designing public services.

I am conscious that our rural communities are facing even greater challenges due to the impact of reduced budgets on the delivery of public services. It is crucial therefore that government continues to focus on the needs of rural dwellers to ensure that they are not unfairly disadvantaged.

I believe that this Bill will promote a fair and inclusive rural society, where rural dwellers enjoy the same quality of life as others in the North. It not only places a statutory duty on public authorities to have due regard to rural needs in policymaking and service delivery but requires them to compile, and make available in an open and transparent manner, information on how they have met that duty.

The Bill provides a statutory basis for DARD to support rural proofing through the provision of information and guidance, and for arrangements to be put in place to enable public authorities to cooperate and share information, which will help to ensure a more consistent and cohesive approach to addressing rural needs.

Once again, I thank Members for the keen interest that they have shown throughout the Bill's passage through the Assembly. I commend the Bill to the House and am delighted that we have got to this stage.

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

Thank you, Mr Speaker. It is my pleasure to speak today as Chairperson of the Committee for Agriculture and Rural Development. This is an important Bill. It will impose a duty on certain public authorities to have due regard to

rural needs, thereby ensuring the more effective implementation of rural proofing across central and local government. Indeed, the Bill, as amended at Consideration Stage, will impose that duty of due regard on a range of other public bodies as listed in schedule 1.

I begin by taking the opportunity to thank the Committee members, Committee Clerk and staff for their hard work on the Bill. I would also like to record the Committee's thanks to the stakeholders who took the time to make written submissions or provide oral evidence. Their contributions and suggestions have undoubtedly resulted in a stronger and more robust Bill.

The Committee and Department worked well together on improving this Bill. I am pleased that many of the amendments requested by the Committee have been incorporated in the Bill that we have in front of us at Final Stage. However, this process was not without its challenges. The Minister certainly took into account the views of the Committee and was willing to bring several amendments at our request. However, the Minister was unable to table certain amendments at Consideration Stage. Instead, after some discussion, the Committee took the decision to table those amendments in its name. I am pleased that they were agreed by the Assembly at Consideration Stage and are now part of the Bill.

I believe that the Bill is all the better for the amendments, as they address a fundamental concern raised by almost all the stakeholders we heard from. As we move forward, it will be important to ensure that the public authorities named in the Bill comply with this duty in a consistent and meaningful way.

If the Bill is to have a real impact on the lives of rural dwellers, it cannot be allowed to become a box-ticking exercise. The Committee requested a number of amendments to the reporting and monitoring arrangements that will help to ensure that this will not happen. As a result of those amendments, the Department is required to publish an annual monitoring report and the Minister must also make a statement to the Assembly. The Bill also includes an amendment put forward by Mr Swann and Mrs Dobson and which was accepted by the Assembly. It concerns the information that should be included in the annual report that will be compiled by the Department. The Committee is satisfied that, as a result of these amendments, the monitoring process will now be much more transparent. This will allow the Assembly and Statutory Committees to hold the

Minister and Departments to account in how well they have considered and paid heed to the needs of rural populations. On behalf of the Committee, I commend the Bill to the House.

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. I commend the fact that the Bill has reached Final Stage today. I am one of the 37% of people — the 670,000 people — in the North of Ireland who live in a rural area. Whilst I love living in a rural area, like many in the House, I know that there are many advantages and disadvantages in doing so. For example, a lot of people in rural areas experience isolation, and infrastructure can be poor. There is lack of communication and access to services. Areas such as mine in the Sperrins, or in Owenkillew, the super output area, have the worst access to services in the whole of the North.

Many of these issues are compounded by the way in which deprivation is measured. I welcome the fact that there is an ongoing review of the deprivation measures, because there is a strong body of thought and evidence gathering that rural areas are not properly reflected by those measures.

Looking back, the Executive gave a commitment in 2002, and again in 2009, to rural proofing to realise their vision of a fair and inclusive society where all services are equally accessible to people who live in rural areas. However, that vision is not a reality for many rural dwellers. In the Committee's evidence gathering and through our engagement with stakeholders, we found that rural proofing was not properly embedded. We heard many times that it was a bolt-on or an add-on, or that it was patchy, but certainly that it was not effective. I welcome the fact that the Minister and the Department have taken the initiative to create statutory protections and embed rural proofing in legislation.

My party does not see this as the end. As the Minister quite rightly said a moment ago, this is not the end. The legislation has to be robustly implemented to ensure that we arrive at a fair and equitable rural society. We are looking at the broader picture. Our colleague Martin Ferris introduced a similar piece of legislation, through a private Member's Bill, in Leinster House, which we have been working on jointly across the island. That Bill has been introduced and he plans to move ahead with it in the new mandate following the election. We are looking at this not just in the context of across the island but in the context of CAP reform. We have seen a lot of changes in the way in which CAP is going to be implemented, with the North being treated as a single region,

progressing towards an equal single farm payment rate and a well-funded rural development programme of £623 million, which is to be rolled out over the coming years. Tackling rural poverty and social isolation (TRPSI) and LEADER funding are also very important, and the NISRA review of the deprivation measures, which I referred to earlier, will be very important in achieving fairness and equity in rural areas.

We spent hundreds of hours debating and thrashing out these issues in the Committee. Stella is in the Public Gallery and I want to commend her and her Committee team for their very hard work in moving this on. Astrid, Louise and others made themselves available to the Committee at every opportunity. They fielded questions and provided answers as and when requested.

11.45 am

I made the point at the Bill's previous stage that this is very much a grass-roots Bill. None of the amendments to the Bill came from a political party or from MLAs; they came from the grass-roots stakeholder organisations. We thrashed it through the Committee and the House, and we feel that we have come up with a very good Bill. This part of Ireland is leading the way in Europe as the first region to legally protect rural needs in legislation, and that is something that we are very proud of.

At risk of missing some out, I will mention some of the organisations that came before the Committee: the Rural Support Networks; RCN; RDC; NILGA; SOLACE; UFU; NIAPA; and, indeed, the DARD officials, who are always on hand to provide answers and information as and when required. So this is very much the people's legislation. It came from the grass roots, and that is something that we are very proud of. We see it as a huge step forward in helping to create a fair and equitable rural society. On behalf of my party, I commend the Bill. Like many others who live in rural areas, we eagerly await its implementation.

Mr Swann: Will the Member give way?

Mr McAleer: Yes.

Mr Swann: I have heard the Member refer a number of times to this Bill as 'the people's Bill', not party political and all the rest, and I fully agree with him. Is he surprised when he recalls the petition of concern that was tabled by the DUP as regards this Bill?

Mr McAleer: It was the DUP's decision to implement that, but I reiterate to the Member that is a Bill that came from the grass roots, and we feel that we have delivered the best possible Bill at this stage. As the legislation progresses and the other organisations come under its clauses, we feel that it will go deeper and stronger towards creating more fair and equitable rural areas.

I commend the Bill. We see it as a good step forward, and I commend the Minister and her Department for bringing it forward. This is a great day.

Mrs Dobson: I am pleased to speak on the Final Stage of this Bill. As I have repeatedly said throughout its passage, the rural White Paper action plan that preceded it left much to be desired. Whilst I am glad that there will be a statutory duty on public authorities to take rural needs into account when developing and implementing government policies and delivering public services, I am still somewhat disappointed with the limited scope of the Bill. In a way, this Bill represents yet another missed opportunity. We only have to look at other parts of the United Kingdom, where there are significantly more protections in place for rural communities. For instance, I tried to place in the Bill a presumption against rural school closures, as exists in Scotland and England, but, given the limited scope of the Bill, it was not possible. Despite the fact that, bizarrely, the DUP and Sinn Féin worked together to block many of our practical amendments, it is better to have a weak Bill than no Bill at all. I hope that the next Minister will revisit that issue.

Mr McCarthy: I welcome the opportunity to speak on the Final Stage of the Rural Needs Bill. It came about as a result of the rural White Paper and action plan, with a commitment to strive for a fair and inclusive rural society where all rural dwellers enjoy the same quality of life as people residing in urban settings. The objectives of the Rural Needs Bill are to require the effective implementation of rural proofing across central and local government, and other public authorities as may be specified; to establish the role of the Department in providing guidance and advice on rural proofing; and to require cooperation and sharing of best practice between all public authorities covered by the Rural Needs Bill.

Mr Rogers: I thank the Member for giving way. Does he agree that the success of this Bill is dependent not only on local government but on all Departments robustly applying rural proofing to all aspects of their work?

Mr McCarthy: Thanks for the intervention. I absolutely agree, it is imperative that, if the Rural Needs Bill is to mean anything, it has to be seen to be working to the advantage of people in rural areas.

Although rural dwellers, while protecting and enhancing the rural environment, enjoy a good quality of life, with that comes many disadvantages, not least the need for a car or reasonable public transport, which brings with it extra costs and a drain on the family budget, and greater distance from the hub of a village or town.

However, it is my experience that people living in the countryside usually contribute to a local church, parish, club and so on and make their own social activities. In some cases, social isolation can affect people and have many negative effects. It is hoped that the Rural Needs Bill will help and encourage rural dwellers to get involved in all local activities, thereby preventing isolation.

I thank the Committee Chair and all members of the Agriculture Committee and, indeed, the staff who supported us. I pay tribute to all the organisations that do sterling work. I will not mention them by name, as Declan mentioned most of them. I am always afraid to name them in case I leave out some important organisation, but they all do sterling work in visiting isolated rural families and homes and giving them much-needed support. I encourage them to continue their work.

In conclusion, I congratulate the Minister for having brought the Bill to the Assembly. I wish it every success. I hope that all those privileged to live, work and play in the countryside will see the benefits and enjoy a better quality of life as a result of the Bill and, indeed, the work of the Assembly.

Mr McMullan: I do not intend to speak for long, because most of what I would say has been said already. This is a historic day for the Assembly. We have been looking for the Final Stage of the Rural Needs Bill for quite a number of years. I congratulate and commend the Minister, Michelle O'Neill, for bringing the Bill forward.

Rural dwellers — I am one of them — have for a long time been underestimated in their own communities. I served for nearly 20 years as a councillor for a rural area. Year in, year out, it was a fighting match year at rates meetings to get the right money set aside for facilities in rural areas. Hopefully, the Bill will do away with that, because the onus is now on local

authorities to have due regard to the rural dweller when developing their policies, looking at rates and setting money aside to develop sports facilities etc. In that respect, this is a historic day.

It costs more money to live in a rural area than it does to live in an urban one. In some cases, it costs nearly £60 a week more to be a rural dweller. The Bill before us puts us all on an equal footing. This is more about equality than anything else, because now we are on an equal footing with urban dwellers. I want to let everybody know the enormity of what has happened today. We are the first region in Europe to introduce this. Another way of looking at it is that nearly an all-Ireland approach has been taken, because, as well as this Bill, there is a similar Bill in Leinster House. All round, it is a historic day.

I finish by thanking Stella and all her staff — they have been really good — and the Chair of the Committee for the way in which he conducted business. I end by once again commending the Minister for putting the measure through. She said from day one that the rural dweller would be listened to and adhered to. She has done that today with the Rural Needs Bill. Go raibh maith agat.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I thank all the Members who chose to make positive contributions as we get to the Bill's Final Stage. As Members said, this is a great news story for rural communities. That we have reached this stage is something that I am extremely proud of. As an Assembly, we can be proud that we have left a fantastic legacy from this mandate for rural communities by putting it on a statutory footing that the needs of rural communities will be recognised.

Given the day that is in it — International Women's Day — as a Minister I am proud to say that I have led the way in delivering for rural communities and in making sure that we look to a future in which they do not feel disadvantaged and it is on a statutory footing that their needs will be taken into account. This is a great news day for rural communities, and I am so delighted that we have been able to get the Bill to this stage today, alongside all the other positive work that we have done for rural communities. One thing that stands out — I think that Declan McAleer referred to it — is the fact that we have been able to secure the largest ever rural development programme. That will be the largest ever investment in rural communities. Along with this work and the work that we do to tackle poverty and social

isolation, that is really good news for rural communities.

I thank everybody once again for their contributions to the debate. I also thank the officials who have worked really hard. We brought this forward in a tight timescale along with other legislation. Thanks to everybody for getting us to this stage. This can only be a strong legacy from this mandate for rural communities.

Question put and agreed to.

Resolved:

That the Rural Needs Bill [NIA 67/11-16] do now pass.

Shared Education Bill: Final Stage

Mr Speaker: I call the Minister of Education to move the Final Stage of the Shared Education Bill and open the debate on the Bill.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Cheann Comhairle. Iarraim cead an Bille seo a mholadh anois. I beg to move

That the Shared Education Bill [NIA 66/11-16] do now pass.

The Bill, as it stands, represents the culmination of the Education Committee's scrutiny and Members' contributions. The genesis of the Bill was the work of the ministerial advisory group on shared education and, critically, the innovative work that teachers, youth and early years practitioners pioneered — work that informed the development of the shared education policy and of the Bill itself. The Education Committee's inquiry into shared and integrated education and all those who contributed were invaluable in getting to this stage. I thank Committee members, other MLAs and those who took time to make their views known for their important contribution to the Shared Education Bill and debate.

Shared education provides the opportunity to raise educational standards, for young people to learn about each other from each other and for teachers, youth workers and early years practitioners to learn from each other's practice and to share good practice. We have seen that, when we give teachers and other practitioners the necessary space and resources, they are ready to embrace the opportunities that working collaboratively offers.

Shared education facilitates a culture of mutual understanding through ongoing and purposeful engagement in learning between children and young people from different community backgrounds. The statutory curriculum provides a core enabling framework to facilitate and promote shared education.

Our curriculum seeks to develop pupils as individuals, as contributors to society and as contributors to the economy and environment. Those who have pioneered shared education have seen evidence of increased self-confidence, self-awareness and self-reflection amongst participants. High-quality shared education opportunities have resulted in improving skills in problem-solving, decision-making and critical and creative thinking. Equally, the opportunity afforded by shared education to make more effective and efficient use of facilities and resources provides a strong economic argument.

The Bill before us today seeks to further realise those benefits by providing a legislative framework to advance shared education. Importantly, the Bill sends a strong signal to the education sector and the wider community that shared education is an integral feature of our education system going forward. The Bill is underpinned by Sharing Works, my policy for advancing shared education. Sharing Works expands on the legislative definition by providing a practical description of how shared education will work in practice. The policy encourages practitioners to go beyond the core components of religious belief and socio-economic background, as set out in the Bill, to encompass all section 75 groups. The policy commits my Department to a series of actions to encourage, facilitate and promote shared education.

Shared education poses no threat to any school, sector, youth work, early years setting or, indeed, community. It provides an opportunity to contribute positively to raising standards, closing the performance gap, increasing access and equality and developing the education workforce. In conclusion, I thank the Education Committee for its scrutiny and the contribution of Members as my Bill passed through the Assembly. Your contribution, as I have said in progressing through the various stages, has ensured that the Bill was strengthened on each occasion.

12.00 noon

Mr McCarthy: Will the Minister give way?

Mr O'Dowd: If it is normal procedure to do so, yes.

Mr McCarthy: I very much welcome the statement the Minister made this morning. However, does he agree with me that the news coming over the media this morning does not concur with what he just said? It was about a reduction by two hours in school for the special education people. To me, that seems to contradict what you have been saying about shared education.

Mr Speaker: I will point out that that is not what we are discussing today. You should concentrate on the business before us, please.

Mr O'Dowd: The Member may be aware that the Speaker is considering a question for urgent oral answer. If it is accepted by the Speaker, I am more than happy to respond to it and to set out my position clearly on the announcement that was made this morning, but I take on board the Speaker's ruling.

Molaim an Bille seo don Tionól. I commend this Bill to the Assembly.

Mr Weir (The Chairperson of the Committee for Education): As indicated, there will be an opportunity, potentially today, to discuss that issue, and I certainly know that the Minister is appearing before the Committee to deal with other education issues. Unsurprisingly, I will concentrate on the Final Stage of the Shared Education Bill. I will speak initially as the Chair, and then I will make some remarks in a party capacity.

We are here again at the conclusion of yet another education Bill. As the House is aware, this is the second time an education Bill has successfully gone through Committee Stage and reached Final Stage, and we may reach a third education Bill next week. On behalf of the Committee, I congratulate the Minister, his officials and, indeed, Committee members and Members of the House for achieving this milestone.

This Bill is an important piece of legislation. Primarily, it provides a statutory definition of shared education. During our recent inquiry into shared and integrated education and on a number of occasions during this mandate, stakeholders called for formal legislative duties to be placed on the Department for shared education. The Committee very much supports the principle of greater sharing between schools. However, members did not want to see the application of legislative duties until the

Department provided clarity on the meaning of shared education. I am pleased to say that the Bill clearly does that.

I think Members wanted to include in the Bill the definition of shared education that we had determined during our inquiry. The Assembly did not quite do that, and the House did something a little bit more radical, which the Committee had been persuaded to reject. The Bill, consequently, now includes a so-called purposes clause, which neatly summarises all the things that we expect shared education to deliver: educational benefit; respect for identity and diversity; good relations; equality of opportunity; and efficient use of resources. I, therefore, commend the House on its sagacity and ingenuity.

I indicated at earlier stages of the Bill that the Committee's exchanges with the Department and the Minister could be characterised as professional and cooperative, and I am happy to reiterate that today. If it is not too early to talk about the next mandate, I trust that whoever is on the Education Committee and in the Minister's place will continue to make use of the productive relationship that has been established between the Department and the current Education Committee.

On behalf of the Committee, I commend the amended Shared Education Bill to the House and indicate, I think, the assent of the majority of Committee members that the Final Stage do now pass.

I will turn now to speaking as a DUP Member. Again, I welcome the passage of the Bill. In many ways, it provides a statutory definition and clarity. In part, things are already happening, and we are looking to build on those. At times, we are very keen to criticise the system and to see where things are going wrong, but let us acknowledge that, on the ground, within and between a lot of schools, there is a lot of good practice and a considerable amount of sharing. I, as Chair of the Education Committee, and, indeed, others see good practice happening daily. I believe it is important that we have this step change in shared education to give us a definition and to put the duty very much on a statutory footing.

It is, perhaps, unsurprising, that, during the passage of the Bill, some concerns were raised, probably coming from two sources. As the Minister reiterated, when you are dealing with a concept, rather than a new sector, that is then being put into legislation, there is, naturally, going to be a certain level of nervousness. Critics of the Minister, with some level of

paranoia, will see anything he does as having some sort of sinister or Machiavellian undertone. Perhaps they are right nine times out of 10, but, on this occasion, that paranoia is ill-founded.

The concern has come from two fronts. First, at Second Stage, concerns were raised by Members who, like me, support grammar schools and academic selection, that this was a Trojan Horse meant to wreck the current system. I am sure that if the Minister could build a Trojan Horse he would be happy to do so, but he would acknowledge that the accusation is completely false in that regard. That is not what the Bill is about.

Similarly and, I think, understandably, particularly as we moved to Consideration Stage and Further Consideration Stage, some had a genuine concern that the Bill might be an attempt to replace integrated education by providing a new sector to undermine it. That is not the concept of the Bill, which is about providing shared education within the broader framework of education. It is not about creating a new sector or further fracturing the education system; it is about trying to build it together.

I believe strongly that the progress that we are making in shared education is good. Quite often, the focus has been on the benefit to society as a whole and to community relations, and rightly so. Creating much more sharing between schools and individual pupils can only be good. We have to recognise, given where Northern Ireland has come from and the layout of schools at present, that we are not starting from a blank page. Consequently, where progress can be made, and it may be in different areas and in different locations, it should be able to happen at different speeds. That is to be embraced.

The focus in shared education is not always on the benefit of providing greater resource efficiency, although the Committee had a strong focus on that. We all know that the cuts from Westminster put pressure on the broader budgets when trying to deliver the best possible education. If shared education is a road to using resources in the most efficient way, it should be welcomed.

Finally on objectives, which are in the clause on purposes, another key driver in shared education will be that improvement in educational attainment is at the heart of it. Part of the definition in the Bill is that sharing should be not only on a societal but on a socio-economic basis. The hope is that cooperation between schools will help to lift standards,

which we should aspire to for all children, whatever their background. If that is a positive outcome of shared education, we can also greatly welcome it.

The Bill is a positive step forward. As with all legislation, the key test will come in the next mandate as we move to implementation and how it works on the ground. It is important that the same effort and attention given to the Bill be applied to the delivery of its objectives by the education system. I suspect that the House can unite on that.

I think that we have a good Bill. I welcome the work of the Committee in seeking to strengthen it where possible, and I think that it is a good example of cooperation between the Committee and departmental officials in trying to reach this virtuous outcome. It was a good Bill to start with, but it improved during the process. On behalf of the Committee, and as a DUP MLA, I commend the Bill to the House.

Mrs Overend: I am pleased to speak for the Ulster Unionist Party at Final Stage. The party has always been positive about shared education since it first became part of educational parlance in the wake of the Bain report, nearly 10 years ago. That does not mean, however, that we are not critical of how the Bill has been presented or how some have interpreted shared education.

Shared education has advanced over recent years without specific legislation: for example, many schools from all sectors have participated in the shared education programme. I recall going on cross-community hikes when I was at high school, in conjunction with the RUC, as it was then.

We had students from the neighbouring Catholic maintained school attending our school to participate in economics A-level classes. That was the extent of sharing way back when I was at school, from my memory at least, but nowadays shared learning partnerships are working very successfully in many areas, including my local area of Magherafelt. We have schools sharing teachers and resources, and now schools are sharing buildings too, so there is great variety in the types of sharing that goes on. That has demonstrated the ability and willingness of our schools, pupils and parents to move to a greater degree of sharing across the traditional religious divide.

Shared education could, and should, be a supportive mechanism for developing other models of long-term sharing, such as jointly managed schools, integrated schools and

federations. The Ulster Unionist Party is supportive of innovative solutions for local situations developed by communities for their children. There has been very good research carried out over the years by the Queen's University school of education on shared education, which was built on by the ministerial advisory group report of 2013. Then the Committee conducted an inquiry into shared and integrated education, which provoked some quite heated debate between certain education sectors. In turn, the proposed policy, Sharing Works, built upon the recommendations of the ministerial advisory group. One of the recommendations of that group was for a legislative definition of shared education, which led us to where we are today, namely the Bill's Final Stage. The Shared Education Bill supports the policy with a statutory definition of shared education and provides powers to encourage and facilitate the development of shared education.

At the Bill's Second Stage, we on these Benches made the point that recent debates in the Assembly suggested that there was no consensus on the meaning of shared education or on what the end goal was, if indeed there was one. After the Bill's legislative passage, the question is whether we have made any progress. The answer can probably be found in the debate on amendment Nos 26 and 27 that were tabled to the Employment Bill two weeks ago, rather than the amendments that were made to what was originally a one-page Bill with four clauses. By that I mean, when looking at the future of Northern Ireland, a truly shared education system should mean sharing teaching staff as well as the students attending the schools.

I look at schools across Northern Ireland and see many examples of shared education, with varying degrees of sharing. Some schools are only dipping their toes into the concept of sharing, while others have been successfully sharing resources and ideas and moving between schools for projects for many years. The Bill allows for varied types of sharing to continue, and I trust that the reviewing process will allow for proper analysis of how that sharing increases. The duty upon the Department to encourage, facilitate and promote shared education is crucial to ensuring that sharing increases, not only for improvements in educational achievement but for societal benefits.

As Ulster Unionist education spokesperson, I support the Final Stage of the Shared Education Bill and trust that it will greatly increase the time in which our young people are

educated together. I hope that the Education Minister and the Office of the First Minister and deputy First Minister will consider other ways and means of ensuring that, as well as our young people, our teachers come together to work and to learn.

Mr Lunn: I also welcome the passage of the Bill. It is a guarded welcome: my level of enthusiasm for it is slightly below what it is when I normally I welcome a Bill's passage. We have been through all that as the Bill has gone through.

Clearly, I am one of the sources that Mr Weir referred to as having some reservations about all of what is going on here. At the end of the day, it is very difficult, and I would not try, to oppose the principle of sharing in education, because it is something that has been going on for years in a less regulated way. Only yesterday, like other members of the Committee, I spent some time with a joint group from the Boys' Model, the Girls' Model and the Mercy College up in north Belfast, who were running a joint politics class, which was excellent. That is actually what my concept of shared education was all along — the delivery of the curriculum and the ability to deliver the full curriculum to all schools, which, individually, might not be able to do so in an efficient way.

12.15 pm

As I said, I welcome it. I think Mr Weir mentioned this Trojan Horse nonsense. I do not see any hidden agenda in the Bill. It is a straightforward attempt to bring forward a shared education system. That is to be welcomed, but, as everybody knows by now, I worry about the long-term effect of the extent to which this may deflect the system away from the integrated model and the attempt to bring our schools together in a more formal way than through just a few periods per week, but we will see about that.

I welcome the Minister's strategic review, which has been established. I also put on record, because I did not put it the way I would have liked to the last time we debated this, that the Minister has made considerable efforts to be fair and to promote — although we cannot use the word "promote" in terms of integrated education, only shared. In the last few years, particularly the last couple, he has played his part in giving the integrated sector its place and its fair share of what is to be given out. I am happy to acknowledge that.

We have an ongoing difficulty with the fact that the Shared Education Bill requires the Minister and the Department to facilitate, encourage and promote shared education, whereas the responsibility on the Minister in terms of integrated and, in fact, Irish-medium education, which is obviously close to the Minister's heart, does not include the word "promote". We could argue at length about the strength of the various words, but, if I were to compare "facilitate", "encourage" and "promote", I would be in no doubt as to which had the strongest meaning. It is like "may", "must" and "shall". To me, "promote" means active promotion. I hope that the Minister, whoever it is, because now that he has announced his intention to give up the job, we know that it will not be this Minister — and I wish him well in whatever path he takes — will ensure that there is a level of equality across the sectors.

Another thing, which others have referred to and, I think, on which we are more or less agreed, is that, in a few years' time, it will be possible to assess the success of this project by way of academic achievement, results and outcomes. The other outcome that has been heavily promoted — again, that word — by the authorities is the societal benefits. That is where, perhaps, the jury is out. Frankly, I hope to be proved wrong in this. I hope that, in a few years' time, whoever is here will be able to look at the situation and say, "The shared education agenda was a major step forward in bringing our children together", which is what we are all about; a shared future in a small way.

I also hope that the experience of sharing across sectors and between schools will lead schools, parents and governors to realise that there is no bogeyman here and that their children can be educated together under one roof without having to worry about which sector they come from, where they live or what the type or ethos of the school is, and that they will be able to go to the best school and the nearest school of their choice. That is what I would like to see for all our parents. I will give a guarded welcome to the passage of the Bill.

Mr McCallister: I am pleased to be asked to contribute at the Final Stage. This is important legislation. The Minister's policy objectives have been important. I think that there has been broad support round the House for that direction of travel, and sharing and building that into our education system is a good thing. It will also help to drive the efficient and effective use of resources. I am pleased that the purpose was put in the Bill at the amending stages.

That is important to recognise.

It has always been important to recognise that the legislation has to be about educational outcomes as much as anything else. It has to be for the long term and be in the DNA of our education system. Shared education cannot be just project-based or for while funding is available. There has to be change across the various sectors in the education system, with the new Education Authority and the Department of Education ensuring that the Bill becomes a meaningful piece of legislation. It must become a vehicle by which to deliver shared education and improved educational outcomes, in conjunction with area-based planning. All those policy initiatives have to come together to ensure that this policy and legislation can be effective, be delivered on — that is important — and add to the societal benefits that we see when we start to share our education system and improve it. Those are key aspects.

I am pleased that a provision was included in the Education Authority legislation and changes included in this Bill. I also commend the Minister for introducing the legislation and for seeking, given that it was late in the mandate, not to use the accelerated passage mechanism but to give the Bill the chance. The work that the Committee carried out for its report was also important in establishing what the legislation would look like. As a result, the Minister has a much-improved Bill. That has been a testament to the work done by the Committee and other Members in debating it.

This is a good day. I know that it is not the largest piece of legislation that has ever passed through the House, but the Bill can and, I hope, will have a significant long-term effect on the way in which our children are educated and the form that that takes, on sharing and on the societal benefits that flow from that. I support the Shared Education Bill passing Final Stage.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom buíochas a ghabháil leis na Comhaltaí a chuir le díospóireacht an lae inniu agus leo siúd a chuir spéis sa reachtaíocht seo agus í ar a bealach tríd an Tionól.

I thank the Members who contributed to the debate and those who have taken an interest in the legislation as it passed through the Assembly. I put on record my appreciation to my own departmental officials, who have also been commended by the Chair of the Committee for Education, for their work and commitment that ensured that the Committee was kept fully informed and briefed regarding any concerns that were raised. I also thank

them for ensuring that I as Minister was kept fully briefed and up to date with all the progress that was being made throughout.

I am pleased that Members have worked constructively and positively during the Bill's passage. It was a demonstration of how the House can take a shared approach to the benefit of our society. I also concur with the remarks of the Chair that those who are in education positions in the future continue to work in a constructive manner to improve the educational outcomes of all our young people.

The current Programme for Government commits to providing every young person with the opportunity to participate in shared education. Os ár gcomhair inniu tá Bille ar féidir leis sin a fhíorú agus a bhfuil an cumas ann athrú céime a dhéanamh don dóigh ina soláithrítear oideachas anseo. We have before us today a Bill that can make that a reality and that has the potential to bring about a step change in the way in which we deliver education here. It is a Bill that has broad support across the Chamber and in the wider community. It complements other initiatives designed to meet the Executive's commitment to build a strong and shared community.

The opportunity that shared education has afforded us to attract significant European and American philanthropic money shows the international goodwill that there is to support our commitment to build a better and peaceful society. The Bill will provide a lasting legacy of the current Assembly mandate and a firm base from which to advance shared education in the next mandate.

The Bill, underpinned by my Sharing Works policy, is designed to ensure that our young people can learn about each other from each other. It builds on our curriculum and the suite of educational policies that provide a legislative framework for delivery of shared education services. I commend the Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Shared Education Bill [NIA 66/11-16] do now pass.

Standing Order 42A(8): Suspension

Dr Farry (The Minister for Employment and Learning): I beg to move

That Standing Order 42A(8) be suspended in respect of the Apprenticeships: Information Sharing provisions of the Enterprise Bill.

At the outset, let me say that I very much appreciate the prompt consideration by the Committee for Employment and Learning of my proposal for a legislative consent motion (LCM) in relation to the apprenticeships: information sharing provisions of the Enterprise Bill. I also welcome the Committee's support for the motion, as recorded in its report published last Thursday, 3 March.

Standing Order 42A(8) states that, normally, a legislative consent motion should not be moved until at least five working days after the publication of the relevant Committee report. In normal circumstances, therefore, the debate on the LCM in this case should be held, at the earliest, at one of Assembly plenaries next week.

The reason for moving this today is that the final amending stage for the Bill in the House of Commons is this week and, with it, the risk that the UK Government would feel obliged to remove the extension of the relevant provisions to Northern Ireland in the absence of full Assembly endorsement.

I do not wish to prejudice the outcome of the Assembly's decision on the legislative consent motion. Nevertheless, I feel that it is essential that the Assembly is given the opportunity to make such a decision this week and for that decision to actually mean something as far as the extension of the provisions to Northern Ireland is concerned. Therefore, I would be grateful for the Assembly's agreement to suspend Standing Order 42A(8) to enable me to move the legislative consent motion on apprenticeships: information sharing today. I commend the motion to the House.

Mr Speaker: I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Order 42A(8) be suspended in respect of the Apprenticeships: Information Sharing provisions of the Enterprise Bill.

Enterprise Bill: Legislative Consent Motion

Dr Farry (The Minister for Employment and Learning): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Enterprise Bill dealing with Apprenticeships: Information Sharing as contained in clause 26 of the Bill as amended in Committee Stage in the House of Commons.

I thank the House for its agreement to suspend the Standing Order to allow the debate to proceed on the LCM on apprenticeships: information sharing. I am pleased that I am able to move the legislative consent motion today, given that the need for it was identified only in late January.

The swift progress has been in no small part due to the work of the Employment and Learning Committee in facilitating the briefing by my officials, and reporting on a very demanding schedule. I would also like to express my gratitude to the Committee Chair, as well as the members and staff, for the detailed scrutiny that has been so properly provided in spite of the short time available to them.

The legislative consent motion is required to allow the Department for Business, Innovation and Skills to extend provisions in the Enterprise Bill to allow the relevant Northern Ireland authority, namely the new Department for the Economy, to access an information sharing gateway with Her Majesty's Revenue and Customs to retrieve information relating to the revenue streams relevant to Northern Ireland with respect to the apprenticeship levy.

By way of background, the Westminster Enterprise Bill, sponsored by the Department for Business, Innovation and Skills, makes provision relating to the promotion of enterprise and economic growth, not all of which will apply to Northern Ireland. However, it is worth noting that a number of provisions in the Enterprise Bill have been the subject of recent debate in this House, specifically in considering provisions in the Bill relating to the extension of powers on the capping of public-sector exit payments and the Small Business Commissioner.

I should say up front that the LCM deals solely with the provision of extending powers for apprenticeships: information sharing and not the apprenticeship levy itself. I would like to stress that the apprenticeship levy is a fiscal measure and is, therefore, a reserved matter, which will be legislated for by the UK Government and will apply across the UK as a

whole from April 2017 to the private and public sectors.

12.30 pm

The Westminster Bill will put in place a UK-wide information gateway relating to apprenticeships, and, for policy reasons, it is helpful that those provisions extend to Northern Ireland. The information-sharing gateway with Her Majesty's Revenue and Customs is a technical issue; nevertheless, it is a practical and important matter in the provision of information that is key to Northern Ireland apprenticeships. It will be essential to avoid an information deficit specific to revenues to and from the apprenticeship levy in Northern Ireland, which would result in a distinct disadvantage for us compared with the rest of the UK. Therefore, it is important to ensure that Northern Ireland can obtain and share information with HMRC.

This function will be vital for transparency on how much Northern Ireland employers are paying into the levy and, importantly, for openness, fairness and equity on exactly how much of the levy is coming back into Northern Ireland. The provisions stipulate that Her Majesty's Revenue and Customs may disclose information held by it on apprenticeships in Northern Ireland and that the relevant Northern Ireland authority, namely the new Department for the Economy, can request HMRC to disclose information held by it.

In summary, extending the provisions in the Enterprise Bill to Northern Ireland will allow us to access information about levy payments made by employers. That is tax information held by Her Majesty's Revenue and Customs, and any release of information is permissive. The legislation will enable the Department or other relevant authorities in Northern Ireland to access data on levy payments due from employers in Northern Ireland. It will assist the management of apprenticeship funding in an effective and transparent way. For example, it can help to plan and target funding and to align policies to levy payments made by employers. It can then be used to inform employers of their entitlement to funding. Access to information on levy payments will be simple and efficient and will minimise the administrative burden on businesses, as data will be shared between HMRC and the new Department for the Economy.

Wales and Scotland are bringing forward relevant legislative consent motions within the current mandate to extend powers to enable apprenticeships information sharing with Her Majesty's Revenue and Customs. Therefore, I

reiterate that it is important that Northern Ireland is not disadvantaged by a lack of access to information relating to the apprenticeship levy. The ability for Northern Ireland to access and share data with HMRC will ensure greater transparency on the levy revenue streams at a local level. I commend the motion to the House

Mr Swann (The Chairperson of the Committee for Employment and Learning):

On behalf of the Committee for Employment and Learning, I will speak to the legislative consent motion concerning the Enterprise Bill, specifically the apprenticeships data-sharing provision. I extend my thanks to the Committee and the staff for facilitating a very tight timeline.

The Enterprise Bill covers a range of business-related policies and was introduced by the UK Government with the aim of supporting the growth of enterprise in the UK. The Bill is going through the House of Commons, and it is anticipated that Royal Assent will be granted at the end of April this year while this place is in purdah. One of the policies that the Enterprise Bill introduces is the apprenticeship levy, which will introduce a tax on all public and private sector businesses in the UK from April 2017 to fund apprenticeships. The levy rate will be 0.5% on all UK employers with a salary bill above £3 million. As taxation is a reserved matter, the Northern Ireland Assembly does not have competence to vote on the issue. The legislative consent motion is required to obtain the Assembly's agreement on the extension of powers to Northern Ireland to open a data-sharing gateway with Her Majesty's Revenue and Customs so that relevant data relating to the apprenticeship levy can be obtained and shared between HMRC and the relevant authority in Northern Ireland as provided for in the Westminster Bill.

The Committee was briefed by Department officials on the legislative consent motion on 2 March. The officials explained why the LCM was needed, what it would involve for Northern Ireland and the time pressures involved for the Department. The Committee noted that it is important to avoid an information deficit specific to revenues to and from the apprenticeship levy in Northern Ireland, which would result in a distinct disadvantage for Northern Ireland compared with the rest of the UK. The Department officials confirmed that Scotland and Wales were in a similar position and were moving LCMs through the Welsh Assembly and the Scottish Parliament. Therefore, the Committee highlighted that Northern Ireland employers needed to be able to obtain and share information with HMRC to ensure that there can be a fair and equitable redistribution

of the levies. The data-sharing function provided for by the LCM will be vital for transparency on how much Northern Ireland employers are paying into the levy and how much of the levy is returned to the Northern Ireland Executive.

The Committee raised concerns about the ambiguity regarding how the money would be returned. The Committee was concerned that it had not yet been decided whether that would be done via a Barnett consequential or another method. It was also highlighted that, when the money was returned to the Executive, it would be unhypothecated and so would not be designated to support the DEL apprenticeship strategy nor Generating our Success — the Northern Ireland strategy for youth training. The Committee was of the opinion that any money returned to the Executive should be earmarked to ensure that it is used for training and apprenticeships.

During the briefing, the Committee asked departmental officials to provide an estimate of how much Northern Ireland employers could pay to support the UK Government's commitment to deliver three million apprenticeship starts in England. The officials advised that initial estimates suggested that it could be in the region of £42 million per year.

The Committee raised concerns about the number of Northern Ireland employers liable to pay the apprenticeship levy. The officials advised that current calculations suggested that, if a company paid the median wage, any company with about 125 employees or more would be eligible; if it paid only the minimum wage, any company with roughly 225 employees or more would be eligible. The Committee noted that the levy would be applied on the basis of an employer's annual pay bill, not the number of employees.

The Committee published its report on its consideration of the legislative consent motion concerning the Enterprise Bill's apprenticeships data-sharing provisions on 2 March. On behalf of the Committee, I support the legislative consent motion, which will ensure that DEL has clear information about the amount of money being paid into the apprenticeship levy by Northern Ireland companies. However, the Committee wishes to highlight the fact that the Executive should seek to redirect any returned money to training and apprenticeships.

Mr Buchanan: I support the legislative consent motion. The background to the Bill was clearly set out by the Minister and the Chair of the Committee. Not being a devolved matter, it is

something that we have little control over. However the importance of the legislative consent motion for data sharing, predominantly from HMRC, should not be underestimated, as it allows us to gain data and transparency on what Northern Ireland employers in the public and private sectors have contributed to the levy pot as a whole.

While we examine the rationale behind the 0.5% levy on those with an annual pay bill of over £3 million solely for the purpose of the training of apprentices, the main concern is that the money returned to the Northern Ireland Executive is not ring-fenced for that specific purpose. Therefore, there is concern that it may not be used in its entirety for apprentice training. When we look at the challenges in our constituencies in getting young people in disadvantaged areas or who are economically inactive into apprenticeships and on into employment, it is important — even imperative — that we do all that we can to ensure that the money returned is earmarked solely for apprentice training. That is the only way that we will reap the full benefit and value of the levy that is being taken from our large employers in Northern Ireland.

An estimated return in the region of £42 million, if directed and targeted at the areas where it should go for apprentice training, should make an immense difference in the workplace and to unemployment levels. It is imperative that each of us does what we can to ensure that the money returned is directed at the purposes for which it is intended. If it is directed in that way, we will reap the benefits.

Dr Farry: I thank the Chair and the Deputy Chair for their contributions. I anticipate the support of the House for the LCM.

I will respond to the comments collectively. The Chair and the Deputy Chair reflected on the necessity that we have a clear line of sight of the revenue that is generated in Northern Ireland by local companies, how it will feed into our approach of ensuring that we receive the full return of that money so that it can be reinvested in Northern Ireland and associated issues in relation to the flow of resources. Without that, we will be operating potentially blind, and our ability to hold the Westminster Government to account on what is our due will be severely curtailed. I welcome the appreciation of the necessity to have this in place as a lever to ensure that we have transparency in this matter.

The Chair and the Deputy Chair have alluded to the wider policy and financial implications that

flow from this, and I think that we are very much at one in this regard. While, today, we have the opportunity to pass what is in essence a technical matter regarding information transparency and information flow, there are some very important issues that we will have to address as an Executive and, indeed, as an Assembly over the coming 12 months until the point when the levy goes live in April 2017. I do have deep concerns about the levy and its implications for Northern Ireland. These concerns are shared by my counterparts in Scotland and Wales. Indeed, we have met and discussed this on a number of occasions and also have met collectively with the Department for Business, Innovation and Skills, as have my officials and those Departments' respective officials, to express our concerns.

This is essentially a tax on employment, and, on the one hand, at a time when we are on the brink of having a greater degree of incentive through a lower rate of corporation tax, at the same time, that incentive is being blunted by this levy. It also will work as a bit of a blunt instrument for different companies that may be in different places with training. For example, we have had the recent news that Bombardier is not well placed to engage in training, given what is obviously happening with its current situation globally. Elsewhere in the UK there may well be other businesses that are in difficult economic times — for example, the oil and gas sector — and which may not be interested in training at this time and which pay this levy nonetheless. There are major issues at a UK level about the wisdom of this policy, but there is also the potential for this to walk across the devolution settlement with our own discretion on how we set our own skills and training policies locally and the distortion that will flow in that regard.

Mr Flanagan: I thank the Minister for giving way, and I have no difficulty in supporting this request for information sharing, but I have two short questions. First, he said that this is a tax on employment. Does he have any sort of a headline figure as to what the scale of the financial implications of this will be for local employers? Secondly, can he give some information on how this information will be used? For example, if this information shows that there is less money coming back here through this levy than is being paid out by employers, what scope will there be for the Department for the Economy or any other statutory authority to challenge that or to seek additional investment?

Dr Farry: I welcome the Member's intervention. To answer the second point, there are

procedures in place between the UK Government and the three devolved Administrations around addressing issues where there is, shall we say, default on either policy issues or, indeed, financial issues. It is in that respect that it is so important that we have this clear line of sight on the revenue that is being raised in Northern Ireland, to make sure that we can properly police it. It is our hope that the transfer back to Northern Ireland will be through the Barnett formula, and the figures that Members are talking about may well be the ultimate figure. It could potentially be slightly higher. That will come back into the central pot, and, quite rightly, the Chair and Deputy Chair have commented on the importance of this money being redirected back into supporting skills and, specifically, apprenticeships and other forms of training. At the very least, given that local companies will be paying this, I think that there will be an expectation from the business community that it will see that money recycled by the Executive into those types of provisions. Those are all issues that still need to be addressed, of course, by the incoming Executive after the election, but, if there is a strong consensus across the political parties that that is the way to go, I am sure that that will be the course of action that the Executive will take in due course.

In response to the Chair and Deputy Chair, work is ongoing in relation to ensuring that Northern Ireland's interests are taken into account in decisions in this regard. Beyond my own and my officials' engagement with our counterparts in Scotland and Wales and also with BIS, the First Minister and deputy First Minister have written on behalf of the Executive to the Secretary of State for Northern Ireland to ensure that, in wider discussions at Cabinet level, our particular interests are taken into account and, in particular, that concern and consideration is given to ensuring that the proper resourcing returns to Northern Ireland.

12.45 pm

In a similar light, when I speak to the Secretary of State later this afternoon about the matter, I will reinforce the points that have been made and reflect to her the comments made by Members during this debate today. The Department of Finance and Personnel is also making representations to Her Majesty's Treasury — in particular, the Chief Secretary to the Treasury, Greg Hands — about the issue of transparency and the need to ensure that we get what is due to us through Barnett as part of the apprenticeship levy. Those efforts and discussions are continuing, and we will continue

with that right through to the election and beyond.

I reiterate that this is a much wider policy debate today. There is an emerging consensual view in the House about the risks of this approach and the need for mitigating measures. Today, however, we are focusing purely on having a solid foundation for clear transparency around information sharing on what is being generated in relation to the apprenticeship levy. It is very much in our interests as an Administration to ensure that, whatever the future holds, we have a solid foundation based upon the evidence regarding financial matters.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Enterprise Bill dealing with Apprenticeships: Information Sharing as contained in clause 26 of the Bill as amended in Committee Stage in the House of Commons.

Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016

Mr Speaker: The next item of business is a motion to approve a statutory rule.

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

That the draft Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016 be approved.

Schedule 13 to the Pensions Act (Northern Ireland) 2015 provides for the abolition of contracting out of public service pension schemes by way of an amendment to the Pension Schemes (Northern Ireland) Act 1993. The 2015 Act introduces the date of 6 April 2016 for the abolition of contracting out of salary-related schemes. These amendments to primary legislation require a technical change to the Judicial Pensions Regulations (Northern Ireland) 2015 to ensure the continued protection of guaranteed minimum pension benefits for scheme members who were contracted out of the second state earnings related pension scheme between 6 April 1978 and 5 April 1997. The same technical changes are required in respect of all Northern Ireland public service pension schemes.

The draft regulations before the House have been the subject of a targeted consultation. All members of the Northern Ireland judicial pension scheme, as well as representative judicial bodies and associations, were pre-notified of the consultation, which ran from 6 November to 20 November last year. No specific comments were received. The draft regulations have also been subject to an equality screening exercise, and no equality issues were identified.

On 18 February this year, the Justice Committee agreed that it was content with the draft regulations, and it is with its support that I bring forward and commend these regulations to the House.

Mr Ross (The Chairperson of the Committee for Justice): I am pleased to speak very briefly on this motion today on behalf of the Committee for Justice. I see from the number of MLAs in the Chamber that this motion has generated quite a bit of excitement amongst our colleagues.

As the Minister outlined, the statutory rule before us today makes a technical amendment to existing rules for judicial pensions contained in the Judicial Pensions Regulations 2015. It will ensure the protection of increases to guaranteed minimum pension after the abolition of contracting out, following the introduction of the Pensions Act (Northern Ireland) 2015.

In December 2015, the Committee noted the detail of the proposed changes, and, more recently at the meeting on 18 February 2016, it considered the statutory rule itself. At that meeting, the Department advised members that two aspects initially proposed in December — the extension of transitional protection portability to eligible fee-paid judicial office holders and the removal of negligence as a basis for forfeiture and set-off of pension — were not being taken forward due to slippage in the Ministry of Justice's timetable in introducing similar legislation. The Committee also noted that the Examiner of Statutory Rules confirmed in his report, issued on 1 February 2016, that he had no issues to raise with regard to the technical aspects of the rule.

At our meeting on 18 February 2016, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly and, therefore, supports the motion today.

Mr Dickson: I am supportive of the Minister's motion today in respect of judicial pensions. Mr Speaker, for ease of reference, there are two further motions on the agenda that also affect

the Department of Justice, and although they are not connected to this one, I will save time by saying now that I will be supporting each of them.

Mr Speaker: Thank you very much.

Mr Ford: As usual, I welcome the support from the vast number of Members who spoke and, indeed, from the huge crowds who are here. I suspect that Mark Carruthers and the entire BBC 'Stormont Today' team are hunched over their laptops watching their screens in the basement, desperate to know which of the three issues they will particularly highlight.

Actually, this is a serious issue, and I genuinely thank the Committee again for the work that it puts into scrutinising such legislation. I commend the motion to the House.

Mr Speaker: I cannot put the Question, as we are not quorate. I ask the Clerk to ring the Division Bells. That will spoil lunch.

Notice taken that 10 Members were not present.

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

Upon 10 Members being present —

Question put and agreed to.

Resolved:

That the draft Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016 be approved.

Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016

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

That the draft Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 be approved.

I will try to keep going for as long as the quorum is here.

The aim of the draft regulations is to increase public protection against the risk of violent reoffending. The Justice Act 2015 contains the

primary legislation for the introduction of violent offences prevention orders (VOPOs) and includes a power to make regulations prescribing the information to be notified to the police by an offender made subject to an order. The draft regulations that I propose are being made under that statutory power.

As part of the new provisions, a violent offender made subject to a court order will be required to notify certain personal details to the police in the same manner as is already required for sex offenders. The draft regulations set out in detail the information that will be required in addition to the standard material required by provisions of the Act.

Those made subject to one of the new orders will be required to provide certain basic personal information to police, such as their name, date of birth, National Insurance number and home address. Such information assists in the prevention and investigation of crime and in protecting the public from the risk of further offending. The primary provisions in the Justice Act require that the information provided at initial notification must be updated by the offender periodically — normally annually — or when any changes occur. Failure to comply with the requirements is a criminal offence punishable by a maximum penalty of five years' imprisonment.

The draft regulations will require an offender who has no fixed abode or regular address to notify the police every week so that they can confirm a place where they can be found. That will help the police to monitor individuals better in those circumstances. The regulations will require an offender to notify the police if they have resided or stayed for 12 hours or more at an address where there is a child under the age of 18. That will help ensure that there is a focus on child protection. Offenders will also have to give information to the police about any bank accounts or credit and debit cards held by them alone or with another person for private and business purposes. Passport details and other forms of ID will also be required. Finally, the regulations set out the information to be provided on travel outside the United Kingdom. Offenders must notify all travel outside the United Kingdom, except when they travel to the Republic of Ireland, where they must notify when they intend to travel for a period of three or more days. That less onerous requirement on cross-border travel is a practical necessity for those who routinely cross the border.

The concept of notification is, of course, familiar to many. It has long been the case that sex offenders have had to notify, and the

arrangements mirror that regime with one difference. Sex offenders are required to notify as a result of a conviction for a sexual offence, and the length of their notification period is tied to the severity of the sentence. In the case of violent offenders, the notification requirements are attached only to offenders who have been made subject to a violent offences prevention order, and the requirements will last only as long as the order is in place.

That difference illustrates the much wider spectrum of violent offending and the need to concentrate risk management efforts where they are most needed.

The draft regulations are a further step towards the Department's continuing commitment to increase public protection and enhance confidence in the justice system's ability to deliver on that aim. The police and probation service support these notification measures, which they believe will assist them in managing the risk of violent reoffending. I am confident that the regulations that we are debating today will help them in those efforts.

I again thank the members of the Justice Committee for their work in scrutinising the regulations. It is with their support that I bring the regulations before the House and commend them to Members.

Mr Ross (The Chairperson of the Committee for Justice): I will endeavour to be brief and will not rehearse the detail of the proposed statutory rule. However, I wish to remind Members of the Committee's consideration of the violent offences prevention orders during the deliberations on the Justice Bill during the last Assembly session. At that point, the Committee agreed that it was content with the policy intent in the Justice Bill to introduce VOPOs as an important tool to assist the criminal justice agencies in the management of risk from violent offending. The Committee acknowledged the benefit of the use of VOPOs as a preventative measure that would benefit both the offender, by helping to prevent the committal of further offences, and those affected by crime, by reducing the risk and the fear of crime.

As part of its consideration of the VOPO provisions, the Committee considered and was content with the information that an offender must provide to police when they first make a notification and the timescale within which they were required to provide that information. The Committee was also content with the delegated powers to allow the Department the flexibility to impose further notification requirements by

order on the offender as might be considered appropriate at a future stage. It is those further notification requirements that are being considered by the Assembly today. The Department advised the Committee of its intention to bring forward further notification requirements in June 2015, and, after considering the detail of the additional notification requirements, the Committee agreed that it was content with the proposal at its meeting on 2 July 2015.

The Committee considered the statutory rule, which is required to bring the additional notification requirements into effect, at its meeting on 25 February 2016 and noted that the Examiner of Statutory Rules had confirmed that he had no issues to raise with regard to the technical aspects of the rule. The Committee agreed to recommend to the Assembly that the rule be approved, and, therefore, I support the motion proposed by the Minister today.

Mr Ford: As is customary at this point on secondary legislation, I thank all Members who have contributed and the vast array of Members who have shown their interest by being present in the House. I commend the regulations and ask Members to support the motion.

Question put and agreed to.

Resolved:

That the draft Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 be approved.

Civil Legal Services (Scope) Regulations (Northern Ireland) 2016

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

That the draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 be approved.

The draft statutory rule is made under article 12(6) of the Access to Justice (Northern Ireland) Order 2003. Members will recall that, last year, I brought forward legislative amendments to introduce civil legal services under the 2003 Order. The effect of those changes was to move the legislation governing civil legal aid from statutes dating back to 1981 to a more modern statutory framework. In bringing forward what was a comprehensive suite of legislative changes, a number of

technical errors occurred. The draft statutory rule before the House rectifies that oversight.

I will provide clarity for Members. In April 2015, the provisions in articles 10 to 20A of the 2003 Order were commenced, replacing all the legal advice and assistance and civil legal aid legislative provisions from the previous framework provided under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981. In drafting the instruments, it became apparent that representation for certain proceedings previously provided for was not provided for in article 12(5) of or schedule 2 to the 2003 Order as a service that may be funded as a civil legal service.

Six classes of proceedings have been identified: proceedings under articles 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989; proceedings under paragraphs 29 or 36 of schedule 8 to the Terrorism Act 2000; proceedings under article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989; proceedings before the Parole Commissioners for Northern Ireland; proceedings before the care tribunal under the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 or the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007; and proceedings under Part XIII A of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995.

1.00 pm

Legal aid was available for eligible applicants for all these proceedings under the 1981 order, and the draft statutory rule before the House replicates that position. In addition, the draft scope regulations will amend schedule 2 to the 2003 order to preclude the availability of civil legal services to any guardian ad litem for the purposes of any proceedings under the Children (Northern Ireland) Order 1995. Again, that change reflects the previous provision made in article 10(5A)(d) of the 1981 order.

These draft regulations, as Members will appreciate as I read them out, are technical and do not make any changes to the eligibility of those applying for legal aid, nor do they change the remuneration payable to legal representatives. They repair lacunae created by a drafting error. I commend the draft statutory rule to the House.

Mr Ross (The Chairperson of the Committee for Justice): This rule mainly contains technical amendments that reinstate certain provisions

that were previously provided for prior to the commencement of the Access to Justice (Northern Ireland) Order 2003 in April 2015. The amendments will restore a range of proceedings not covered under the scope of civil legal services and will bring them back into line with prior legislation.

In November 2015, the Committee noted the detail of the proposals and considered the statutory rule itself more recently at its meeting on 25 February. The Committee noted that the policy intention of the rule is to bring within its scope proceedings in a court of summary jurisdiction relating to declarations of parentage, applications for warrants of further detention and extensions of warrants of further detention. The Examiner of Statutory Rules also confirmed that he has no issues to raise on the technical aspects of the rule. At our meeting on 25 February, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly and, therefore, supports the motion today.

Mr Ford: I do not need to repeat my usual joke. Given that this is probably the last piece of secondary legislation that I will present to the Assembly at any stage, I repeat my genuine thanks to the Committee for the work it does in scrutinising what is a very significant amount of legislation and number of policy proposals that go through the Justice Committee. I am not sure whether those Members who volunteered to be members of the Justice Committee, most notably the Chair and the Deputy Chair, realised quite what they were walking into when they accepted office in it, as it has a significant burden of very serious work to do. It is in that context that very serious attention is given to legislation such as this, and I appreciate very much the work that they have done over a number of pieces of legislation, not just the set of draft regulations that is before us today.

I also note that, given that the Committee Chair has referred on three occasions today, I think, to the work of the Examiner of Statutory Rules, we are coming close to the point when Mr Gordon Nabney will be retiring from that role. We should acknowledge the very significant amount of work he has put in on behalf of DOJ, never mind for the other 11 Departments. I add my thanks to him whilst noting the unanimous support of Members for the proposals that I put forward.

Question put and agreed to.

Resolved:

That the draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 be approved.

Mr Speaker: The Business Committee has arranged to meet around this time. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The sitting was suspended at 1.03 pm.

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

2.00 pm

Oral Answers to Questions

Finance and Personnel

Mr Deputy Speaker (Mr Beggs): I advise Members that questions 2, 5 and 10 have been withdrawn.

Libel Laws: Reform Delay

1. **Ms Hanna** asked the Minister of Finance and Personnel to outline the reasons for the delay to the reform of libel laws. (AQO 9810/11-16)

Mr Storey (The Minister of Finance and Personnel): Unfortunately, the Northern Ireland Law Commission ceased operations in 2015 before it had completed its review of the law of defamation in Northern Ireland. We were able to secure the services of Dr Andrew Scott, who had been undertaking the review on behalf of the commission. However, that break in the handling arrangements has inevitably impacted on the overall timetable, as has the additional work that Dr Scott undertook as a follow-up to the commission's consultation. We are, however, hopeful that Dr Scott's final report will be submitted to the Department by the end of this month.

Ms Hanna: I thank the Minister for his answer. I appreciate that there were delays with the commission and so on, but reform is clearly in the public interest. Indeed, a survey of people with a specific interest in that field found that they overwhelmingly — plus-90% — thought that the law should have been reformed. Will the Minister outline the reasons why the law was not changed through a legislative consent motion in 2012 when it was changed across the water? Were there any reasons why the then Finance and Personnel Minister —

Mr Deputy Speaker (Mr Beggs): The Member has asked her question.

Ms Hanna: — appeared to block that?

Mr Storey: Obviously, there are differing accounts of how the 2013 Act is handled. I believe that it was appropriately handled by the Department. There is nothing to be gained by going over old ground; the important thing is that Northern Ireland will have had the benefit of a thorough and independent review. My predecessor is looking forward not only to having the report but to seeing how Dr Scott's recommendations can be dealt with in due process.

A number of Members in other ways have asked whether the report will be laid before the Assembly. The laying process was triggered by the Law Commission sending a copy of its report to the Department of Justice. If the commission is no longer in existence, that trigger will, unfortunately, no longer occur.

Economic Development Projects

3. **Mr Givan** asked the Minister of Finance and Personnel how councils and the private sector can work in partnership to use financial transactions capital finance for economic development projects outside Belfast. (AQO 9812/11-16)

Mr Storey: I thank the Member for his question. Financial transactions capital (FTC) can be used only for loans to, or equity investment in, a private sector entity. Therefore, it cannot be accessed directly by councils. However, it is possible for councils to work with private sector bodies to utilise FTC. All financial transactions capital allocations require a sponsoring Department. Therefore, any organisation wishing to explore the use of FTC should contact the relevant Department. Alternatively, the Strategic Investment Board will be able to assist.

Once the Northern Ireland investment fund is operational, there will be a separate process for engagement on accessing its funding.

Mr Givan: I thank the Finance Minister for that response. He will be familiar with the Knockmore-Sprucefield link road scheme in my constituency. Is that the type of scheme that the fund could access, with councils and the Department for Regional Development engaging with the private sector to unlock the huge potential that exists in that part of the

constituency? How does the investment fund —

Mr Deputy Speaker (Mr Beggs): The Member has asked his question. Minister.

Mr Givan: Well, I was about to ask the question.

Mr Storey: I thank the Member. I can anticipate what he was going to ask about the investment fund. Let me address the issue about the council and the very particular issue that the Member raises. It is a concern that has been raised across a number of local authorities. There have been a number of engagements with councils on FTC funding, including the possibility of the Arc21 project availing itself of FTC. The project that the Minister — sorry, the Member; maybe that was saying things that are going to happen in the future — refers to is in that category of projects that should be seriously considered. The previous Finance Minister, Simon Hamilton, met SOLACE on that very issue in March last year. In addition, the issue of FTC was raised by council officials in a recent meeting with DFP officials on the investment plan for Europe.

The investment fund will be available for the Executive to deploy available financial transactions capital, and those two elements brought together should give a financial package that gives local authorities some certainty that there will be other streams of finance open to them.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. Has the use of FTC that we have seen in universities been a good use of that money? Is that something that we can focus on in the time ahead? I am thinking in particular of Ulster University and Queen's University, with its new law centre and students' centre.

Mr Storey: It is. The Executive have made a commitment to ensuring that we enhance the facilities of our education providers. That relates not only to capital in our schools but in our further and higher education colleges and our universities. Look at the amount of FTC that is available: the Executive will receive £113 million next year, compared with the £129 million that was available in 2015-16. Obviously, the level of financial transactions capital available to the Executive will decline over the spending review period, with some £54 million available in 2021. While there are many demands on the FTC pot, every opportunity should be taken to utilise what is a valuable

resource and a valuable financial tool that has been given to us. I look forward, as my predecessor did, to ensuring that we maximise the benefits to Northern Ireland and to the project that the Member referred to.

Mr McKinney: In two reasonably recent presentations to separate Committees, the Enterprise Committee was told that there is reasonable expertise within Invest NI on accessing FTC, while the Health Committee was told that it is notoriously difficult, despite the fact that it has set aside £10 million to spend. How can we achieve best practice among civil servants in accessing such funding?

Mr Storey: The Member raises a valid point about how, across the piece, we need to ensure that the various Departments are working with the same objectives and views. Obviously, FTC is ring-fenced by the Treasury and must be used to provide loan or equity investment to private sector entities. However, as I said in response to the substantive question, if there is a third party that can be utilised, that will open the opportunity to maximise that amount of money.

I am certainly keen to ensure that Departments continue to work together, not only on this issue but across the piece. Whether it is this particular funding or other schemes that we have introduced during this mandate, the bottom line for me, as Finance Minister, is that we utilise and maximise the total amount of money that is available to Northern Ireland plc and that those funds are used to their full potential, whether it is the Department of Health, the Department with responsibility for transport or whatever. None of us wants to be in the position where the money available to us is not spent in the best possible way.

Mr Patterson: I thank the Minister for his responses thus far. The Budget anticipates some £55 million financial transactions capital being available in 2016-17 for the Northern Ireland investment fund. Will that figure be increased by the year-end carry-forward, and is it clear that the fund can be used for economic development projects?

Mr Storey: We want to ensure that we can increase the amount of money that is available. In outlining the overall profile of the amount of money, I said that, this year, we will receive £113 million of FTC, compared with the £129 million that was available in 2015-16.

There will certainly be a particular pressure that is always the case in relation to the financial structures that we have. As to whether the money can be used for the purposes that the Member has indicated, I want to see the money utilised in the best possible way across a wide range of services, so that — as I have said to the Member previously — we maximise and utilise this financial resource to the benefit of Northern Ireland plc.

Community Finance Fund: Criteria

4. **Mr A Maginness** asked the Minister of Finance and Personnel what criteria will be used to determine the allocation of money from the Northern Ireland community finance fund to community groups. (AQO 9813/11-16)

Mr Storey: I thank the Member for his question. As required under the Dormant Bank and Building Society Accounts Act 2008, my Department will now direct the Big Lottery Fund to develop a strategic plan for the utilisation of the fund in Northern Ireland. That strategic plan will be laid before the Assembly and will include details of how the fund will operate, including criteria for accessing it.

The community finance fund will provide a unique and innovative funding opportunity for social investment in Northern Ireland. It will help to improve access to finance for a range of organisations across the third sector, such as social enterprises and church and smaller community-based groups. The third sector plays a vital role in Northern Ireland, but its development and growth has been constrained by a lack of affordable finance. The fund will enable such organisations to make further investment in their activities, grow their organisations and become self-sustaining through the availability of finance. Access to that financial support will help to increase their revenue and resources and, I trust, enhance the level of social benefit that they deliver to their communities.

Mr A Maginness: I thank the Minister for his detailed reply. It is an exciting opportunity for those in the third sector, particularly social and church groups. On the issue of criteria, will there be an opportunity for assistance to be given to encourage recipients or beneficiaries to establish themselves as mutuals or, indeed, as cooperatives?

Mr Storey: I thank the Member for his question. It is an interesting concept. One of the purposes that we want to achieve with the fund — this has caused some discussion — relates

to the fact that, in most cases, funds are allocated on the basis of grants. We have tried to say that, as an incentive and as a way of getting the balance right so that we encourage the long-term sustainability of groups, we would have a combination of grants and loans. Where that would take an organisation and how it would develop over time needs to be given thought and consideration. Obviously, we are in the stages of going out to appoint a third party to deliver the fund, and I want to ensure that we have given the maximum opportunity to a wide variety of organisations, some of which feel that the current access to funding streams is too bureaucratic, prohibitive and creates some difficulties for them. The Member raises a valid point, which I will give more consideration to, as we try to progress this.

Members will want to know when the fund will be up and operational. I have already had numerous correspondences, even to my constituency office, in relation to that. I trust that it will be in September/October of this year.

Mr McKay: Go raibh maith agat. The Minister has touched on the fact that there are potential barriers in the process. How does he intend to ensure that small community organisations — the micro-community groups in rural constituencies like ours — will be able to access the funding and that it will not only be the organisations that are good at filling out the application forms for it?

2.15 pm

Mr Storey: That all comes down to the way in which we structure and operate the fund. You can make a fund simple and straightforward or bureaucratic and challenging. I want the former, not the latter. As I said in answer to the original question, we have directed the Big Lottery to develop the strategic plan for the utilisation of the fund in Northern Ireland. That strategic plan will be laid before the Assembly. I trust that that will give some assurance, particularly when we see the detail of how the fund will operate, including the criteria for accessing it. I have made it clear that I want the criteria to be simple and to give us what is desired. The community groups and organisations in a rural setting that the Member referred to — it is not just a rural issue but one right across the piece — should have confidence in the process being fit for purpose and streamlined so that they can access the fund to benefit their community.

Mr Dunne: The issue of community groups has been well covered. I am sure that the Minister

is well aware of the interest that there is in the fund throughout Northern Ireland. Can he identify how ease of access will increase the ability of such groups to get the funding and to do things for which no other funds would be available?

Mr Storey: I answered that in my response to the Member who asked the previous question. It will come down to the criteria that we establish and how the third party running the fund focuses on its delivery. It is frustrating for many organisations, and I know well from working with organisations in my constituency how challenging the funding regime can be. Various organisations have been established to assist with accessing funding. I want the community to have confidence in the fund. Let us remember: this is over £7 million. Northern Ireland has become the beneficiary of it as a result of the legislation passed in the House of Commons. I now want to see progress being made and the fund being opened. I want, at all costs, organisations, particularly those that have felt on the margins of some funding regimes, to be at the centre and become beneficiaries.

Mr Kennedy: The fund could also be beneficial to Church groups that do not avail themselves of lottery funding. Will there be any priority in the criteria for such faith groups?

Mr Storey: I thank the Member for his question. I concur with the concern that he raises. We all know from our constituencies that some faith-based organisations have difficulties — rightly so, from their perspective — with accessing and utilising funds emanating from the lottery. However, I have been keen to ensure that, as an element of the process and a core component of the fund, faith-based and Church organisations and smaller community groups will be able to access it more easily and with more confidence that they will benefit. It is difficult to give them absolute priority in the way in which the fund is established; however, in the guidance, as well as in the way in which the fund is established, the third party delivering the funding will be made aware that emphasis and serious thought needs to be given to such groups because of the financial deficits that many of them have, as a result of not having had, from their perspective, the same opportunity to access funding in the past.

PSNI Equal Pay

6. **Mr Frew** asked the Minister of Finance and Personnel for an update on the issue of PSNI equal pay. (AQO 9815/11-16)

Mr Storey: I thank the Member for his question. This issue cannot be resolved by the Department of Finance and Personnel acting alone and will require Executive consideration. I have circulated a second version of the Executive paper to my colleagues. It is now for the Executive to consider the issue and to work together to find a clearly defined solution and budget for this matter.

Mr Frew: I thank the Finance Minister for his answer. Why has the issue taken so long to resolve, and is there any legal liability to the affected staff?

Mr Storey: The matter has been put before Executive colleagues, and I hope that we can find a way forward together. The issue has required careful thought to provide justification for making a payment to staff when there is no legal requirement to do so. As Finance Minister, I have a clear responsibility to be careful about expenditure, particularly at a time when budgets are challenged across all Departments.

The Member asked whether there is an equal pay legal liability. It has been proven in court that there is no legal liability to these staff. As the Member will be aware, NIPSA took the legal action on behalf of the PSNI and NIO staff who were seeking to have the terms of the equal pay settlement apply to them. The case was lost in court on all points, so there is no legal obligation on the Northern Ireland Civil Service to make payments to these staff. However, my predecessor, Minister Hamilton, put forward an Executive paper on the issue because he wanted to find a way to recognise the feelings of these staff and, if at all possible, to find out whether a resolution was achievable.

Mr Allister: The Minister refers to a "second version". I take it that that is a second version of Minister Hamilton's paper, which dates back almost two years to June 2014. Will this paper, unlike its predecessor, ever get to the Executive, has it already been approved for discussion, and does it include a proposal that would recompense these individuals?

Mr Storey: You would not bring a proposal to the Executive that was not going to try to address the issue. It is now a matter of Executive colleagues making a decision on the issue, and it will have to be determined in that way. As I said to my colleague, the matter has been put before the Executive, and I hope that, together, we can find a resolution to this long-standing problem.

EU Funding

7. **Mr Murphy** asked the Minister of Finance and Personnel to outline the total value of EU funding secured through the Special EU Programmes Body since 2007. (AQO 9816/11-16)

Mr Storey: I thank the Member for his question. Since 2007, EU funding totalling £676 million has been secured for the 2007-2013 Peace III and INTERREG Va programmes and the 2014-2020 Peace IV and INTERREG Va programmes, for delivery by the Special EU Programmes Body, which is the managing authority for the EU Peace and INTERREG programmes. Funding under these programmes is secured by the Northern Ireland Executive, the Irish Government and, for INTERREG, the Scottish Government.

European funding is allocated in euros, and this answer assumes an exchange rate of 1.31. That is a fluctuating situation, but I trust that that gives the context to answer the Member's question.

Mr Murphy: I thank the Minister for his answer. I am sure that he will agree that that almost £700 million is a remarkable amount of money. It has been spent here and in the border counties on this programme alone and does not include other EU funding that is available to the Executive. The Peace funding has clearly been designed to help a society coming out of conflict and to address our infrastructure deficit in the border areas.

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question, please?

Mr Murphy: Will the Minister offer suggestions as to how such funding would be achieved in the future if his party's wish to leave the European Union comes to pass in June?

Mr Storey: Obviously, that would be from the Treasury, given that we are a net beneficiary as part of the United Kingdom. As the Finance Minister in Northern Ireland, I would not have the finances were it not for the way in which, as part of the United Kingdom, we are a region that receives a substantial amount of funding from Her Majesty's Treasury.

However, the Member wants to draw us into the debate on what will happen post the referendum. I have made it very clear that the debate that leads us up to and during the referendum needs to be on the basis of facts. It has to be on the basis of figures. One figure

that those parties suggesting that we stay within the European Union have to deal with is the £20 billion that goes every year to its coffers. The European Union is an organisation that has a bloated bureaucracy; an organisation that cannot secure our borders; and an organisation that cannot resist meddling in our courts' decisions. I think that, for those and many other reasons, let alone the financial reasons, a case is being made to ensure that our money is best spent in Northern Ireland for the benefit of our fisheries, for the benefit of our farmers and for the benefit of our communities.

Mr I McCrea: Given that the Secretary of State has said that Northern Ireland farmers would no doubt benefit from being outside the European Union, I am not so sure that it is necessarily a bad thing. The Member who asked the question talked about European funding, so will the Minister give us some detail of the Peace IV programme and the areas it is targeted at?

Mr Storey: Obviously, Peace IV is an important element of the existing arrangements that we have. Let us be very clear about this: we will take whatever money we possibly can to maximise it for the benefit of Northern Ireland. Whatever the outcome of the referendum, we will still ensure that we do the best for Northern Ireland. We have only to look at some of the projects that benefited as a result of previous Peace money: the Skainos Centre in east Belfast; the Peace Bridge in Londonderry; and the shared process and community engagement (SPACE) project, including the people's park, in Portadown. We could go down a list of other projects.

The current round of funding for Peace IV has a total value of £206 million and has match funding. So we have a programme with somewhere in the region of £400 million. Now that we have the call open for the new Peace funding — INTERREG Va has been open for almost a year — I want to see organisations right across the piece making applications that can stand scrutiny and pass the test so that we can build upon the good successful projects and, as I said, maximise the money that has come, albeit that we might like to have more money in the future. That is a debate, I believe, for when we know the outcome of the referendum.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Mo bhúiochas leis an Aire. I thank the Minister for his answer. I am not sure about his possibly ill-founded faith in the Tories to deliver enhancements to Northern Ireland. The only precedent we have is welfare

reform, and that did not work out particularly well. Has his Department carried out any audit of the potential implications of Brexit, negative or otherwise, specifically for Northern Ireland? I think that faith in the Tories to deliver post Brexit to Northern Ireland is pretty much ill-founded, as I said, and grounded in a situation —

Mr Deputy Speaker (Mr Beggs): The Member has asked his question.

Mr McGlone: — where the shires would benefit much more than Northern Ireland.

Mr Storey: Whatever the debate will be — I have repeated this, and I will say it again — it has to be based on facts and figures.

2.30 pm

I hear Members who are always asking for more information, but all of the information necessary to make a judgement is out there, irrespective of the Government of the day, whether it is Conservative, or the Member's colleagues in the Labour Party, which we know spent money so well that it almost bust the Treasury. I think that the Member would do better to have a conversation with his colleagues in the Labour Party, who got us into a financial mess that the Conservative Party had to try and resolve. However, the issue that still needs to be resolved is for the Treasury, because it will have more money; money that will not go to Brussels but will come to Belfast, Ballymoney and other parts of the United Kingdom. Now that I have started that, I will have to go round every Member's constituency to keep them all happy. It is a matter of urgency and importance, and I share the fears and concerns that people have, but we have to ensure that the debate is based on the facts and figures, not fear.

Mr Deputy Speaker (Mr Beggs): That is the end of our period for listed Questions. We now move on to Topical Questions. The Members listed for Questions 1 and 2 have withdrawn their names.

Taxes: NI Household Average

T3. **Mr Hilditch** asked the Minister of Finance and Personnel how much the average Northern Ireland household pays in taxes and how that compares with other regions of the United Kingdom. (AQT 3623/11-16)

Mr Storey: I thank the Member for his question. In a sense, it follows on from what the previous Member was trying to ask — are we better off with our own devolved administration? I think the answer to that is yes. In this House, we talk about how we deliver for our constituents, but when you look at the comparators — and this is for real households in Northern Ireland — the average household bill in Scotland is £1,337; it is £1,465 in England; it is £1,550 in Wales; and it is £840 in Northern Ireland. That is because of decisions taken by this Executive; it is because my party is a party of low taxation, and we believe that that reflects the way that we have endeavoured to protect households from a burdensome rate process.

Mr Hilditch: I thank the Minister for his answer. Further to that, will he give a commitment that the DUP has no plans to remove industrial derating?

Mr Storey: Yes, and it is a pleasure for me to have had the opportunity to fulfil the role of Minister of Finance in this mandate. I will repeat this, so that there is no equivocation on it: we have no intention of removing industrial derating. During 2015-16, a total of 4,443 properties benefited from industrial derating and, as of 31 January 2016, a total of £59,803,965 had been allocated for 2015-16. I think that that, along with the small business rate relief, the empty property relief scheme and the extension of the ATM scheme all indicate that we have been business-focused, business-centred and about ensuring that we deliver for our constituents.

Greenways: Investment

T4. **Mr Newton** asked the Minister of Finance and Personnel whether he recognises that the Connswater greenway has been a huge success, which reflects the quality of the investment in it, and whether he will consider the Comber greenway as an investment opportunity that will contribute not only to the economy but to the health of the people of Northern Ireland. (AQT 3624/11-16)

Mr Storey: I thank the Member. I am almost tempted to ask him whether he is saying that we should all get on our bikes.

The greenways have been developed in ways that are to the credit of all who have been involved. Recently, I had the opportunity to meet Sustrans about some of those issues, because I value the greenways and believe that they have brought not only huge economic benefits but huge health benefits to those who

have used them. I believe that their extension and continuation are things that need to be given serious thought. There has been financial assistance for some of them. I think that that needs to be given further thought so that we can extend them in a way that benefits the communities that use them.

Mr Newton: I thank the Minister for those very encouraging words. I know that work has been done by the Minister for Social Development, but, at the end of this mandate, will the Minister encourage this type of work and project to be part of the legacy that will go into the next mandate?

Mr Storey: Yes. When we look across Northern Ireland, we can see many examples of projects that have made an immense contribution to the lives of our citizens. All too often, we focus upon the negatives, but, when you look at the greenways, you see how communities and families have been able to get out and exercise. Those are clear examples of capital projects delivered in conjunction with community organisations and such organisations as Sustrans. I believe that they should play an important role as we develop the Programme for Government and as the new Departments, such as the Department for Communities and the Department for Infrastructure, come into existence alongside my Department, the Department of Finance.

Rate Relief: Town Centre Businesses

T5. **Mr Ó hOisín** asked the Minister of Finance and Personnel whether he will introduce proposals for rate relief for businesses in town centres where significant public works are taking place. (AQT 3625/11-16)

Mr Storey: Obviously, the Member will know that we have just concluded a review of the rates process. I think that a very good exchange has been held across the piece. I know of public meetings that were held, and I have seen engagements. At the moment, we are working our way through the responses to those. I am conscious of the difficulties that arise, particularly when schemes come into town centres.

In my previous role as Minister for Social Development, I was keenly aware that traders raised concerns about public realm works. All of this has to be given consideration. Currently, there is no compensation process for businesses when there is a process like that in their area. However, every effort is made to

ensure that work between the contractor and the local businesses is done in such a way that minimises disruption until we, ultimately, get to the endgame, which is the enhancement of our town and city centres.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for his answer. The Minister will be aware that when public works continue over a prolonged period in the likes of Limavady, or elsewhere, many businesses feel that it is unfair that they have to pay full rates during that time, when they have no chance to earn enough profit to do so.

Mr Storey: The Member raises a valid point. My challenge in having overall responsibility for rate collection is ensuring that whatever we do is fair and balanced. Pigeon clubs and all sorts of things have been raised during the debates in the Chamber. Everybody wants to have an exemption; depending on the nature of their business, everybody wants to have some relief. I can well understand that. The difficulty and challenge that face us with exemptions is where you then collect the resources from, because we want to be able to improve our public services, and we want to be able to improve the way in which we spend money on our health service and infrastructure.

It is a point well made. The issue will be given consideration now that we have completed the formal consultation process. I trust that in that work of looking at the responses, that issue and many others will be given serious thought and consideration.

Charity Shops: Rates Exemption

T6. **Mr Lunn** asked the Minister of Finance and Personnel the question listed at number 12 in questions for oral answer, which concerned the impact of the removal of the rates exemption for charity shops. (AQT 3626/11-16)

Mr Storey: I thank the Member for his question. Obviously, as he is aware and as I have mentioned, the review of the non-domestic rating system is now complete. We are looking at and going through the consultation responses. The treatment of charity shops was an issue that various business organisations, district councils and many others commented on during the rating consultation. In fact, I have had a couple of meetings about it. I am well aware of the sensitivities on the issue. What I have said is that there will be no change to the current situation in this mandate. It will be for a

new Executive to determine the outcome of that issue as well as the issue that was raised by the previous Member who spoke, to which I have referred.

I want to emphasise that it is a sensitive issue. I would be unfaithful to some of the comments that were made in the consultation if I did not say that some local businesses — some in my constituency — raised the issue and asked why those organisations, even though they carry out an immense job and do a very good job for their charities, should be exempt when the local businesses have to pay either, in most cases, full rates or rates under some of the rate relief schemes that have been mentioned. It is on the radar. I have already spoken to a number of them on the issue. I had a meeting with NICVA and representatives from the charity organisations just last week. I am well aware of the issue. It will be dealt with with the sensitivity that I believe it deserves.

Mr Lunn: I thank the Minister for his very complete answer. Without wishing to pre-empt the outcome of the review, would he agree that, given the present state of city centre retail areas, charity shops perform a very useful service, even perhaps just by being there, and that the outlook and appearance of city centres would be much reduced if they were not there — if they had to close because they were being rated?

Mr Storey: I think that there is no doubt. When I was Minister for Social Development, I, along with the Enterprise, Trade and Investment Minister, met the then Finance Minister, and collectively we had a discussion. I think that those discussions need to continue because we are facing a challenge on the high street. We have seen some good news about what has been happening with occupancy in our capital city. Some of that is a positive sign. However, I am well aware from my constituency of the challenges that a town such as Ballymoney faces when the owner of a family business decides to retire and may, for a variety of reasons, be unable to find someone to take on their business. The closure of any retail property on the high street is to be regretted.

However, I go back to the point that we need to ask whether, for example, the money for the small business rate relief scheme would not be better spent in a different way. We need to find answers to those questions. Over the time that I am here, I am committed to endeavouring to ensure that, whatever the end result, it is fair and in no way hinders progress in town and city centres but adds to it, encourages more

investment and brings vibrancy to town and city centres, which I believe we all want to see.

2.45 pm

NAMA: NI Portfolio Sale

T7. **Mrs McKevitt** asked the Minister of Finance and Personnel, after thanking him and telling him that he has done a great job during his short time in office, whether, following recent revelations about NAMA, he will make a recommendation to the incoming Finance Minister in the Irish Government to establish an independent inquiry into the sale of the Northern Ireland portfolio. (AQT 3627/11-16)

Mr Storey: I think my colleague said if only we knew who the next Finance Minister was going to be.

Mr Hamilton: We need d'Hondt.

Mr Storey: Yes — we would maybe then be in a better position to know who we are going to have those discussions with.

It is a sensitive issue that needs to be dealt with in a proper way. I have ensured that, as far as we are concerned, everything is done in a way that is proper and right. That is my responsibility as Finance Minister, and I am quite happy to ensure that, whether it is me or any other subsequent Finance Minister, we are there for one purpose and one purpose only, and that is to manage the finances of Northern Ireland in the best possible way and to ensure that we maximise the best opportunities for Northern Ireland. What others do and have done is for the process and the system and for everybody to find out how that was either not done correctly or not done in a way that gave confidence to the community and the people of Northern Ireland.

Health, Social Services and Public Safety

Mr Deputy Speaker (Mr Beggs): I advise Members that questions 3, 6 and 9 have been withdrawn.

Health Trusts: Savings

1. **Mr Kennedy** asked the Minister of Health, Social Services and Public Safety why he is unable to outline the savings made by the temporary contingency measures announced

by each health and social care trust in October 2014. (AQO 9824/11-16)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): In response to the significant financial challenges facing my Department in the 2014-15 financial year, the health and social care trusts prepared a range of contingency proposals to help them meet their statutory obligation to deliver financial break-even in that year. The measures proposed by trusts were wide-ranging and reflected the measures that could achieve financial savings in the latter part of 2014-15. My Department monitored the achievement of the overall break-even position rather than tracking the achievement of each individual contingency plan proposal. It is important to emphasise that overall financial break-even was achieved in 2014-15, and the trusts' contingency proposals played a key role in delivering that outcome.

Mr Kennedy: I thank the Minister for his reply. He has conceded that the motivating factor behind those decisions was to save costs, with, unfortunately, patients and service users being overlooked and ignored. Those decisions were spun as being temporary, but of course many have become permanent. Can the Minister explain how decisions such as the closure of the minor injuries unit in Armagh correspond with and complement departmental policies such as Choose Well and seek to keep people out of emergency departments?

Mr Hamilton: The Member made a very good point at the outset, which I will come back to in the broader context of the best way to make savings or efficiencies. The Member was a member of the Executive in 2014-15, and he will recall the acuity of the situation in respect of public finances at that time because of the issues surrounding welfare reform and not progressing that, and the fines that were starting to impact on what was not my Department then but is my Department now, and what was previously his Department.

In respect of decisions, particularly for the Armagh minor injuries unit, the Member will know that it was a temporary closure. A final decision has not been taken to make that permanent. My understanding from the trust — and these are all decisions that are taken by the trusts, not by the Department, in order to live within their budget in the financial year — was based on many pieces of evidence, but not least the fact that the number of people attending that minor injuries unit in Armagh was only four per hour on average. Some of that

resource has been moved to Craigavon to assist the situation there with the emergency department.

In respect of the overall position about whether it is the best way to make efficiencies, I am on the record since becoming Minister as saying that, when you have a situation where you are making efficiencies or savings on the basis of budgetary pressures, it will sometimes — even though the decisions are probably in the best interests of the community that we seek to serve — give the impression of not being strategic or long-term. That is why I have tried to change the conversation around trying to take a long-term view about the need to reform our services, taking decisions that are in the best interests of the people and patients that our health and social care system is there to serve and to give a clear understanding to people as to why a particular decision is being taken and why that will produce a better outcome for them, because, at the end of the day, the patient is the most important part of our system.

Mr Lyons: I thank the Minister for his answers. Everyone knows how tight the Health Department's budget is and that savings need to be made. That has also included staff pay. Could the Minister outline what he intends to do about the HSC staff pay award for 2016-17? A lot of people are waiting for good news about that.

Mr Hamilton: Hopefully, I will be able to give those who are waiting some good news now. The Assembly will know that I recently announced that I would ask the independent NHS Pay Review Body for a recommendation about a 2016-17 pay award and indicated that I would honour its conclusions. I have now received the Pay Review Body's response. It suggests that certain economic factors particular to Northern Ireland could point towards the option of a nil award and states that it has seen no evidence that large numbers of staff are leaving Northern Ireland because of pay. However, it recommends a 1% increase for all Agenda for Change staff in Northern Ireland in line with the rest of the United Kingdom, and I am happy to confirm that I am accepting its recommendation for a 1% pay award. That will be challenging in tough budgetary times for my Department, but I am clear that it is an appropriate award for our hard-working staff, who, I am sure, will warmly welcome the decision.

Mrs McKeivitt: Can the Minister confirm whether there was cross-trust collaboration on

the cuts to ensure that cutting a service in one trust did not put pressure on another trust?

Mr Hamilton: Obviously, trusts operate as distinct entities. The Member characterises them as "cuts". Some of the contingency measures that were asked about in Mr Kennedy's question were for the 2014-15 financial year, and the total value of those contingency measures was around £16 million. Not all the measures that were suggested by trusts were accepted by the board, for example. Within that £16 million, yes, a few perhaps made the headlines and are the ones that people have focused and concentrated on, but I am sure that everybody in the House will agree that a lot of the savings in there are good ideas for where we should seek to save money. For example, they are around vacancy controls, reducing overtime, reducing the use of agency staff, administration, corporate management fees, locum rates and stopping clinical excellence awards. A lot of the measures that have not, perhaps, been the focus of public or political attention are very good and are what trusts or any part of the public sector should do ordinarily to reduce costs and overheads at a time when we face significant budget pressures. At that time, we were facing significant budget pressures because of welfare reform fines, and the Executive losing £200 million was really beginning to bite, particularly in my Department. I am sure that some of those savings will be welcomed on all sides. Others that perhaps have a more obvious impact on service delivery are understandably controversial in nature, and I expect all trusts to take those decisions and make those recommendations on the basis of the fullness of evidence that they have before them.

GP Review: Update

2. **Ms Sugden** asked the Minister of Health, Social Services and Public Safety for an update on the ongoing review of general practice. (AQO 9825/11-16)

Mr Hamilton: In October last year, I established a working group to review the provision of GP-led care and to make recommendations aimed at ensuring the future sustainability of GP services. That working group has been led by my Department, and its membership includes a patient representative, GP representatives and members of the Health and Social Care Board, health and social care trusts, the Royal College of Nursing and the Allied Health Professions Federation. The group has met regularly since its establishment and has considered a wide range of issues,

including the recruitment and retention of GPs and how best to support the existing GP workforce. The group is finalising its report, and I expect to receive a copy in the next few days. I will, of course, give careful consideration to its findings and recommendations.

I expect the working group's recommendations to build on actions that I have already taken to address the challenges that GPs face. I recently announced an investment of £1.2 million each year to commission an additional 20 GP training places, starting in 2016-17. That is the largest investment in GP training for more than 10 years and will increase the number of GP trainees to 85 per year from August 2016. In December, I announced a five-year investment initiative that will put close to 300 pharmacists in GP practices by 2021, easing pressures on GPs and ensuring that patients continue to receive a high-quality service. In addition, as part of an investment package of up to £5.1 million in 2015-16, new schemes have been introduced aimed at encouraging GPs who have left practice in Northern Ireland to return and supporting the existing GP workforce to remain in practice. Those actions are helping to ensure that the people of Northern Ireland continue to have timely access to sustainable, high-quality, GP-led primary care services.

Ms Sugden: I appreciate the Minister's response. I recently met doctors from general practice who told me that they were at breaking point because they felt that their resources were so tightly squeezed. One of the biggest pressures is GPs taking on responsibilities that have never been theirs, such as interpreting results from consultants or even filling in DLA forms —

Mr Deputy Speaker (Mr Beggs): I ask the Member to come to her question, please.

Ms Sugden: How does the Minister intend to move forward after the report to support GPs so that their workload is not as significant?

Mr Hamilton: One issue in particular that the Member raised is not something that the Department or the board will ask GPs to do in the system. It is a matter for them to take on board themselves. Sometimes we forget that they are independent contractors, as opposed to people working directly for health trusts, the board or the Department. I accept that it is a profession that is under pressure. You just have to look at the increase in consultations. In 2008-09, there were 10.2 million consultations in Northern Ireland: that rose to 12.7 million in

2013-14, which was an increase of around a quarter. Clearly, that will put pressure on a GP workforce that is exceptionally good but is ageing, and those pressures are not helping to retain people in the system.

I acknowledge the pressures. That is why a package of measures has been put in place to deal with the pressures that GPs face. I, too, have met individual GPs. I have met the Royal College of General Practitioners and the British Medical Association. On top of the funding package of around £10 million that was put in place in April last year for a GP modernisation fund, some investment in skills and some investment in developing GP federations, we have made the biggest investment in 10 years, as I noted, by increasing GP training places to deal with GPs leaving and not being able to retain them. The working group itself is a response to a call from that sector for short-, medium- and long-term recommendations. The GP pharmacist initiative is something that GPs have called for.

Yes, there is a problem. We accept and acknowledge that, but we are not sitting back doing nothing. We are coming forward with a range of measures, many of which owe their origins to the profession suggesting them and the Department positively responding.

Mrs Cameron: We understand the pressures that GPs are under, and the Minister has mentioned the pharmacists in GP practices initiative. Can he outline some of the benefits of that initiative?

Mr Hamilton: It is something that I was pleased to announce towards the tail end of last year. As I mentioned in response to Ms Sugden, it was something that we had been working with GPs on. They suggested the idea, we piloted a scheme, and I was able to see a pilot scheme at the Arches practice at the bottom of the Hollywood Road in Belfast.

We have been announcing a five-year investment that will start off quite small. There will be £2.6 million in the next financial year, rising to £14 million by 2020-21. Over five years, that will allow us to ramp up the number of pharmacists working alongside GP practices. Some will be full-time and some part-time. Some will be shared between a couple of practices. In more rural areas, it might be one day in practices over a wider area.

There are benefits in two areas. There will be financial savings. We anticipate that, by 2021, our investment will yield savings of around £16 million, so the scheme will pay for itself. There

are also non-monetary benefits, including better prescribing. GPs will be able to do regular checks on what people are being prescribed and whether it is working for them. The initiative will reduce prescribing costs and increase capacity in GP surgeries. GPs will be able to use the pharmacists to remove some of the pressure that they face. Hopefully, it will also reduce the number of acute admissions. Therefore, a range of benefits, monetary and non-monetary, will be derived from this innovative initiative, which I was very pleased to announce last year.

3.00 pm

Mr Diver: I thank the Minister for his answers to date. Minister, despite listening with interest to the range of measures that you are putting in place to help general practice, in my constituency in the west, we are aware of falling numbers of trainees coming into general practice, and the scheme is undersubscribed year after year. What effect is that having on the strategic goals for GPs in Transforming Your Care, considering that one GP said to me only today that falling numbers make the Transforming Your Care plans impossible?

Mr Hamilton: As I hope I have indicated in the answers that I have given so far, I accept that there are pressures and I acknowledge that there is an issue with general practice. That is why we have been rolling out all the various initiatives and investments that we have been making. I accept that there are some parts of the Province where the problem is particularly acute compared with others. I am not saying, for example, that there are not issues in the Belfast or greater Belfast area, but there is certainly an acuteness of the problem in the west of the Province.

I recently visited not quite the Member's constituency but Fermanagh, along with the First Minister, to hear directly from GPs in that county about the difficulties that they are facing. I accept and acknowledge the problem that they are facing, because the problems about which I responded to Ms Sugden are a little more pronounced in that part of Northern Ireland. The fact that we have a GP workforce where around a quarter are over 55 seems to be a much more pronounced problem in the west of the Province. Where you have many GP practices in the west of the Province that are single or have just two GPs, that adds to the pressures that people are facing.

One of the impacts of one of the initiatives, the £1.2 million investment in more GP training

places, which is the biggest investment of its kind in over a decade, will see 20 more GPs go into training. Four of those GP training places will go into the Western Trust area to help to alleviate some of those problems. Obviously, that will be cumulative over the next number of years as those numbers start to move through the system. There is an issue with retention, which I am keen to address. Without having seen the response of the working group, I will be very surprised if it does not make a recommendation to do something in respect of trying to retain GPs in certain parts of the Province, particularly in the west and the north-west.

Taxis: DHSSPS Spend

4. **Mrs Overend** asked the Minister of Health, Social Services and Public Safety how much his Department and its arm's-length bodies spent on private taxis for patients and staff in 2014-15. (AQO 9827/11-16)

Mr Hamilton: The total amount spent on taxis by my Department and its arm's-length bodies in 2014-15 was £4,878,261. This covers all taxi use, including taxis for patients, social care clients and staff.

Mrs Overend: I thank the Minister for that answer. I am disappointed that it has taken this question during questions for oral answer to get the information from the Minister, as he has repeatedly refused to answer questions for written answer. As waiting times remain terrifying, the Minister's only response is piecemeal funding announcements and pre-election stunts. Does the Minister agree with previous comments from other DUP Members that this spending is totally outrageous?

Mr Hamilton: I am not quite sure what the question was. I am not even sure that the Member actually believes what she said in respect of some of the comments that she made. I do not want to pre-empt the question that is next up from Ms McCorley on waiting times, but I think that the Member should reflect on her slightly churlish comments around pre-election stunts and throwing piecemeal funding at waiting lists.

This is a serious issue, and there are too many people waiting for operations, procedures and tests in Northern Ireland. I am sure that, even if the Member cannot welcome the investment of a further £30 million in tackling waiting lists, many of the 150,000 people who will benefit from the £70 million that will be invested this calendar year will welcome the investment that

has been made, which will ensure that they get the treatments, procedures and operations that they require.

The issue of taxi funding sometimes comes to the fore and gets a bit of concentration because it seems so very different from what is core business in a Department like mine. It is worth reflecting that the total expenditure of about £4.8 million last year is 0.1% of the total budget.

Using taxis provides a flexible and reliable service for the system, and it supplements our transportation fleet right across the health and social care system. Perhaps the Member would reflect on some of the uses of taxis. I think that sometimes the impression given is of people swanning about all over the country using these taxis, but they are used only in specific circumstances. There are strict guidelines on when they should be used. The sorts of things they are used for include providing safe transportation for children in care, transporting adult mental health outpatients, taking people to and from day centres, taking people to and from renal dialysis and taking social work staff to ensure that they can escort patients when they are going to hospital.

So, yes, it has the appearance of a large figure, but it is not, in the context of the overall budget, and it is being well used.

Mr Deputy Speaker (Mr Beggs): The Minister's two minutes are up.

Mr Middleton: I thank the Minister for his answers so far. Can he give us an indication of how expenditure over this term on the use of taxis compares with the expenditure during the last Assembly term?

Mr Hamilton: I am very happy to provide an update. I was not able to find the time to provide that to Mrs Overend, who was, I think, critical about the level of expenditure on taxis. I cannot remember what she exactly said, but she was certainly critical. The interesting point that the Member will, I am sure, appreciate is that the figures are falling and have been falling in recent years. They have been falling from a high of £5.2 million in 2009-2010. So, the cost was £400,000 higher in 2009-2010 than in the most recent financial year. The Member will remember, even if Mrs Overend has forgotten, who was Minister of Health in 2009-2010. In case anyone needs reminding, it was Michael McGimpsey of the Ulster Unionist Party. Figures rose during his time in office from £4.5

million to that £5.2 million, but they have been falling to a reasonably steady level ever since.

Waiting Lists

5. Ms McCorley asked the Minister of Health, Social Services and Public Safety what measures he will put in place to address waiting lists for consultant-led appointments. (AQO 9828/11-16)

Mr Hamilton: Improving waiting times continues to be one of my key priorities, and the vast majority of additional resources made available by the Executive through November monitoring are going directly towards tackling waiting times. That is expected to benefit around 70,000 patients who would otherwise be waiting for assessments, diagnostics and treatments.

I am pleased to say that delivery of that additional activity is progressing well. Most people will be seen between January and March this year, so the full extent will not become clear until early 2016-17. However, we are now seeing real reductions in the number of people waiting for assessment or treatment. Robust performance management figures are in place. Provisional figures for February this year show that those waiting more than 18 weeks for an outpatient appointment has fallen by 6%, and those waiting longer than 26 weeks for an inpatient day case has fallen by 13%. It is clear that the investments we are directing towards waiting lists are making a difference. Slowly but surely, we are getting to grips with our waiting lists.

On Sunday, I announced the allocation of £30 million of additional funding to continue tackling waiting lists. That additional funding will support up to 25,000 additional assessments and some 12,000 additional treatments across a wide range of specialities, including orthopaedics, gastroenterology, neurology and ENT. Importantly, it will see a £10 million investment in diagnostic services, building capacity to support up to 50,000 additional tests to help meet increasing demands, as well as supporting seven-day services. That further £30 million follows the Executive's earlier allocation of £40 million, and the combined £70 million will ensure in the region of 150,000 extra assessments, tests and procedures. Also, many children awaiting assessments for autism will benefit from the £2 million I recently allocated for that specific area.

It is clear that it will take some time and significant non-recurrent and recurrent

investment to bring waiting lists back to acceptable levels while increasing capacity to meet increasing demand. My commitment to an additional £30 million is an important step to ensuring continued progress.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. It was a very comprehensive answer, and I thank him for that. The statistics are encouraging and show that things are moving in the right direction, but as we know, there is a recurring, growing problem here.

How confident is the Minister that waiting lists will continue to decrease and that we will seriously get to grips with the problem?

Mr Hamilton: The Member is right that we can invest, and we are investing. We should note and welcome the additional investment that I announced in the last number of days, on top of the £40 million that is going in this year. Sometimes, I think that people think that this is the only money going towards addressing waiting lists. It is on top of what might be described as the ordinary activity by our trusts, which ensures that around 600,000 inpatient day cases go on a year and around 1.5 million outpatient consultant-led appointments take place. This is additional to that.

The Member is right to identify that, when you remove somebody, somebody else comes in at the other end of a waiting list. Sometimes, people move from one waiting list to another — from an outpatient list to an inpatient one or via, say, a diagnostic list. There is a constant churn of people coming out at one end of the list and those going on to the list at the other end. This is reflected in the fact that there has been a 14% increase in the number of referrals. Never mind any issues with finance — and those are pertinent issues — there has been a 14% increase in the number of people referred by their GPs or others to hospital for outpatient and other appointments.

We have to keep our focus on continued investment in getting to grips with the problem. I accept and acknowledge that waiting lists are too long in Northern Ireland, and it is one of my key priorities to address that problem. That is why we have been investing the money that we have — the £40 million plus the additional £30 million that will help 150,000 people across Northern Ireland get the tests, procedures, operations and diagnostics that they require.

We need to continue that investment and that is why I am very pleased that my party leader the First Minister has indicated that one of her priorities for the next Assembly term will be health expenditure. I agree wholeheartedly with her when she says that we need to reform our system. We all know that we need to reform our system, but we also need to spend a minimum of £1 billion extra on health over the next five years to ensure that we can get to grips with waiting lists and reform our system.

Mr Deputy Speaker (Mr Beggs): The Minister's time is up.

Mr McKinney: The Minister is right: the lists are too long. In fact, they are longest they have been in 15 years. While I welcome funding, individuals have been on waiting lists because the Minister cut the elective care fund to prevent an A&E crisis. Rather than cutting and then throwing money at the crisis that that provokes, will the Minister outline his long-term plan to deal with demand?

Mr Hamilton: I am sure that the Member will reflect on the factual inaccuracy that I cut investment on waiting lists. The reason why contracts with the independent sector and in-house activity had to be turned down in recent years was as a direct consequence of the fact that the Executive lost £200 million as a result of welfare reform penalties. Those were penalties that his party colleague the Member for West Belfast came into the House — *[Interruption.]* Mr Attwood, the Member for West Belfast came into the House during debates on welfare reform and, when it was put to him that all that money would be lost and that, as a consequence, public services, including health — *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order.

Mr Hamilton: — would suffer, Mr Attwood said that it was a price worth paying — a price worth paying. So, more people on waiting lists as a result were, according to the SDLP, a price worth paying for its position on welfare reform.

I accept that waiting lists are too long. That is why we are trying to address them and why we have put an additional £40 million in this year to be topped up by an additional £30 million next year. That will see 150,000 extra people across Northern Ireland getting the treatments, the procedures, the tests and the appointments they have been waiting for. Whilst I hear a lot of criticism from the Member and his party about waiting lists and various other things, they are very silent when it comes to having an

alternative plan about how to take the health service forward. We are trying to reform our system, but we are trying to deal with issues on the front line by investing that additional £70 million. I want to see that investment continuing, and I want the momentum that we have started continuing into the next year.

Perinatal Mental Health Services

8. **Mr McKay** asked the Minister of Health, Social Services and Public Safety to outline his plans to invest in specialist perinatal mental health services. (AQO 9831/11-16)

Mr Hamilton: An integrated perinatal mental healthcare pathway was published by the Public Health Agency in 2012 and is being updated at present. It provides regional guidance for all healthcare professions who come into contact with pregnant women to ensure that any mental health problems are identified earlier and that women are directed to the appropriate mental health services. For example, midwives can decide on the appropriate care for women who disclose previous mental health problems.

3.15 pm

The Health and Social Care Board has developed outline proposals for the future development of specialist perinatal mental health services in line with NICE guidance CG192, which was endorsed in Northern Ireland in 2015. These proposals include specialist community-based services and a regional mother-and-baby unit. The estimated cost of developing these specialist services is £1.9 million. My Department's detailed financial planning process for 2016-17 is ongoing and will include consideration of a wide range of developments. The funding requirements for the development of specialist perinatal mental health services will be considered alongside a wide range of competing priorities.

RQIA will carry out a review of perinatal mental health services in 2016-17, and the recommendations from that review will inform the future development of this service.

Mr McKay: Go raibh maith agat, a Leas-Cheann Comhairle. I thank the Minister for his answer. I am sure he will be well aware of the many horrific stories relating to this area of health where the mother and child have been separated. That is totally unacceptable, and I agree that we need a regional unit sooner rather than later. I ask the Minister whether he

agrees that this needs to be an absolute priority for the Department in the new Assembly term.

Mr Hamilton: I do. This is an area where our understanding of the extent of the issue is not as clear as it might be in lots of other areas. As the Member will know from his brief time on the Committee, this Department touches upon a huge number of areas. Historically, just as it is with the whole issue of mental health, there is not as much understanding as there might have been around, say, our physical health. This is one particular area of perinatal mental health where our understanding is getting better, but I accept that we have fallen behind others. I welcome and appreciate the work done by people like Lindsay Robinson to highlight this issue and the effect it has on real people in Northern Ireland. So it is something that I am focused on, and there is a review, as I indicated, and I think there is a demand for a small specialist unit in Northern Ireland, which will deal with those problems, so that the issues that the Member raises do not happen again. I think the ongoing development of the new regional mother, baby and children's hospital at the Royal Victoria Hospital presents the perfect opportunity to make that a reality.

Mr Deputy Speaker (Mr Beggs): That is the end of our time for listed questions, and now we move on to topical questions.

Day-care Centres: Proposed Closures

T1. **Ms McGahan** asked the Minister of Health, Social Services and Public Safety when he is likely to make a decision on the future of day-care centres that have been proposed for closure, such as Rosslea, Dromore and Gortin. (AQT 3631/11-16)

Mr Hamilton: Like some of the issues that we discussed earlier in respect of contingency measures for previous financial years, these are issues that the Western Trust has been examining. Sometimes there is an instinctive and understandable reaction to decisions to close or downgrade particular services. As I mentioned in response to Mr Kennedy earlier, it can sometimes cause distress when that is done without making the alternative clear or obvious. However, I do not think it is wrong to review the provision of any service to see whether it can be provided in a better way and with better outcomes for people.

The Western Trust submitted a proposal for reform to the Health and Social Care Board, and that has been forwarded to my Department

in respect of the centres that the Member named. No decisions have been taken, but I can assure the Member and, more importantly, the users of those services that no decision will be taken without the fullest consideration of the evidence placed before me.

Ms McGahan: Go raibh maith agat. I thank the Minister for his response. He will appreciate that, at the centre of this, is a group of older and vulnerable people, who are confused and concerned about their future. What rural proofing and equality impact assessments have been carried out to date?

Mr Hamilton: I will come back to the Member on the specifics. I am sure that it has been taken into account that this issue relates to a rural population. I know that one of the measures that the trust was proposing, if it were to go through with these closures or reconfiguration, was to pay for the cost of transporting people to their nearest open centre.

The Member is absolutely right to say that the patient has to be at the centre of everything that we do and consider. We are trying to reform our health and social care system in Northern Ireland, not so that we can save money — although we have to make our system financially sustainable — but on the basis of trying to create better outcomes for patients and people right across our country. I think that the trusts and others need to be very careful about how they engage when they are dealing with vulnerable adults or young people on whom some of the decisions will have ramifications, even if those ramifications are, on balance, positive.

We need to learn, and we have learned, some of the lessons from previous consultations where, perhaps, such standards were not adhered to. I hope and trust that, in dealing with this issue, the Western Trust and the other trusts bear in mind the need to act sensitively when dealing with vulnerable adults.

Health Budget: Additional Allocations

T2. **Mr Patterson** asked the Minister of Health, Social Services and Public Safety to explain how the £40 million this year and the £30 million for next year compare to the amount his Department received last year in additional allocations. (AQT 3632/11-16)

Mr Hamilton: I cannot remember precisely what the additional allocations were in the previous year, but I will be happy to get back to the Member. He will recall that, this year, our ability to get additional finance was hampered by the fact that there were issues with welfare reform. That meant that there was no June monitoring round and that the October monitoring round was postponed until November. My Department got close to £50 million in the November monitoring round, most, but not all, of which went to waiting lists. The £30 million that I announced this week is an allocation from the 2016-17 budget, which received a significant uplift of about £130 million, the biggest and best settlement of any Department in the entire Executive.

Mr Patterson: Maybe I can inform the Minister that I am aware that his Department received an additional £80 million in the monitoring rounds last year, yet the situation in my constituency of Fermanagh and South Tyrone continued to deteriorate. When will he get to grips with the crisis in waiting times?

Mr Hamilton: The Member will not believe that I was going to say £80 million. *[Laughter.]* Without wishing to rehearse the arguments that I made to Members on the opposite Benches about why we are in the position that we are in, we are in that position because of budgetary pressures and also the 14% increase in referrals where we have unacceptably long waiting lists. Were I to stand here before the Member and the House, saying that that is just the way it is and that we are not doing anything about it, he and others would be right and justified in criticising me. Once we resolved welfare reform, we got our Budget back on a stable footing. We have been addressing the problem, and I have made it a key priority in the big allocations that I have been making out of the monitoring rounds and the uplift that I received for next year's budget to tackle waiting times.

That £70 million that we are investing will benefit 150,000 people, including many from the Member's constituency. I have had the pleasure of visiting the South West Acute Hospital, which is doing a tremendous job in difficult circumstances to eat into waiting lists, and we are starting to see the benefit of that investment. We publish the figures quarter by quarter, and the provisional February 2016 figures show an improvement that will be reflected in the Member's constituency too, where the number of outpatients waiting more than 18 weeks is down by 6%, the number of inpatients waiting more than 13 weeks is down by 3-5%, and the number of inpatients waiting

more than 26 weeks for an appointment is down by 13%. That is the impact that part of the £40 million has made over a very short period. We will spend the remainder of that money right up to the end of this financial year, and we will continue that momentum with the new £30 million that we are investing, which will see those numbers go down. Slowly but surely, we are getting to grips with waiting lists.

Type 2 Diabetes

T3. **Mrs Hale** asked the Minister of Health, Social Services and Public Safety what he is doing to tackle the high prevalence of type 2 diabetes in Northern Ireland. (AQT 3633/11-16)

Mr Hamilton: I thank the Member for her question; it is an area that she has a keen interest in. We are all very used to saying that we have a particular problem with type 2 diabetes. When I talk about the health and social care system needing to become world-class to deal with the challenges that we face, many of those challenges are to do with a growing number of people in Northern Ireland who have to live with long-term conditions. It is frightening, in some respects, to learn that there are 3,000 new type 2 diabetes cases each and every year in Northern Ireland. That works out at about 10 people a day who are diagnosed with type 2 diabetes all across our country.

We are investing about £1 million a day in tackling diabetes, but I am pleased that I have been able to make an announcement today. I was at an event first thing this morning with Diabetes UK Northern Ireland. At that event, I announced two things: the publication for consultation of a new draft diabetes strategic framework, and a £1.7 million investment, £1 million of which comes from the new transformation fund that I announced last week, to help to kick-start some innovative work that will flow from that draft diabetes strategic framework. That will include investment to help pregnant women who have diabetes to address issues around foot care. It will also fund some structured diabetes education and the purchase of more insulin pumps.

Mrs Hale: I thank the Minister for his answer. I warmly welcome his announcement of extra money, given that this is his last Question Time of this mandate. Minister, while we are speaking about money, what are you doing to ensure that additional investment is being directed towards our front-line services, specifically towards staffing costs?

Mr Hamilton: If you were to listen to some in the media, you would be forgiven for believing that a lot of the additional investment that we are making is being frittered away on waste, bureaucracy and inefficiency. We have a proud record of increasing investment in day-to-day expenditure on the health service in Northern Ireland from around £4.3 billion at the start of this Assembly term to £4.8 billion at the end of it. That will increase by a further £130 million at the start of the next Assembly term. The bulk of that money has not gone on administration or bureaucracy; it has gone directly into the front line.

The Member asked specifically about what we have been doing to increase staffing. I know that there are pressures on our staff; the statement that I made earlier in respect of the pay award is an acknowledgement of the pressures that they are facing. I am sure that it will be warmly welcomed by them. Over the last five years, Ministers in my Department, including me, have been investing the additional money that we have received in the front line to increase the number of staff in our system. It may surprise many to learn that the number of nurses, midwives, professional and technical staff, social services staff, medical and dental staff and ambulance staff has gone up by over 2,100 whole-time equivalents since the start of this Assembly term. Specifically, there are 1,191 more nurses, which is up 9%; 523 more allied health professionals, which is up 18%; and 275 more consultants, which is an increase of 21%. The additional money that we have been getting over this Assembly term has been going into the front line. Importantly, it has been employing more doctors, nurses and allied health professionals.

GP Pressures

T4. **Ms Sugden** asked the Minister of Health, Social Services and Public Safety, following her earlier question, whether he could use the community and voluntary sector to ease the pressures on GPs or more generally across the health and social care sector. (AQT 3634/11-16)

Mr Hamilton: It is not often that a Member gets a second supplementary question.

In this job and in previous ones — even as Chair of a Committee — I have been a strong advocate for our third sector and for an increased role for it in assisting the public sector to do its job. I am sure that the Member and the whole House recognises that, even though we have a vast welfare state and a £5

billion NHS in Northern Ireland employing around 70,000 people, there are still areas that we struggle to reach and make an impact in. The community and voluntary sector can help us to do that. I am a big advocate and supporter of the ability of that sector to take away some of the pressure, although obviously it cannot do appointments or the treatments and so forth that GPs do.

I visited Peninsula Healthy Living in Kircubbin the other day to launch a new innovation scheme for the third sector in Northern Ireland. That is out to consultation at the minute. Hopefully, it will be out for bids later in this financial year. That will allow community and voluntary sector organisations to bid for innovative schemes that will produce better health outcomes in their particular local community or right across the whole of Northern Ireland. It will be particularly focused on collaboration, early intervention, prevention and innovation more generally. That is a practical way in which we are trying to help that sector to do more and to do what it does very well, which is to deal with particular problems in local communities in a way that the system sometimes struggles to.

3.30 pm

Ms Sugden: I am quite keen to see the community and voluntary sector work within domiciliary care, particularly in rural areas, so that they can reach those people who seem to have slipped through the net. How is the Minister encouraging investment or funding in that area, so that we can invest more in services in rural areas, particularly for domiciliary care?

Mr Hamilton: There are some community and voluntary sector — third sector — organisations or social enterprises that are operating in that space of domiciliary care. The Member is right that, sometimes, those are in areas of Northern Ireland that are perhaps not as attractive to others to work and operate in. As the Member will recall, we have invested an additional £1.6 million in the domiciliary and residential nursing care sector, in what remains of this financial year. That will not solve all the problems that that sector faces, but we are, at least, putting in a boost and a help to deal with some of the problems that have appeared in different parts of our country.

I am happy to work with the third sector and others on innovative ideas. I think that there are very good and interesting models from around the globe of where social enterprises,

third sector and, indeed, others have been able to step in and, on a sustainable basis, deal with some of the issues and problems that we are facing with domiciliary care in Northern Ireland.

Mr Deputy Speaker (Mr Beggs): That is the end of our time for topical questions. I ask Members to take their ease for a few moments.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015

Mr Principal Deputy Speaker: This is a motion to approve a statutory rule.

Lord Morrow (The Minister for Social Development): I beg to move

That the Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015 be approved.

The Westminster Pensions Act 2014 introduced a new class of voluntary National Insurance contribution called "class 3A". As National Insurance contributions are an excepted matter, these measures extend to Northern Ireland. These new voluntary contributions are aimed at existing pensioners and people who reach state pension age before the introduction of the new state pension on 6 April 2016 and have an entitlement to a UK state pension. They will be able to make class 3A contributions in return for units of additional state pension, which will increase their weekly state pension. The scheme is known as the state pension top-up, and it is open from 12 October 2015 to 5 April 2017.

Perhaps it would help Members if I explain what the order does in a little more detail. The Pensions Act (Northern Ireland) 2015 provides for the payment of extra units of additional state pension to those who choose to pay class 3A contributions. The order before us makes consequential changes to existing legislation to prevent a person experiencing any reduction in their state pension or disablement pension as a result of having obtained or inherited units of additional state pension acquired by class 3A contributions. It does this by maintaining the amounts paid to those incapacitated before age 45 who received an increase to their long-term incapacity benefit and subsequently an equivalent increase to their state pension as a

result; and maintaining the amounts paid to those who receive an increase of unemployability supplement paid with their disablement pension.

The order also allows a person to inherit their spouse or civil partner's units of additional pension in line with existing rules. That means that people will be able to inherit the state pension top-up in the same way as they can inherit the state earnings related pension scheme, better known as SERPS; that is, up to 100%, if the deceased spouse or civil partner reached state pension age before October 2002, tapering down to 50%, if they reached state pension age since October 2010.

In summary, the order makes consequential changes to existing legislation to help to safeguard the value of the units of additional pension derived from voluntary class 3A contributions.

Mr Principal Deputy Speaker: Minister, no Members in the Chamber have indicated a wish to speak. If you wish to wind, I give you that opportunity.

Lord Morrow: I thank Members very much. *[Laughter.]*

Question put and agreed to.

Resolved:

That the Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015 be approved.

State Pension Regulations (Northern Ireland) 2015

Lord Morrow (The Minister for Social Development): I beg to move:

That the State Pension Regulations (Northern Ireland) 2015 be approved.

I wonder whether I will get off as lightly this time.

As I am sure Members are aware from previous debates, the Pensions Act (Northern Ireland) 2015 introduces a new state pension for all those reaching state pension age on or after 6 April 2016. The regulations before us today support the introduction of the new state pension scheme and, consequently, are largely technical in nature.

To a large extent, the provisions outlined in the State Pension Regulations (Northern Ireland) 2015 replicate the position in the current state pension system. However, there are two key differences between the current and new systems, and those are clarified in the regulations.

First, there are different rules surrounding the deferral of state pension under the new scheme. In particular, regulation 10 specifies the accrual rate for increments paid where individuals defer claiming their state pension. Following analysis undertaken by the Government Actuary's Department, the Westminster Government announced in July 2014 that the deferral rate would be equivalent to around 5.8% a year or a 1% increase for every nine weeks of deferral. The accrual rate has been set at a level that will offer a broadly actuarially fair return, but not a bonus, to those who wish to delay claiming their state pension.

Secondly, the Pensions Act (Northern Ireland) 2015 introduces a minimum qualifying period for entitlement to the new state pension. Regulation 13 specifies that the minimum number of qualifying years, of paid or unpaid contributions, will be 10. That should ensure that state pension expenditure is focused on those who make a significant economic or social contribution to the UK during their working life.

I turn now to the remaining provisions. Regulations 2 and 3 deal with prisoners. Although the language has been modernised, the intention is that prisoners will be treated in exactly the same way under the new state pension scheme as under the current system. That means that people will be disqualified from receiving their state pension if they are serving a prison sentence as a result of a criminal offence or are serving part or all of a prison sentence in hospital. That long-standing principle is based on the premise that paying the person a pension would constitute double provision by the state, as the person's bed and board is already being provided.

People may also be disqualified if they are serving a prison sentence abroad. However, there is a safeguarding provision in place, in that the disqualification does not apply if, in similar circumstances, the person would not have been imprisoned in Northern Ireland.

Regulations 4 to 6 deal with the inheritance of benefits from a spouse or civil partner who reached state pension age under the current scheme and deferred taking the state pension. Those regulations basically replicate the current

provisions governing when and how a survivor can choose a lump sum payment instead of increments, as well as when and how such a choice can be changed.

Although the new state pension will not be inheritable, deferral inheritance will continue to be available where the late spouse or civil partner had deferred an old state pension. That is to ensure parity of treatment with survivors of people who deferred under the old arrangements, regardless of whether the survivor is covered by the old or new scheme.

Regulations 7 to 9 outline the process for dealing with people who had claimed their state pension but subsequently decided to suspend their entitlement or "de-retire". Effectively, those people are revoking their claim in order to increase their entitlement through the deferral arrangements.

The requirements and restrictions imposed by the regulations mirror those applied under the current scheme.

Regulation 11 details the days that are not included when calculating the length of time that people have deferred their state pension. The provisions largely mirror those that apply under the current arrangements by preventing people from being able to accrue increments or extra pension while they are receiving another benefit — for example, pension credit.

Regulation 12 simply provides for part weeks or odd days to be treated as full weeks for the purposes of determining the period of deferral and calculating the value of the increments.

Regulation 14 deals with the sharing of state pension rights on divorce. Currently, additional state pension can be included in the assets considered for sharing in divorce proceedings. From April 2016, only protected payments will be shareable. Regulation 14 introduces the concept of old and new state pension sharing arrangements to distinguish the two and to assist the courts and the Department in administering pension sharing. It is expected that only a small number of people will be affected by the pension sharing arrangements, as approximately 120 pension sharing orders are implemented each year. That number will further reduce over time as the number of people with protected payments declines.

I hope that I have been able to clarify the content of the regulations for Members. I invite the House to support the motion and to endorse the State Pension Regulations (Northern Ireland) 2015.

Mr Principal Deputy Speaker: Again, as you have been as clear as crystal, Minister, no Members have indicated that they wish to speak. I will give you the opportunity to make a winding-up speech, if you so desire.

Lord Morrow: I think that it is appropriate that I again thank the House for its thoughtfulness. I am glad that I was so explicit about everything. *[Laughter.]*

Question put and agreed to.

Resolved:

That the State Pension Regulations (Northern Ireland) 2015 be approved.

General Register Office (Fees) Order (Northern Ireland) 2016

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

That the draft General Register Office (Fees) Order (Northern Ireland) 2016 be approved.

I trust that the House will be as lenient with me as it has been with my colleague Lord Morrow.

The order that comes under Members' consideration today is intended to provide revised fees for the searching of indexes of civil registration records retained by the General Register Office (GRO). All other fees that have been in place since 2012 do not require an increase at this stage. The proposed date for commencement of the new fees is 4 April 2016. The last fees order was made in March 2014.

By way of general background, Members will wish to note that, under the current law, fees are not charged for the statutory requirement of registering births and deaths or for providing one copy of a birth entry at the time of registration. Fees are chargeable, however, for the provision of other certificates and for further certified copies of registration events including, when necessary, the searching of indexes and the retrieval of the record involved. There are also chargeable fees for carrying out procedures such as recording a name change or, for marriage and civil partnership services, including the giving of notice, the solemnisation of a marriage, the registration of civil partnerships and access to records maintained on the family history website. Under government accounting rules, the cost of such chargeable services is recovered by means of a

fees order, as provided for in the relevant legislation.

It is in this context of revised fees that this order comes before the Assembly. Over the last few years, there has been a continued improvement in the processes and systems for the registration of life events and the production of certificates for the public. This efficiency of the GRO services has improved further with the introduction of the GRO's new computer system, the Northern Ireland registration office system, which went live on 22 February 2016.

The family history website provides access to historical indexes and images of civil registration records. Births over 100 years old, deaths over 75 years old and marriages over 50 years old are made available online, with access available to all index records and images in the public search room in the General Register Office. It is in connection with the provision of those services that fees are required to be set.

3.45 pm

As I indicated, the General Register Office is required to recover the cost of chargeable services, including services provided by local register offices based in each council. The cost of each fee has been calculated individually using work study analysis to reflect the work involved in each area and includes the full range of costs involved, including staff, rent, rates and computer maintenance in the GRO and the district registration offices. A similar cost recovery system also operates in Scotland, England and Wales. Passage of the order will ensure, as has been the case here and in GB, that the cost of providing services is borne by the parties requiring such services and not by the public purse.

The order has been considered by the Finance and Personnel Committee, and no objections have been raised. I commend the order to the Assembly.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Finance and Personnel Committee first considered the proposal to make the order at its meeting on 27 January. At that time, the Department had provided clarification highlighting that the general search fee would decrease from £7 to zero and that the enhanced index search fee would increase from 40p to 50p per credit. No other increases are being applied to existing fees.

NISRA officials were able to confirm that the changes were being made with due regard to effective cost recovery for the service provided. They also highlighted that charges are assessed at a particular level by having due regard to actual costs for service provision and that each service is costed individually in this manner.

On the charge for a general search request dropping from £7 to zero, I questioned officials on the basis for that reduction. They indicated that it was part of a concerted effort to encourage more people to use the search facility. It had been noted that a £7 fee was possibly seen as a prohibitive barrier to service users, particularly in the case of what officials referred to as "taster sessions". That, combined with efficiencies associated with the evolution of the online system that the Minister referred to, has negated the necessity to charge the higher amount. It is hoped that the decrease will encourage more people to use the facility.

I welcome this development, particularly in facilitating genealogical research. I hope that it encourages locals, as well as potential visitors, to use the service.

Having received this clarification and on the basis that no further issues were raised by way of technical scrutiny, the Committee agreed to support the Department in seeking the Assembly's endorsement of the order. I, therefore, support the motion.

Mr Storey: I thank the Chair and members of the Committee for their work. I ask that Members approve the order, which should come into operation on 4 April 2016.

Question put and agreed to.

Resolved:

That the draft General Register Office (Fees) Order (Northern Ireland) 2016 be approved.

Committee Business

Justice in the 21st Century — Innovative Approaches for the Criminal Justice System in Northern Ireland

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and to make a winding-up speech. All other speakers will have five minutes.

Mr Ross (The Chairperson of the Committee for Justice): I beg to move

That this Assembly notes the report on 'Justice in the 21st Century — Innovative Approaches for the Criminal Justice System in Northern Ireland' (NIA 313/11-16) by the Committee for Justice; and calls on the Minister of Justice to include commitments in the Programme for Government for the 2016-2021 Assembly mandate to take forward the recommendations in the report and in particular the introduction of pilot projects for online dispute resolution approaches and problem-solving courts.

On Thursday, the President of UK Supreme Court, Lord David Neuberger, addressed the final innovation seminar of this mandate. The fact that somebody of his stature travelled to Northern Ireland to participate demonstrates the credibility and regard with which our work was valued by those in the criminal justice sector.

Everyone in the Assembly understands that we live in a world where public expectation is higher than ever, yet the amount of money that Departments have to spend is reducing and is set to continue to fall over the next few years. There is therefore a clear incentive for us to do things differently not only to reduce costs but, importantly, to produce outcomes and delivery. That is precisely why the Committee for Justice decided to launch its innovation seminar series, exploring new evidence-based ideas and encouraging outcome-driven, innovative solutions to traditional problems in the criminal justice system.

I am delighted to say that over the past year we were supported in our work by the Lord Chief Justice and his colleagues in the judiciary, the Bar Council, the Law Society, the PSNI and the Probation Board and by countless community and voluntary groups and organisations. We also hosted a hugely successful conference on justice in the digital age that explored the

challenges and opportunities that modern technology presents to the criminal justice system.

I have personally observed court proceedings at all levels in Belfast and Londonderry, spoken to judges and shadowed solicitors and barristers, met organisations promoting justice innovation in New York, London and The Hague and observed innovative courts in Brooklyn and Glasgow. This collaborative and comprehensive approach paid dividends and ensured that everyone's voice and experience was heard, as we sought to come up with new policy ideas and approaches and explore what works and what does not.

It also required us, as politicians, to think differently. I have said many times that too often in justice issues are viewed as either being tough on crime or soft on crime. I am not interested in that; instead, I want us all to get smart on crime and ensure that we have a smarter justice system that is quicker, fairer and more accessible and, ultimately, aims to protect the public, support victims and rehabilitate offenders. The last part is incredibly important. Most people view the criminal justice system as being simply about punishing those who do wrong, and, whilst punishment is undoubtedly a key component of a justice system, a smarter justice system is effective only if we achieve the right balance of punishment, deterrence and rehabilitation.

The report laid before the Assembly today is, in my view, a comprehensive summary of the work we have undertaken and the proposals that we think will make a real difference to the lives of people living in Northern Ireland. Individual Members will cover the various issues in detail, but I will briefly give an overview of some of the areas covered in the report.

We began our series with seminars led by the Lord Chief Justice, the Bar Council and the Law Society, all of whom explored youth justice initiatives. Whilst a range of options were discussed, common themes included a desire to, as far as possible, avoid sending low-level young offenders to prison and keep young people out of the formal criminal justice system, as the evidence suggests that this simply leads to them entering the revolving door of the criminal justice system. In Northern Ireland, we already have a positive story to tell with youth conferencing, but other areas, including greater collaboration with education and ensuring that cases are heard quickly after an alleged offence takes place, are critical in establishing the link

between offending and facing up to the consequences of those actions.

Perhaps the area that the Committee was most enthusiastic about during our work was the concept of problem-solving courts. They work on the principle that, unless you tackle the underlying reason why someone offends, you cannot realistically expect reoffending rates to reduce. It also means that we move away from the notion that all offending requires a criminal justice response. Sometimes, when appropriate, a healthcare solution is not only far more appropriate but much more successful.

Problem-solving courts come in various guises, whether it be drugs courts, mental health courts, domestic violence courts, veterans courts or peer courts. We have seen something akin to a domestic violence court working in Londonderry, which, I think, Bronwyn will speak about later this evening. The Committee visited drugs courts run by Judge Ferdinand and Judge Calabrese in New York and Sheriff Wood in Glasgow to see the different approaches that were taken and examine their levels of success.

Take, for example, an individual who steals or commits crime in order to feed a drug habit. Will sending that person to prison for a short sentence, where they will still abuse their substance of choice behind prison walls, rehabilitate that person and prevent them offending again? All of the evidence suggests that it will not. The approach of problem-solving courts, as we saw at first hand in Brooklyn and Glasgow, is to, instead, offer that individual the opportunity to avoid jail if they commit to an intensive testing, supervision, rehabilitation and community service order. As long as the person stays off drugs, ceases to offend and attends rehab and community service sessions, they can avoid a custodial sentence. Far from being a soft option, that is a much tougher regime for people with addiction issues and with little or no discipline or routine in their life.

The important fact is that the problem-solving approach in justice works. It has been proven to reduce reoffending in the US and in Glasgow, and it is a less expensive option than sending people to prison for short periods. That is precisely why, in the US, politicians of all shades from Rick Perry to Bernie Sanders support that approach and why law enforcement and public prosecutors are behind the shift away from the traditional approaches that have so spectacularly failed in the United States.

The Committee also examined how technology could help the justice system in the future, from digitising court papers to the use of video links for vulnerable or expert witnesses who are overseas or in a place of safety or those in custody who, traditionally, need to be escorted to court by up to four prison officers for an appearance that may last for only a few minutes. We examined body-worn cameras used by PSNI officers — something that could help collate evidence for domestic violence cases — and we considered how we could make it easier for the citizen to engage with the justice system, lodge a complaint or report a crime.

One other area of particular interest from the Committee's perspective was the potential for online dispute resolution (ODR). It is based on the model that is successfully used by eBay. The Committee heard from the Civil Justice Council in London and The Hague Institute for the Internationalisation of Law about the opportunity for ODR in a range of cases from low-value compensation claims right through to divorce proceedings. That technology is already being used in the Netherlands and in Canada, and, in our view, there is no reason why we cannot seek to pilot something here, particularly given that the Civil Justice Council is looking to introduce something in England and Wales. We do not want to be left behind.

In his contribution to the series, the Attorney General posed questions on whether we were too often legislating to create new criminal offences for non-compliance with legislation, whether that is an effective enforcement method or whether administrative solutions would be more appropriate.

I genuinely hope that the next Programme for Government will include some of the ideas contained in the report. They are far from being pie-in-the-sky suggestions. We believe that these important suggestions would reduce costs to the taxpayer and improve outcomes. They will improve outcomes for wider society, which will experience a drop in crime; for victims, who will feel that they are part of the process rather than a by-product of it; and for offenders, who will be given a genuine opportunity to turn their life around. We fully recognise that it will require the support of other Departments, such as the Department of Education but primarily, I suppose, the Department of Health. That is precisely why this commitment needs to be made now, before Departments are allocated and Ministers take up post.

I conclude by sincerely thanking all of those who helped the Committee over the past year; all of the stakeholders who attended and contributed to our seminars; all of the speakers who led discussions; the Committee staff, who organised visits and workshops; and the members of the Justice Committee, who embraced the concept of building a smarter, more innovative justice system and genuinely approached this work in a collaborative and non-political manner. I commend the report to the House and look forward to hearing Members' contributions.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the report and offer our thanks to anyone who, in any way, assisted in the creation of the Committee report. I also acknowledge the role of the Chair, Alastair Ross, in launching us into a number of seminars. I know that I can speak for my party colleagues when I say that I found them to be innovative, informative and challenging. They allowed us to look at how judicial processes could change and bring about better judicial outcomes. That, obviously, blends in with the new technologies and outcomes of the 21st century.

Indeed, as far back as 2011, the access to justice review talked about alternative dispute resolution. In 2015, review number 2 also said the same about looking at ways of alternative dispute resolution. I think that that is fit and proper.

4.00 pm

One of our field trips was to the Hague Institute for the Internationalisation of Law, which has developed very forward-thinking alternative dispute resolution for separation and divorce. We found that it was a very innovative and voluntary process. There was a clear pathway at all stages of the process, both parties to the dispute were given excellent legal advice, and there was also judicial input. It was a process by which, at any stage in it, people could come away from it. If they felt that they were not being serviced properly, they could pull away. Even at the end, once the dispute process had been exhausted and people had come to a settlement, there was still room for judicial input to, if you like, oversee it and give judicial approval that it was in the best interests and that it would stand up if it were ever contested in court.

When the professor from the internationalisation of law centre came to the Senate and made the presentation, I think that

most of us were pleasantly surprised that the legal profession was saying that it could see a role in this, even at that early stage. I think that people maybe had a fixed view that the legal profession would have preferred to see all those issues dealt with in open court, but it was certainly very receptive. There is no doubt that it was saying that mediation is a skill that advocates have, but it would have pointed out — I think that Alban Maginness did so on a number of occasions — that sometimes mediation can be dearer than legal advice. Certainly, as a concept, people were for it. We were delighted that, with the review of the civil and family justice courts, Lord Justice Gillen has also looked at how, in the 21st century, digitalisation will play a role in creating a more responsive and proportionate system. It is about not ruling out issues: if some aspects of the judicial process can be dealt with outside the open court setting, room should be made for it.

With the recommendations, I suppose that it is in that context that there is a bit of disappointment that the Department has not been as proactive as we would perhaps hope, particularly around alternative dispute mechanisms. It is accepted that there is no such thing as a one-size-fits-all model; each model would have to be adapted to the particular circumstances. Our recommendation, to which the Chair referred, is that, perhaps in the next Programme for Government, there could be a commitment for a pilot scheme and that it would include at least one alternative method of dealing with some judicial issues. It is important to say, and it is perhaps understandable, that sometimes the Department might feel that, if the idea does not come from within, it has to be wary of it. I have absolutely no doubt that that sometimes poses a challenge for the Department. What we would say, and what the Committee has found, is that it should see it as an opportunity —

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr McCartney: — that it should try to exploit. By exploiting it, we would end up with better judicial outcomes. I welcome the report and all the work that has been put into it by many people, particularly the Chair.

Mr A Maginness: I used to say that the Committee for Enterprise, Trade and Investment was the best Committee in the House. It is not. I want to make it clear and official that the Committee for Justice is quite definitely the best Committee in the House.

Previously, of course, I was Chair of the Committee for Enterprise, Trade and Investment, so I was the judge of my own cause. I am not the judge of my own cause here. I think that the president of the Supreme Court might well be a very suitable judge to comment upon the work of the Committee for Justice. On 3 March, he said:

"The work of the Committee, led by its chairman, Alastair Ross, has been exemplary in terms of substance and procedure. Your pioneering work in investigating what can be done to improve and modernise the justice system, and in particular criminal justice has been imaginative and thorough. And the constructive way in which you have worked together with the Justice Minister, the Lord Chief Justice and others concerned with the administration of justice and the criminal law has been exemplary."

So it is not just my humble opinion; it is the opinion of the president of the Supreme Court, and I am very happy to endorse what the president has said.

I thank the Chair for his sterling work in giving leadership to the Committee, and Mr McCartney, who has been Deputy Chair of the Committee since 2010. His constructive work and support for the work of the Committee has been outstanding. I am very happy to say that people should be very proud of this report because it is innovative, exemplary and creative in relation to the criminal justice system. That is what the Committee set out to do and has done. Not all the ideas have been crystallised in legislation, administrative change or whatever, but I am certain that, in the next mandate, some, if not all, of these ideas will, in fact, be adopted and implemented as far as possible. I encourage any successor Minister of Justice to look at these ideas and to embrace them fully.

I will say very quickly, because I am going to run out of time, unless somebody wishes to intervene, and somebody might want to intervene, that —

Mr Kennedy: Will the Member give way?

Mr A Maginness: Yes, I will. *[Laughter.]*

Mr Kennedy: I am grateful to the Member for giving way. I will add my congratulations to the Chair and other members of the Justice Committee for their very important and

innovative work. I am sure that the Member agrees with my sentiments.

Mr A Maginness: Absolutely. That was a very timely intervention, with the emphasis on timely.

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

Mr A Maginness: I also thank the Clerk of the Committee and her staff. She has been outstanding in supporting the Committee, and the Committee staff have been wonderful in their commitment and support for the Committee.

The Chair adverted to problem-solving courts. We have to go in that direction; there is absolutely no doubt. The support comes not just from within our Committee but from the Lord Chief Justice, who has expressed a sympathetic view in relation to problem solving. Indeed, on youth justice, he said, "Instead of a 150-day time limit, let us have 50 days." He was talking in those terms, and he was talking about diversionary disposals because he sees the merit in keeping young people out of the formal justice system. That makes sense. It is not just a matter of economics and public funds; it is a matter of the good social benefit to society of keeping youngsters out of the justice system. I endorse everything that the Chair has said.

Our visits to Brooklyn were very interesting, meeting with Judge Ferdinand and Judge Calabrese in the Brooklyn Treatment Court and the Red Hook Community Justice Center respectively. Those were very impressive, but we do not have to go outside these islands. We can go to Glasgow and see what they are doing there. There is fantastic work in the drugs court led by Sheriff Wood. Wonderful work is being done there. Of course, district judge Barney McElholm is doing good work up in Derry, and let us hope that that work can be developed further. I am quite certain that the judiciary is sympathetic and supportive of the changes.

Finally, in relation to the problem of excessive penalisation, which the Attorney General referred to in the February seminar, it is important that we do not introduce too many extra criminal offences.

Let us use an alternative. Let us use administrative sanctions rather than criminal offences. Let us do away with the silly idea that, if you do not pay your TV licence, you have to endure some sort of criminal record.

That is just nonsense. Let us not create other offences that do the same.

Mr Principal Deputy Speaker: In the spirit of the debate and the professionalism of the debate, I understand that the Member knows that he should not be inviting interventions across the Chamber.

Mr Kennedy: I want to place on record — on behalf of myself and, I sense, on behalf of other Committee members — acknowledgment of Alban Maginness's contribution, not only to the Justice Committee but to the House. I thank him for that, particularly in respect of justice.

I have not served a very long period on the Justice Committee, but I very much agree with the genuine compliments paid to the Chair and the other members and, indeed, to the Clerk and her officials.

I want to share some observations on the visits that members of the Committee, including me, made to the problem-solving courts in Red Hook, in Brooklyn and in Brownsville in the New York area and to the Glasgow drug court. Those visits were most useful and insightful. I know that the report, in large measure, details the outcome of those visits with recommendations, but it is important to read those into the record of the proceedings of the House through this debate.

Consistent themes that emerged from those visits and from the seminar by the Centre for Justice Innovation included the requirement for significant upfront investment, and that is mitigated through positive outcomes and reduced costs in other areas of the criminal justice system. Of course, there are additional benefits to health. There are the benefits of a multidisciplinary health and justice collaborative approach, which, I think, needs to be truly integrated in terms of treatment and sharing information. There is a need for a holistic approach, which may go beyond treating the immediate need and into other areas, including housing. There is also the importance of being able to engage immediately with a treatment order and the ability to go straight from court to the first relevant appointment.

Those are sensible and, in many ways, common-sense approaches that I think should be considered urgently in the new mandate by whoever becomes the Minister of Justice. There is also an important judicial role to select members of the judiciary who understand the value and benefits of problem-solving courts. Of course, there needs to be the opportunity to foster public confidence in the criminal justice

system, so that people know that it is not a soft option and that sanctions are employed if people engage in repeat offending and do not take on board the lessons of the programmes that are offered to them.

It is my view and, I think, the view of the Committee that the underlying problems and root causes of offending behaviour in a range of areas, such as alcohol and drug addiction, must be tackled if reoffending rates are to be addressed, and so there is merit in exploring the introduction of problem-solving justice in Northern Ireland, particularly against a backdrop of increased budgetary pressure in the public sector.

The Minister recently announced the rationalisation of the court estate, and whilst that is regrettable and many of us were critical and remain critical of that, there is perhaps an opportunity to think creatively about alternative uses for buildings once they cease to be fully functioning courthouses, perhaps even including transformation into community justice centres. May I suggest Armagh —

4.15 pm

Some Members: Hear, hear.

Mr Kennedy: — not least because it is in my constituency? It could house something of that nature.

The Committee recommends that a commitment be in the next Programme for Government. There is an opportunity, which I hope all parties will take, to engage seriously on how we can improve the criminal justice system in conjunction with other Departments and agencies through that discussion for a Programme for Government.

Mr Dickson: I add my words of thanks to the Clerk and staff of the Committee for the incredible work that they did in putting the report together, and not just this report but the work that they did throughout this mandate. Mr Maginness was right: if it is not the best Committee, and I agree that it is the best Committee in the Assembly, it is certainly a Committee that has had to deal with some of the most complex issues. It dealt with them in a timely way, and a lot of that was down to the work of the Committee Clerk.

It is important to reference, as others did, that the report is the brainchild of the Chair of the Committee. He put an amazing amount of effort into the report and the whole lead-up to it,

in the way in which justice seminars were organised and all of that. I genuinely congratulate Alastair for the work that he has done and the way in which he has led the Committee in the latter part of the mandate. This report alone is a tremendous legacy for a future Justice Minister and Committee.

I was asked to speak on the youth justice aspects of the report. Building a justice system that is fit for the needs of our society in the 21st century cannot ignore the issues of youth justice. Previous reviews of the justice system emphasised prevention and intervention to redirect people headed towards offending and even prison. A broad approach was and is considered most appropriate, involving family, schools and communities. The principles of proportionality, transparency and fairness should also be at the heart of any youth justice system.

In our considerations, the Lord Chief Justice, Sir Declan Morgan, spoke of the delays in the youth justice system. I know that that is an issue that the Minister and Department have been progressing and working on throughout the life of this mandate. The Lord Chief Justice believed that the statutory time limit should fall progressively from 120 to 50 days.

He discussed how it may be beneficial for a young person to avoid a criminal record. That is an area that the Committee has a strong view on. If at all possible, we want to see young people being given every chance in life, rather than being marked with a criminal record at the beginning of their life. If they accept a guilty plea or can be involved in diversionary disposals, the Committee is keen to see those things being worked out.

Our third seminar, which took place in June, was led by the Law Society. It took a different approach to the experience of children and young people in the criminal justice system, considering initiatives in the Children Order public law proceedings. That offered those attending an opportunity to discuss the particular challenges faced by children and young people in the care system. Issues arising from fostering and adoption, the value of early intervention, and multi-agency approaches covering health, education, social services and the criminal justice system were highlighted.

In January, Criminal Justice Inspection briefed the Committee on its second youth justice review and told us that it considered nearly 60% of the recommendations that it had made to have been achieved. It was keen to highlight

the fact that no child under the age of 18 was held in an adult prison in the four years up to the final report in 2015. It is good that we know now that fewer children were committed to youth custody and that the age of the offending profile of those who were committed meant that the most difficult and disturbed young people were being dealt with appropriately.

Good work has been undertaken with youth engagement clinics, youth diversion and restorative justice, and there is improved identification and support for children at risk.

Nevertheless, Criminal Justice Inspection expressed less certainty around the success of meeting recommendations in the future, particularly because many of the recommendations required working with other Departments. That is a theme that has come out of many of the contributions thus far, and this is why it is so important that everybody has concluded their comments by saying that, in developing the next Programme for Government, other Departments need to be able to buy into the justice system and deliver for us in order to get those good outcomes.

Criminal Justice Inspection also noted some of the recommendations that were unable to be met, for example the introduction of statutory time limits, developing a multidisciplinary model of practice for children in need, putting arrangements on a statutory footing and the legal reform of bail. The Committee noted that the Minister intends to speak in the Assembly next week on the subject of children in the justice system.

To conclude, the Committee notes the general feeling —

Mr Principal Deputy Speaker: The Member has gone over his time. I have been very generous. I ask you to conclude your remarks now.

Mr Dickson: I will conclude simply by reiterating the words of others that youth justice is an improving situation, and I am delighted to say that this Minister has spent a great deal of time creating that improvement.

Mr Douglas: I rise as a member of the Justice Committee to commend this report. I think that it is an excellent report; one of the best reports if not the best that I have seen in my four and a bit years in the Assembly. I want to speak about justice in a digital age but, first, I want to thank our Chair for taking this initiative. The response that we have had from a whole range

of sources has been extraordinary. I also thank the Clerk, who members have mentioned, and the Committee staff for doing an excellent job.

Over this past year and a bit, my experience of the seminars is that this has been some of the most radical and informative work that any Committee has carried out during this mandate. Some of these seminars have been very radical in the proposals that, hopefully, will be introduced during the next mandate. I think that every Member recognises that we have to have reform of the criminal justice system.

Last week, we had a seminar that was attended by Lord Neuberger and the Lord Chief Justice. I think that my colleague has mentioned some of the words that were spoken there. I was so encouraged by the debates. In fact, the Lord Chief Justice said at one stage that, six years ago, we would not have been having this seminar, which shows that things have moved on so much.

Mr A Maginness: I thank the Member for giving way. I think that it is important to remind the House that the Lord Chief Justice, while preserving his total independence in relation to the administration of justice, has gone out of his way to interact with this Committee and, indeed, indirectly with the Assembly. He should be congratulated for that. No longer is the Lord Chief Justice somebody who is up there and we are down here. He has come and talked to us and engaged in a very important debate in relation to criminal justice issues.

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

Mr Douglas: I certainly concur with the Member. Before I got involved in politics, I came across solicitors and barristers, but this has been a whole new arena for me. I was involved in working with prisoners and ex-prisoners in the past, but I concur with the Member about the openness, honesty and sheer enthusiasm of people like the Lord Chief Justice in wanting to work with us. Lord Neuberger is the top legal, if that is the right term, in the whole of the United Kingdom. He spent a few hours with us the other night. He is a really down to earth man who knows the issues and also wants to support us as we drive these ideas forward.

This is what he said at that seminar:

"The work of the Committee, led by its chairman, Alastair Ross, has been

exemplary in terms of substance and procedure. Your pioneering work" —

It is pioneering work; there is absolutely no doubt about that, and that is why I am so encouraged by it:

"in investigating what can be done to improve and modernise the justice system, and in particular criminal justice has been imaginative and thorough. And the constructive way in which you have worked together with the Justice Minister, the Lord Chief Justice and others concerned with the administration of justice and the criminal law has been exemplary."

I thought, what a testimony from the top legal person in the whole of the United Kingdom.

In the next minute and a half, I will concentrate on a couple of the areas we looked at. We certainly commend those organisations that seek to raise public awareness of the importance of online safety, particularly amongst children and young people with social media and other vulnerable groups, like the elderly on safeguarding personal data.

At one of the seminars, we had one of the best-known brains on using social media and dealing with some of those criminals online: Jim Gamble. He presented to us, and there was a great question-and-answer session. To be honest, I learned as much in those seminars as I have in the five years I have been in the Assembly and in the time I have been on the Justice Committee. We were very supportive of the proposal presented by Mr Gamble during his consideration of the Justice (No. 2) Bill but recognise that it is a complex area of law and that any changes will require careful consideration to ensure that there are no unintended consequences. I am sure the Minister will respond to that.

Again, I commend the Chair —

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr Douglas: — and the Committee for the work. I think it is a fabulous report, and I am delighted to support it.

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. First of all, I recognise Alban's contribution to the Justice Committee over the last number of years. Only for the fact that he is going, I thought he was making a

pitch to be the new Justice Minister when he made his speech.

I support the motion. I want to mention a conference that we had at W5 last October. The last speaker mentioned Jim Gamble. One of the schools that attended that day, St Comhghall's, Lisnaskea, is from my area. I spoke to the pupils afterwards, and they said it was very informative and interesting, especially some of the things Jim said, and particularly for their age group

The access to justice review report, published in September 2015 — I think this was mentioned by somebody else — included the following recommendation:

"Developing effective alternatives to the courts, through diversion or alternative dispute resolution, is just as important as court reform."

When Colin Stutt spoke to the Committee about the access to justice review, part II, I asked him whether alternative measures would be in it, and he said they would. I also asked him about alternative measures processes, and he said that all processes would be involved.

Restorative justice is:

"a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications".

For that to be successful, a number of concepts and components must apply. The victim's perspective is central to how the harm can be repaired. The offender is encouraged to take responsibility for their actions. Full extent of the victim's suffering is acknowledged. The concept is victim centred. However, it is predicated on the offender taking responsibility for their actions.

4.30 pm

Whilst some have misgivings about restorative justice, there have been positive benefits and outcomes. Successful programmes have been functioning in working-class disadvantaged areas of Belfast and Derry, and I am aware that the Minister has visited a number of them. As I said, the concept is radical in other places, and, in Canada, the sentencing principles in the criminal code were amended in 1996 to encourage the use of community-based

sentences. That is something that any future Minister could look at.

Alternative dispute resolution can be in the best interests of society and can support offenders in turning away from crime and learning to behave in a socially acceptable way. It can be particularly useful in youth crime. Criminal court proceedings are not always in the best interests of youth and society, and we should try to keep as many young people out of prison as possible.

I agree with the Committee's conclusion, and I am disappointed with the lack of progress made on investigating and implementing alternative dispute resolutions, given the recommendation in the original access to justice review in 2011. Alternative dispute resolutions are essential if we are to progress in the 21st century, given the financial constraints that we will encounter in the future. As the Chair said, I hope that many of the suggestions in the report will be part of the Programme for Government in the new mandate. I support the report.

Ms McGahan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I wish to recommend the adoption of the Committee's report on justice in the 21st century, while taking the opportunity to echo the Committee's encouragement for the next Committee of Justice to build on the strong foundations that have been laid for collaboration between those working in the various aspects of the criminal justice system.

I also want to take the opportunity to thank the Chair, the Committee and the Committee Clerk and her officials for all their hard work on the report. I, too, am a relative newcomer to the Committee and I have enjoyed the Committee very much in the short time that I have been there. It has a very heavy workload, so fair play to everybody.

I agree with the key principles contained in the Committee's report in relation to collaboration and innovation, which continue to provide opportunities for innovative thinking and creative approaches to the many challenges that will be faced, while ensuring progress on the recommendations that are contained in the report.

This morning, one of our regional newspapers, 'The Irish News', put a front-page focus on a proposal for domestic violence courts. Those were described as:

"Bespoke courts to handle domestic violence cases",

and it was mentioned that they could be rolled out across the North "within weeks". The proposal follows a two-year pilot scheme in Derry in which all cases involving domestic violence were:

"placed on the same court list to guarantee victims access to specialist support."

The newspaper's front-page feature was followed by a full-page story on page 10, which started by giving the appalling statistics that the PSNI responds to calls about domestic violence abuse every 20 minutes, before telling us that, last year alone in the North, six murders had a "domestic abuse motivation", while there were almost 3,000 cases of sexual offences including 737 rapes.

We were also informed that domestic abuse now accounts for:

"two-and-a-half times as many crimes as drugs."

However, fewer than 20% of an average 350 non-molestation orders breached every year result in prison sentences. The newspaper also reported:

"Since January 2010, there have been 8,363 Marac (Multi Agency Risk Assessment Conference) cases, with 10,856 children living in households affected by domestic violence."

Towards the end of last year, I requested a research paper, which provided shocking new statistics on domestic violence in my constituency during 2014-15. They showed that the police were called to 656 incidents of that nature in Dungannon and south Tyrone over the course of the previous 12 months, which amounted to almost two incidents every day. The figures paint a worrying picture of the prevalence of violence in the home, whether it is against a partner, a child or any family member. It gives me no pleasure, on International Women's Day, to have to state the obvious: tackling this massive problem will be no easy matter. We must commit to further supporting all the agencies and NGOs that are involved in dealing with abusive relationships. These include the police, social services, healthcare staff, Women's Aid, Victim Support, lawyers and judges.

The Derry pilot scheme points to one positive development that, if implemented, could make an important difference in the support of victims. In Derry, domestic violence cases are

all heard by a single judge on a particular day of the month, in a specialist listing, with much-needed specialist support and arrangements made to ensure that victims and alleged attackers do not see each other before hearings. This pilot scheme needs to be adopted and mainstreamed across the north. This would, hopefully, encourage more victims to stick with the process of justice. We have fed this into our recommendations in the report.

Finally, it is important that all measures that help to tackle this scourge on our society are allowed to move forward without further delay.

Mr Ford: I thank the Justice Committee for its work, which led to this report, and for bringing the motion to the Assembly today. The motion refers to the Committee's 'Report on Justice in the 21st Century: Innovative approaches for the Criminal Justice System in Northern Ireland', and I believe that is an excellent line that we should be accepting of. This excellent report follows a significant series of seminars organised by the Committee that looked at a number of issues in the justice system.

The eminent speakers whom they managed to persuade either to come here or to the Royal Courts of Justice have provided a significant amount of thought for people involved in the justice system in general. I wish to acknowledge, as Alban Maginness reminded us, the good work being done by the Lord Chief Justice and some of his senior colleagues, which, effectively, opened up the debate around justice issues so as to include the judiciary, recognising that they have to be careful about their role in policy matters. I believe that Sir Declan Morgan has given a very significant and positive lead ever since he started the legal term annual lecture and through his wider engagement with others.

I also wish to acknowledge the contribution being made by the Committee, not just with this report but in a number of different areas. Committee members have managed to divide the topics for discussion amongst themselves, leaving me to respond to all of them in somewhat shorter time. It does bear repetition that, whilst the Committee and the Department do not agree on everything and, I suspect, never will, there has been a high degree of collaboration that has allowed us to pass important and very significant legislation in this mandate in a number of areas to introduce innovative solutions to improve the criminal justice system. I note that at least two members directly quoted Lord Neuberger's remarks when he praised the Committee's efforts and also gave the Minister a tangential

reference of praise as well. I have no doubt that the work being done by the Committee will allow for significantly better outcomes for those who come into contact with the justice system in the future.

I will try to respond to some of the points that were made by Committee members during the debate. The Chair started off by highlighting the issue of problem-solving courts and the Committee's concern that we learn from best international practice. I agree that, if we develop the concept of a problem-solving approach, a number of offenders in the justice system could be dealt with more quickly. This would mean enabling people to access more appropriate specialist services as opposed to their receiving the, sometimes fairly blunt, response that they get from the criminal justice system in its current form.

The Department has been looking at that, and a number of members have already highlighted the current operation in Londonderry Magistrates' Court, which looks at the issue of domestic violence. Indeed, Ms McGahan has just referred to the significant need there and the good work being done by District Judge Mr McElholm. I have also heard examples of other courts, which have not been highlighted along with the others, that include a drug court that operates in inner London. I hope we will see some development around that area because having a problem-solving ethos for victims really does underpin the benefits of having a specialist court listing arrangement.

Members, of course, will be aware that, as part of its work last year, the Organisation for Economic Co-operation and Development carried out a specific study of the Derry court arrangements. I hope that we will shortly see its formal report, which will enable us to inform the future direction and development of problem-solving courts in Northern Ireland. As politicians, however, we need to be slightly careful that we do not find ourselves telling the judiciary exactly how it should manage courts on a day-to-day basis.

Mr Kennedy: I am grateful to the Minister for giving way. He will be aware of the report in today's 'Belfast Telegraph' about the high number of cases involving imprisonment for unpaid TV licence fines. Is there any way that a more innovative approach can be taken, rather than putting people in prison for such offences? Can any effort be made to address that situation?

Mr Ford: Yet again, Mr Kennedy has the ability to read my notes through a couple of sheets of paper over my shoulder. The issue of the criminalisation of TV licence non-payment is one that I raised with the UK Government a couple of years ago and on which I have continued to correspond. Members will also be aware that, because of current arrangements and, in particular, legislation that has recently gone through the House, we no longer see people going to prison for non-payment of fines at an early stage. I trust that we will see the full decriminalisation of non-payment of TV licence fees. They will be treated just like any other utility, which is, in effect, what a TV licence is.

The reality is that problem-solving courts are not simply a justice issue. They need to involve a number of agencies and partners, and I am committed to working with other members of the Executive on the appropriate innovative options. In particular, I take the point that Danny Kennedy made earlier about the partnership that is needed between Justice and Health, particularly in dealing with alcohol and drug problems. I also noticed that Mr Kennedy managed to mention Armagh courthouse: there is a surprise. We need to take account of decreasing court business when we look at how we use the court estate, but those points will be borne in mind.

The Deputy Chair, Raymond McCartney, spoke significantly about alternative dispute resolution. There is no doubt that there is an increasing expectation that people will be able to carry out business online. We need to ensure that the justice system keeps up with that. Obviously, there will always be cases that require a physical courtroom and our adversarial system, but there are many others for which we need to look at different ways. The recommendation in the recent access to justice report that we should look at models such as those in Holland and in parts of Canada will give us the opportunity to learn there. A pilot of online dispute resolution for low-value civil claims is under development in England and Wales. Clearly, that would be closely related to our legal arrangements, and I am keen to see how we learn from that for Northern Ireland.

That takes us into the slightly wider points raised by Sammy Douglas, in particular, on justice in the digital age and on ensuring that we make the best use of modern technology. Members are sometimes unaware of the extremely good operation that we already have across the criminal justice organisations with the Causeway digital system, which enables the sharing of information between a number of agencies involved in criminal justice, linking up

the agencies' IT systems. The Causeway system is to be re-procured from 2019, and work is already under way to look at an appropriate way of doing that. There is no doubt that colleagues in other jurisdictions in these islands would be delighted to have a system like Causeway. It is, perhaps, one of the benefits of being a relatively small jurisdiction with only one of everything and only 1.8 million people. We are at the forefront of that, but I want to ensure that we stay at the forefront. The future challenge, I suspect, will be to see how we manage to get civil justice into that kind of system rather than purely Causeway's current concentration on the criminal system.

During the discussion, there were references to the proposals of Jim Gamble, particularly from Seán Lynch and Sammy Douglas, around child protection issues. This is an issue that we will need to return to to ensure that we get things right. I am glad that we did not proceed with amendments, but I will certainly see that the Department, as long as I have responsibility, continues to do the policy work so that, early in the next mandate, things can be got right. While we are talking about the IT system, although I do not think that it was specifically mentioned, Lord Justice Gillen's report will include references to work on digital courts, which will help us to move forward in that area as well.

4.45 pm

Alban Maginness and Stewart Dickson spoke about youth justice. The Committee report pointed to the need to work more innovatively and collaboratively to develop solutions in the difficult financial circumstances in which we lie. That is a significant part of the work of the scoping study that Members referred to. It follows on from the work of the youth justice review and is aimed at developing radical innovative proposals for positive change. The work being done by the scoping study links directly to a number of the youth justice review recommendations, such as examining the use of PACE and remand, the provision of community alternatives and new methods of disposals. Again, that issue goes way beyond the direct operation of the justice system at the moment, with particular responsibilities for Health and Social Care and issues relating to education. Members will be aware that the recent decision on the transfer of education responsibilities in Woodlands Juvenile Justice Centre is part of that joining-up approach to better meet the needs of young people. Again, I welcome the support that we have had from the judiciary, amongst others, in reducing delay

there. We have had positive feedback from the Commissioner for Children and Young People; she has been a critical friend as that work has progressed. I now leave a teaser: as Members have said, I will announce the outcome of the scoping study next Monday, so I will say nothing further on it at this stage.

Alban Maginness referred to the issue of excessive penalisation. Clearly, that is an issue where there is a role for other Departments in setting offences and penalties in their area of responsibility. DOJ largely just provides advice to other Departments to assist them in determining what is appropriate and proportionate. We need to ensure that we always consider whether criminal sanctions are the necessary and appropriate provision as we look at new legislation. We also need to ensure that we consider whether it is appropriate to put a lot of effort into reviewing old and obsolete offences, given the potential for that to be time-consuming.

In the brief time that I have had the report, I have noted the contents with considerable sympathy. It is an excellent, in effect, end-of-term report from the Committee that brings together a number of threads that have been with us for some time. I certainly understand the Committee's wish to see the proposals that it is putting forward, particularly around problem-solving and online dispute resolution, going into the next Programme for Government. It is also very much a matter of building on both parts of the access to justice report and the work being done by Lord Justice Gillen.

I could be picky and say that I have a slight issue with technically supporting the motion, given that it invites me to do something that is actually the responsibility of a new Executive of which, as I have already announced, I do not expect to be part. Maybe it is easier for me to agree it on the basis that I will not be; I can therefore go along with colleagues on the Committee. I cannot commit a future Justice Minister, even if it were one of my party colleagues, on what the Executive as a whole will decide, but it is absolutely safe to say that I recognise the good ideas in the report, and I thank the Committee for doing it.

In that context, it is appropriate, with your discretion, Principal Deputy Speaker, for a minute or two, to thank the Committee in general not just for this but for the amount of work that has been done over the mandate. Alastair Ross has certainly been a very effective leader. Much of what is in the report and in the series of seminars is due to his work. I trust that this will not appear in an East Antrim

election leaflet, but I publicly thank him for the constructive and cooperative way in which he has operated. Raymond McCartney, of course, has suffered even longer: he has been Deputy Chair of the Committee since 2010 and has also played a part in that. I will mention just one other name: we have benefited from Alban Maginness's professional background as a barrister. That sometimes means that he has been completely difficult to deal with, but a lot of the time he has brought some specialist and beneficial knowledge, which has been good for the Committee and for the Department. I thank him for his role, since he is even more certainly leaving the process than I am. When praising Committee members, it would be remiss of me to not also praise the Committee staff. I thank them for the cooperative way in which they have ensured that work has been done between the Department and the Committee with my staff.

There was the potential in 2010 for justice to be regarded as a toxic issue. There is no doubt that we have dealt with some very difficult issues. At times, it has not been easy. However, to go back to the remarks of the president of the Supreme Court, Lord Neuberger, the Committee and Department have worked well together. The Committee has carried out its role not just by being belligerent and argumentative, which it might be tempted to be at times. In the words of the 1998 Act, it has certainly advised and assisted the Minister and the Department.

I trust that that advice and assistance will be accepted by the new Minister and new Executive and that the contents of this report will be very seriously considered after the May elections.

Mr Principal Deputy Speaker: I call the Chair of the Committee, Mr Alastair Ross, to conclude and wind up the debate on behalf of the Committee.

Mr Ross: I begin by thanking Members for their kind comments to me. It turned into a bit of a love-in at times, but I concur fully with the positive remarks about the Committee staff in particular. It is somewhat unusual to get so much praise so close to an election, but actually, as the Minister has said, it is reflective of the fact that the Committee has dealt with some very difficult issues — potentially controversial issues — in a collaborative and non-partisan way. That is not just in the work that we have done on justice innovation but in many other areas. We have sought to take a collegiate response to things, and I think that

that has worked incredibly well and made the Committee, as other Members have said, probably the best-functioning Committee in the House.

I will touch on some of the comments made by Members. Mr McCartney talked about the whole rationale for delivering better outcomes, and that is exactly what this is about. He talked about the access to justice review and Lord Justice Gillen's work. Of course, Lord Justice Gillen has talked about ODR being part of his review. He came along to and participated in the seminar that we had with Maurits Barendrecht from HiiL. He talked about the online dispute resolution system being a voluntary one, of course. The advantage of that system is that it supports the citizen through their justice journey. It empowers individuals to take that responsibility themselves, but, if they require help and support during that journey from trained legal staff, that support is there.

Key to all that is judicial oversight and judicial sign-off at the end, to make sure that whatever agreement has been made is an equitable and fair one to both parties. That is part of the benefit of the system. It reduces the cost for the overall system and could reduce the cost of the legal aid budget, which is a benefit. I would say that, if we are moving this way, we want to buy in the technology rather than try to develop it ourselves. That is why, in Holland, it has such a low annual recurring cost.

The Minister paid tribute to Mr Maginness and his legal background. Perhaps unfairly, he said that Mr Maginness preferred law with a quill to some of the innovative ideas, but actually I think that he has been hugely beneficial in the role that he has played particularly in this innovation work but in all other matters as well. He quoted the president of the Supreme Court. It was great to have him over and for him to pay tribute to and take an interest in the work that we have been doing. He did not just talk to the Assembly on Thursday; he also has taken an interest in the work that we have done throughout the year, and I think that that became evident as we spoke to him during the night.

Mr Maginness talked about being creative in the criminal justice system and looking to the next mandate. I know that he will not be here, but I am sure that he will take an interest in how we develop some of these ideas. He spoke about the support from the Lord Chief Justice for problem-solving courts, and, of course, the Chief Constable of the PSNI, when he was in front of the Committee two weeks ago, also expressed support for this. It only works when

you get support from the judiciary, law enforcement and politicians. It has been so successful in the United States because it has managed to get support from all those different areas.

Mr Maginness spoke in particular about the Brooklyn Treatment Court, Red Hook and Glasgow. Of course, the impressive thing, as Mr Kennedy said as well, is the immediacy of all that: how an offender can be in front of a judge in the morning and, if found guilty, will be in a rehabilitation programme that evening or the next morning and will have to, during the process, repeatedly go in front of a judge and repeatedly take drug tests to ensure that they have stayed off the drugs. That is something that has impressed all of us. He was, of course, meant to spend his five minutes talking about excessive penalisation and spent only about 15 seconds on it; but we forgive him, given that it is towards the end of his Assembly career. The points that he made about excessive penalisation were absolutely valid.

Mr Kennedy also talked about the visits to the drugs courts and also mentioned the presentation that we had from Phil Bowen from the Centre for Justice Innovation. I think that that was a very useful presentation. Of course, anyone who has read some of the media coverage in Great Britain, over the last week, will have seen articles in 'The Times', 'The Guardian' and 'The Telegraph' on the benefits of problem-solving courts and how they can save the taxpayer money and improve outcomes as well.

Mr Kennedy talked about the holistic approach, and again that is something that impressed all of us who have looked at the drugs courts; in particular, around how social services, nurses and judges are all working in a collaborative way. Indeed, in the Glasgow experience, they had a meeting, before the defendant would appear in front of the judge, to look at progress, to see if they are turning up for their rehab, and to make sure that they are still returning negative drug tests. It was a very impressive set-up that they had in Glasgow.

He also mentioned the importance of judges looking sympathetically at that approach. Judges need to buy into it. We saw many personality-driven courts, particularly in the US. People might be encouraged to give a round of applause to those who have successfully graduated from a sentence. Then there is the example of Judge Ferdinand hugging the individual who passed a drug test. We will not see that sort of thing in our courtrooms, but we

can adapt and modify it for our culture. That is what has happened successfully in Glasgow.

Mr Kennedy talked about community justice centres and made a pitch for Armagh. The Minister will know that I made a pitch for a similar idea in Ballymena. The idea is that, if you have to close traditional courts — hopefully many cases will be diverted away from them, which may well justify closing them — you can have community justice centres. Again, we saw examples of those in the United States. Justice centres are not just courts. They are not just about sentencing or punishing people. They are a one-stop shop for advice — legal, health and housing advice — and that ensured that communities hostile to the justice system came to see it as being on their side. That is where the potential lies in developing community justice centres.

Mr Dickson said that the report will hopefully be a good legacy for the next Minister and Committee. That is absolutely right. We are keen to make sure that the next Committee, whatever its composition, picks up the work of our Committee and runs with it. There are many other areas in which it is important to investigate innovative approaches, and hopefully the next Minister will be as keen, and work as closely with us, as the current Minister.

He talked about the importance in youth justice of intervention in collaboration with family and schools. He talked about statutory time limits. That is really important. All the evidence shows that the time between the alleged offence and the individual coming into contact with a judge needs to be as short as possible. It is important to make sure that the two things are connected. That is important in all sections of the justice system but particularly in youth justice. The Member makes a very important point in that respect. There has been a learning process for many of us on the value of diversions and disposals.

He also talked about children in care. They, of course, would be keen to say that there is not a high proportion of children in care in contact with the justice system. However, it is important to recognise that a high proportion of people in the justice system come from a care background. That is something that we need to keep an eye on.

Mr Douglas said that it is an excellent report. He talked about the radical and informative work that was taken on. He mentioned the Lord Chief Justice and the role that he played. That is absolutely right. Without the support of the Lord Chief Justice, other senior members of the

judiciary, barristers and solicitors, the community and voluntary sector, probation services and the police, our work would not have been accomplished. It is only through that collaborative approach that we will get concrete, evidence-based ideas that work and that people will support if we change DOJ policy.

He talked in particular about justice in the digital age — of course, there is a shift from traditional crime towards cybercrime or online crime — and the need to make sure that we are aware of our online safety. Our conference, which was hugely successful, looked at malware and spyware. There are difficulties for a justice system in a global, borderless community, as it tries to track down where cybercrime emanates from and to encourage law enforcement agencies in parts of Africa or South America to follow up on leads given to them.

Safeguarding personal data is really important as well. We had really good contributions, from not just Jim Gamble but Wayne Denner, on online reputation, and Europol. Of course, the Committee brought forward an amendment to the Justice (No. 2) Bill on revenge porn, which goes some way to addressing a modern phenomenon that was not envisaged 10 years ago when some of the legislation that has been used was drafted.

Mr Lynch talked about the conference. He also talked about restorative justice. It has worked really well in America. Someone who has wronged a community — perhaps through graffiti — can pay back the debt to the community. Of course, it works best where the victim is very much part of the outcome and is central to whatever the restorative programme looks like. Victim Support in Northern Ireland echoes those comments.

5.00 pm

Ms McGahan talked about domestic violence courts, where really important work is being done on innovative approaches involving video links, which ensure that vulnerable witnesses do not have to be in the courtroom. The problem-solving model ensures that the person who has made a complaint has a wrap-around service to make sure that they get to court and give their evidence, so that we get a greater number of convictions.

I conclude by thanking the Minister for his supportive comments. He mentioned the calibre of speaker. When we get Lord Justice Leveson, Lord Neuberger and people from Holland, London and New York involved, that

shows that the Committee did credible and valuable work. I support the Minister in any of his efforts to shape the next Programme for Government and ensure that this work can be realised. Thank you very much, and I appreciate all the comments.

Question put and agreed to.

Resolved:

That this Assembly notes the report on 'Justice in the 21st Century — Innovative Approaches for the Criminal Justice System in Northern Ireland' (NIA 313/11-16) by the Committee for Justice; and calls on the Minister of Justice to include commitments in the Programme for Government for the 2016-2021 Assembly mandate to take forward the recommendations in the report and in particular the introduction of pilot projects for online dispute resolution approaches and problem-solving courts.

River Pollution: Committee for the Environment Report

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Ms Lo (The Chairperson of the Committee for the Environment): I beg to move

That this Assembly notes the report of the Committee for the Environment's stakeholder event on river pollution (NIA 318/11-16); and calls on the Minister of the Environment to work with his Executive colleagues and key stakeholders to take forward actions to address issues identified in the report in relation to fully implementing existing legislation, addressing the causes of pollution, monitoring pollution, and enforcement.

On behalf of the Committee for the Environment, I am delighted to open the debate on the important issue of water pollution. Our water environment is so important to our daily lives. We use it as a source of drinking water; it is used by agriculture and industry; it sustains our precious marine life; and it is used by many of us for recreational activities. Everyone has a responsibility to ensure that our rivers and lakes are protected, and we are all affected by it.

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

The Committee first started to look at pollution incidents in April, following frequent reports of fish kill. Statistics show that, since the implementation of the water framework directive in 2009, there has not been a significant decline in the number of pollution incidents. That is surprising, as the purpose of the directive is to establish long-term objectives for water protection for our surface waters, coastal waters and groundwater.

The Committee recognised the merits of undertaking a full inquiry into the topic but agreed that it could not complete an inquiry in the remaining months of the mandate. The Committee felt, however, that it was important to highlight key issues, and, to that end, it took oral evidence from the Freshwater Taskforce and the Ulster Angling Federation. It commissioned research into causes, monitoring systems and preventative measures.

The Committee held a stakeholder event on 18 February 2016. Eighteen organisations took part, including the Northern Ireland Environment Agency (NIEA), which contributed and responded to the discussions. The event explored issues of pollution management under the following four themes: the impact of legislation, pollution causes, monitoring and enforcement.

The Committee first considered the impact of the legislation. It heard views that river basin management plans had failed to restore our lakes and rivers and that there were not sufficient resources or funding to deliver their targets. It is hoped that the restructuring of Departments will provide an opportunity to adopt a more streamlined approach to tackling pollution and reduce duplication across agencies. It was clear that there are real concerns that the fines and penalties imposed do not act as a deterrent —

Mr McCarthy: I am very grateful to the Member for giving way. Does she agree that the ever-increasing number of pollution incidents would be better monitored and, indeed, policed by an independent environmental agency, rather than by what we have at the moment?

Ms Lo: I am grateful to the Member for bringing that forward. As you know, our party, including me, is very enthusiastic about an independent environmental protection agency.

It was clear that there are real concerns that the fines and penalties imposed do not act as a deterrent and are not reflective of the severity of the crime. More work is required in that area.

The Committee heard that better interaction with the planning system and engagement with the strategic planning policy were vital. Discharge consents do not form part of the planning application, and concerns were expressed that there are occasions when there is insufficient infrastructure in place to support the planning application.

The Committee heard that there were three main sources of pollution: agriculture, industry and domestic. Stakeholders suggested that cross-compliance requirements attached to the single farm payment could prevent pollution from agrisources and that the farm advisory system could help to secure buy-in from farmers and inform them on legislative compliance. Views were expressed that more regulation was required of industry, as often the nature of the material that is polluted can be toxic.

There was recognition that government agencies had made improvements to address issues caused by underinvestment, with large improvements made in sewage collection and treatment. However, more work is required. For example, the Committee heard that funding must continue to be provided to enable the ongoing upgrade of waste water treatment works. The Committee also heard that smaller sewage treatment works still fail to meet modern standards and poorly maintained septic tanks are causing considerable damage.

Statistics show that pollution from unknown sources is increasing. Domestic pollution is also recognised as a problem. Therefore, improving education and raising awareness among the general public is considered important, as many individuals do not realise the impact of their actions. The benefits of educating children at school were acknowledged and welcomed.

The Committee also looked at how pollution was monitored. The two main avenues for detection are incidents discovered through NIEA's ongoing work and incidents reported to NIEA. The Committee heard that there was a need for higher-quality monitoring and access to better data to fully understand river systems. The reliance on the public to report incidents was huge, and the Committee heard that there should be schemes to engage and encourage the public, with warning signs in place to deter polluters. Lastly, views were expressed that the current enforcement framework was not effective and that a joined-up approach was required.

The principle that the polluter must pay was also popular. Enforcement represents a failure of the process and should be used only as a last resort. Education and behavioural change in society and across the business sector would lessen the need for enforcement and might prevent pollution, rather than penalising those found to have polluted our waters.

The work that the Committee undertook in a short time certainly gave it food for thought and reinforced its view that analysis is required in this area. It is the Committee's intention this afternoon to highlight some of the issues. It does not wish to dissuade a future Committee from considering the matter in depth; in fact, the Committee encourages the incoming Committee to undertake a more detailed analysis of the issues.

A holistic approach is required to tackle these complex but devastating incidents. That is why the Committee has called on the Minister to work with his Executive colleagues and key stakeholders to step up efforts to deliver outcomes that will impact directly on our water quality management.

I conclude by thanking all of the stakeholders for participating in the stakeholder event and for giving evidence to the Committee. I also thank the officials from the NIEA who attended and very ably responded to the many and sometimes difficult questions. The Committee hopes that by debating these issues this afternoon it will raise the profile of this particular issue, and, as we move into the new mandate, that more can and will be done to reduce pollution in our rivers and lakes.

That concludes my remarks as Chairperson of the Environment Committee. I will now say a few words on behalf of the Alliance Party. I am glad that we managed to, at least, initiate consideration on the issue of river pollution, given the heavy workload that the Committee had in the last few months of the mandate. However, I hope that we have made a good start to raise the concerns expressed, particularly by a number of Committee members whose constituencies —

Mr Deputy Speaker (Mr Beggs): Will the Member draw her remarks to a close?

Ms Lo: — have had frequent experiences of fish kill. Such concerns were also echoed by participants in the stakeholder event. I think that the new Department of Agriculture, Environment and Rural Affairs will have the capacity —

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

Ms Lo: — to address this cross-cutting issue more comprehensively —

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

Ms Lo: — than by the DOE alone.

Mr Girvan: I think that this was a very timely report that, to bring it back to the crux of the matter, came on the back of a number of incidents where we had major pollution incidents in our watercourses, a lot of which feed into Lough Neagh, from where a lot of us get our drinking water, never mind anything else. A consequence of any pollution that makes its way into the river is that it can ultimately make its way into what we drink.

Having attended the stakeholder event at Oxford Island, I thought that it was an extremely informative event. A number of areas came up, and I think that this is where the joined-up approach between Departments became an issue. We had some areas that the Department of Agriculture was responsible for, some where the Department of Culture, Arts and Leisure had an involvement, and then there was the Department of the Environment. This is an opportunity for us to move forward positively, with a joined-up approach to combating pollution in our river courses.

We have a great wealth of experience in the voluntary and sporting sectors in our communities. They probably have the first line of contact in making sure that they know when pollution happens, and identifying and feeding that in. It is important to capitalise on what is a great resource. It is the angling community, in particular, that is on the rivers, probably regularly, not always fishing, but observing what is going on. They would probably be the first people to identify whenever something happens.

It was interesting to note that we have a number of sewage treatment works that are not always able to handle the volume they were designed for. As development has gone on, we have sewage treatment works run by the Department for Regional Development that are, unfortunately, sometimes the cause of pollution in some of our watercourses. As a consequence, I think it is vitally important that we now get it all under one umbrella, to deal with that approach and ensure that they do not cause a breach. I appreciate that, at times of

flood, it can sometimes be difficult for the sewers to cope, and a certain amount of overflow makes its way into the river system. The only redeeming factor is probably that the river is in flood and, as a consequence, the dilution factor is quite high.

5.15 pm

An area about which the group that I was involved with had concerns relates to the inconsistencies that seem to exist with prosecution. It is part of the report. There seems to be a less-than-fair approach to those who have been found guilty of being the cause of major pollution incidents. Sometimes, it depends on who is in the court at that time. If he has some involvement in fishing, he can take a very hard line and impose a harsh penalty on the individual concerned, but somebody else, who may not have the same interest, may seem to take a more lenient approach. So, there seem to be inconsistencies. Those who are perpetrating the pollution and have been involved in a number of incidents do not seem to be treated with any greater force under the law. I felt that it was vital that something should be done about that.

One of the suggestions that came forward from our group related to putting forward a three-strike rule and a fixed penalty approach towards minor incidents. They could be dealt with by a fixed penalty, with the potential for recompense or the chance to rectify the problem that had been caused by way of restocking a river or cleaning the riverbanks and suchlike.

Another area that I was concerned about involved those who have identified that a pollution incident has happened. It is more important to ensure that livestock and animals that might drink from that watercourse are held back and not allowed to drink water that is polluted, thus preventing it from being added into the food chain.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Girvan: There needs to be a mechanism to do that. I think that it was a very worthwhile event and the report was timely.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Like the Members who have spoken, I acknowledge that the Committee's look at the causes of river pollution has been a short, focused exercise. In a way, it is inviting greater work and greater investigation

on the part of the Statutory Committee that might take on the role in the new mandate. Obviously, we will have the reconfiguration of Departments and Statutory Committees, but, certainly, a Statutory Committee that will look at the environment, rural affairs and agriculture may wish to take a fuller look at the work of this Committee. That work came late in the day, but I must attribute it to the initiative of the Member for South Antrim Pam Cameron. It was at her suggestion and proposal that we undertook this look. As Mr Girvan said, it was a worthwhile exercise. I am happy to attribute it to the initiative of the Chair, Anna Lo, and Pam Cameron, who drove this agenda. They did us all a service by doing so.

We all have constituency interests. From a West Tyrone point of view, I am very interested in the story of the River Strule and the fish kills that have occurred in recent years. How many fish kills have there been in the last five to 10 years, for example, in the River Strule? What have been the main causes of pollution? A cursory look suggests that the main causes are agricultural, industrial and domestic, but Departments are in there too. I wonder how many of the fish kills on the River Strule might be attributable to sewage treatment works and the Department for Regional Development, NI Water etc.

Another question that I will pose is very current and relevant in the here and now and relates to the Owenkillew river in mid-Tyrone. What impact would the proposed location and development of a cyanide processing plant in that part of the world have on the special area of conservation and the freshwater-pearl mussels in the Owenkillew?

It is my understanding that there is a minimum of 10,000 freshwater pearl mussels confined to a four-kilometre stretch of undisturbed river channel in the Owenkillew River. Local people, anglers and environmentalists have raised the issue with me. That is my question to the Minister. I cannot imagine that he would have the detail to hand, although perhaps he will.

As the mandate draws towards a close, I would like to record my appreciation to the Chair of the Environment Committee, the secretariat of the Committee and, indeed, our Deputy Chair, Pam, who took this initiative. I wish Anna Lo every success in the future. She could make a late intervention yet; nominations have not yet closed. She could do a Healy-Rae on us. *[Laughter.]* I also wish another distinguished member of our Committee well in the future, namely young Alban Maginness from North Belfast. OK. That will do me.

Mr Deputy Speaker (Mr Beggs): I call young Alban Maginness. *[Laughter.]*

Mr A Maginness: Thank you very much, Mr Deputy Speaker. Thank you for those plaudits.

May I say that it is not because it is International Women's Day that I mention our esteemed Chair, Anna Lo, and our esteemed Deputy Chair, Pam Cameron? It is because they have made a very valuable contribution to the Committee, Anna in her leadership of the Committee and Pam Cameron in this particular debate, which she has raised consistently. It is as a result of her good work that we have this timely and important report, as her colleague pointed out. It is important for us here in the North of Ireland to get our waterways and rivers clean and unpolluted, as it adds to our natural environment, to our tourism offering and simply to the well-being of our citizens.

May I make a partisan political point? A lot of the good work that has gone on in relation to river pollution is a result of the European Union. Dare I mention it?

Mr Allister: Oh, yes.

Mr A Maginness: I see that I have wakened Mr Allister; I am delighted that he is alive and well and alert. I refer of course to the water framework directive, which he may well have had a part in constructing in Europe.

Mr Allister: I voted against it. *[Laughter.]*

Mr A Maginness: He voted against it. There you are. Despite his vote against it, we have it here, and it has added to the Department of the Environment's weaponry in dealing with pollution, so there you are. Despite Mr Allister's best efforts, he was thwarted, and we now have the wonderful framework directive from which flows the great benefit of legislative control and so forth.

There is another political point that I would make: the new Department will be the Department of agriculture and the environment. I think that that is the new name, although it might be just the Department of agriculture by itself. Nonetheless, the point is that there will be a tension —

Mr McElduff: Will the Member give way briefly?

Mr A Maginness: Yes, indeed.

Mr McElduff: It is important for a city slicker like you to understand that rural affairs are in there as well. *[Laughter.]*

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

Mr A Maginness: Very good. The Member has advised, and I accept that advice from a very distinguished, long-standing member of the Committee.

There is a tension between the environment and agriculture. To wit, in Northern Ireland about 67% of failures are due to diffuse agricultural pollution. In fact, 33% is due to discharges from waste water treatment works, industry, sewerage networks etc. The important point is that there is tension between agriculture and the environment, and we have to get that right. The best way of getting that right is having an independent environment agency. That is another position that I put forward. I am not sure whether Mr Allister agrees with that one or not.

Mr Allister: No.

Mr A Maginness: He does not agree with that either. Nonetheless, I think that it would be an important thing to have, and it would help us in dealing with water pollution and the pollution of our rivers, which are so important to us.

It is important that we continue the good work that the Environment Committee has done. The Committee met stakeholders. I was unable to get to that event, but nonetheless it went ahead. Apparently it was a very successful event, despite my absence — or maybe because of my absence. It was a good event, and credit to the Committee for that. The stakeholders were delighted to have an input at that level. That is important, because we need to build the partnership between government, the stakeholders and the Assembly. That is very important.

One final point is that, on fines and enforcement, the courts need to take pollution incidents much more seriously. I know that we can advise people and we can prevent pollution, but there is a deterrent effect if there are high monetary penalties. I encourage the Committee and the Department to say to —

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr A Maginness: — the judiciary that it is important that those offences are marked out

for what they are and that the polluter truly pays in monetary terms.

Mr Patterson: I welcome the opportunity to speak on the report. I was not a Member of the House, never mind a member of the Environment Committee, in November, when the discussions on these issues began. Unfortunately, I was unable to attend the stakeholder event in February. However, having read the report, I see that it was wide-ranging, covering all the issues ranging from the causes of pollution to the legislation surrounding it.

A substantial proportion of Northern Ireland's water bodies in each of the river basin districts are already classed as being in relatively good status. However, there are a couple of areas, such as Lough Neagh and the tributaries that surround it, that are among the most polluted waterways in Europe. That is deeply worrying. Therefore, it is an obvious area that the Department, as well as the Committee, needs to focus on. In addition, there are too many reports of rivers, often the same ones, being polluted and resulting in all levels of fish kills. The ecological damage of those incidents can be devastating and can leave a lasting legacy. It is frustrating to hear about certain rivers being repeatedly polluted when it is obvious that a single site or business is responsible. We need to remember that most pollution incidents are avoidable. Careful planning to prevent pollution costs little. However, the costs of cleaning up pollution incidents can be significant.

The sources of river pollution, as the Committee heard, are varied, and I know that other Members have referred to sewage treatment plants. I would like to mention one that is particularly relevant in Northern Ireland. There are, I believe, approximately 16,000 un-consented septic tanks here, and there are many thousands more across our countryside that have the right permissions but are no longer near the required standards. Indeed, it was found that 12% of phosphate pollution reaching Lough Erne came from septic tanks. As the issue paper says, there was consensus that more work was required to better understand and reduce the impact of pollution from septic tanks, as it is a much larger problem than is currently thought.

The Republic of Ireland introduced a replacement scheme for older or defective tanks in 2012, so I ask the Minister for an update on what work is going on in the background to address the problem in Northern Ireland.

5.30 pm

Although I have been on the Committee for only five weeks, I want to join other members in paying tribute to our Chair, Anna Lo, our Deputy Chair, Pam Cameron, and also our Clerk, Ciara. It is an all-woman set-up today on International Women's Day. I want to pay tribute to them for the work that they have done in the five weeks that I have witnessed it. Well done.

I want to finish by commending the report and all those involved in looking into the serious and important issue. We all have a duty of care to prevent pollution and must do everything that is reasonably practicable to do so.

Mr Durkan (The Minister of the Environment): First of all, I would like to thank Anna Lo and her colleagues on the Environment Committee for the work that they have done in relation to water quality and examining the topic of river pollution. I also acknowledge the success — a few Members have alluded to it — of the stakeholder event that was held at Oxford Island last month. By all accounts — and by all accounts again today — it was a very positive and productive day, and I am delighted to be able to respond to a number of issues that were raised at that event.

Our water environment is of key importance to us all. Our economy, our health and our enjoyment of the environment depends on the way that we maintain our rivers, lakes, groundwaters and coastal waters. Mr Maginness, who was described as both young and a city slicker today, quite rightly pointed out that the biggest driver for improvement of the aquatic environment was the introduction of the water framework directive (WFD), which was adopted in 2000 by all member states of the EU and was established in law here in 2003. That legislation introduced a new legislative imperative together with new mechanisms for the protection and improvement of all aspects of the water environment, including rivers, lakes, groundwaters, estuaries, coastal waters and loughs.

The water framework directive has a very clear link to rivers and river water quality. The directive requires plans to be put in place to cover a six-year period and for those to be updated every six years. In Northern Ireland, each river basin management plan includes a programme of measures, including a range of coordinated actions to be implemented by contributing Departments and public agencies here. However, we cannot expect dramatic

improvements in surface and groundwater quality overnight.

The WFD recognises that early and sustained action and stable long-term planning is needed due to the natural time lags involved in making water quality and ecological improvements. I know that such time lags can be frustrating for stakeholders and the public, but, particularly after a pollution event, it takes time for ecosystems to recover and any such recovery is often a long-term process. In December 2009, my Department published the first river basin management plans as required by the WFD. The second cycle management plans were published in December past.

We have made progress in recent years. The Northern Ireland figures for the status of our waterbodies show that 37% currently meet good ecological status as required under the directive. That is considerably better than in England, comparable to Wales, but still well behind Scotland, which rates at 65%. The real extent of our progress, however, is somewhat masked due to the "one out all out" rule for classification of waterbodies as required by the directive, which is particularly stringent. Each waterbody can fail for not meeting the standard in just one of up to 40 elements. For individual elements in Northern Ireland, over 80% are now achieving good status out of almost 5,000 assessments. In many cases, it is only one element that leads to failure. That situation occurs in nearly 20% of our waterbodies overall. Therefore, 56% of waterbodies are either at good status or require improvements in only one element to reach good status.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

In some cases, signs of improvement are delayed owing to the natural recovery times of aquatic animals and plants. In others, it may be factors outside the catchment. For example, in cases in which fish populations are poor but all other water quality and biology assessments are good, further investigations have already been initiated with fisheries bodies in DCAL, Loughs Agency and DARD.

An example of that is in the Moyola catchment, where an inter-agency catchment project has been set up by the NIEA, Rivers Agency, DCAL and DARD's countryside management branch to investigate common issues in the catchment related to fisheries, the WFD and flood-risk management. The aim is to develop a multi-agency data map so that common issues and activities can be coordinated to address a range

of problems affecting water quality, habitat and flow regimes.

As part of the development of the river basin management plans, the main pressures in failing waterbodies have been identified. For Northern Ireland, around 68% of failures are due to diffuse agricultural pollution, with the remainder due to point source discharges from waste water treatment works, industry, sewerage networks, urban run-off and other non-sewered discharges.

NIEA regulates point sources under the Water Order 1999 and the Pollution Prevention and Control (Industrial Emissions) Regulations 2013, setting conditions and standards within consents and permits that take account of the risk to the receiving water. Those standards are set to ensure that there is no deterioration in the receiving waterway. The NIEA applies a robust regulatory approach to ensure that the requirements of consents and permits are met. If the non-compliance is minor, we will concentrate on fixing the problem to prevent further impacts to the waterbody. In more serious cases, however, the NIEA will move to gather the evidence, which can lead, and has led, to prosecution.

Diffuse agricultural pollution remains the most significant pressure affecting our waterbodies, leading to failures of good status across the North. Although levels of phosphorus have declined significantly in the last 20 to 30 years, the rate of change has now reduced, and may be reversing. DOE and DARD are already working closely to address nutrient levels. A joint workshop on 5 November last year initiated discussions with the farming sector on how to reduce phosphorus inputs to the environment from animal feed.

My Department works closely with stakeholders and local groups at catchment level to identify and tackle sources of pollution. Examples of successful partnership-working include the Water Catchment Partnership (WCP) project on the River Derg. Northern Ireland Water, DARD, the Ulster Farmers' Union and the NIEA have worked together to promote and raise awareness of best practice when using pesticides in gardens or on farms in catchments supplying drinking water. That has been achieved through events and through farm and home visits. The project is ongoing.

Other projects involve working with anglers and other water users through Riverfly partnerships, a community-led initiative to monitor river stretches to identify pollution. Those involved are trained in simple river-monitoring

techniques using aquatic invertebrates, which can be checked on a regular basis. Any significant changes can be quickly identified and investigated. Groups are active on the Enler, Lagan, Sixmilewater, Faughan, Derg and Roe rivers.

Other measures in the second-cycle river basin management plans include the extension of a number of key programmes from the first cycle, including a revised nitrates action programme, ongoing investment in water infrastructure, and a new environmental farming scheme under the rural development programme. All of those have been developed to protect waterbodies and to help deliver good status. Full implementation of the second-cycle river basin management plans could see up to 70% of our waterbodies at that good status by 2021.

All those measures and initiatives are dependent on funding. An economic assessment has been undertaken. Some of that funding will be sourced from Europe through INTERREG and the rural development programme contributions, and most of the remaining costs will be funded primarily through Northern Ireland Water's infrastructure improvement programme. The remaining costs relating to measures for ongoing and new departmental activities will have to be taken forward and funded by the implementing Departments. However, we are all acutely aware that securing funding is difficult in the current financial climate and, furthermore, delivering the targets of the water framework directive has become even more challenging given reduced staffing levels and the need to deal with ongoing reactive workloads.

Before I finish, I need to touch on responding to incidents of water pollution and, indeed, enforcement action. I understand that the Committee's interest was prompted by a number of high-profile fish kills that occurred during 2015 and the years before that. These incidents impacted on the Enler river, the Ballymartin river, Three Mile Water and the Glenavy river. Following my discussions with anglers and stakeholders, I asked my officials to draft a fish kill protocol. My idea was to have a document setting out how we would communicate better with stakeholders as well as setting a standard methodology for the investigation of such incidents. I am delighted by the level of engagement that has been shown by stakeholders in the development of the protocol and, indeed, their willingness to get involved in assisting us to investigate such incidents. I believe that there is the potential to go further, and I know that my officials will continue to build constructive and positive

relationships with stakeholders. At the end of the day, we all have a common interest in improving water quality, and, by working together collaboratively, we can put our efforts into preventing and catching those who pollute our waters.

Effective enforcement is an important tool in tackling pollution. I am aware that there was a lot of discussion regarding the levels of fines at the Committee's stakeholder event, and Members have mentioned that today. The levels of fines are imposed by courts. That is the responsibility of the judiciary, and rightly so. However, I make the observation that dealing with polluters rigorously in court would greatly assist my officials when they are trying to encourage industry to put measures in place to prevent pollution. To me, that is much more positive and effective than having to take individuals to court, which does not actually result in any environmental improvement. Court should be seen as the ultimate deterrent, and I would be happy to see a reduction in cases going to court because the better financial choice for businesses is to invest in pollution prevention rather than risk a very high fine in court, along with the associated bad publicity and potential clean-up costs. The standard scale and statutory maximum levels of fines set out in legislation perhaps should be considered further during the next mandate.

Mr McElduff raised a couple of specific questions regarding the River Strule. He was quite right; I do not have the detail to hand. However, I can furnish him with the details required in the coming days. His echoing of the concerns of residents around the River Owenkillew is something that I have heard before. I can assure the Member and, indeed, the concerned residents that any potential impact of any potential development in that area on the pearl mussels will be taken into consideration.

Every one of us needs to take responsibility for our water environment and the quality of our rivers. The best way to protect and improve the environment is through everyone being actively involved. I remain totally committed to working in partnership with local stakeholders and, during my time as Minister, I have worked hard to develop initiatives to encourage partnership working. I think that I have been more of a fisher of men than a fisherman. I have very much enjoyed meeting a wide range of stakeholders, hearing their views and ensuring that we capture the enthusiasm and drive that exists in the voluntary and government sectors to make a difference and to improve this very

important resource that we should never take for granted.

5.45 pm

Mrs Cameron (The Deputy Chairperson of the Committee for the Environment): I welcome the opportunity to conclude this evening's debate on behalf of the Committee for the Environment. I thank everyone for contributing. There is no doubt that river pollution generates passionate views, and we are all united in the need for a more coordinated and holistic approach to tackling the problem.

Before I sum up, I reiterate the need for the Executive to work together to implement measures to address all the issues that were discussed this evening. The restructuring of our Departments must serve as an opportunity for a cross-departmental approach to the management of our freshwater environment. Evidence was presented to the Committee that the various agencies responsible for aspects of our water environment should deliver better joined-up approaches. It is evident from the work of the Committee that managing pollution is a complex system and cannot be delivered successfully by piecemeal solutions. The Committee also recognised the role that stakeholders must play in addressing the issue. That means all of us, given that we all benefit from and enjoy what our rivers and lakes have to offer. It is all our responsibility to report incidents of pollution and to be careful not to pollute our waters. However, government must lead by example.

The Committee recognises that more work is required in the following areas: implementing the measures in the river basin management plans in a timely manner; understanding the opportunities from cross-departmental working; understanding effective measures in pollution prevention, for example, greater understanding of schemes to replace septic tanks and sustainable drainage systems; improving education and raising awareness, locally and nationally; developing partnership approaches to improve monitoring efforts and testing new technologies; and liaising with the Department of Justice to discuss how fines and penalties can be used to act as a deterrent and to reflect the severity of the crime. There are many innovative approaches that the Executive can adopt to further reduce pollution, and the Committee urges the Minister to engage with his Executive colleagues to establish and agree how better that might be achieved.

I will now refer to Members' contributions. Paul Girvan talked about how this had come on the back of a number of pollution incidents in rivers that feed into Lough Neagh. He talked about the opportunity to move forward with a joined-up approach to tackling pollution. He said that there was a wealth of experience in the voluntary community that we should all capitalise on. He said that a number of sewage treatment works cannot handle the day-to-day task they were created for. He had concerns about the inconsistencies in prosecution and said that those involved in a number of incidents were treated differently. He also suggested a three-strike rule.

Mr Barry McElduff said that the new Committee should take a fuller look at river pollution. He raised fish kills in his local river, Strule, and asked how many of them could be attributed to government agencies.

Young Alban Maginness said that a lot of the good work done on river pollution could be attributed to the European Union. He talked about the possibilities of what the new Department of Agriculture, Environment and Rural Affairs could do. He said that around 68% of failures are due to agricultural pollution. He proposed that an independent environment agency would be a good idea. He praised the Committee event in February, which he did not make it to. He also stated that, on fines and enforcement, courts need to take pollution incidents more seriously and that polluters need to pay. I think that is a very important point.

Mr Alastair Patterson said that there are rivers that are very polluted and that there were too many pollution incidents. He referred to certain rivers being polluted repeatedly by single offenders, and we all know some of those. He said that most pollution incidents are avoidable and that more work is required to understand and tackle pollution from septic tanks — and we have touched on that already. He asked the Minister to look at the work being done to address that and commended the report.

I will move on to some of my comments. Environmental issues are often on the periphery of what we deem to be important in the matters discussed in the House. Whilst we focus on other essential topics, the importance of our environment all too often falls between the cracks — we know that. One such environmental issue that I have spoken about at length during the mandate, particularly during my tenure on the Environment Committee, has been the problem of river pollution. Due to time constraints, it became clear that we would be unable to hold a full inquiry into the matter, but I

was pleased that the Committee agreed to give greater consideration to the area and attempted to come to some workable solution in the limited time frame. The stakeholder event held on 18 February sought to hear views on issues, including monitoring, pollution causes and, most importantly, fines and penalties.

By now, you will be aware of the work that I have done in my constituency of South Antrim, which has suffered the greatest incidences of fish kills in Northern Ireland. As we have heard, during the last five years, 20 incidents have occurred, six of which happened in 2015 alone. Those incidents have devastating effects on local angling groups, many of whom have worked tirelessly to restock the rivers following previous pollution incidents and to ensure that the environment is conducive to aquatic life.

Given that the Glenavy, Sixmilewater and Three Mile Water rivers are important tributaries to Lough Neagh, the pollution of the river systems has huge implications for the whole of Northern Ireland. As we all know, Lough Neagh is a vastly significant ecosystem and the wider implications of fish kills and pollution incidents cannot be underestimated. Lough Neagh is a significant breeding and spawning ground for fish such as pollan, Atlantic salmon and European eels and is home to kingfishers, sand martins, otters and bats among other species of flora and fauna.

Pollution on the scale seen in South Antrim is sure to affect the delicate environmental balance of the area for many months or even years to come. It is clear that the key to helping to prevent those environmental crimes is to impose swift and stringent deterrents on offenders. As Departments restructure in the next mandate, we must ensure that there is greater interdepartmental working, particularly with Justice, to make sure that the appropriate penalties are put in place and efficiently enforced. It is also vital that we quickly identify the causes of pollution, whether they are from agricultural, industrial or individual sources. Whilst businesses are required to keep inventories of harmful chemicals, a possible solution might be to require them to report their chemical inventories to the NIEA. This might assist in speeding up the identification of the source and the composition of pollution incidents.

In conclusion, I would like to thank everybody for their contributions. I hope that the incoming Committee builds on the preliminary work that has been undertaken by this Committee on this important topic. I urge the Minister to engage with officials — I know that he has done — and

stakeholders to address other measures that can be taken to tackle the issue. Whilst much good work is already being done, we cannot be complacent. To do so would risk the vital ecosystems of our rivers and lakes.

In case I do not get another opportunity to do so, I want to wish Alban Maginness and our Chair, Anna Lo, all the best in their retirement from the House. We have worked very well as a Committee and a lot of that is down to the terrific Committee staff that we have had. I know that we have certainly burdened them with more than their fair share, particularly during the last lot of months of the mandate; so they have to be commended for the terrific work they have done. I also thank the Minister and the departmental officials who have worked with us on all the issues and have been most helpful and engaging throughout. That is recognised and appreciated. Most importantly, I thank the stakeholders who contributed so well to our review of river pollution.

Question put and agreed to.

Resolved:

That this Assembly notes the report of the Committee for the Environment's stakeholder event on river pollution (NIA 318/11-16); and calls on the Minister of the Environment to work with his Executive colleagues and key stakeholders to take forward actions to address issues identified in the report in relation to fully implementing existing legislation, addressing the causes of pollution, monitoring pollution, and enforcement.

Licensing Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call Mrs Judith Cochrane to move the Bill.

Moved.—[Mrs Cochrane.]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled list of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments, which deal with the attachment of conditions to licences for outdoor stadia and minor technical changes. The debate will be on amendment Nos 1 to 4 inclusive.

I remind Members who intend to speak that, during the debate on the group of amendments, they should address all the amendments on which they wish to comment. Once the debate on the group is completed, further amendments will be moved formally as we go through the Bill. The Question on each will be put without further debate. If that is clear, we shall proceed.

Clause 1 (Interpretation)

Mr Principal Deputy Speaker: We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 4. These amendments deal with the attachment of conditions to licences for outdoor stadia and minor technical changes.

Mrs Cochrane: I beg to move amendment No 1: In page 1, leave out line 3.

The following amendments stood on the Marshalled List:

No 2: In clause 2, page 1, line 17, leave out "other".— *[Mrs Cochrane.]*

No 3: In clause 4, page 2, line 27, at end insert "(b) after paragraph (2) there shall be inserted—

'(2A) In exercising a power under paragraph (2) in the case of a licence for an outdoor stadium, the court shall consider whether there should be attached to the licence conditions which would be appropriate in circumstances in which the outdoor stadium was being used primarily for events designed to appeal to persons under the age of 18 (regardless of whether the application relates to that matter).'"— *[Mr Allister.]*

No 4: In clause 8, page 3, line 11, leave out subsection (2).— *[Mrs Cochrane.]*

Mrs Cochrane: I welcome the opportunity to move these amendments and speak on them today at Further Consideration Stage of the Licensing Bill. Three of the amendments have been tabled by me and are technical in nature. Amendment No 1 removes the reference to "the Department" in clause 1 and is consequential to amendment No 4, which removes subsection 2 of clause 8. This subsection is no longer required because of the amendment made at Consideration Stage that put in place a commencement date and therefore no transitional provision is required.

Amendment No 2 removes the word "other" from the definition of an outdoor stadium and is really a tidying-up amendment, as the word "primarily" already makes it clear that events other than those of a sporting nature may occur in a stadium.

Amendment No 3, which is Mr Allister's amendment, asks the court to consider whether any conditions should be put on a licence for an outdoor stadium when an event geared towards under-18s is being held. I have said, in previous debates and when I was in front of Committee, that I do not think this amendment is necessary, but it does not go against the policy intent of the Bill, so I will leave it to the House to decide whether it needs to be included.

The reason why I do not think it is necessary is that, first, if we take the Kingspan Stadium and Ulster Rugby as an example, they do not have a condition put on the occasional licences that they have, yet at events such as the Schools' Cup final, they do not open the main kiosk bars through which schoolchildren might access the stands. Instead, they limit the use of their licence to their corporate area. I think that that is evidence that our sporting bodies can operate in a responsible manner.

The second, and perhaps more important, reason why I do not feel it needs to go in the Bill, relates to the explanatory and financial memorandum (EFM), which already makes very clear the type of conditions that the Bill expects a court to consider. Paragraph 11 of the EFM states:

"As an additional safeguard, a court would be given the power to attach any conditions it considers appropriate to a licence for an outdoor stadium. This would, for example, allow the court to respond to concerns about the sale of alcohol at certain types of events, particularly those aimed at a young audience. The court could use this power when granting or renewing such a licence and at any time during the course of a licence."

The EFM, in describing clause 4 and the attachment of conditions to licences, also mentions courts having a similar power to that of an indoor stadium or arena, with respect to licences and says:

"For example, it will have the discretion to react to concerns about the sale of alcohol at certain events particularly those aimed at young people."

Perhaps Mr Allister does not have as much confidence in his colleagues in the legal profession as I do, but I think it is made quite clear in the explanatory memorandum. That said, I do not think the amendment would make the legislation any better, and I would not feel strongly about it being left out either. So I will leave the House to decide the matter.

I will bring my comments to a close and ask Members to support amendments Nos 1, 2 and 4 and to do as they feel necessary with amendment No 3.

6.00 pm

Mr Beggs: I am happy to support all the amendments. Amendment Nos 1 and 2 are technical, tidying amendments and, with regard to amendment No 4, there has been an indication that the interim arrangement is no longer needed, so I am happy to support it.

Amendment No 3, in the name of Mr Jim Allister, should be in the Bill; I can see the benefit of it being there. It enables very clearly that the court shall consider whether additional conditions have to be attached to a licence when there are events that would appeal primarily to those under the age of 18. We have to remember that regional outdoor stadia will undoubtedly attract a number of youth events. I am thinking of Ravenhill hosting the Schools Cup final, but it could equally apply to soccer at the new Windsor Park stadium or, potentially, a youth GAA match at a new GAA stadium.

Particularly when we have what is known as a mixed-retailing option, potentially involving the sale of alcohol along with other goods that those under 18 would be queuing to purchase, it is much better that this provision is in the Bill and that it is very clear that the court would have those powers to remove any doubt about it. It is important that we put it up front and that there is clarity rather than having it hidden away in some other parts of the documentation. What we have done to date is good, and I commend the Member for her hard work in bringing the Bill to this stage. We should do this final bit of refinement and, hopefully, see the Bill brought into being during the course of this Assembly.

It is important that we look after our young people and afford them protection and do not simply rely on the goodwill of those who are organising events. We should make it very clear that courts would have powers to scrutinise licensing conditions for events that are primarily designed for young people.

Mr Douglas: I will be very brief. First, I thank Judith Cochrane for the work that she has done on the Bill. It has been a long, drawn-out process at times, and we have had a fair bit of scrutiny of the Bill and a fair number of discussions about it. I pay tribute to her for the work that she has done, just as my colleague Roy Beggs has done. I support all the amendments and look forward to the next stage of the Bill.

Mr Dickson: First, I apologise for not being here for the commencement of the debate. The timings have moved quickly today, and that is good for the Assembly. I, too, congratulate my colleague Judith Cochrane for the work that she has done. Indeed, looking first-hand at how an individual Member has worked to plan and guide a piece of legislation through the Assembly has been something that I have appreciated. For me, it has provided a learning opportunity as well and, perhaps if I am returned in the next mandate, it will give me the opportunity to consider how one might also bring a private Member's Bill to the Assembly.

Apart from the congratulations that I want to offer my colleague for the work that she has done, I have discussed with her all the amendments being debated at this point — those of a technical nature and that of Mr Allister. I understand that she is content with that and, as Mr Beggs said, it adds the additional reassurance that when licensing premises where there is the involvement of young people, that is an issue that the court has to take into consideration.

On that note, I will finish. I thank my colleague and indicate our support for all the amendments.

Mr Allister: As has already been alluded to, the purpose of amendment No 3 is to put it beyond doubt that there is an obligation on any court granting a stadium licence to consider whether, in circumstances where the primary function involved at any occasion involves minors, any special conditions are necessary for that licence. The amendment does not compel the court to impose any conditions, it simply makes it clear that the court, in considering a licence, must give due consideration to whether it needs any extra conditions for occasions such as the Schools' Cup final or whatever other function there might be. It also alerts those who have the obligation to bring either applications or objections to the fact that those are matters that they should equally be considering.

It is modest in its terms. It is not prescriptive. It does not require the court to do anything other than to rationally and reasonably consider whether, in the circumstances, such a condition on a licence is appropriate. It leaves it to the court to decide one way or the other, but it avoids the possibility of something slipping through without ever being thought about. That is the purpose of putting it in the Bill, and I respectfully suggest that it is necessary. Whatever might be in the explanatory and financial memorandum, it is not part of the legislation, so, if you want to be sure that those matters will be duly considered, it is necessary for it to go into the legislation. On that basis, I will move the amendment.

Mrs Cochrane: I thank the Members who contributed to the short debate today. The measures that Mr Allister has proposed are quite measured. During Committee Stage, I considered bringing forward a similar amendment. It became quite difficult to word it if I was going to specifically put something in it. The way in which he has approached it does not actually place a condition immediately on the Bill. Therefore, if there were a GAA event and there were a junior match before the senior match, there would be flexibility operationally as to how that condition might be placed. I think it is appropriate. I said at the outset that it is within my policy intent. I made it very clear in my explanatory memorandum that those are my views. I am a mother; I want to protect children. I want to be able to provide a family environment at the same time as being able to sell alcohol in a controlled manner at our stadiums.

As I said, I thank the Members who have contributed. I am happy to support the amendments.

Amendment No 1 agreed to.

Clause 2 (Meaning of "outdoor stadium")

Amendment No 2 made:

In page 1, line 17, leave out "other".— [Mrs Cochrane.]

Clause 4 (Attachment of conditions to licences)

Amendment No 3 made:

In page 2, line 27, at end insert "(b) after paragraph (2) there shall be inserted—

'(2A) In exercising a power under paragraph (2) in the case of a licence for an outdoor stadium, the court shall consider whether there should be attached to the licence conditions which would be appropriate in circumstances in which the outdoor stadium was being used primarily for events designed to appeal to persons under the age of 18 (regardless of whether the application relates to that matter).'— [Mr Allister.]

Clause 8 (Commencement and short title)

Amendment No 4 made:

In page 3, line 11, leave out subsection (2).— [Mrs Cochrane.]

Mr Principal Deputy Speaker: That concludes the Further Consideration Stage of the Licensing Bill. The Bill stands referred to the Speaker.

Licensing Bill: Suspension of Standing Order 42(1)

Mrs Cochrane: I beg to move

That Standing Order 42(1) be suspended in respect of the Final Stage of the Licensing Bill [NIA 69/11-16].

This motion is necessary to allow the Final Stage of the Licensing Bill to be taken on 15 March, as this is less than the five working days required under Standing Orders between Further Consideration Stage and Final Stage. The alternative to this motion would have been to request that the Business Committee schedule an additional sitting on 16 March. I hope that Members agree that, in the context of this short, focused piece of legislation, the approach that I propose, of suspending the Standing Order, is preferable. I thank the Business Committee for agreeing to the scheduling of the motion and ask Members to support it.

Mr Principal Deputy Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Order 42(1) be suspended in respect of the Final Stage of the Licensing Bill [NIA 69/11-16].

Mr Principal Deputy Speaker: The Final Stage of the Licensing Bill will proceed on Tuesday 15 March.

Adjourned at 6.12 pm.

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