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Suggested amendments or corrections will be considered by the Editor.

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Northern Ireland Assembly

Tuesday 9 December 2014

The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Dallat] in the Chair).

Members observed two minutes' silence.

Ministerial Statements

North/South Ministerial Council: Plenary Meeting

Mr M McGuinness (The deputy First Minister): In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the nineteenth meeting of the North/South Ministerial Council (NSMC) in plenary format, which was held in Armagh on Friday 5 December 2014. The Executive Ministers who attended the meeting have agreed that we can make this report on their behalf.

Our delegation was led by the First Minister, Peter Robinson MLA, and me. In addition, the following Executive Ministers were in attendance: Minister Durkan; Minister Farry; Minister Ford; Minister Hamilton; Minister Kennedy; Minister Ní Chuilín; Minister O'Dowd; Minister O'Neill; Minister Storey; Minister Wells; junior Minister Bell; and junior Minister McCann

The Irish Government delegation was led by the Taoiseach, Enda Kenny TD. The following Irish Government Ministers were also in attendance: Tánaiste and Minister for Social Protection, Joan Burton; Minister for Foreign Affairs and Trade, Charles Flanagan; Minister Howlin; Minister Bruton; Minister Fitzgerald; Minister Reilly; Minister Varadkar; Minister O'Sullivan; Minister White; Minister Donohoe; Minister Humphreys; Minister of State Nash; Minister of State Sherlock; and Minister of State Harris.

At the start of the meeting, we had a good discussion on a very important event that had taken place earlier that morning at the Royal School Armagh — the announcement that the Irish Rugby Football Union (IRFU) had decided to proceed with a bid to host the 2023 Rugby World Cup. The Council noted that, following ministerial consideration of a report on the feasibility of submitting a joint bid to host the Rugby World Cup in 2023, it had been agreed to support the IRFU's bid. We discussed the potential benefits that hosting such an event

would bring to both jurisdictions and agreed that the relevant Ministers should work closely together to ensure that the strongest possible bid is submitted. I can safely say that all Ministers at the meeting were delighted at the prospect of such a prestigious event being hosted here.

Following on from the discussion on the Rugby World Cup, the Council noted the position on sectoral priorities and the north-west gateway initiative and agreed to keep those matters on its agenda.

As is normal at these meetings, we had an in-depth discussion on economic and budgetary issues in both jurisdictions. The Council welcomed the fact that, in general, signs are positive, while recognising that challenges remain. The recent announcement by the British Chancellor of the Exchequer on corporation tax was also discussed. Both Governments reflected on their respective successes in attracting external investment, while recognising that there is a key role to be played by indigenous companies in economic development. The opportunities to work together on joint trade missions and on developing new markets were recognised.

Ministers had a useful discussion on EU funding opportunities. The new draft Peace and INTERREG programmes are with the European Commission for consideration, and it is hoped that the final programmes will be launched in spring 2015. Following our consideration of EU funding at our last meeting, the Council welcomed the ongoing discussions between Ministers at NSMC meetings on the potential for collaboration to draw down EU funds. There is engagement between the jurisdictions on the opportunities available, and the Council looked forward to a further progress report at its next meeting.

The next item on the agenda was child protection and e-safety. The Council had an in-depth discussion on child protection issues, with a particular focus on e-safety, and noted that good collaborative work is already taking

place on child protection within the NSMC structures and elsewhere. There was very good discussion on this item, with several Ministers from each jurisdiction contributing. Ministers recognised that such issues are cross-cutting and cross-jurisdictional and will require collaborative working to address. We agreed that Ministers who have a remit in child protection and e-safety-related activities should engage with their counterparts in the opposite jurisdiction to explore whether there is potential for further collaboration. It was also agreed that the topic should be revisited at a future meeting.

The Council then noted the progress report prepared by the NSMC joint secretaries on the work of the North/South bodies and other NSMC areas of cooperation since our last meeting in October. They welcomed the following key developments: in the area of transport, cooperation is continuing on identifying strategic transport priorities, including developing the strategic road and sustainable transport networks, and opportunities are being explored to pursue EU funding in a mutually beneficial manner to include support for the development of cross-border greenways.

Health is also an important area for cooperation, and progress continues on developing the two new suicide prevention strategies to follow on from the Reach Out and Protect Life strategies. Both jurisdictions have committed to share knowledge arising from media and public information campaigns on mental health. The All Ireland Institute of Hospice and Palliative Care launched its children and young people website. The first ever all-island Palliative Care Week took place from 6 to 11 October and was aimed at encouraging a deeper public understanding of palliative care.

Funding for rural communities is important, and both Administrations are in the process of seeking approval from the European Commission for their respective rural development programmes for 2014-2020.

Education also remains an important priority for both jurisdictions. Education Ministers, at their meeting on 22 October 2014, received a joint presentation on cross-border cooperation between the Departments on educational underachievement. The focus of the presentation was the joint workshop in Dublin on 8 October 2014. Work will now be taken forward to establish a means of sharing the experience of schools to address educational disadvantage.

In the environment sector, Ministers, at their meeting in November, noted that the contract for the all-island air quality research study of airborne pollution from the combustion of residential solid fuels — in particular, smoky coal — was awarded in February 2014. They noted that an interim report is being considered by officials and will be presented to Ministers in the near future. The second and final phase of the study is due to commence before the end of the year.

I turn now to the work of the North/South bodies. Research and development is important for both jurisdictions. Both Enterprise Departments and InterTradeIreland continue to encourage North/South collaboration in research and innovation to increase the drawdown of funding. Significant actions have included the publication of InterTradeIreland's Horizon 2020 guide, the recently held Collaborate to Innovate conference in Dublin Castle, and the launch of the jointly agreed strategic action plan prepared by the Horizon 2020 all-island steering group.

The Special EU Programmes Body (SEUPB) has an important role in the development of the draft Peace IV and INTERREG Va programmes 2014-2020, which were submitted to the European Commission on 22 September 2014 in line with the regulatory deadline. The programmes are now in the negotiation phase with the Commission, and it is hoped that the final programmes will be launched in spring 2015.

Safefood continues to develop community food initiatives, and the evaluation of the first year of the current 10 projects has concluded that all are progressing very well. A range of research reports and surveys have also been completed by Safefood in recent months.

The Loughs Agency continues to work on the marketing and promotion of the Foyle and Carlingford areas through the development of marine tourism, angling and education and outreach programmes.

Foras na Gaeilge continues to assist with the implementation of the new funding arrangements, including the agreement of an overall high-level strategic plan in addition to three-year plans for each of the six strategic areas.

A new Discover Ulster Scots Centre was opened on 27 November at the Corn Exchange Ulster-Scots hub in Belfast. The centre works with a number of partners to maximise the opportunity for collaboration in the Ulster-Scots

sector to provide a modern showcase of Ulster-Scots culture for the general public.

Waterways Ireland has developed the Shannon blueway, Ireland's first blueway. This is a multi-activity trail running alongside water between Drumshanbo and Carrick-on-Shannon in County Leitrim, which it has developed in conjunction with the National Trails Office, Canoeing Ireland, Leitrim County Council and Leitrim Tourism. The body continues to engage with relevant organisations interested in the further development of blueways or greenways in both jurisdictions, including by exploring opportunities for EU funding.

Finally, the Council noted that the British-Irish visa scheme was officially announced by the British and Irish Governments on 6 October 2014. Under the first phase of the scheme, Indian and Chinese nationals will be able to visit Britain and Ireland using just one visa, removing the need for those visiting here to apply for a separate visa to travel across the border and vice versa. It is anticipated that the scheme will significantly boost business and holidaymaker visitors.

Ministers noted the current position on a North/South consultative forum.

At the end of the meeting, the Council approved a schedule of NSMC meetings proposed by the joint secretariat, including an NSMC institutional meeting in early 2015 and the next NSMC plenary meeting in early summer 2015.

Mr Spratt: I thank the deputy First Minister for his statement. Child protection and e-safety are serious issues for all of us. Will the deputy First Minister elaborate on what the Executive are doing in the area of child protection and e-safety?

Mr M McGuinness: Safeguarding and protecting children from abuse of any kind is the responsibility of all of us. It is important to ensure that there is continued cooperation across Departments, agencies and organisations. I am pleased to advise that the work programme agreed at the NSMC health and food safety meeting on 18 July 2012 is continuing to improve safeguarding and child protection practice across both jurisdictions. A North/South childcare in practice conference was held in October 2014 in Dundalk, and it explored the background to early intervention approaches to child and family problems and the similarities and differences in solutions in both jurisdictions. The conference was attended by over 200 people and brought together prominent academics, policymakers

and managers of statutory and not-for-profit organisations as well as practitioners from all over Ireland to showcase examples of good practice and making positive changes for children and families. The Department of Justice continues to work to ensure that, when sexual-exploitation-related crimes occur, we work together to protect and support victims and bring perpetrators to justice.

10.45 am

Child internet safety continues to be a concern, especially in relation to the online dangers that children and young people face, such as pornography, online grooming and bullying. While we recognise that the Department of Health, Social Services and Public Safety has the lead role in child protection, we have taken advantage of OFMDFM's central role in the Executive to help inform how we can best protect children from abuse through the Internet, and there are quite a number of actions, including commissioning research, the UK Safer Internet Centre and an ongoing review of activity.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an LeasChéad-Aire as an ráiteas. Will the deputy First Minister give an update on the current position of the EU funding programmes?

Mr M McGuinness: The 2007-2013 Peace III programme has a total budget of €333 million. The programme is fully committed and has achieved all its spending targets to date. The 2014 target was met during September 2014, with a cumulative expenditure of almost £257 million recorded by the end of October, against an EU target of £250 million. The 2015 target will represent the full programme budget. It is vital that the EU income is maximised, and SEUPB must now manage the portfolio of projects to successful conclusion within the eligible programme time frame.

INTERREG IVa has a budget of €256 million, 88 projects have been issued with a letter of offer and the programme is now fully committed. INTERREG IVa has exceeded all its annual expenditure targets to date, and SEUPB advise that it will meet the spending target for 2014. The target for 2015 will, of course, be challenging. DFP is monitoring the situation closely and is working with the SEUPB to manage the risk and ensure that no EU income is lost.

We noted that the draft Peace IV and INTERREG Va programmes were submitted to the European Commission on 22 September in line with the regulatory deadline, and that will be followed by further negotiations between DFP and the Department of Public Expenditure and Reform and the Commission to agree a final programme.

Mr A Maginness: I thank the deputy First Minister for his very detailed report to the Assembly. He referred to indigenous companies and economic development. Will the deputy First Minister expand on the opportunities to work together on joint trade missions and on developing new markets? I think that it is crucial that that cooperation continues.

Mr M McGuinness: I totally agree with the Member. It is vital that, where we can gain benefit for both Administrations North and South, we work together. During the NSMC meeting that was held in Armagh, I made the point — given that we are opening a new office in China — that we very much appreciated the support of the Irish Government's diplomatic services, particularly the ambassador, in opening that office and paving the way for our representative to get to know people in the Chinese Administration and, just as importantly, in the business community.

There have been a number of joint missions. Our Enterprise, Trade and Investment Minister has been involved in joint missions with representatives of the Irish Government. In the context of going out from this island, we all accept that places like India, China and many other places do not differentiate between North and South; they look for a business proposition. In circumstances where it makes sense for us to work together, it improves our ability to gain more exports for our businesses, including our indigenous businesses.

It also makes it clear to the Administrations that we are open for business on the island. Many of those people will also be looking at the opportunities that the prospect of our having the ability to set our own rate of corporation tax could have in terms of impact on foreign direct investment, which, as we all know, mainly comes from North America at this time.

Mr Lyttle: I thank the deputy First Minister for his statement. I welcome the work of the Northern Ireland Executive to support the Irish Rugby Football Union (IRFU) bid to host the Rugby World Cup in 2023. I add the Alliance Party's full support to that work. Does the

deputy First Minister agree that the unique partnership approach to this bid North/South and between the IRFU and the GAA, and indeed Ireland's rich rugby heritage, makes for a very persuasive bid? In what practical way will the Executive be able to support that bid?

Mr M McGuinness: I think that all of us in the House know that this is a fantastic opportunity for all of us on the island to host one of the largest sporting events in the world. Of course, we have a tremendous rugby tradition. This also puts us in the international spotlight with a great opportunity to raise our profile. There is our historic role in developing the world game and, in recent times, driving the growth of the European cup; rugby's role in bringing people together; and of course our popularity as a destination due to the beauty of our landscape, rich heritage, diverse culture and warmth of welcome. I have no doubt that everybody will get behind this bid. I think that we do so with a considerable degree of confidence that it can be a winnable bid. All that has happened on this island over the last 20 years will not be lost on those who will make a final decision.

Ireland is one of the great rugby nations of the world. If you want a very clear indicator of our prominence, you just have to look at the two victories over South Africa and Australia; the first time there were two in a row over southern hemisphere teams. We have a very proud rugby tradition. We have also been blessed by the fact that the powers that be in soccer, the GAA and rugby have all come together very powerfully over recent years to exploit the real opportunity that sport has to bring people together right across the country. People like me have no problem standing up for the Ulstermen when they are playing. I presume that people on all Benches here have no problem standing up for Ireland when they are playing. It is great to see that quite a number of the Ulstermen feature on that team. I was very pleased to have Andrew Trimble with us in Armagh on Friday. He was recently voted Irish rugby player of the year. That is a fantastic accolade for all of us.

This is a fantastic opportunity with hundreds of thousands of people coming to our shores and a worldwide television audience in the region of 4.2 billion people.

Mr Campbell: The deputy First Minister mentioned that child protection was discussed in Armagh. Can he indicate whether there was any discussion regarding sexual abuse of children in the past and the relocation of those who were responsible for that abuse from Northern Ireland to the Republic courtesy of the

paramilitary organisation that he used to belong to?

Mr M McGuinness: In the course of the public promulgation of all of this, I have made it clear that I have written to both the Taoiseach and the First Minister on my proposal that we need to be very proactive in this regard. I know that there are ongoing discussions between Minister Fitzgerald, Minister for Justice and Equality, and Minister Ford, from our perspective, on the matter. We await the outcome of those deliberations. If those deliberations take some time, as they may well do, there is a huge responsibility on all of us to consider how, in the interim, we can continue to support those who have been victims of sexual abuse.

From my perspective, I want to see as much support as we can possibly give, North and South, through our working together to support people with counselling, helplines and, very importantly, how they can access justice. There should be no hiding place on this island anywhere for anybody guilty of the sexual abuse of anyone. I think that there is a total commitment on the part of everybody at the North/South Ministerial Council that we all have to do whatever we can to ensure that we support victims.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. I seek assurance from the deputy First Minister that the Executive are exerting maximum pressure at this time on the Irish Government to play their full part in meeting their financial obligations in respect of the crucial A5 road project.

Mr M McGuinness: I think that all Members will be aware that, as a result of a legal challenge on behalf of the Alternative A5 Alliance, the orders relating to the A5 scheme were quashed in April 2013. The judge dismissed 11 of the 12 grounds of challenge but held that there was a need to carry out an appropriate assessment under the habitats directive in relation to special areas of conservation.

Public consultation on three reports informing the appropriate assessment process concluded in June 2014. Consultation on the fourth and final report concluded in late November 2014. Work is well advanced on the new draft statutory orders and a new environmental statement. When the new environmental statement is published, it will be subject to public consultation, which may lead to a further public inquiry in 2015.

Subject to the successful conclusion of statutory procedures, the Executive, taking account of their other priorities and the funding commitments of the Irish Government, which the Member referred to, will decide when funding can be made available to build the scheme. We had a very useful discussion with the Taoiseach about the A5 funding. It was a very positive development that he specifically mentioned the A5 at the press conference following the meeting; he again reaffirmed his Government's commitment to the scheme.

All in all, this is obviously a huge priority for not just the North/South Ministerial Council but our Executive. In terms of the construction industry, the sooner we can get diggers back on the road again to build that important road to not just Belfast but Dublin, the better. The conversation with the Taoiseach in relation to the prospect of the Irish Government restoring the full funding that they committed themselves to was very encouraging indeed.

Mr Deputy Speaker (Mr Dallat): Before calling the next Member, I ask Members to check or recheck their mobile phones. A very active one is creating problems for Hansard.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas seo ar maidin. I thank the deputy First Minister for his statement this morning. Will he confirm whether we are on target to make the tourism industry here a £1 billion market by 2020?

Mr M McGuinness: Our visitor numbers continue to rise year on year. More importantly, revenue from tourism has shown healthy increases in the last few years; in 2013, tourism spend was worth some £723 million to the local economy. Of that, £531 million came into the economy from out-of-state tourism spend. The total visitor numbers for 2013 were 4.1 million. Figures for the first six months of 2014 show a 5% and 10% increase in visitor numbers and visitor spend respectively compared with January to June 2013.

Progress is on track to achieve the long-term goal to make tourism here a £1 billion industry by 2020. Our significant investment in developing a world-class tourism product is bearing fruit. For example, Titanic Belfast has seen over 1.84 million visitors since opening, which well exceeds the target for the first two years. The Giant's Causeway has seen over 1.96 million visitors, and over 1.37 million people from 178 countries have visited the visitor centre since it opened. We are making

exceptional progress in tourism. Tourism figures are up. We are very confident that we will reach the £1 billion mark by 2020. It is very encouraging.

11.00 am

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. An dtig liom fiafraí den LeasChéad-Aire an raibh aon phlé ag an chruinniú faoi na heagraíochta Gaeilge anseo i mBéal Feirste a mbeidh deireadh leo de bharr na samhla nua maoinithe, mar shampla an tIontaobhas Ultach, atá imithe cheana féin, agus Pobal, atá i mbaol a bháis? Caidé an tionchar a bhéas aige sin? Could I ask the deputy First Minister whether there was any discussion at the meeting about those Irish language organisations here in Belfast that will disappear as a result of the new funding model being operated by Foras na Gaeilge and if the influence of the disappearance of those organisations was also discussed?

Mr M McGuinness: There was no specific discussion, but the NSMC approved the implementation of the new funding model in July 2013. That represented a significant shift in the strategic coordination and delivery of services to language communities. The new model seeks to ensure improved collaboration and a more flexible and adaptable approach that can respond quickly to the current and future needs of the language. The six lead organisations are in place and have met in the partnership forum with Foras na Gaeilge to develop its plans for delivering its allocated strategic priorities in relation to its specific theme in both jurisdictions. Work to finalise the arrangements is ongoing.

A language development forum was established at the end of June to provide feedback and advice about the delivery of service by the lead organisations and to give voice to the Irish language community in the development of future plans and the emerging needs of the language. Foras na Gaeilge has appointed a chair to lead the forum. I know that the Culture, Arts and Leisure Minister, Minister Ní Chuilín, has been involved with the Irish language organisations in Belfast and meets them regularly. In fact, she attended a meeting that I was involved in last week, when Pobal came to Parliament Buildings and we had a bilateral meeting. It was great to see that Pobal was accompanied on that visit by Linda Ervine from east Belfast, who, herself and through her organisation, has been very much involved in the teaching of the Irish language in east

Belfast to what appears to be a very receptive audience.

Mr Allister: Can we expect any reduction in the number of wasteful North/South bodies and the extravagance of the cross-border machinery as a result of the upcoming talks, or are they to continue as profligate sacred cows in the political arrangements?

Mr M McGuinness: The North/South bodies make a very significant contribution to both jurisdictions and carry out a range of valuable functions.

For example, InterTradeIreland does excellent work on promoting cross-border trade and helps SMEs and others to grow their capability in exporting. It plays a key role in helping companies to access research and development funding through EU programmes such as FP7 and Horizon 2020. It has carried out good work to help the companies gain greater access to the public procurement market. Of course, the SEUPB also plays a key role in the management of EU funds such as Peace and INTERREG. I am sure that all Members will be aware of the important role that those funds have played across all constituencies.

Waterways Ireland plays an important role in the management of inland waterways, which is a resource that is very important for our tourist industry. The Loughs Agency plays an important role in the management of Foyle and Carlingford loughs and is also heavily involved in promoting the loughs as destinations for marine tourism. There are many other examples of good work taken forward by the bodies. It is clear to see that the work of the bodies is important and it will continue.

Mr Cree: I thank the deputy First Minister for his statement. It was interesting to read that Waterways Ireland has developed this first blueway in the Carrick-on-Shannon area. Can he share with us if, in fact, Waterways Ireland has developed any projects for the Erne waterway itself?

Mr M McGuinness: These projects are under ongoing consideration by Waterways Ireland, as the development of blueways and greenways could add to our tourist potential. It is clear from how greenways have been used, particularly in the west of Ireland, that they have huge health benefits for those now walking and cycling and involved in physical activity.

There is a proposal for another greenway from Derry city to County Donegal. Blueways and greenways offer important tourist potential, and it is exciting to see that Waterways Ireland is considering the linkage in the Leitrim area and how it can be extended to Lough Erne.

Mrs Overend: It was interesting to see that e-safety was raised at North/South level, especially since there does not yet seem to be any agreement here as to who will take responsibility for a cross-departmental Internet strategy in Northern Ireland. What did they learn about forming an Internet safety strategy from the Republic of Ireland Government? It is important to see action on this issue as soon as possible.

Mr M McGuinness: The Member raises a serious issue. It is serious not just because of the need for us to continue to explore with the Irish Government how, on this island, we can protect our children but also since, with advances in technology and the extensive use of the Internet, this is now a global problem.

It is not a problem affecting just us here on the island of Ireland; it affects every nation in terms of the protection of children, so there needs to be a global response. In considering what we can do on the island of Ireland to continually improve our ability to protect children, we also have to look at what is happening in the big world out there.

I am sure that many nations have similar concerns to ours about the safety of their children. This requires global cooperation. In the context of what we are doing on this island, there is a duty and responsibility, particularly on the Justice Departments, to continually review, and I know that those reviews are ongoing.

Of course, the health service is involved. Also, given the contribution that education can make, it is definitely a cross-cutting issue that needs to be accelerated as we continually see, hear and read horror stories in newspapers and on the news. There is also a big problem with bullying on the Internet; that has had its own impact, as young people have taken their lives as a result of being bullied. The Internet has been a tremendous advance and resource for educationalists and for ending the isolation of older people in their homes. However, there are dangers, and they will have to be met by a global response.

Mr Deputy Speaker (Mr Dallat): Order. That concludes questions on the statement.

Intergovernmental Agreement on Cooperation on Criminal Justice Matters

Mr Ford (The Minister of Justice): With permission, I wish to make a statement regarding a meeting under the auspices of the intergovernmental agreement (IGA) on cooperation on criminal justice matters, held in Dublin on Friday 21 November. I represented the Executive at the meeting, which was hosted by Frances Fitzgerald TD, Minister for Justice and Equality.

This was the ninth formal ministerial meeting under the IGA since the devolution of justice in April 2010. As I have said in statements to the House, I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement on the same basis as North/South Ministerial Council (NSMC) meetings. The meeting on 21 November provided us both with an opportunity to review early progress against the joint work programme for 2014-15, which will run through to the summer of 2015. Members will recall that I shared a copy of the joint work programme on 16 September following my meeting with Frances Fitzgerald on 27 June, at which the programme was agreed.

It was pleasing to note the progress that has been made: for example, a draft strategy and action plan has been developed to enhance and optimise forensic science partnership between the respective services in Northern Ireland, Ireland and Scotland.

The sharing of information between the PSNI and An Garda Síochána progressed in the form of a best practices document in July, covering policing in partnership with diverse communities.

Meanwhile, through the work of the support for victims project advisory group, valuable discussions have been ongoing between officials in my Department and officials in the Department of Justice and Equality (DJE) as preparations continue in both jurisdictions towards implementation of the European victims directive in November 2015.

Under the guidance of the youth justice project advisory group, the PSNI and An Garda Síochána have begun to examine the potential for cooperation on juvenile offenders who are on diversion programmes.

Those are just some of the examples that demonstrate the embedded cooperation

ongoing between the criminal justice agencies, North and South. It is my intention to report more fully on progress against the current work programme following the next IGA meeting with the Irish Justice Minister, which is scheduled to take place in Northern Ireland before next summer. In the meantime, progress against the work programme actions will be monitored by the working group of officials.

One action that arose from the 2014-15 work programme was the organisation of the fifth annual joint public protection seminar, which was held in Dublin on the same day as our meeting. The theme of the seminar was working with and in communities. It provided the opportunity for professionals from various justice agencies to discuss a number of key topics, and volume 11 of the 'Irish Probation Journal' was launched. Having addressed the previous four annual seminars, I was very pleased to join Frances Fitzgerald in opening the fifth.

Six project advisory groups provide the mechanism by which the work of the IGA is taken forward. They focus on the areas of public protection, registered offenders, youth justice, forensic science, support for victims of crime and social diversity. Each of the project advisory groups has continued to promote and support cooperation across the broad spectrum of criminal justice agencies on both sides of the border. On the management of sex offenders, for example, there continues to be excellent cooperation between the PSNI and An Garda Síochána at an operational level.

I used the opportunity on 21 November to advise Frances Fitzgerald of the recent publication by the Home Office of the expert panel's report on new psychoactive substances, more commonly known as legal highs. Whilst noting that the Home Office leads in the area, I nevertheless stated that my officials and I would be keen to learn from the approach and legislative response taken in Ireland to that complex issue.

I also advised the Irish Justice Minister about the recent publication of the inquiry report into child sexual exploitation in Northern Ireland. Welcoming the inquiry report, which was produced by Professor Kathleen Marshall, I informed Frances Fitzgerald and her officials that I, along with colleagues in the justice system, will consider carefully the report and its recommendations. Given recent allegations about the sexual abuse of children, Frances Fitzgerald and I underscored at our meeting the importance of victims, or those with any information, coming forward to report such

crimes to the relevant authorities, particularly if they have concerns about children who may be at risk.

Following on from our earlier contacts, we discussed the very disturbing allegations about the cover-up of sexual abuse by paramilitary organisations. A key concern is that abusers were seemingly allowed to remain in communities or were moved to communities where their activities were unknown to the authorities, and the normal measures could not be taken to protect children. We welcomed the fact that people are making information available. The information is being investigated, and, again, we emphasised the importance of anyone who has relevant information making it known to the authorities in our respective jurisdictions.

Whilst, in the first instance, we were anxious not to take any action that would interfere in any way with ongoing investigations, we agreed to continue to consider what further measures might be taken jointly to address the issue. We did that again last Friday when we met before the NSMC meeting in Armagh. Government officials in DOJ and DJE have begun to assess issues that might arise relevant to the establishment of an inquiry.

Frances Fitzgerald and I have indicated that a scoping exercise will examine the legal, procedural and constitutional complexities to be considered. To reiterate what I said on Friday:

"We have tasked officials to look at what further opportunities lie beyond the current issues of criminal investigations and support for victims. The important issue is that we do not cut across the work currently being done by the different agencies, North and South."

Minister Fitzgerald and I plan to meet again in January to assess progress.

11.15 am

In conclusion, the intergovernmental agreement provides an extremely helpful framework for supporting North/South cooperation on criminal justice matters. I am pleased to report that there remains good progress in enhancing and promoting further the development of North/South cooperation to make the whole island of Ireland a safer and better place for all our people, particularly protecting our children and the most vulnerable in our society. It is this that the Irish Justice Minister, Frances

Fitzgerald, and I are fully committed to securing.

Mr Givan (The Chairperson of the Committee for Justice): I thank the Minister for bringing the statement to the House. I welcome the U-turn by the Minister of Justice to look into a North/South investigation on the serious allegations about child abuse in the republican movement. I am disappointed that it took the intervention of the Irish Taoiseach for the Northern Ireland Justice Minister to have this change of position, despite the appeals that were made by some of his own people in the Assembly. Nevertheless, I welcome that change.

In his statement, the Minister said:

"The important issue is that we do not cut across the work currently being done by the different agencies, North and South."

Given the work that is now being undertaken, will he assure the House that there will not be any attempt to hide behind the work being considered by the PPS and others in Northern Ireland on these issues but that there will be a very serious investigation, linking with the authorities in the Republic of Ireland, so that we can get to the truth about those who have been involved in child abuse and in moving perpetrators across the border to protect them in the South?

Mr Ford: I do not think that the Committee Chairperson can welcome a U-turn, because there has been no U-turn.

Mr Givan: Yes there has.

Mr Ford: I have consistently said that the first and most important issue is to ensure that criminal investigations, North and South, are not hampered and that I was open to seeing what might follow after those investigations were completed. That is exactly what I have said from the very beginning, and that is what Frances Fitzgerald and I said at the IGA meeting. That is what I repeated in Armagh last Friday.

Mr Givan: U-turns.

Mr Ford: Mr Givan may talk about U-turns as much as he likes. If he actually listened to what was said, he would realise that there is no U-turn whatsoever. If he wants to be serious and talk about ensuring that the work being done is not cut across — I think that that was the precise phrase that he used — I am committed

to ensuring that the work being done at the moment — the review by the Police Ombudsman, the review commissioned by the Director of Public Prosecutions and being carried out on his behalf by Keir Starmer QC and the ongoing work of investigating further complaints being made to the PSNI and an Garda Síochána — will continue. We will then see what appropriate work may follow.

Mr Deputy Speaker (Mr Dallat): I encourage Members to take the Minister's advice and listen to what is being said. More importantly, I encourage Members not to shout from a sedentary position. If it happens again, I will take action.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. Does the Minister agree that any proposed all-Ireland inquiry into sexual abuse during the conflict must involve all sections of society to meet the needs of all victims?

Mr Ford: I certainly agree with Mr Lynch that any inquiry must cover whatever allegations may come forward. At the moment, it seems to me that only one set of allegations is being made. As I understand it, only one set of criminal investigations is being carried out to investigate allegations made against certain republican paramilitaries.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Tcím ón ráiteas go raibh plé ag an Aire agus a leathbhreac faoi shubstaintí sícighníomhacha le linn an chruinnithe. Ba mhaith liom a fhiafraí de caidé atá ar intinn aige a dhéanamh leis an mhéid a d'fhoghlaim sé faoin dlí fé mar atá sé sa Deisceart. I see from the Minister's statement that he discussed legal highs. What does he intend to do with the information that he has gleaned about the law as it operates in the South?

Mr Ford: Mr Bradley raises an entirely reasonable question, although the answer to it is that, since the Misuse of Drugs Act 1971 is a reserved matter and not a devolved matter, there is little that we can do directly. However, it is important that we use our influence in the conversations that I and officials have been having with the Home Office to ensure that it learns the lessons of international best practice, including, in particular, the recommendations that were made to its own inquiry to look at the Irish example. It is clear that there have been significant successes in closing down head shops across the Republic, and we should certainly learn from that. At the same time, we

should also recognise the good work that has been done by environmental health officers in this jurisdiction. The key thing will be for the Home Office to act, and we will certainly use our influence to get a joined-up system across these islands where possible.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas seo agus a chuid freagraí go dtí seo. I thank the Minister for his statement and his answers to date. Following on from Dominic Bradley's question, there is no doubt that the legislation in the Twenty-six Counties has practically wiped out the sales of legal highs on the high street. How can the Department be innovative and proactive in its approach to the British Home Office so that we can speed up the introduction of similar legislation in the North?

Mr Ford: I appreciate Mr McCartney's point, but there is little that I can add. I have certainly been in correspondence with Norman Baker and Lynne Featherstone, the two responsible Home Office Ministers. I have been supplied with a copy of their report, and my officials have looked through it in detail and engaged with Home Office officials. It certainly seems that there are strong lessons to be learned from the Irish approach. It has had significant successes across the border, and I hope that it will be followed up on by the Home Office. However, beyond using our influence, there is little that we can do on a matter that is still technically reserved.

Mr Frew: Given the fact that the Minister failed to act at a very early stage on the allegations made about republican terrorists and organisations and left it to the Justice Committee to act, will he now support that investigation and inquiry by the Committee? Can he assure the House that he will do everything in his power to ensure that republican terrorists who were involved in the most heinous crimes across the two jurisdictions will be brought to task and justice will be served?

Mr Ford: There seems to be a bit of a pattern coming up, Deputy Speaker: lines like "the Minister failed to act", when the Minister has been supportive of the relevant agencies carrying out their duties; has indicated that he will see what follows from that and what might be suitable for a wider inquiry; and has, because it is a cross-border issue, discussed it in phone calls and in two specific face-to-face meetings with the Irish Minister. It may suit

cheap lines from the DUP Benches, but it is simply not factual.

Mr A Maginness: I thank the Minister for his detailed statement. I want to ask about the potential and very novel cross-border inquiry into sexual abuse and the transfer of abusers from one jurisdiction to another. At what stage are the investigations by the police into these matters? What level and what stage are they at? No inquiry can take place unless there is an evidential basis.

Mr Ford: I have to agree with Mr Maginness's point. As I understand it, investigations are at a relatively early stage on both sides of the border. For example, I know that Regina Doherty TD has presented a number of names to an Garda Síochána. Some allegations have been made that are being considered by the PSNI, and we are all well aware of the ombudsman's inquiry and the review that is being carried out on behalf of the DPP. Those issues have to be addressed before we can properly tease out the potential for cross-border inquiry. There is also the quite serious issue that it might well require primary legislation in the Oireachtas, here and, potentially, Westminster. So, this is not something that could be done easily. It needs to be done right, if it is to be done, and we need to ensure that the ongoing work of the justice agencies to catch perpetrators, to prosecute them and to protect victims is not impeded by any grandstanding in this place.

Mr Douglas: I thank the Minister for bringing the statement to the House. Can the Minister assure the House that the important cross-border cooperation in combating the sexual exploitation of children will not be hampered by any departmental budget cuts?

Mr Ford: Sadly, Mr Deputy Speaker, I can give no guarantee whatsoever about the ongoing work of the justice system not being hampered by budget cuts. Members will be aware of recent announcements by various justice agencies, which are looking at what the effect of cuts being imposed on my Department amount to, and, in the context in which the police are having to cut back on historical work, where the ombudsman has a small reduction in budget, and where the Public Prosecution Service, though not directly funded through my Department, has cuts, it is not possible to say whether this work will or will not be done. Clearly, the justice agencies are prioritising, and they are seeking to ensure that resources are directed to the most important issues, but there can be no guarantee that there will not be some

potential effect from the cuts that are being imposed.

Mr Allister: First, it was the disappeared; now, it is the relocated. In regard to the scandal of the relocated sex fiends of the IRA, what discussions has the Minister had with his Sinn Féin partners, who are well placed to know, about where those sex criminals were relocated and the risk that they continue to afford to innocent people?

Mr Ford: Mr Deputy Speaker, Mr Allister makes a point about what may be known by some people, but the reality is that the Department of Justice does not conduct criminal investigations; the PSNI and an Garda Síochána do.

Mr Poots: I welcome the fact that the Minister seems to have been stirred up from his laissez-faire approach to the child sex abuse that has been perpetrated by paramilitary organisations. We know that the PPS has been sitting on a report, carried out by the Attorney General, for over a year. What steps does the Minister intend to take to move this forward, and to do so at a rapid pace, rather than have it as something that is put on the long finger?

Mr Ford: It looks like Mr Poots does not listen, but then again, he was not in at the start of the statement, Mr Deputy Speaker. There is no laissez-faire, never mind "lassey-faire" attitude in the Department of Justice. The Department of Justice is allowing the relevant justice agencies to carry out their duties, and it is examining the scope for further inquiries in conjunction with our colleagues in the Department of Justice and Equality, because that is the appropriate and responsible way for Ministers to behave. They should not interfere with the work that needs to be done to deal with criminal offences and allegations of criminal offences. I made it perfectly clear what the long-term options were, but if DUP Members wish to continue repeating slander and smears against me, I will continue to respond with the truth, which appears to upset them.

Mr Deputy Speaker (Mr Dallat): That concludes questions on the statement. I ask Members to take their ease for a moment, please.

11.30 am

Executive Committee Business

Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2014

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

That the draft Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2014 be approved.

I seek the Assembly's approval for the draft regulations, which transpose paragraphs 5 to 9 of article 14 of the energy efficiency directive. The energy efficiency directive was adopted on 25 October 2012 and updates the EU's legal framework for energy efficiency, pursuing the target of saving 20% of the EU's primary energy consumption by 2020 and making further energy efficiency improvements after 2020. Although DETI is transposing most of the directive, I agreed that my Department would take forward the transposition of article 14 paragraphs 5 to 9, as my Department already regulates most of the affected installations.

The directive requirements are as follows: new or substantially refurbished thermal electricity generation installations with a total thermal input exceeding 20 megawatts will be required to undertake a cost-benefit analysis in order to assess the feasibility of operating a high-efficiency cogeneration installation; new or refurbished industrial installations with a total thermal input exceeding 20 megawatts generating waste heat at a useful temperature level must undertake a cost-benefit analysis in order to assess the feasibility of utilising the waste heat to satisfy economically justified demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network; and new or substantially refurbished energy production installations with a total thermal input exceeding 20 megawatts in district heating and cooling networks must also carry out a cost-benefit analysis in order to assess the cost and benefits of utilising the waste heat from nearby industrial installations.

Regulators are required to put conditions in permits ensuring that, in cases where the cost benefit is positive, the installations are operated in the manner shown to be cost beneficial. My Department has worked closely with the

Department for Environment, Food and Rural Affairs (DEFRA) and the other devolved Administrations to ensure that the requirements are implemented in a consistent manner across the UK. It is estimated that it will affect only 22 installations over the next 10 years in Northern Ireland. Installations that have only small amounts of waste heat or where the heat links are not economical because of the distances involved are exempted from having to undertake a cost-benefit analysis. I ask the Assembly to approve the draft regulations.

Ms Lo (The Chairperson of the Committee for the Environment): Excuse me for being a bit breathless from rushing down here. Things are moving fast this morning.

I thank the Minister for his explanation of the background and purpose of the draft affirmative statutory rule. The Committee was briefed by departmental officials on the content of the rule on Thursday 20 November 2014. Officials explained that the regulations would impact only on large heat users, such as dairies, power stations, hospitals and universities. As the Minister said, only around 22 installations are likely to be affected over the 10-year period from 2014 to 2024.

Members were made aware that the rule stems from a European Commission directive and that the Department is obliged to transpose the requirements into this subordinate legislation, but some members of the Committee queried whether there should be an EU subsidy to assist with the costs of conducting the analysis, given that it is a directive driven by the EU. It is an issue that the Committee for Enterprise, Trade and Investment may wish to consider.

Concerns were also raised by some members about the initial costs to businesses associated with the introduction of the rule, which can range from £10,000 to £40,000 to carry out a cost-benefit analysis. Many businesses and public-sector organisations are already under severe financial pressure. However, officials indicated that this represented a tiny percentage of the gross operating surplus. The Committee was content that long-term savings could arise from the legislation. The Committee agreed to recommend that the motion be affirmed by the Assembly as drafted.

Mrs Cameron: I, too, thank the Minister for his explanation of the background and purpose of the draft affirmative statutory rule. I thank the officials who briefed the Committee back in November.

There is little to add to what has already been said, given the relative lack of clarity around the exact costs and savings to businesses. On rereading the Hansard report of the officials' evidence, it struck me that the reported costs to businesses of between £10,000 and £40,000 simply to carry out a cost-benefit analysis was apparently the best guess of consultants. Given the existing financial pressure that all the affected businesses are likely to be under at present, I ask that the Minister keep a close eye on the costings provided and seek to agree the most cost-efficient way to carry out this mandatory exercise.

I close by saying that it is perhaps telling that the European Parliament, which cannot balance its own books and continually fails to meet its own targets, seeks to bail itself out by passing the cost of its failed targets on to businesses, backed up by threats of fines to the Executive if they are not delivered. If only the European Parliament was subjected to similar accountability, I might be more enthusiastic in examining the directives it issues. However, I support the motion this morning.

Mr Durkan: I thank the Chair and vice-chair of the Environment Committee for their contributions and their support and the fact that neither of them asked me any questions about the regulations. The regulations will allow my Department to transpose the relevant parts of article 14 of the energy efficiency directive. I thank Members and the Committee for their support.

Question put and agreed to.

Resolved:

That the draft Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2014 be approved.

Pension Schemes 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 clause 45 of and schedule 5 to the Pension Schemes Bill, as amended in Committee in the House of Commons dealing with a pension scheme for fee-paid judges.

Today, I seek the Assembly's agreement to extend to Northern Ireland the provisions of the Westminster Pension Schemes Bill, dealing with the pension arrangements for fee-paid judicial office holders. The requirement to do so has arisen because of a Supreme Court decision in the case of O'Brien v Ministry of Justice. In that case, which dealt with the interpretation and application of the part-time workers directive, the UK Supreme Court held that Mr O'Brien, a fee-paid recorder, was entitled to a pension on terms equivalent to those enjoyed by his salaried counterparts.

The effect of the judgement is that all qualifying fee-paid judicial office holders who have a salaried comparator are now entitled to a pension. Following its decision, the Supreme Court referred the matter to an employment tribunal to determine the details of the pension entitlement. Corresponding litigation is ongoing in Northern Ireland. While some matters remain the subject of litigation, the Ministry of Justice, on 17 June 2014, published a statement indicating that in 2015-16 it will put in place a pension scheme for eligible fee-paid judicial office holders for whom it is responsible.

Following careful consideration, my Department has accepted that the fee-paid judicial office holders for whom it has responsibility — chairmen of our industrial tribunals and the Fair Employment Tribunal — have salaried comparators. It is therefore necessary to establish pension arrangements for those individuals.

It may be helpful to provide some context for Members. Current UK-wide pension provisions for salaried judges were established by the Judicial Pensions and Retirement Act 1993. When that legislation was enacted, it was not envisaged that fee-paid judicial office holders would have access to pension provisions. As a consequence, nothing in current statute permits fee-paid judicial office-holders to access those arrangements. Given the decision in the

O'Brien case, there is now a need to address that situation.

As part of the programme of wider public-sector pension reform, from 2015 onwards a new judicial pension scheme is being established that will align with the overall framework of the public-sector reforms, including, for example, career-average pension benefits, with normal scheme pension age being linked to state pension age. However, action also needs to be taken to provide a retrospective remedy for eligible fee-paid judicial office holders who have already missed out on pension entitlements since 2000, when the part-time workers directive came into effect. With that in mind, the Ministry of Justice indicated in August 2014 its intention to amend the Judicial Pensions and Retirement Act 1993 to provide the required remedy scheme for its eligible fee-paid judicial office holders. That is being achieved through the introduction of government amendments to the Pension Schemes Bill currently before Parliament.

The reason for presenting the legislative consent motion is to obtain Assembly approval to apply Ministry of Justice amendments to the relatively small number of fee-paid devolved judiciary who fall within the responsibility of a number of Northern Ireland Departments. Although separate primary legislation could indeed be introduced, given the small numbers of devolved office holders, it would, in my judgment, be disproportionate to pursue stand-alone, highly technical legislation for this purpose.

Having explained the reasons for bringing the motion to the House, I commend the Employment and Learning Committee for the timely manner in which it addressed the matter and for its report, which outlined that the Committee would support the motion. I thank the Committee for its support.

My Department has accepted that its fee-paid judicial office holders have comparable salaried counterparts and are therefore entitled to access an equivalent pension scheme. Agreement to the motion will enable the Lord Chancellor to extend coverage of a pension scheme for fee-paid judiciary to all eligible devolved office holders in Northern Ireland. It is a time-bound scheme that will apply to fee-paid office holders in respect of service from 7 April 2000 to 31 March 2015, in compliance with the Supreme Court judgement. I hope that Members will agree with me and support the motion that I have laid before the Assembly.

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

I have only a few short remarks to make. The overall purpose of the Bill, as the Minister said, is to establish a new legislative framework for private pensions, defining them on the basis of the promise that they offer for members about their retirement benefits during the accumulation phase.

The Minister for Employment and Learning wrote to the Committee on 25 September 2014, notifying it of the outcome of the UK Supreme Court case of O'Brien v Ministry of Justice, which held that fee-paid judicial office holders were entitled to a pension on terms equivalent to those enjoyed by their salaried counterparts. The Minister also advised that the impact of the judgement is that the Ministry of Justice tabled an amendment on 11 September to the Pension Schemes Bill currently before Parliament to establish pension arrangements for fee-paid judicial office holders.

The Committee has been assured that the Departments responsible for the Northern Ireland judiciary have agreed that it is appropriate to seek to extend the amendments now being proposed in Parliament to the Pension Schemes Bill so that they may be applied in Northern Ireland. The Committee is also assured that implementing this by way of a legislative consent motion has the Executive's approval.

The Committee received the legislative consent motion on 12 November 2014 and considered it at a meeting on 19 November 2014.

Officials from the Department for Employment and Learning and the Department of Justice briefed the Committee on the legislative consent motion. In response to questions from the Committee, they outlined the reasons for choosing a legislative consent motion to amend the current legislation.

11.45 am

To ensure that the scheme can be operational in 2015-16, appropriate primary legislative powers should be in place early enough to allow for the preparation of regulations and for setting in place the necessary supporting IT, administrative and governance arrangements.

The Committee was briefed on the three legislative options that are open to the Department. The first was to identify a suitable primary legislative vehicle to take forward the relevant amendments. However, such a

vehicle is unlikely to become available in the immediate future, and if that option were pursued, the establishment of a pension for fee-paid devolved judicial office holders would be significantly delayed.

The second option was the development of a Bill specifically for providing entitlement. That would involve a lengthy process and would be a disproportionate use of resources and time, given that, currently, only a small number of individuals may be affected. Again, pursuing that option would significantly delay the establishment of the pension.

Finally, the third option, which the Committee chose, was to use a legislative consent motion, which is considered to be the most timely, reasonable and proportionate way forward in the circumstances.

It was with that in mind that the Committee concluded that it was prepared to support the Department in seeking the Assembly's endorsement of the legislative consent motion.

Dr Farry: I warmly welcome all Members' contributions, particularly that of the Deputy Chair of the Committee. Again, I will put on record our thanks to the Executive, particularly the First Minister and deputy First Minister, for the manner in which they addressed the issue, and to the Committee, for the timely manner in which it expedited the matter. It is largely technical, and I believe that it is something that we have to do to ensure that we live within the requirements that the UK Supreme Court set out. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of clause 45 of and schedule 5 to the Pension Schemes Bill, as amended in Committee in the House of Commons dealing with a pension scheme for fee-paid judges.

Committee Business

Topical Questions: Review Report

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

Mr Clarke (The Deputy Chairperson of the Committee on Procedures): I beg to move

That this Assembly approves the report of the Committee on Procedures on its Review of Topical Questions [NIA 209/11-16].

On behalf of the Committee on Procedures, I am pleased to bring to the House today the Committee's report on its review of topical questions. When the Assembly agreed to the introduction of topical questions, it was agreed that the Committee on Procedures should review the process after a six-month trial period.

Members will be aware that a single-issue review was carried out in November 2013 following concerns about the positioning of topical questions before listed oral questions. That review resulted in topical Question Time being moved to the 15-minute slot after Assembly questions to each Minister. That did not preclude the need for a full review of the process, and the report sets out the findings of that full review.

To inform the Committee's review, data was collected throughout the review period. You will see from the report that the statistical information covers the last session from September 2013 to July 2014. I will perhaps highlight some of the key findings in the report.

In the last session, 1,556 topical questions and supplementary questions were put to Ministers during topical Question Time. Initial fears that Ministers would be unable to respond effectively to that type of spontaneous questioning have not been realised.

Having considered the statistical information and evidence provided, the Committee concluded that topical Question Time has provided a valuable additional opportunity to hold Ministers and Departments to account and that it should be retained largely unchanged. The revised order of Question Time, with topical

questions following the listed questions for oral answer, has been seen as an improvement, and the Committee recommends no change to the existing order.

There was general agreement in the stakeholder submissions that the 45 minutes allocated at Question Time to each Minister was appropriate, and the Committee recommends no change to that.

One issue that was raised in all stakeholder responses relates to the balance of time allocated to topical questions and listed questions for oral answer. A variety of views was expressed by stakeholders as to what the breakdown of time should be. Although some were in favour of increasing the length of time given to topical questions, others were not. Having taken into account the balance of opinion expressed, the Committee concluded that the current breakdown of time allocated at Question Time should be retained. The Committee believes that that area warrants further consideration and has therefore recommended that the matter be subject to a further review after a six-month period.

Evidence provided by the junior Ministers indicated that there may be benefit in Ministers having advance notice of the topic to be raised, as that might prove helpful in enhancing answers. The matter was not raised as a concern in any other submissions, so the Committee was content to recommend no change to the current procedures for advance notice at topical Question Time.

The review also considered whether any further admissibility criteria should be introduced and whether there should be a definition of "topicality". Ministers were in favour of introducing a specific definition, but other stakeholders were not. That includes the former Speaker, who said that it would be difficult for him to be aware of every emerging departmental or constituency issue and that he would therefore be hard-pressed to rule on admissibility in the Chamber. Having taken into account the balance of opinion expressed, and bearing in mind that one of the aims of topical Question Time was to achieve spontaneity, the Committee concluded that no additional admissibility criteria or definition of "topicality" should be introduced.

The Committee also considered whether restrictions on who can ask topical questions should be introduced. Again, stakeholder opinion was mixed. The Executive did not offer an agreed opinion, with some Ministers strongly opposed to any restriction, suggesting that it

would inhibit the rights of Members from certain parties to hold all Ministers to account. Some Ministers, however, supported the introduction of a partial restriction, similar to that in force for questions for oral answer under Standing Order 20(7), whereby the first question may not be asked by a Member from the same party as the Minister. The Committee concurs with that view and therefore recommends that Standing Orders be amended to include a similar restriction for topical questions that mirrors Standing Order 20(7).

The final issue considered by the Committee was the use of supplementary questions, and whether enhanced scrutiny could be achieved by allowing Members other than the Member who had posed the initial topical question to ask them. Although a number of stakeholders indicated that they would be content if such a change were introduced, they also said that such a step would likely reduce the number of topical questions covered in the time permitted. In forming a view on the matter, the Committee weighed the benefit afforded to other Members if extra supplementary questions were permitted against the detriment to Members drawn in the ballot should their question not be reached. After careful consideration, the Committee concluded that no changes should be made to the current procedures for supplementary questions permitted during topical Question Time.

The Committee conducted a thorough and comprehensive review of the topical questions process. The Committee asks that the Assembly agree the report and give its approval to proceed with drafting amendments to Standing Orders to implement the recommendations set out in it. I thank members of the Committee for their considered deliberations during the review and all who made a contribution. I look forward to today's debate and commend the report to the House.

Mr McCarthy: I thank the Deputy Chair of the Committee for his contribution. There is very little else to add. Members have a copy of the report, and, on behalf of the Alliance Party, I support the review of topical questions. I thank the Committee staff who worked with us to examine the issues fully and to come up with the report. I also thank those who came before the Committee to give evidence and, indeed, those who submitted written evidence. As in all cases, not everyone gets what they want, but I think that we have come to a fairly reasonable conclusion. Our Deputy Chair has covered all the important aspects of the review, and I am fully in agreement with him. I ask the Assembly to support the motion.

Mr Clarke: I thank the only Member who made a contribution. To be fair to the Member, in his remarks he described the conclusion as "reasonable". All the Members who represent each of the parties on the Committee had an opportunity to make their contribution. I commend the report as submitted to the House.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee on Procedures on its Review of Topical Questions [NIA 209/11-16].

Private Members' Business

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

Mr Deputy Speaker (Mr Dallat): I inform the House that consent for the Bill as amended has been received from the Secretary of State.

Lord Morrow: I beg to move

That the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill [NIA 26/11-15] do now pass.

I am glad to rise today, although much earlier than I — or, I suspect, the rest of the House — anticipated. That is the way things go sometimes. I open the debate by noting that, as Members will appreciate, the passage of this Bill has been a long journey for me. It is nearly three years since I decided to take it forward. It will be no surprise to anyone when I say that I am glad that the process is reaching a successful conclusion today. In my opening remarks I want to explain what underpins my desire to bring this Bill forward, before outlining my heartfelt thanks to the many individuals who played a significant role in seeing the Bill come this far.

Members may be aware that I am a practising Christian, like many others around the House today, and I have always strongly believed that every person is made in the image of God and therefore has an intrinsic dignity that must be respected. Human trafficking is a horrific abuse of a person made in the image of God. The process of bringing this legislation to the Assembly has made it abundantly clear to me that every Member of this House, regardless of their faith or lack of it, agrees that human trafficking is a heinous crime which needs to be tackled in this Province, even if there is some disagreement on how best to achieve that goal.

For me, taking action was very much motivated by my Christian faith and principles. I am not ashamed to say so. Others seeking to tackle this crime derive their motivation from another source. When I heard that this crime was taking place in Northern Ireland, I wanted to see what I could do to bolster our response as a country. As a Member of the Assembly, I was in a position to make a difference, so I looked into the subject and sought to see whether we could improve our response.

I brought this Bill forward because I believed that we in Northern Ireland could have a better legislative framework to tackle human trafficking and exploitation. From the start of the process, I had three main aims for the Bill. First, I wanted to improve support services for victims of trafficking and exploitation to ensure that those who have suffered from these crimes are appropriately supported and cared for. Secondly, I wanted to reduce demand for human trafficking and exploitation in Northern Ireland through a variety of measures. Thirdly, I wanted to ensure that perpetrators of these heinous crimes are effectively punished.

12.00 noon

The Bill that we will vote on later today looks different in some respects from the Bill that I first introduced to the Assembly. The positive changes that have been made throughout the legislative process in the Assembly ensure that the Bill meets the aims that I set for it from the outset. I am also pleased that the Assembly has been able to agree on legislation that goes much further than the Modern Slavery Bill at Westminster. It is rare for us in the Assembly to lead the way in the United Kingdom in policy, but we clearly are doing so through this Bill, and parliamentarians at Westminster recognise that.

At this juncture, I urge Westminster parliamentarians to consider introducing the changes that we are making through this Bill during the passage of the Modern Slavery Bill. That is especially the case with regard to the introduction of guardians for trafficked and separated children and the statutory guarantee of support for victims of human trafficking. If the Assembly passes this legislation today, as I very much hope it will, victims of human trafficking will be better provided for in Northern Ireland than they are in other parts of the United Kingdom. The British Government would do well to reflect on that as the Modern Slavery Bill continues its passage through Westminster.

I urge Westminster to follow us in criminalising the purchase of sexual services. We, of course, have followed others in doing so, including Sweden, Norway, Iceland and now Canada. I will not dwell much today on the debate on clause 15. A lot of time has been given to it throughout the process, and it clearly has been the most divisive aspect of my Bill. However, I made that proposal because I believe, on the basis of the evidence that we have seen in other jurisdictions, that it is the most effective way of tackling human trafficking for the purposes of sexual exploitation and the exploitation of individuals involved in prostitution. I do not believe that this approach

will solve everything, nor have I ever suggested that it would. In reality, as with many complex social issues, there is no perfect way of tackling the issues involved, but the evidence clearly suggests that the approach modelled by Sweden is the best available. It recognises the abuses involved in the prostitution industry and seeks to reduce the core driver for prostitution — the demand for paid sex. I can understand why certain Members opposed that approach. Some of the arguments made had some merit, but, on balance, I and the vast majority of Members of the House felt that it was the right way for Northern Ireland. It is an irony that what is allegedly the most controversial part of my Bill received the largest majority in voting: of those who voted, nearly 90% voted for it. That speaks for itself.

Before I close today, I want to put on record my thanks to a number of individuals for the work that they put in on the Bill. First, I again convey my thanks to the Minister of Justice and his civil servants for how he has worked with me throughout the passage of the Bill. I think that it is safe to say that the Minister and his team were sceptical when I first announced that I wanted to introduce the legislation. I can, of course, understand why that might have been the case. After all, I was a member of another political party and was looking to introduce legislation that affected the Minister's Department. However, I am very grateful that the Minister, over time, came to the view that he could support many aspects of my Bill, and he and his civil servants have worked constructively with me on its contents even though he disagreed with aspects of what I was proposing. It is to his credit that he was willing to put aside party difference to work with me on something as important as this subject. I can sincerely say that the Bill before the House today has been significantly improved as a consequence of the Department positively engaging with me on its contents. I also want to give special mention to one particular civil servant in the Department of Justice: Julie Wilson. She will no doubt be pleased to see the back of me after the Bill completes its passage through the Assembly. She had to deal with the complexities of working on the Bill when there was no real blueprint for how to go about it. She conducted herself with constant professionalism throughout and was always helpful to me as I sought to engage with the Department. It is very clear to me that she is a real credit to the Northern Ireland Civil Service. The Minister, as, I am sure, he will agree, is very fortunate to have her in his Department.

Secondly, I thank the current Health Minister and his predecessor for their positive

engagement with me on aspects of my Bill. Both Minister Poots, as he then was, and Minister Wells were fully supportive of what I was trying to achieve through the Bill and did their utmost to help to ensure that the best provisions could be drawn up. I am grateful to them both for their support in this matter. I should further add that the civil servants in the Health Department did an excellent job in seeing good provisions come before the House.

Thirdly, I thank all the members of the Committee for Justice, who scrutinised the Bill while it was passing through the Assembly. I know that it was not easy for members to deal with some of what was discussed. The subjects of prostitution and human trafficking are not easy to handle. However, the Committee did a superb job in scrutinising the legislation and suggesting improvements that could be made to it. All members from across the parties gave the subject the attention it deserved. I believe that the Committee has shown itself to be one of the best, aside from the Committee for the Environment of course. It has proved itself on many occasions during the Bill.

I do not want to forget the work of the Committee staff. Having been Chair of the Committee for Justice, I know how exceptional they are. I am sure that the Committee would want to pay tribute to them for their work on the Bill. I also want to give a special mention to Paul Givan for his work as Chair of the Committee. I know that he will soon step down as Chair, but I want to thank him for his hard work on the Bill. He showed a sure hand in considering the legislation, and I have no doubt that he is destined for greater things in the months and years ahead. I wish him well. I hope that he enjoys his private Member's Bill process as much as I have, as he brings forward his Bill in the coming months. The one thing that I will say to him is that he has plenty of work ahead of him; I can tell him that from experience. I also want to mention the Clerk of the Justice Committee, Christine Darragh, who was totally professional in all her dealings with me during what seemed an eternity. It is almost three years since I started on this journey. I suspect that many got weary of me. At times, I felt weary; not of them, but in another way.

Fourthly, I thank the Attorney General and his staff for their assistance in bringing the Bill forward. The Attorney General was consistently available to me throughout the passage of the Bill and ever willing to consider the legal issues that arose with regard to it, and I hasten to add that there were many. I greatly appreciated his wisdom and insight with regard

to the provisions of my Bill, alongside those of his staff. We in the Assembly are fortunate to have someone as bright, intelligent and gifted as the current Attorney General.

Fifthly, I pay tribute to the Bill Office, particularly Éilis Haughey and Damien Martin. The process of bringing a Bill before the Northern Ireland Assembly is a complicated one. Éilis and Damien did a fantastic job guiding my team and me through the process here at the Assembly. They were constantly helpful from start to finish and were always willing to help out in any way that they could. I am very grateful to them both for their work on this matter. Having such high-quality staff in the Bill Office really makes a difference in guiding legislation through this place. I must also name the person sitting to your left, Deputy Speaker: Patricia Casey. At the very early stages, her guidance, advice and support was invaluable as she sought to steer me and, at times, maybe settle me down when I thought that things were not going forward. I put on record my appreciation of Patricia also.

Sixthly and finally, I thank the many NGOs that helped to support me throughout the passage of the Bill. A considerable number of them contributed to the consultation on my Bill and gave evidence to the Justice Committee on its contents. I am thankful to every NGO that contributed to the process. Without a doubt, the Bill has been improved by their input. I single out a couple in particular. I am extremely grateful to Christian Action Research and Education (CARE) for its excellent briefings and advice throughout the many years of the Bill's development. Its expertise assisted me greatly as I sought to understand the issue of human trafficking here in Northern Ireland. Dr Dan Boucher, Mark Baillie, Louise Gleich and Claire Wilson-Thomas were superb. They were very professional. They did a mountain of research. Whatever words I might say about them here today will fall far short of what should be said.

To Members who are contemplating taking through a private Member's Bill I say this: make sure that you have the right team around you. I was, to some degree, envious of Departments because they seem to have unlimited resources. A private Member does not have that; they must gather their own team around them. Fortunately, I was able to do that. I gathered some of the best expertise available in relation to this matter.

I also thank Women's Aid, Ruhama and Survivors of Prostitution-Abuse Calling for Enlightenment (SPACE) International for their support with regard to clause 15. Those organisations do invaluable work supporting

women in prostitution not only here in Northern Ireland but in southern Ireland. They are engaged in work that seeks to see society change for the better. I found the support of Sarah Benson, Geraldine Rowley, Rachel Moran, Louise Kennedy and Noelle Collins to be of great value throughout the process. I am so thankful to them that they were willing to so positively engage with me to see clause 15 become a reality. Their expertise and commitment were total. It was apparent when we spoke to them that nothing was too much trouble for them. They applied themselves to producing and providing a lot of assistance to get the Bill to the stage it is at today.

I record my gratitude to the Law Centre and the office of the Children's Commissioner. I am aware that the Children's Commissioner is not an NGO but a quango of a sort, but it seems fitting to consider it here too. The Law Centre and the office of the Children's Commissioner provided valuable expertise with regard to the introduction of a guardian for separated children. I hope that they take pride in knowing that they played a critical role in seeing that provision become law.

Furthermore, I mention Gunilla Ekberg, who is a world authority on the issue. She was an adviser to the Swedish Government when they were taking similar legislation through, and I was able to bring Gunilla on board with me. I knew that I was in the company of someone who had a deep knowledge and understanding of the issue. I am eternally grateful to her for all the expertise she brought so willingly. She gave of her time unstintingly.

12.15 pm

To conclude my remarks today, I make one thing clear: legislation, in and of itself, will not make a difference if it is not effectively supported and enforced. Today may mark the end of the passage of the Human Trafficking and Exploitation Bill, but the most important part will begin once it comes into force. It is my hope that its provisions will make a real difference to some of the most vulnerable people in Northern Ireland, whether they are victims of trafficking for sexual exploitation or forced labour or other forms of trafficking. I will watch closely as the PSNI seeks to enforce the new offences and the Departments of Health and Justice seek to roll out the provisions in the Bill, assuming, of course, that the House votes for the Bill at this stage. I know that the Department of Justice and the PSNI will continue in their work to tackle these crimes. I hope that my Bill will assist their efforts in this area.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I want to begin at Final Stage by commending the proposer of the Bill for his work. He talked about it being a three-year journey: with half remission, that would be a six-year sentence. In that respect, I think that he knows that it has been a long journey. From a party point of view, on behalf of the Sinn Féin members of the Committee, I commend him for the work that he carried out and all the briefings that he provided as he took the Bill through the process, particularly on what was formerly clause 6 and became clause 15. He has rightly mentioned the many people who supported him in what he called his team. Some of those people met us as a party, and they gave evidence to the Committee. We, too, appreciate that work. Lord Morrow has already said this, but we have to put on record the professionalism that the Committee staff and the Department brought to this at all times.

It was obviously a longer and more intense journey for the proposer of the Bill, Lord Morrow, but for us, as a Committee, it was also very detailed work. Many of the briefings were very informative. Lord Morrow said that, if you compared an initial copy of the Bill with what will be voted on this afternoon, you would see the differences that have been made. That, in itself, is a positive. One person had an intention, and then, when they engaged with other people, including the Department, that helped to shape the Bill and to make it better as it went through.

From our point of view, there was a number of very important aspects. Our visit to the Oireachtas Committee and its detailed report also informed us. Lord Morrow mentioned Jim Wells. Jim Wells's favourite person in life at that time was Pádraig Mac Lochlainn, so I think that Pádraig Mac Lochlainn goes away from this very heartened. One degree of disappointment in all this is that, at Further Consideration Stage, I said that I hoped that he would be invited to the DUP conference. That has come and gone, and he did not get an invite. However, I am sure that he lives in hope that he will be invited next year.

Lord Morrow talked about this when he was concluding. At the core of the Bill is an attempt to deal with exploitation; that is what we were all focused on. He said that there were issues on which people needed to be convinced and brought along on a journey. The way that it was carried out certainly helped people to do that. It was not seen as people being opposed to something for the sake of it; there were genuinely held concerns. The sponsor of the Bill did well in acknowledging, accepting and

realising that and then working very hard to change people's minds.

Lord Morrow said that — we sort of know that the Bill will be voted through later this afternoon — it is now about testing its effect. If we set out to tackle exploitation in whatever form, we have to ensure that the Bill has an effect. We were guided by the answers to many of the questions that we asked about the Bill's intention, outcome and effect. We now wait for that effect as we go forward.

Lord Morrow mentioned the Committee's work. I pay tribute to the staff and the Committee Chair, who he said was now leaving. From a Sinn Féin point of view, throughout the Committee Stage, opinion was divided on many issues and aspects of the Bill but no barriers were ever put in front of members who wanted to tease out questions.

As a result, there were some long sessions. The Chair is to be commended for that approach. There is sometimes a tendency for people to want meetings to be over quickly, but we can say that that did not happen in the Justice Committee. That approach allows people to exhaust whatever avenue they want in interrogating or testing any piece of evidence. That was similar for this Bill.

We will certainly be supporting the Bill. In conclusion, I commend the proposer of the Bill for his work and, indeed, his courtesy throughout in all his engagements with the Committee and the party on separate matters. Go raibh míle maith agat, a LeasCheann Comhairle.

Mr Givan (The Chairperson of the Committee for Justice): Thank you, Mr Deputy Speaker. On behalf of the Committee for Justice, I very much welcome the Final Stage of the human trafficking and exploitation Bill. I again place on record my congratulations to Lord Morrow and his team as we enter the final straight for the Bill. No one should underestimate the perseverance, hard work and commitment that it has taken to get the Bill to this stage.

Lord Morrow thanked at length a broad range of people for their support, as well as those who carried out the scrutiny of the Bill. However, it was Lord Morrow who had the vision and identified the need to try to do something. It was Lord Morrow who set himself the task of bringing forward a private Member's Bill, which are very rare and difficult to navigate through the Assembly.

People will often ask themselves this question: what did you ever achieve in politics? What was your legacy? There is no doubt that Lord Morrow will be able to look back on this Bill as one of the most significant achievements of his political career and as a legacy that will stand the test of time. It is a legacy that is about helping the most vulnerable and giving a voice to the voiceless.

I think that that is a commendation that Lord Morrow is worthy of in the way that he addressed this issue and the tenacity that he showed, at times in the face of obstacles that were put in his way. The Department gave resources to try to undermine the work that was being done.

On the one hand, I accept that there was an engagement with the Minister on these issues, but there was also an attempt, particularly on clause 6, which is now clause 15, to undermine that aspect of it. Despite all that, Lord Morrow was able to navigate the Bill through the Assembly because the strength of the argument was overwhelming and convincing for Members.

As I said on numerous occasions, human trafficking is a heinous crime that devastates people's lives, which the Justice Committee heard at first hand. It needs to be tackled robustly and from every possible angle, which the Bill does.

While the Bill underwent extensive scrutiny and consideration during Committee Stage and the lengthy debates, particularly at Consideration Stage, and while a large range of amendments were made to it, the principles that Lord Morrow brought to the Assembly and the core of the Bill have not changed. In bringing this Bill forward, Lord Morrow wanted not only to provide a more effective legal framework to tackle and provide a deterrent to human trafficking and slavery offences but to provide the necessary support and assistance to victims of human trafficking. The Bill is very much an overall package rather than just the one clause — clause 6, which is now clause 15 — that attracted so much publicity.

When Lord Morrow first briefed the Justice Committee, he outlined that he wanted Northern Ireland to lead the way in protecting some of the most vulnerable men, women and children. He wanted other countries to look at us as a model for tackling the scourge of human trafficking. He also wanted us to adopt a maximalist approach that was in line with the spirit of the EU directive, not just the letter of it.

I have no doubt that the Bill achieves both objectives admirably.

The Assembly should be proud of the Bill. Indeed, during the recent Second Reading debate in the House of Lords on the Modern Slavery Bill, a number of contributors praised the Human Trafficking Bill. Lord McColl of Dulwich paid tribute to Lord Morrow and described the legislation as "excellent" and "ground-breaking". Baroness Kennedy of The Shaws stated:

"I, too, would like to see a greater synergy with Northern Ireland and what is being drafted in Scotland. I think it right that we have been ousted by Northern Ireland's progressiveness on this."

Given the importance of the Bill and the interest expressed in it, the Committee spent a considerable amount of time undertaking detailed and careful scrutiny of all the clauses, with the aim of ensuring that Northern Ireland has the strongest possible legislation to tackle human trafficking. That was not an easy task, and some of the oral evidence relating to personal experiences was very difficult to listen to. Those personal testimonies were very powerful, and they will stay in the memory of the Committee members who heard them.

The Bill will consolidate and simplify the legislative framework on human trafficking and slavery offences, and it will introduce new offences and penalties to strengthen the ability of the police and the courts to deal with the perpetrators. The Committee welcomes that approach, as it does the fact that the new offences will be triable on indictment only and the fact that a prosecution is not dependent on reporting or accusation by a victim and can take place even if the victim has withdrawn his or her statement.

The Committee also welcomes the fact that the Assembly supported the inclusion in the Bill of clause 7, which provides for a minimum sentence for human trafficking and slavery offences. The Committee is clear in its support for a robust sentencing framework that reflects the gravity of human trafficking and slavery offences and that indicates the seriousness with which such offences are viewed in Northern Ireland. The provision will send a strong message to the perpetrators of human trafficking.

The Bill also recognises the importance of providing appropriate training and resources for investigations into, and the prosecution of, human trafficking and slavery offences and

places a requirement for the strategy provided for in clause 12 to cover those issues, which allows for a comprehensive multi-agency approach. That is a necessary element of the overall package of measures to tackle human trafficking and slavery.

Issues relating to whether a Northern Ireland rapporteur or the UK-wide Anti-slavery Commissioner was more appropriate to provide effective monitoring and accountability arrangements were raised and discussed during Committee Stage. The debates at Consideration Stage and Further Consideration Stage, as well as the debate on the legislative consent motion in the Assembly yesterday, also provided further opportunities to discuss the key issues, which I will not rehearse again.

Suffice it to say, the Committee supported the principle of having an independent body to monitor and report on the response to human trafficking in Northern Ireland. However, it is satisfied that the role and remit of the UK-wide Independent Anti-slavery Commissioner will provide for that and is therefore content for remit of the commissioner to extend to Northern Ireland. There is no longer any need for the Bill to provide for a separate rapporteur in Northern Ireland.

As I indicated, what is now clause 15 of the Bill attracted the most attention, the most comment and the most controversy, and much of the written evidence received by the Committee focused on it. We listened to oral evidence from a wide range of organisations and individuals, including some who are, or were, involved in prostitution, and held informal meetings with a victim of trafficking for sexual exploitation and a sex purchaser. We visited Sweden and met with the Oireachtas Joint Committee on Justice, Defence and Equality to discuss the findings of its report on a review of legislation on prostitution, which recommended the adoption of the Swedish approach of criminalising the purchase of sexual services.

The Committee agreed to support the inclusion of the clause, believing that criminalising the purchase of sexual services will curtail demand and lessen the incentive for human trafficking for sexual exploitation, thus reducing it and making Northern Ireland a hostile place for such activity. That stance was subsequently supported by the Assembly with an overwhelming majority. The Bill is much stronger as a result of the inclusion of the clause.

The Committee also accepted the importance of ensuring that support services be put in place

for those who are in, have exited or wish to exit prostitution, and it is therefore pleased that the Bill includes such a requirement. One of the key strengths of the Bill is the assistance, support and protection that it will provide to victims and possible victims of human trafficking and slavery. This includes a statutory defence for victims of slavery and human trafficking who have been compelled to commit offences; support and assistance whether criminal proceedings are taken or not; the establishment of an independent guardian to assist, represent and support children; and the extension of the provision of special measures to victims of trafficking during the investigation and court processes. All these measures improve how victims are supported and treated and are very welcome.

12.30 pm

Finally, I will move on to the commencement provision in the Bill. The Committee was the catalyst for the changes made at Further Consideration Stage. I am very pleased that, as a result, the vast majority of the provisions in the Bill will come into effect either on Royal Assent or within six months of it, and the requirement for the Minister of Justice to commence provisions with which he is not in policy agreement has been removed.

I would like to finish speaking as Chairman by thanking the members of the Committee for their commitment and diligence in carrying out the scrutiny of this Bill. I have been privileged to be the Chair of the Justice Committee and to oversee the scrutiny work for the Bill. The inquiry report that the Committee published into the experiences of victims and witnesses of crime was very important and will subsequently be legislated for in a forthcoming Bill, but this Bill is up there as one of the highlights of what the Justice Committee has had to deal with.

Some Committee members came to it, maybe, with different views and some, maybe, with hostile views, but as we listened to evidence, and as we sought to do our scrutiny work and get into the detail of it, I believe that people opened their minds and were prepared to listen to that evidence. As a result of that work — I believe that the Committee played a critical role in facilitating that — we were able to get to the point where there was overwhelming support for this.

The Justice Committee is very blessed in its membership. Undoubtedly, most of its members are some of the brightest in this Assembly, and they bring a particular skill set to the Committee. *[Interruption.]* I note that Edwin

Poots has only just joined the Committee. *[Laughter.]* It would be unfair to apply that to him.

There are times when Committee members will raise issues that I do not necessarily agree with. Indeed, I may not always agree with the manner in which an issue is raised, but it is important that Committee members have the right to do that. At times, I have found that, even though I may not have always appreciated some of the tactics deployed, it unearthed issues that some of us had not thought about and revealed elements of the Bill that, maybe, we needed to consider and tighten up. Beforehand, I might have taken a very supportive role, but, as a result of some of the questioning, we were able to tease those issues out.

The Committee is one of the best in the Assembly because it nails down what the real issues are and puts its mind to focusing on those specific issues and tries to find a way to effectively deal with them. Other Committees can learn from how the Justice Committee carries out its work. Some may say I am biased on this issue, but the Committee is a model of good practice. It is a good Committee, because we get support from the Department of Justice officials. They supported the Committee as we scrutinised the Bill, and, as Chairman, I want to place on record my thanks for the work of the Minister and his officials in dealing with this.

I want to pay particular tribute to the work of the Committee staff and to Christine Darrah, the Committee Clerk. We, unquestionably, have been given the most professional support that was necessary, above and beyond what people may well expect in terms of the capacity that exists in this place to provide that advice to Committee members. There was not an issue that Committee members raised, from any perspective, on which Christine and her team in the Committee office were not able to provide information to allow us to deliberate on these issues. They did so, at all times, entirely impartially. I could not tell you what any view is of the Committee staff in respect of this Bill. I do not know; I have never sought to find out, and none of the staff have ever sought to tell me whether they supported the Bill or were against it. That is the entirely right way for officials to conduct themselves and provide that information so that Committee members can deliberate and come to the right position once they have sought that information. So, I want to thank especially the Committee staff for all their work on the Bill.

Finally, let me put on record my appreciation to all those organisations that came to the Committee and engaged with it. We produced a report of some 1,300 pages. We engaged extensively with individuals and organisations, and there is a broad body of work by the Justice Committee that I have no doubt many other jurisdictions will use as a reference point as they consider these issues.

At the very end of my contribution, let me reiterate my thanks and appreciation as an individual MLA on behalf of the Democratic Unionist Party to Lord Morrow. We are immensely proud of him for the way in which he has conducted himself over the past two and half or three years on an issue that I know has consumed every fibre of his being and every aspect of his day in dealing with this. As a party, we are immensely proud of the way in which he has conducted himself and has brought this legislation forward for approval. I commend the Bill to the House.

Mr Deputy Speaker (Mr Dallat): Even though the Business Committee is not meeting today, it has agreed that there should be a lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the first item of business will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.36 pm.

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

2.00 pm

Oral Answers to Questions

Justice

Mr Principal Deputy Speaker: Questions 4, 5 and 7 and questions 6 and 9 are grouped, and questions 10 and 11 have been withdrawn. There are issues with topical questions, but we will deal with those at the time.

Abortion Consultation

1. **Ms Ruane** asked the Minister of Justice how he intends to integrate proceedings in the Supreme Court (Greater Glasgow Health Board v Doogan and Anor (Scotland)) in the criminal law on abortion consultation. (AQO 7245/11-15)

Mr Ford (The Minister of Justice): The judgment of the Scottish Appeal Court in the Doogan and Wood case is referred to in chapters 8 and 9 of the consultation paper, and readers are particularly requested to address in their response a provision for conscientious objection and how it should be formulated.

Although the case is now in the Supreme Court and a ruling is not expected until next year, the consultation paper makes clear my intention that draft legislation should take full cognisance of the need for clarity and certainty in any provision for a right to refuse to participate in the termination of pregnancies on the grounds of conscience.

Ms Ruane: Go raibh maith agat. Thank you, Mr Principal Deputy Speaker. In light of the fact that the judgement will, obviously, set legal precedent, will the Minister commit to extending the consultation period, if necessary, to take account of any judgement? As you know, the consultation period ends on 17 January.

Mr Ford: I am not sure that it is necessary or appropriate to extend the period. Specifically, the Supreme Court has been asked to judge on the basis of the current legislation as it applies in Great Britain, which is not directly relevant to any proposal for legislation that we might introduce in this jurisdiction. We are at a relatively early stage of any legislative process, and we are not in anything like the same position of the concerns that are being raised

about the operation of the current GB legislation.

Mr Givan: The Minister should be aware of a case, last November, in which the Court of Appeal overturned a decision by Justice Treacy in respect of a request for an inquest that the Attorney General instructed the senior coroner to carry out but which was rejected. Given that, in the first instance, Justice Treacy said that allowing the Attorney General's case to be won would have implications for abortion and seeing that the Court of Appeal overturned that decision, the Attorney General won the case and a landmark precedent was set conferring the rights of personhood on the unborn child in those circumstances, what cognisance is being taken of that by the Minister in his consultation document so that that landmark decision is properly upheld?

Mr Ford: The consultation document contains information on the proposals for change or potential change in the law. It is for those who wish to comment on it to raise their concerns, and the Department will fully consider any responses. Clearly, issues are arising from a number of legal cases, but, if we held up all consultations as part of a legislative process until all matters were settled in the Supreme Court, we would never consult on anything.

Mr A Maginness: I thank the Minister for his answer. Will the Minister reassure the House and, indeed, those involved in nursing, particularly midwives, that whatever legislation is finally produced, the right to conscientious objection in the performance of an abortion will be safeguarded?

Mr Ford: Mr Maginness raises a serious point. The reality is that, at present, in Northern Ireland, in the small number of abortions that are lawful to protect the life of the woman, there are no grounds of conscience to withdraw because it is that kind of procedure. I see no prospect of there being legislation in this jurisdiction that would have grounds of conscience any less than the grounds of conscience that exist under the 1967 Act for England, Wales and Scotland.

Mr McCarthy: Can the Minister clarify beyond any doubt that he is strictly limited and is not advocating, as has been suggested in some quarters, that the Abortion Act 1967 be brought to Northern Ireland?

Mr Ford: I am happy to give that confirmation. I know that there are those who have suggested that I am in favour of abortion on

demand to the point of birth: that is a complete fabrication. The consultation is on an extremely narrow area, looking at fatal fetal abnormality where doctors certify that there is no prospect of life and no life-saving treatment could be given after delivery. It also raises the question around rape and incest. It is far away from the way that the law operates across the water, and there is no intention on the part of the Department of Justice to go anywhere near the 1967 Act.

Criminal Assets

2. **Mr Lyttle** asked the Minister of Justice for an update on funding awarded from seized criminal assets. (AQO 7246/11-15)

Mr Ford: Since it was first launched in 2011, the assets recovery community scheme has awarded over £2.1 million to nearly 200 projects that meet the statutory criteria of fighting crime or the fear of crime. The schemes supported include diversionary activities for young people; making older people more secure in their own home; and projects aimed at reducing drug and alcohol abuse. The projects are based throughout Northern Ireland and are benefiting urban and rural areas. The emphasis is on encouraging new, innovative projects. It is of great satisfaction that not only are the projects benefiting the community but they are being funded through assets recovered from criminals.

Mr Lyttle: I thank the Minister for his response. I welcome the fact that over £2 million of criminal assets have been redirected to community projects under this Minister of Justice. Does the Minister agree that that is an encouraging example of devolved policing and justice powers working to tackle organised crime for the benefit of community development in Northern Ireland?

Mr Ford: Yes, I agree. The reality is that it is only since devolution on 1 April 2011 that we have persuaded the Treasury to enable Northern Ireland to access 100% of Northern Ireland criminal confiscation receipts. Previously, it was only 50%. Whilst the agreement is capped at £10 million per year and is potentially time-limited to the current CSR period, I believe that we have shown very positive results from it. It is unfortunate that it is perhaps not slightly more flexible, but, nonetheless, £2.1 million — not just £2 million — is an extremely positive statement of good work being done in every part of the community, principally through PCSPs and agencies of the justice system. That is all very

much to the good of communities right across Northern Ireland.

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Can the Minister provide some information about the process by which the money is allocated from the fund? Is there anything that he can do to ensure that more money from the fund goes to projects outside Belfast?

Mr Ford: I do not have figures suggesting how much money has been spent in different districts. That information is certainly freely available; I just do not happen to have it in front of me. There is no suggestion that money is disproportionately going to Belfast. In past years, it has certainly gone to each of the 26 districts, and, to ensure that there is best value for money, it has been allocated on the basis of projects that have passed a scoring matrix. The reality is that even in the tight circumstances of this year, when we had slightly less money to spend than we might have hoped, we were able to ensure that each of the projects that passed an appropriate mark was able to be funded. There is no question of money not going to areas outside Belfast if the projects are good enough.

Mr Beggs: Fuel laundering has been a highly lucrative operation for criminal gangs, involving hundreds of millions of pounds, yet few, if any, have gone to prison, never mind having substantial assets seized. Does the Minister accept that the proportion of assets seized is very small compared with the profits that have been made in this area? What more does he intend to do to address illegal fuel laundering?

Mr Ford: I must congratulate the Member on the way in which he managed to extend that question. The reality is that we use the assets that are seized in the best possible way. It is up to the justice agencies, which are responsible for seizing those assets, to carry those out. Specifically, on the topic of fuel laundering, I take it that Mr Beggs is not suggesting that we should sell illegally laundered fuel to people to make a profit from it. That would be the only way in which we would recover those specific assets. It is unfortunately the case that, since so many of the fuel laundering plants are automated without people present, it is difficult to prosecute individuals even where it is possible to seize the plants. However, allowing for the difficulties that the agencies have should not detract from the good work being done by the assets recovery community scheme.

Railway Street Drug Arrest Referral and Harm Reduction Service

3. **Mr Frew** asked the Minister of Justice to outline the discussions he had with stakeholder organisations such as the PSNI, the Probation Board for Northern Ireland, GPs and local pharmacists when making his decision to cut the funding for the Railway Street Drug Arrest Referral and Harm Reduction Service. (AQO 7247/11-15)

Mr Ford: My Department has contributed approximately £330,000 per annum — 66% of the total cost — over each of the last three years to the Northern Health and Social Care Trust to run the Railway Street service in Ballymena. Given the changing financial environment, my Department first notified trust officials in October 2013 that funding was at risk. Given the increasing pressures on my budget, notice was given to the trust in October this year that funding would cease at the end of January. We have since secured funding to provide an additional month's cover. No discussions were held with stakeholders prior to the trust being notified of the decision. The Probation Board, which provides one dedicated member of staff to the project, was advised at the same time as the Northern Trust. Since the trust was advised of my decision, I have met Daithí McKay MLA and a delegation that included representation from local GPs, pharmacists, service users and their families and a union representative. I am due to meet trust officials later this week to consider whether anything further can be done. The decision was not an easy one and was not taken lightly. However, following the significant cuts in funding to the DOJ in-year, it has not been possible to continue to protect front-line services.

Mr Frew: Does the Minister agree that this is the sort of project and model that shows best practice and would save his Department money with regard to prison numbers, crime rates and social issues in our towns and cities? Does he agree that it should be rolled out across the country, not stifled at inception?

Mr Ford: The fact that the Department funded the project for the last three years is clearly an indication that it was seen as a positive project. However, I repeat my point: in the light of the cuts being made to my Department's budget, it is not possible to continue to protect front-line services. Mr Frew specifically referred to the number of prisoners and crime rates. The reality is that, although a lot of positive work was done by the Railway Street project, crime

rates in Ballymena have decreased at a broadly similar rate to crime rates across Northern Ireland. The number of prisoners that might have resulted had there been a slightly higher rate is not, as has been suggested to some people, at a cost of £60,000 per additional person admitted to prison. The marginal cost of that is significantly less. Of course I regret cutbacks to front-line projects like this, but, given the budget cut that the Department of Justice is faced with, there is no choice but to make cuts that will be difficult, will damage community safety and will reverse many of the advances over the last four and a half years.

Mr McKay: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Like the previous Member who spoke, I am deeply concerned about the effects that the cut will have on our constituents, particularly those who are at risk from drug abuse. I am grateful for the meeting that the Minister had with us. In his forthcoming engagement with the Northern Trust, will he go into that meeting with compromise in mind? Will he be minded to meet health officials halfway to ensure that we do not have a 100% cut from the Department of Justice and a meaningful compromise is put in place?

Mr Ford: I appreciate Mr McKay's reference to his constituents and Mr Frew's. I remind him that, at the meeting he was at, one of those present was a constituent of mine. I am entirely aware of the local value of the project. The meeting with trust officials is to explore what possibilities exist to see whether it is possible to continue the project in a meaningful way. If the Member is asking me to say that I will meet officials halfway, I am not sure whether that means keeping half of the grant aid. I can make no specific promises, but I will go in there to see whether it is possible to make any kind of arrangement with the trust.

Mr Swann: Like other North Antrim reps, I am extremely concerned about the removal of the service, which serves a wide section of our community. Has the Minister approached the Minister of Health or the Minister for Social Development to see whether there is any other match funding, rather than just the Justice Department and the trust looking to fund the project? If the 260 users of the service re-enter the community without the support that has been provided by Railway Street, that will have a knock-on effect on both those Departments.

2.15 pm

Mr Ford: As this project is actually run by the Northern Trust, though two thirds funded by the

Department of Justice, it is an issue for the trust to follow up with its parent Department, DHSSPS, and not for me as Minister of Justice to follow up. That is one of the issues that I may be able to explore later this week. There are real challenges, across a range of budget cuts affecting every Department, to see whether it is possible always to prioritise the front-line services that we would wish to.

Mr Allister: Minister, is this not a classic invest-to-save scenario? By investing this relatively modest sum, you save: the lives of a number of the drug dependent people; the state from the ravages that come from drug-fuelled crime; and the health service from the repeat costs of looking after such people. So, is it not time to recognise that it is an invest-to-save project and to make the investment?

Mr Ford: Sadly, a lot of preventive work done by my Department is invest to save, and it is going to have to go in the face of the budget cuts imposed on my Department. Specifically, Mr Allister may make reasonable points about saving the health service or saving lives. However, the role of the Department of Justice is not to take over the role of the health service. We work in partnership at the moment in a number of different areas, of which the Railway Street project is but one. However, the prioritisation has to ensure that, if there are issues of concern to one Department, they cannot always be bailed out by another. I am looking to see what is possible. As I have said to a number of Members — we still have two Members from North Antrim who have not asked yet questions — we can but say difficult times cause difficult decisions to be taken.

Mr McKinney: I add my voice to the calls for this decision to be reversed. In this context, and it is reflective of comments made earlier, this is marginally small money — potted together with other moneys — producing good outcomes. Is not the decision around this, like many of the other decisions, consistent merely with the bottom line and not with strategic objectives? In that sense, it is completely counter-strategic, not only to justice outcomes but to health outcomes.

Mr Ford: I mean no insult to Mr McKinney when I point out that neither he, nor anybody else who has spoken on this question, has suggested anywhere else where money can be saved. That is the blunt reality of the life that we have to live with. It is fine to talk about benefits in the future by maintaining services today. However, if we cannot fund them, we cannot fund them. It is as simple as that.

Whether it is realistic, sensible, strategic or long-term, the budget of the Department of Justice, despite being supposedly ring-fenced for this year, as the end of the four-year CSR period, was cut unilaterally in year, and the Department of Justice is living with the consequences. That is the reality of where we are currently placed.

If Members wish to go back to the Minister of Finance and Personnel and suggest that the Department of Justice should have its budget restored to the ring-fenced position — where we were managing the strongest cuts that were happening to any Department anyway — and not impose further cuts, I will happily lead them in a deputation to DFP.

Mr Principal Deputy Speaker: Mr David Hilditch is not in his place.

National Crime Agency

5. **Mr Cree** asked the Minister of Justice what plans he has to ensure that the National Crime Agency can operate in Northern Ireland to the same extent as it does in the rest of the United Kingdom. (AQO 7249/11-15)

7. **Lord Morrow** asked the Minister of Justice for his assessment of the impact on the delivery of justice services of the restriction of National Crime Agency operations in Northern Ireland. (AQO 7251/11-15)

Mr Ford: With permission, Mr Principal Deputy Speaker, I will answer questions 5 and 7 together.

The National Crime Agency (NCA) is still prohibited from operating in the devolved arena in Northern Ireland, and, as I have stated many times, there is clearly a major gap in our ability to tackle serious and organised crime groups as a result. That is why, along with the PSNI, the NCA, the Northern Ireland Office (NIO) and the Home Office, I am making every attempt to resolve the situation.

On 8 September, I circulated an updated proposal paper to, among others, the main political parties, the Justice Committee and the Policing Board setting out proposals on the accountability of the National Crime Agency, which should, in my view, enable us to achieve the full operation of the agency here. It is a comprehensive proposal that would create clear, transparent and significant local accountability. It is the result of extensive work between my Department, the NCA, the PSNI

and the Home Office and it has the full commitment of all those bodies.

Since then, I have met all the main parties, and I will continue to engage. However, as I said previously, we cannot operate in limbo indefinitely. If there is no resolution soon, we may have to find a way to work within the present limitations.

Currently, there is a complete absence of civil recovery here in the devolved arena, making Northern Ireland a potentially attractive place for criminals to operate or keep their assets. There is also an inability to source financial investigation expertise from the NCA where the offences being investigated are devolved, which in turn has hindered a number of investigations, for example, on waste crime. The NCA cannot assist the PSNI with, amongst many other things, child exploitation and human trafficking operations, again leaving Northern Ireland at a disadvantage.

I will continue to urge all Members to work constructively to reach agreement on the current proposal so that our law enforcement agencies and our people can benefit from the skill, expertise and resources of the NCA.

Mr Cree: I thank the Minister for a comprehensive response. Minister, you came close to touching on a concern that I have, which is that the recent massive drugs find suggests to you that there are better opportunities now in Northern Ireland for criminals because the NCA does not operate fully in this jurisdiction.

Mr Ford: We cannot be sure whether the absence of the NCA was a factor in any specific instance, but there is no doubt that, cumulatively, especially at a time of budget restraint, we are losing out by not having the NCA, not least in the civil recovery of assets as well as the direct crime-fighting ability it would bring.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Sometimes people put up the thesis that, where the NCA operates, there is no crime, and that, if only it were here, there would be no crime. Is the Minister aware of the recent trial where the trial judge described the NCA as "incompetent", involving itself in multiple failures, and "beyond negligence", and said that it failed to adhere to the protocol and principles of disclosure? Does the Minister agree with our concern that, where

people feel that it is not accountable, it acts beyond account?

Mr Ford: I am in no position to judge the operation of the NCA across the water. What I am absolutely clear about is that the concerns that Mr McCartney has raised about accountability are exactly the reason why, from the very beginning, I have sought to ensure that there is proper accountability, primacy of the PSNI, a role for the Chief Constable in the approval of operations, a role for the Policing Board, and a role for the Police Ombudsman in any operation of the NCA here. That would address the kind of concerns raised by Mr McCartney.

Mrs D Kelly: The Minister will be aware that there are extensive discussions ongoing in relation to the NCA, particularly around the accountability mechanisms. Will he join me in acknowledging the mechanisms that the PSNI would welcome and that it described in its 2013 human rights annual report as being the minimum standard of accountability necessary to move forward?

Mr Ford: I would certainly welcome the application of those standards that apply to the PSNI to the NCA, because, at the moment, the NCA is operating in Northern Ireland in the reserved sphere without any accountability mechanisms whatsoever. That is a further addition that would be given if we had the NCA operational in the devolved sphere. It would then also be accountable in the reserved sphere, and, indeed, for the seizure of assets. That is a further reason why we need it.

Roe House

6. **Mr Eastwood** asked the Minister of Justice, in light of the recent independent assessment team report on Roe House, to outline how he plans to resolve the outstanding issues. (AQO 7250/11-15)

9. **Mr F McCann** asked the Minister of Justice to outline how he plans to take forward the independent assessment team stocktake report into the separated regime in Roe House. (AQO 7253/11-15)

Mr Ford: With permission, Mr Principal Deputy Speaker, I will take questions 6 and 9 together.

Members will be aware that I provided a comprehensive update to the Assembly in respect of the stocktake report by the independent assessment team in a debate on

25 November. The assessors made 10 recommendations. Of the nine that fall to the Northern Ireland Prison Service, eight have been fully accepted and one has been partially accepted. One recommendation, in respect of the criteria for entry into separation, is a matter for the Secretary of State for Northern Ireland to consider.

I am grateful for the thoroughness and balance of the report, which has now been published, along with a detailed response from the Prison Service.

Mr Eastwood: I thank the Minister for his answer. Given that we have had some public representatives speaking very negatively about the team, will the Minister agree that the work it has done has been very valuable and that it is now up to the rest of us to get this stuff over the line and ensure that we can have no more difficulties in our prisons?

Mr Ford: I am grateful to Mr Eastwood for his endorsement of the team's work. I believe that it has carried out a very valuable function for a significant period, not least in the preparation of this report. That is why, after careful consideration, the Prison Service has accepted the report in all but one partial respect on visits. I hope that we will see positive responses on all sides to ensure that that work can be carried through in a way that reduces tension in the prison and which ensures that Roe House and other parts of Maghaberry are safe for prisoners, staff, visitors and, ultimately, the wider community.

Mr F McCann: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister agree that an opportunity now exists to treat everyone with dignity and respect? I know that he has said that the recommendations have been accepted, but will he give an assurance that it will go one stage further and that they will be implemented?

Mr Ford: The recommendations have been accepted and are being implemented by the Prison Service. Mr McCann rightly talks about the need for people to be treated with respect, and the most urgent part of that is to ensure that the threats against prison officers are lifted immediately.

Mr Poots: The Minister's last comment is very important, as the director general indicated that one threat is one too many. It is absolutely criminal that we continue to give concessions to prisoners while the threats continue. Will Minister Ford stand with the director general in

saying that one threat is one too many, or is he so caught up in the spirit of Christmas that he will continue to be the Minister who just keeps giving to prisoners and republican prisoners?

Mr Ford: I seriously wonder, for the second time today, whether Mr Poots actually listened to what I just said. I made it absolutely clear what was required to show respect and I made it absolutely clear that I stand with the director general and the Prison Service in implementing the recommendations to ensure that prisons are safe places. That requires action by those who are making threats to stop making threats, just as it requires management change in some of the administrative and managerial issues in Roe House.

Prisons: Harassment and Bullying

8. **Mr Dallat** asked the Minister of Justice to outline the steps he has taken to establish the level of harassment and bullying perpetrated by prison staff towards other prison employees. (AQO 7252/11-15)

Mr Ford: The Northern Ireland Prison Service is committed to creating and sustaining an environment where everyone is treated with respect and dignity, free from any form of inappropriate behaviour. Prison Service staff are supported in challenging any unwanted, unreasonable or offensive conduct, and procedures are in place to enable them to do so. All incidents of bullying and harassment by prison staff towards other prison employees reported under these procedures are captured and recorded. Such incidents are treated seriously and dealt with in accordance with the Civil Service dignity at work policy.

Between April 2012 and November 2014, there were 20 reported incidents of bullying and harassment: 15 were resolved informally; one was withdrawn; and four resulted in formal investigation. That is a low level of complaints when set in the context of a workforce of just over 1,800 staff, although all such complaints must be treated seriously.

Mr Dallat: Is the Minister seriously dismissing my question by claiming that bullying in the Prison Service is at such a low level? Can he explain why several hundred prison officers are off, suffering from anxiety? Many of them claim that it is not the prisoners who caused it.

Mr Ford: If individuals have concerns, they need to be formally reported in a way that means that they can be investigated and not merely raised in an anonymous way, for

example, on the Floor of this Chamber. There are proper procedures that should be put in place, and I urge anyone with concerns to use them.

Mr Principal Deputy Speaker: That ends the period for listed questions; we now move to topical questions. Before I call Mr Swann, I inform Members that topical questions 2, 6 and 7 have been withdrawn within the allotted time.

2.30 pm

Clay Pigeon Target Shooting: Legislation

T1. **Mr Swann** asked the Minister of Justice for an update on legislation relating to clay pigeon shooting, given that he will be aware that young people in Northern Ireland have been waiting for many years for the Department of Justice to give them equality of opportunity with their peers in the rest of the UK for clay pigeon target shooting. (AQT 1881/11-15)

Mr Ford: As part of general reforms on firearms, I have stated my intention to lower the age at which young people are permitted access to shotguns in certain circumstances. The proposals have been published, and there have been a number of discussions, some of which are ongoing, including quite recently. Ideally, we need to reach consensus about a number of issues relating to firearms before progress can be made. Certainly, I am fully aware of these issues and, indeed, have met some of the young people who have been able to represent Northern Ireland outside, but not within, Northern Ireland. I recognise the concerns expressed by the Clay Pigeon Shooting Association, amongst others.

Mr Swann: I know that the Minister has acknowledged the problem. There is concern about the lack of consensus on a number of issues, and the other issues are holding this one issue back. When will the Minister move forward and make a decision, even one that is subordinate to the other decisions coming to fruition?

Mr Ford: Would that it were that simple. The reality is that anything we would look at would require primary legislation, and before we could engage with primary legislation we would need to ensure that we had considered all the relevant issues on firearms together. It would be impossible to produce legislation on this one specific issue. As yet, unfortunately, there is no consensus amongst the shooting organisations,

never mind the PSNI and DOJ, on the appropriate way to move forward.

“Hooded Men” Case: DOJ Disclosure

T3. **Ms Maeve McLaughlin** asked the Minister of Justice, although it is appreciated that the relevant events occurred some time ago, before the Minister’s watch, given the significance of the revelation that former Secretary of State Merlyn Rees informed the British Prime Minister in 1977 that Tory Ministers had authorised methods of torture here in the North, to assure the House that he will guarantee full disclosure of any information held by his Department and full cooperation with the “hooded men” case that was recently taken back to the European Court. (AQT 1883/11-15)

Mr Ford: I am not sure that I have a role in the current dispute at the European Court of Human Rights between Ireland and the United Kingdom. I am happy to guarantee that any information that my Department holds that may be relevant to historical matters will be made available in accordance with court requirements. I am fairly sure that that does not apply in this case.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for his answer and, indeed, for his guarantee of cooperation. In the light of the revelations, does the Minister now agree that the British Government have a responsibility to ensure that comprehensive resources are available to the Executive to deal with legacy issues?

Mr Ford: I suspect that if we were going to take that question much further, Mr Principal Deputy Speaker, Ms McLaughlin and I should go down to Stormont House rather than stand in the Chamber. I believe that there are significant legacy issues, which were not dealt with fully in the talks that Richard Haass convened a year ago, and which, it now appears, are being dealt with in a more comprehensive and joined-up way in the talks that we expect to see the Prime Minister and the Taoiseach lead later this week. I do not answer here as leader of my party, but I will certainly do my best, including as Minister of Justice, to make sure that we reach a comprehensive agreement that ensures adequate funding for the justice system to deal appropriately with the matters that have arisen in the past and that are creating difficulties for the justice system today.

Legal Aid: Cost

T4. **Mr Moutray** asked the Minister of Justice what measures are in place to reduce the legal aid bill. (AQT 1884/11-15)

Mr Ford: I am sure that Members will be aware of the fair bit of work that has been done on the cost of legal aid over, frankly, almost the entire period since I became Minister. The first element was reducing Crown Court fees significantly and introducing standard fees, which resulted in savings in excess of £20 million. There have been further reforms of other minor criminal matters, and work is ongoing to examine the scope for legal aid and alternative methods for providing legal assistance, where required, in a number of types of civil cases. It is clear that the budget for legal aid has been exceeded every year for many years, which it unfortunately continues to be, in a way that is damaging to the rest of the justice system's budget.

Mr Moutray: I thank the Minister for his response. Will he give a commitment to the House today that he will see that the cost of legal aid is reduced before it impacts on services such as policing and the Prison Service?

Mr Ford: Unfortunately, although I suspect that most of the House probably agree with Mr Moutray, if there are legal obligations to pay legal aid to solicitors and barristers at the rates currently set by statute, it is not possible to say that, in the interests of defending other services, those will simply not be paid. I am sure that most Members of the House would wish to see services such as policing, community safety, youth justice and even the probation service funded ahead of legal aid, but the reality is that there are contractual obligations that have to be met as we seek to produce the reforms. I welcome the fact that, in October, I got agreement from the Justice Committee for a further £4 million reduction in the legal aid bill. Unfortunately, it took many months to get that agreement from the Committee, and we will need to see much quicker movement if we are to deal with the problem of excessive legal aid spending compared with other jurisdictions and to ensure that we can redirect funding to the services that we would all wish to see funded.

Talks Process: Importance for Victims

T5. **Mr Lunn** asked the Minister of Justice for his view on the importance of the talks process producing a package of measures to deliver truth, justice and services for victims. (AQT 1885/11-15)

Mr Ford: As Minister of Justice, I see every day the impact that the legacy of the past has on the operation of the justice system. There is no doubt that the pressures on the Police Service are exacerbated by the large amount of historical work that is having to be done by the PSNI. That work was previously done within the Historical Enquiries Team (HET), but Members will be aware of restructuring reforms going ahead there. There is similarly a pressure of the past on the Police Ombudsman, and the fact that we now have a very significant number of legacy inquests ordered is adding to that further. All of that is making difficulties for the justice system in dealing with the needs of the present. The work that the justice system is doing around the needs of victims is largely concentrated on that for the present. However, there are possibilities from the talks going on between the parties that would see work being done around truth recovery and work that would allow information retrieval in a way that would benefit victims. There are further issues around services for victims that need to be addressed that go a little bit beyond my direct responsibilities for the justice system.

Mr Lunn: I thank the Minister for his answer. What is his assessment of the consequences of failing to agree a new fully funded and article 2-compliant system for dealing with the past?

Mr Ford: I know that my colleague has a particular interest in and concern about one group of bereaved families — the Ballymurphy massacre group. There is no doubt that, although they are close to seeing inquests happening into the death of their loved ones, there are many others further back in the queue who are unlikely to see inquests on the current basis being called for many years, with all the dangers that that has of causing further distress and upset to victims. That is why it is urgent that we use the proposals for what Richard Haass called the "historical investigations unit" — I do not particularly mind what it is called — to ensure that it not only does investigations into the past but that those investigations lead to seeing the truth recovered and publicly tested for the benefit of bereaved families so that they can get past the current blockage of not seeing inquests happening.

PCSPs: Delivery

T8. **Mr McQuillan** asked the Minister of Justice whether, in the light of his stark warning about the detrimental impact that the cuts to his budget will have on policing, he agrees that the policing and community safety partnerships (PCSPs) have delivered very little and that that is where the cuts should be directed. (AQT 1888/11-15)

Mr Ford: I think that it is fair to say that, in the work that they have done, some PCSPs have been better than others. From what I have seen during a number of visits to the four PCSPs in the future Causeway area, where Limavady, Coleraine, Ballymoney and Moyle have been cooperating, some very good work has been done, particularly on addressing issues of concern for young people, such as a car-crash simulation and a play that I recently saw performed in Bushmills on the problems of underage drinking.

Therefore, it is clear that, in many cases, PCSPs are doing good work. It is also clear that, in some areas, there have been greater difficulties in getting the arrangements joined up, and we have not yet seen the full benefits of bringing district policing partnerships and community safety partnerships together, which is what was envisaged when we passed the Justice Bill in 2011. I think that it is a challenge. I certainly hope that the work that is being done by my officials with PCSP managers will ensure that we see an improvement so that all of them live up to the current standards of the best.

Mr McQuillan: I thank the Minister for his answer. Can he, at least, ensure that administration costs of 43% can be brought into line with those of the public sector, which are 20%?

Mr Ford: That is clearly an issue for PCSPs themselves to address. Clearly, there will be a role for new councils in addressing that. I have no doubt that, given that we are talking about a smaller number of larger councils, there ought to be economies of scale that reduce those administration costs. I suspect that, to some extent, there may be slight difficulties in some cases. Issues may be presented as administrative costs, which are actually funding council staff or PCSP staff engaging in full-time front-line work with communities, particularly around safety and addressing the fear of crime. It all tends to get wrapped up as administration nonetheless. There may be work that is being done, which is funded by salaries as opposed to project money, and is not administration but

is being counted as such. The important thing is that people cut down on administration costs and ensure that as much as possible of the funding for PCSPs goes into providing direct services, whether by staff or others.

Court Service: Budget Cuts

T9. **Mr Eastwood** asked the Minister of Justice what impact the budget cuts will have on the Court Service, particularly the potential closure of courthouses. (AQT 1889/11-15)

Mr Ford: At the moment, the specific issue of courthouses is under consideration. Proposals have been developed. Members will be aware that there are already proposals to close hearing centres in Magherafelt and Limavady on the basis of boundary revisions being put through. The reality is that there are major issues around the current running of the court system. In some cases, it is costing money to provide relatively elderly facilities, which, in some cases, are not disability-friendly. Concern is being caused about their overall running costs. There may well be a case for rationalisation of the court estate to ensure that better services are provided in a smaller number of modern courthouses rather than the large number of older buildings which do not meet the needs of the 21st century.

Mr Eastwood: Is the Minister confident, though, that this rationalisation can be carried out without creating long delays in the system and without impacting on people's access to justice?

Mr Ford: It is a perfectly reasonable question from Mr Eastwood. I do believe that there are issues that say that if we concentrate on a smaller number of courthouses, it may well be possible to ensure that we cut out some of the delays if, for example, we have a greater number of staff working in a group. Even, at times, the ability to provide a deputy judge if a judge is sick may be enhanced by having a smaller number of venues that provide greater economies of scale. That is the amount of detail that is being worked through by my staff. Proposals will be put forward on that.

Mr Principal Deputy Speaker: As Mr Dominic Bradley is not in his place, I congratulate the Minister on working his way through his list of topical questions. I thank him very much.

Even though the Minister for Regional Development is early, very commendably, I suggest that we wait until 2.45 pm to begin the next session, which is the time that is allotted

by the Business Committee. The House will take its ease until then.

2.45 pm

Regional Development

Mr Principal Deputy Speaker: I inform Members that questions 4, 5, 12 and 15 have been withdrawn.

A1: Junctions

1. **Mr Lunn** asked the Minister for Regional Development for an update on the proposed grade separation of junctions on the A1 from Hillsborough to Newry. (AQO 7260/11-15)

Mr Lunn: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Ceist uimhir a haon to the Minister. Question number 1.

Mr Kennedy (The Minister for Regional Development): I am grateful to the Member. The proposed grade-separated junctions on the A1 between Hillsborough roundabout and Loughbrickland form part of the A1 junctions phase 2 proposal. That proposal includes additional junction improvements, including four flyover-type junctions, closing up all openings in the central median, installing a continuous central safety barrier, and closing some minor road junctions along that stretch of the route. Following extensive feedback received at the public information event held in November 2013 and over the following months, the proposals have been reviewed. As a result, significantly fewer closures of minor road junctions with the A1 are being proposed than previously. They will now remain open for left-in and left-out access. A northbound on-slip at Castlewellan Road, Banbridge will also improve access at the junction. I have not yet made a decision on the preferred option for the scheme.

Mr Lunn: I thank the Minister for his answer. I may have missed the first part of it, where he mentioned the Hillsborough roundabout. Is that to be included in the proposed amendments? Does he have any idea at the moment of the priority that will be given to the particular junctions, such as those closest to Belfast, which carry the most traffic?

Mr Kennedy: I am grateful to the Member for his supplementary question. The project in mind is to deal with junctions along the entire route of the A1. Separate work is being carried out to look at the Hillsborough junction. A number of Members have asked questions

about this over a period of time. That work is ongoing. I have outlined the situation when it comes to our proposals for the junctions along the A1 stretching almost along its entirety.

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Is the Minister aware of development proposals for car parking at Hillsborough Castle entering and exiting the A1 and what impact those might have?

Mr Kennedy: I am grateful to the Member for his supplementary question. I am aware of those proposals. I am due to meet representatives from Hillsborough Castle and Historic Royal Palaces early in the new year.

Obviously, the A1 is a protected route, so we would have to look very carefully at any proposals that others might suggest. We will certainly engage in that meeting and hear the view of Historic Royal Palaces. I accept the huge potential that Hillsborough Castle, as a royal residence, will have as a tourist facility. I am sure that the Member will want to acknowledge that; no doubt, if he has not been there, an early invitation can be arranged. I see the huge potential in tourism, but there are practical difficulties, not least the status of a protected route on the A1.

Mr Cree: I thank the Minister for his very interesting response. Minister, you have given us a broad outline; perhaps you could outline the next stages of the scheme as they occur.

Mr Kennedy: I am grateful to the Member for his supplementary question. He will know that a significant amount of development work has already been progressed. However, much remains to be done.

The next stage includes completing the detailed design and taking the proposal through the environmental statement, direction order and vesting order statutory procedures. That process is likely to include public inquiries. The proposal is estimated to cost in the range of £35 million to £45 million. However, there is an opportunity to deliver the proposal in phases by constructing one junction at a time, with the associated closing of gaps in the central median and the erection of a central safety barrier. Delivery of this scheme remains subject to it clearing statutory procedures and having a satisfactory economic appraisal, and it is dependent on future funding levels.

Mr McCallister: I am grateful to the Minister for his replies. He and I are both very familiar with this section of road. I am encouraged that he

will at least consider moving in different stages, possibly with the closure of central reservations quickly. Bearing in mind that this road is part of our main economic corridor, if all this work were to be completed, would he consider removing the speed restrictions at Banbridge and Dromore — the only two permanent reduced speed limits between Belfast and Dublin?

Mr Kennedy: I thank the Member for his question. Indeed, he and I travel that road very often, mostly separately. *[Laughter.]* We parted our ways a while ago, but who knows?

The prime reason for the reduction in speed limits in certain key areas, Banbridge and Dromore included, was safety. Of course, the Member will also know that a number of safety measures have been carried out over the years. We continue to review that situation in consultation with the PSNI, but we currently judge that it is in the best interests of road safety that the 60 mph speed limit should remain in place.

Winter Service Programme

2. **Mrs Dobson** asked the Minister for Regional Development how his departmental budgetary pressures will impact on the winter service programme. (AQO 7261/11-15)

Mr Kennedy: My Department has delivered £15 million of resource departmental expenditure limit (DEL) to meet the 4.4% budget reduction agreed by the Executive in 2014-15. These cuts were addressed through a number of savings measures including a series of measures to reduce my Department's administration spend; reductions in funding to Translink; stopping external contractors' work on routine road maintenance, including patching, grass cutting and gully emptying; and suspending the use of external contractors for the repair of street lights that fail, unless they pose an electrical hazard to the public.

However, a number of pressures remain within my Department, the largest being the £20 million pressure in respect of the release of value from Belfast Harbour Commissioners. My Department's budget was set, as part of Budget 2011-15, by the then Executive on the basis that £20 million of income would be secured from Belfast Harbour Commissioners in both 2013-14 and 2014-15. The Budget review group subsequently agreed that the Department should work collaboratively with Belfast Harbour Commissioners on release-of-value projects. While the Harbour has agreed to undertake £41.5 million of release-of-value projects and is

progressing these, there is no means of crediting this investment to my Department's budget. The Executive agreed that the shortfall should be addressed through in-year monitoring, and this was the case in 2013-14 when the Executive allocated £20 million to my Department during the year.

In September 2014, the Budget review group recommended that the Executive take the same steps. They have not yet done so, with my bids for the £20 million in June and October monitoring being unsuccessful. I am conscious of time, but this is important, so I claim your indulgence, Mr Principal Deputy Speaker. The next stage of resource measures available to me would involve cutting core front-line services, including some £3 million of funding for winter service activities. These measures directly affect public safety, including no gritting or snow clearing. I am simply not prepared to put the public at risk by stopping such services.

Mrs Dobson: I thank the Minister for his answer. I am sure that many, including my constituents, know that the Minister is committed to provision of those winter services. Does he agree with me that Simon Hamilton should know better than to seek to apply pressure to the budget over the port's reserves for what appear to many to be party political reasons?

Mr Kennedy: I am grateful to the Member for her supplementary question. I hope and trust that politics is not being played with anybody's budget. Quite frankly, these matters are too important, and winter services are an essential part of the services that DRD provides.

We are engaging with the Department of Finance and Personnel. I made my concern clear to Mr Hamilton and the entire Executive. Nobody should underestimate this. There are clear implications not only for the DRD budget but potentially for an Executive overspend. Surely no one will want to be in that situation, because it will reflect badly on all of us, I suspect. I very much hope that people will not play politics and that we can restore this budget and ensure that the level of service that we would seek — that I would want to provide — can, indeed, be provided.

Mr G Robinson: We have had a very mild winter so far and hopefully savings can be made. Will salt boxes still be provided to rural communities — to farmers, schools etc — along with other road services?

Mr Kennedy: I am grateful to the Member for his question. I can confirm that in spite of the pressures on me, and given what I said, we will continue to provide winter services. Whilst the early part of winter has perhaps been a little bit milder, I am aware, and the Member will be aware, of weather warnings about wind speeds this evening.

We are now approaching the hard section of winter. Nevertheless, we continue to put out the grit boxes and grit piles — some 50,000 grit piles and approximately 4,800 salt bins — and we will continue to salt the main network. But I respectfully say to the Member that if he wants to assist me properly, he does need to speak to his party colleague, the Finance Minister, and Executive colleagues to encourage them to plug the gap that is currently in my budget.

Mr McAleer: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Is it still possible for farmers and other interested parties in rural areas to apply to DRD for contracts to clear rural roads affected during harsh weather?

Mr Kennedy: I am grateful to the Member for his question. There is ongoing provision for farmers and other such contractors to register to give assistance. We have to use in the best possible way the limited resources available to us. We will deal as sympathetically as possible with emergency cases that require attention, such as funerals etc.

Arrangements are in place to bring farmers and contractors in to assist with the clearance of snow from local roads. Of course, we have salt bins and 50,000 grit piles. The Member will know, living in a rural community, how important self-help is to assist particularly the elderly and those not able to carry out such functions. I encourage people to continue to do that and work together at community level.

Mr McNarry: The Minister says he will not put the public at risk, and we are greatly relieved to hear that. How much money has he set aside for compensation liability claims due to failing maintenance and public roads not being properly fit for the road user?

Mr Kennedy: I am grateful to the Member for his question.

There is, as yet, no evidence of increased claims against the Department as a result of the savings and the cutbacks that we have been forced to make.

3.00 pm

The Member, through his membership of the Committee for Regional Development, has been critical of some of the actions that I have been forced to take. I repeat: I have been forced to take them. He also offered a solution by saying that we would somehow find moneys by using the resources of Translink. We have attempted to use every resource available to us; we have forensically looked at our budget, and we continue to do so. However, you cannot make savings on the scale of those imposed without their having an impact.

I am glad to say that that has not led to an increase in public claims of liability, and we will continue to challenge and contest such claims, case by case. I do not want to hear Members coming to the House with crocodile tears, airing concerns that they are not prepared to support in other places.

EU Funds: DRD Draw Down

3. **Mr F McCann** asked the Minister for Regional Development to outline the success of his Department's EU unit in increasing the draw down of EU funds. (AQO 7262/11-15)

Mr Kennedy: I am very pleased that the Member has, through his question, been prepared to acknowledge that my Department has been successful in drawing down European funding. The reasons behind my decision to establish a dedicated EU Unit were twofold. First, there was a need to build and retain specialist expertise of the complexities of a range of EU funding programmes. Secondly, I appreciated that the benefits of applying that expertise effectively, particularly in the preparation of bids and applications, had the potential to significantly increase the flow of EU moneys into Northern Ireland.

The evidence to date justifies my decision. Since 2013, the EU unit has successfully secured some £33 million of European funding, and it continues to explore further opportunities as I speak. Across the board, wide disparities exist in departmental performance. One of the key reasons for that is that the incentive for putting what we all know are tightly constrained resources into a competitive bidding process is marginal at best. There is, therefore, a great deal of scope for a reconsideration of how competitive EU funds are collected and distributed at the centre.

If every Department was assured of retaining all the funding that it won, rather than suffering the vagaries of the existing budgetary process, the

probability of more Departments replicating the success of the Department for Regional Development would be significantly higher.

Mr F McCann: I thank the Minister for his answer. European moneys provide much needed assistance across the board. He said that DRD is on course to reach its target to increase draw down by 20%? When will that be achieved?

Mr Kennedy: I am grateful to the Member for his encouraging remarks. DRD is top of the league of Executive performance. Having created the special EU unit, it is clear that my intention is that we stay top of the league but that we also encourage other Departments to benefit from EU moneys. The point that I made in the latter part of my answer to his substantive question is an important one: there should be more incentive for Departments and Ministers to ensure that Europe is being properly and forensically drained of funding opportunities. If Departments were allowed to keep the money or to spend it on their departmental responsibilities, that would add further incentive.

Mr Clarke: I listened to what the Minister said about keeping the money. I hope that the Minister is not using that as an excuse not to apply for the money. There was a debate in the House last week about the A6. Have there been any applications to draw down any EU funding for that project?

Mr Kennedy: I am grateful to the Member for his question. We continue to look at all aspects of our projects to see what benefits there are. There are several possible projects relating to the current Trans-European Transport Network (TEN-T) call; indeed, the final decision to apply for funding will depend on the outcome of a fit-for-purpose test of the call criteria. That includes assessing the maturity, quality, relevance and impact of each project. Projects that are being considered include the A26 Glarryford to Drones Road junction dualling and the Newry southern relief road, as well as a couple of options from Translink, including the Coleraine to Londonderry track upgrade phase 2 and the Knockmore to Lurgan track rehabilitation.

NI Water: Price Control

6. **Mr Beggs** asked the Minister for Regional Development for an update on the price control process in relation to NI Water. (AQO 7265/11-15)

Mr Kennedy: The regulator published the PC15 draft determination on 10 July, and consultation closed on 15 October. The final determination is expected tomorrow. That will provide an assessment of the Northern Ireland Water business plan and will set out the required operating costs, capital and income requirement for the years 2015-2021.

The consultation document on the 2015-16 Budget that I published last week makes it clear that I will be unable to meet the funding requirements resulting from the draft determination and that that is likely to have significant negative repercussions for the quality of services that NI Water provides. Should such a shortfall remain after the final determination emerges and the 2015-16 Budget is finalised, those repercussions will become reality in the coming years.

At least £15 million additional funding is necessary to maintain delivery of water and wastewater services at current levels. The increase is largely as a result of a £13 million increase in rates stemming from the non-domestic revaluation exercise. Failure to provide sufficient funding would reduce Northern Ireland Water's ability to maintain a 24/7 service for call handling and out-of-hours customer and network responses to service interruptions, flooding and pollution incidents.

NI Water has demonstrated that it has improved efficiency since 2007, and the regulator has independently verified that. With a reduction in funding, this situation is likely to be reversed, and it could give rise to environmental failures, potentially leading to EU infringement and/or legal action as a result of failure to meet environmental standards.

Mr Beggs: I thank the Minister for his answer. In that answer he indicated that there would be some £15 million of a shortfall. That is quite a significant amount of money. What practical options will be there for Northern Ireland Water to operate in such circumstances? How will water quality and supply be maintained, given that that level of funding is significantly below that set as part of the price determination?

Mr Kennedy: I am grateful to the Member for his supplementary question. Indeed, that is a very serious concern that is at the very front of my mind when considering next year's budget and future financial settlements. Of course, we have yet to see the final determination, but I have indicated that we are potentially down some £15 million next year. I think that that will certainly have an impact on aspects of service. Staffing levels, in turn, cannot be reduced

without a detrimental impact on front-line services. It might also be necessary to reduce the use of external contractors to live within budget. That, again, would reduce NI Water's ability to maintain a 24/7 service and could perhaps give rise to environmental failures. As I said, that could lead to EU infringement and legal action as a result of the failure to meet environmental standards. Therefore, it is not a pretty picture. Indeed, I have had the opportunity to meet the board of Northern Ireland Water and its senior executives, and, like me, they are very concerned at the current financial situation.

York Street Interchange

7. **Mr Ó Muilleoir** asked the Minister for Regional Development for an update on the proposed York Street interchange. (AQO 7266/11-15)

Mr Kennedy: The existing York Street junction is a key junction on the strategic road network that links three of the busiest roads in Northern Ireland — the Westlink, the M2 and the M3. The M1/Westlink improvements were completed in 2010. However, the existing York Street junction remains a bottleneck on the eastern seaboard corridor. The existing at-grade traffic signal-controlled junction causes considerable congestion and delays for the 100,000 vehicles that pass through it daily.

The Member will know that the development of a road scheme follows a well-rehearsed path. The preliminary assessment works have been completed on the York Street interchange, and I announced the preferred route on 6 December 2012. Since then, work has continued on the detailed development of the scheme. The proposed solution will provide direct links between the Westlink and the M2 and M3. That will provide for the strategic traffic movements between those three main routes and also cater for local access from the Port of Belfast and the city.

The next step will be the publication of the draft statutory orders. Those are the direction order, the vesting order and an environmental statement. The orders will be published during the current financial year, and I will announce the date of publication, along with the associated consultation process, in due course. Depending on the response to the consultation, I may also hold a public inquiry into the scheme. Given the rate of progress, and subject to finance, statutory approval and successful procurement, the scheme could

commence in 2018, with a construction period of around three years.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra chuimsitheach sin a thug sé. Thank you, Minister, for a comprehensive answer. I want to probe a related area, which, of course, you are concerned about, and that is the air quality and pollution levels at the interchange. It has been known as a hot spot for nitrogen dioxide for some time. Is it your assessment that we will eliminate the pollution problem at the interchange through the work at York Street?

Mr Kennedy: I am grateful to the Member and welcome him to the House. I think that this is the first opportunity that he has had to question me. He will realise that I am not given to rash answers, so I will not confirm or deny his assertion. I am happy to consider it further and provide a written response.

Mr Lyttle: I imagine that the Minister will agree that free-flowing bus lanes will be vital to the success of transport in Belfast city centre. He will also be aware that a potential consequence of the Taxis Act would be that all taxis will be permitted to drive in bus lanes as of June 2015. What regulation of bus lane use by taxis will he introduce?

Mr Kennedy: I am grateful to the Member for ingeniously inserting a question on bus lanes into the issue of the York Street interchange. His ability in that respect knows little bounds.

I am aware of the change that is being proposed by the Minister of the Environment, Mr Durkan. That will obviously have to go through processes in the House and the Assembly. I am still considering the position, pending the successful outcome of that legislation, should it be put in place.

Mr Principal Deputy Speaker: Order. That ends the period for listed questions. We now move on to topical questions. I inform Members that questions 1, 4 and 5 have been withdrawn within the allotted time frame.

Cycling: Omagh Area

T2. **Mr McAleer** asked the Minister for Regional Development to give his Department's commitment to continuing to work with local stakeholders to develop the cycling network in the Omagh area, especially given that the head of his cycling unit, Andrew Grieve, paid a visit to

Omagh last Thursday to meet local stakeholders, including the Omagh cycling initiative and the district council, to discuss local cycling provision. (AQT 1892/11-15)

3.15 pm

Mr Kennedy: I am grateful to the Member for his question. I welcome the Member's keen interest in cycling and his championing of cycling in Omagh and west Tyrone, and I thank him for his response to the recent public consultation. The main messages coming from the consultation are about significant support for the strategy and the three-pronged approach of building for the bicycle, supporting and promoting the use of the bicycle and a greater emphasis on safety. That will help us to reach our target audience: citizens who are interested in cycling but concerned about getting on a bicycle. The need to develop a better cycling culture, where all road users treat other road users with respect, has also come up.

I hope that the consultation report will be available in the new year and that the strategy will be finalised after Easter. This is a 25-year Northern Ireland strategy, so I hope that it can be rolled out to all areas of Northern Ireland, not least to Omagh, of course, where, I am aware, there is already some excellent infrastructure and many active cyclists, including the Omagh Cycling Initiative.

Mr McAleer: Go raibh maith agat. I thank the Minister for his answer. I appreciate that the consultation closed only a number of weeks ago. I note that the draft strategy was not rural-proofed. Can you give us an assurance that, when the delivery plan comes out, it will be rural-proofed, and that rural areas will benefit in the same way as their urban counterparts in the overall plan?

Mr Kennedy: I am grateful to the Member. Of course, I am happy to say that I want the cycling revolution to extend to all parts of Northern Ireland, not least Omagh, as I have said, and to all of the towns, cities and villages. Of course, this will take time, but I think that there are opportunities available to us. Certainly, I know that there is potential for the development of greenways in Northern Ireland. I know that the Member is interested in that and, perhaps, in the extension of the old Great Northern Railway (GNR) line as a greenway from Omagh to Londonderry. So, I think that there are opportunities there and I hope very much that we will have the opportunity to work

together positively to successfully carry through this cycling revolution.

Comber Greenway: Embankment Disposal

T3. **Mr McCarthy** asked the Minister for Regional Development whether there are any plans to sell off parts of the embankment along the Comber greenway and, if so, what would be the timescale for the disposal. (AQT 1893/11-15)

Mr Kennedy: I am grateful to the Member for his question. I do not know what rumour mill he has been listening to or where that is coming from, but I am very happy to confirm that I have no plans to do as he suggests. Presumably, he is alarmed that that might happen. I think the Comber greenway has huge potential. Work has been done. The number of people using it continues to increase and I think we want to use it to its maximum advantage as we press home our ideals for the cycling revolution.

Mr McCarthy: I thank the Minister for his response. He will know as well as I do that there is never smoke without fire. There are always rumours around. Indeed, I understand that it has come from officials of the Department for Regional Development. As the Minister knows, the Comber greenway is a fantastic asset for the Strangford and East Belfast constituencies, promoting health and leisure activities. Will the Minister guarantee, as he has done for me in relation to the senior citizens' SmartPass, that, under his watch, this little bit of heaven on earth will remain a cherished open space for everyone and that the pathway will not be encroached upon in any shape or form?

Mr Kennedy: I am grateful to the Member. Of course, his contributions are always heavenly when made in the Chamber. I know of no plans. I have not even heard the rumours that he apparently has heard, even at close source. Frankly, it would make no sense for my Department to start selling off parts of the Comber greenway, given the exciting plans that we have, in conjunction with others, to develop it.

Magherafelt Bypass: Update

T6. **Mr Milne** asked the Minister for Regional Development for an update on the Magherafelt bypass. (AQT 1896/11-15)

Mr Kennedy: I thank the Member for his question. Tenders for the construction of the Magherafelt bypass were received on 24 November. Tender assessment is under way, with a view to awarding the contract. Subject to no commercial challenge, construction work should start next February. Temporary fencing to secure the six-kilometre-long site is complete, and NI service diversions are under way. The archaeological investigation and vegetation clearance will begin shortly, and, hopefully, the new carriageway will be open to traffic in October 2016.

Mr Milne: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answer. That is good news. I was afraid that there was a bit of slippage from an earlier date that had been given. So, well done. Will the Minister provide an assurance that his Department will do everything possible to make sure that the project remains on course and that deadlines are met, etc?

Mr Kennedy: I thank the Member for his constructive comments. Obviously, there is the potential for good news. The Department and my officials will continue to manage this, and we hope that we can meet the timetable that I have outlined. I know that the people of Magherafelt and the surrounding district will benefit hugely from the bypass. My party colleague Sandra Overend has been a huge supporter and influence in encouraging me to bring the scheme forward and I am very grateful that, at long last, after a 40-year wait, it will be delivered by an Ulster Unionist Minister.

A32: Enniskillen to Omagh

T7. **Mr Elliott** asked the Minister for Regional Development to detail any imminent progress on the A32, albeit that, if he is not sure where that is, he should be aware that it is the Enniskillen to Omagh road, also known as the Omagh to Enniskillen road, which has received some upgrades in recent years, with some works removed in the previous mandate and some sitting in abeyance. (AQT 1897/11-15)

Mr Kennedy: How could I forget the A32 when the Member consistently raises it in the Chamber and mentions it to me privately? There is seldom an opportunity, even over a cup of coffee, that he does not talk about the A32.

Two significant A32 road improvement schemes to a value of over £10 million have been delivered in accordance with the A32

improvement strategy. Those were the Drumskinny widening and realignment and the Shannaragh realignment works. Development work is ongoing on two further schemes. It is hoped to publish draft orders for an offline realignment at Cornamuck in March 2015. The approximate construction cost is £5 million. That would bring the project closer to a state of readiness for delivery should funding become available.

Preliminary development work is also being taken forward by consultants to identify a preferred corridor for an offline realignment at Kilgortnaleague, — I hear laughter from the Member — with an approximate construction cost of £6 million. It is hoped to announce the preferred route corridor in 2015.

Mr Elliott: I just want to confirm that those townlands do not have Irish pronunciations at the moment. It is helpful to know the situation at the moment, but he will know that the A32 connects with the proposed southern bypass of Enniskillen. Does the Minister have any update on that? I know that significant progress has been made, but it seems to have slowed up. Can we expect the diggers to move on site in the near future?

Mr Kennedy: I do hope that other Members realise the political pressure that is applied to me by colleagues on delivering. However, I am pleased to say that design development work to confirm the preferred route of the A4 Enniskillen southern bypass alignment is nearing completion. The preferred route will be available for announcement early in the new year, when a public display or information day will be held to inform the public and invite comment. Further progression of the project will be dependent on the availability of finance.

NI Water: Shareholder Dividend

T8. **Ms Maeve McLaughlin** asked the Minister for Regional Development to clarify whether the dividend paid to NI Water shareholders is included in the draft Budget. (AQT 1898/11-15)

Mr Kennedy: I am grateful to the Member for her question. All aspects of the Budget are given consideration, including that relating to NI Water. Of course, as the Member will know, NI Water principally receives its funding from the Department and therefore from the taxpayer. All that is then reinvested in NI Water as a going concern.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for that clarification. Will he

detail how much has been paid to NI Water stakeholders in the course of the mandate?

Mr Kennedy: I do not have the available figures, but, if the Member wishes to write to me on the issue, I will provide a full answer.

Mr Principal Deputy Speaker: Mr Peter Weir is not in his place, so I call Mr Mickey Brady.

Road Maintenance: Rural Roads

T10. **Mr Brady** asked the Minister for Regional Development why only rural roads would be affected by the proposed cuts in the draft Budget for road maintenance. (AQT 1900/11-15)

Mr Kennedy: I am somewhat concerned that the Member would find it OK that any road would suffer from a lack of maintenance. We are trying to manage a very difficult situation. We want to try to minimise any reduction in front-line services, but it is simply not possible. I repeat that: when we are talking about a projected cutback of £65 million for next year in the draft Budget, it is simply not possible to protect all front-line services. There will be challenges, and difficult choices have to be made. I say respectfully to the Member that he should use his influence in a positive way by consulting his Executive colleagues to support the reduction of impact on my budget, given that he is so evidently concerned about the necessary cutbacks and savings that are being forced upon me.

Mr Brady: I thank the Minister for his answer. Whatever influence I have, I always try to use it in a positive way. I wonder how those proposals fit in with the Programme for Government commitment to target rural poverty and social inclusion.

Mr Kennedy: I share the Member's concern, but I bring him back to my central point that he can do more about it than simply complain to me on the Floor of the Assembly. He can air his concerns with his senior political colleagues around the Executive table and, together, perhaps we can have a more progressive attitude than some of the politics that is being played out at the minute.

Mr Principal Deputy Speaker: That brings us to the end of Question Time. Thank you very much, Minister.

Mrs Dobson: On a point of order, Mr Principal Deputy Speaker. Is it in order for the Chair of

the Regional Development Committee to heckle me and make derogatory personal comments when I am asking my question to the Minister? I know that that is the cut and thrust and tumble of the Chamber, but I feel that personal comments are a step too far. I ask that the Hansard report be reviewed.

Mr Principal Deputy Speaker: I point out that it is up to the Speaker to adjudicate whether there is any inappropriate behaviour. I did not record any such behaviour, although I do know on a personal level that, when you are attempting to make a point, it can be a bit frustrating. However, I cannot accept that anything came to my attention that would justify a point of order on the issue.

3.30 pm

Mr Hilditch: On a point of order, Mr Principal Deputy Speaker. I offer my sincere apologies for having been absent during Question Time. I was not in my place due to an oversight on my part.

Mr Principal Deputy Speaker: I appreciate you coming personally to give that explanation. Thank you very much.

Private Members' Business

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

Debate resumed on motion:

That the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill [NIA 26/11-15] do now pass. — [Lord Morrow.]

Mr Elliott: Let me place on record my apologies to Lord Morrow and the earlier contributors to the Final Stage of the private Member's Bill that I was not in the Chamber for the debate earlier. Obviously, business had moved on and I was caught unawares in that respect. I also add my apologies that I will have to leave the debate after the next couple of contributions for another meeting.

In regard to the Bill itself, I congratulate Lord Morrow for bringing the private Member's Bill to its Final Stage. Obviously, it was not without controversy or difficulties, and indeed, at some stages, there were quite heated exchanges, not only here in the Chamber but in the Justice Committee. However, we have got to this stage.

What we want, and I am sure that this is what Lord Morrow is hoping for, is that the Bill makes it much more difficult to operate human trafficking throughout Northern Ireland. Hopefully, that will be reflected in other jurisdictions as well, whether in the rest of the UK, in the Republic of Ireland or, indeed, in wider Europe. I think that that is one of the main benefits that will be seen from this private Member's Bill.

There was one clause, which was in the legislation at an early stage, that I had particular issues with as it gave a reflection that people who may have committed human trafficking crimes in the past may have been given leniency when it came to sentencing or convictions, whereby they were effectively immune from conviction. However, I am pleased that Lord Morrow, in conjunction with the Department, removed that clause, and I think that the Bill will be much better for it.

The clause that was clause 6 and now, I think, is clause 15 — I cannot remember exactly — caused a lot of controversy around the purchase of sexual services. I am right that it is clause 15; the Minister agrees with me on that. It was difficult at some stages to establish how

many of the parties or Members were going to support it, but, in the end, it got pretty widespread support. I think that the jury will be out on that for some time in establishing whether it is indeed a successful part of the Bill. It will be interesting, when the report comes back in three years' time, to find out what success that particular clause and other aspects have had. I look forward to that report coming forward. By and large, that clause created huge difficulties. It caused huge division, if I dare say it, because there was no halfway house with it. Organisations and individuals were either for it or opposed to it, and that meant that there was no in-between mechanism for it. So I think that, in the end, the decision on that was right. Again, I look forward to hearing what comes back through the report about it.

That is all I want to say on the Final Stage of the Bill. I thank Lord Morrow, and I hope that the Bill is successful. Obviously, the outworkings will tell the tale on that, and we will be in a better position to make a judgement on how successful it will be in three years' time.

Mr Dickson: I rise to support the Bill at its Final Stage. We have had a robust and detailed debate on it in the Committee and elsewhere. I hope that Lord Morrow agrees with me that I have given the Bill honest and fair scrutiny through that long process; a process that he, the Chair of the Committee and others have referred to.

Throughout the legislative process, each party has clearly expressed its abhorrence at the subject of human trafficking and modern-day slavery. In a previous debate, I said that it is an evil and heinous crime. I believe that every person has an inherent dignity, value and worth, and I therefore regard human trafficking and slavery as a grotesque violation of human rights.

Lord Morrow shares that view, and he brought forward the Bill to provide Northern Ireland with a robust legal framework for those matters, particularly the prosecution of traffickers and those subjecting people to conditions of slavery, the provision of improved support services for victims and the tackling of the demand for the services of trafficked victims. His Bill also seeks to achieve improved compliance with our international obligations from European conventions and directions. The legislation has evolved — dare I use that term — considerably since its introduction. For the most part, that has brought significant improvement, as Lord Morrow has worked closely with the Minister of

Justice and the Assembly, as he readily acknowledges.

It is a source of deep regret, however, for my party and me that the Assembly has proceeded with the inclusion of clause 15 on the criminalisation of payment for sexual services. That is not because our objectives are immoral, as some would try to portray, but because we have concerns about the possible dangers arising from the clause for those who have been trafficked and for those who work in the sex industry and have not been trafficked.

We have strong justification for our apprehension. There is no evidence to suggest that the criminalisation of the payment for sexual services in other jurisdictions has resulted in a demonstrable reduction in human trafficking, but there is evidence that it has put women in greater danger, with the purchasers more reluctant to report incidents of suspected trafficking or to give sex workers information that can be assessed and vetted for risk. I consider the real possibility that we are putting trafficked victims and sex workers in greater danger as a deeply moral issue.

The issue is certainly not as black and white as some would have us believe, but it is clearly the will of the majority in the Assembly to proceed with the measure at this time. We must commit to revisiting it — that has been done — and amending the law in the future if that is necessary and if the clause leads to negative outcomes.

I am also concerned about the use of the tenuous and untested term "sexual services" as part of clause 15. As I outlined in previous debates, I believe that that could lead us into uncertain legal territory with other activities with a sexual component. I fear that that will also need to be revisited. We believe that clause 15 does not reach the standard for which the Assembly should strive in the quality of legislation that we implement. However, as I said, it is clearly the will of the majority of the House that it is included in the Bill.

Notwithstanding our considerable apprehension about clause 15, we recognise the significant benefits provided by the majority of the Bill. It simplifies the legislative framework, enhances provision to facilitate the confiscation of criminal assets, enables the payment of reparations and enhances services for victims. For all those, Lord Morrow is to be commended. Those measures represent a step forward in our fight against traffickers and those who would hold others in slavery and servitude.

We also recognise that the Bill alone is not a panacea. Its passage must be accompanied by renewed support for our police, anti-trafficking organisations and others who provide essential services to those affected. Today is certainly not the end of the road. With the passage of the Bill, we will move to a new stage. It is important that we recommit to tackling those heinous crimes and keeping them on the agenda in the public sphere.

Mr Wells: In 100 years' time, very few people will recall who Minister Kennedy or Minister Wells was, or even, dare I say it, Minister Durkan. They will scratch their head and wonder who these individuals were and whether they made any contribution to Northern Ireland society; whether they were any good at what they did; and whether they were worth putting into those positions of influence. However, in 100 years' time, everyone will still know the name of Lord Morrow of Clogher Valley because of the decision today to back this absolutely crucial legislation — one of the most important pieces of law that the Assembly will pass in this mandate.

Lord Morrow started out on this pilgrimage, or very long journey, three years ago. I am sure that he could not have envisaged then just how complex, difficult, fraught and time-consuming his private Member's Bill would be. However, he has "stickability", and he kept at it. Many hurdles were put in his way. The one thing that I must say about our party chairman and Member of the House of Lords is that he has tenacity and keeps at things. He really needed to show those talents because there were times when many thought that the Bill would never get any further than First Stage. There were times in the Committee when many hurdles were put before it, and still he persisted.

There was a vociferous campaign against his Bill, led by those who have a direct pecuniary interest in the pursuit of prostitution. I sat on the Committee almost throughout the entire passage of the Bill. Many people came before the Committee, pretending that they were in favour of rights for sex workers or in favour of civil liberties, but, when one dug a bit deeper, inevitably, one discovered that all had a very substantial pecuniary interest in this trade of trafficking women throughout the world for purposes of prostitution: a wicked trade and a fundamental breach of human rights, mostly those of women.

During that long process, many of us were exposed to tales of the horrific treatment of women who had been trafficked to Ireland, North and South, from all parts of the world.

These women were promised that they were coming here to take jobs in shops, as household staff, in the tourist trade or whatever. They had their passports removed, were kept as slaves in various houses and flats throughout Northern Ireland and the Republic and were expected to entertain or service large numbers of men.

We all remember the story of the Romanian nurse who very bravely gave evidence to the Committee. She was walking down the street when she was kidnapped and flown to Galway. She was locked in a room and expected to see between 20 and 22 clients a day. She escaped 11 months later, her life completely destroyed by this evil practice, but still she had the courage to come forward to the Committee to tell us how evil this process is.

We also saw what was going on in the prostitution industry in Ireland. One large concern seems to have cornered the market and advertises, on any given night, 300 women available for sexual services. We had this dreadful situation in which the punters, as they are called, used or abused these women — there are no other words for it — and then rated them according to the sexual services that they performed, giving them a score out of ten. Each woman carried with her a score as to her suitability for various acts. That is no way to treat the women of Ireland, North or South. We then heard that those women were trafficked weekly from one venue to the next because the men who used them demanded fresh entertainment. It is another flagrant abuse of the rights of half of our population that that should be even considered.

Uniquely, Lord Morrow gathered together, in unison, a wide range of bodies in favour of his Bill. Who else could bring together the Human Rights Commission, the Church of Ireland, Women's Aid and the Evangelical Alliance? They all, in unison, said that the Bill simply had to be pursued and had to be a success. We then had the PSNI, which, initially, I have to say, had a relatively hostile approach to the Bill, particularly to clause 6, as it was then, which is now clause 15. When the PSNI listened to the rational argument of those who had been trafficked, those who had experience of rescuing trafficked victims and those who had been directly involved in the prostitution industry but got out, it changed its stance on the Bill and will now enforce it.

3.45 pm

The ultimate deterrent in the Bill is that any man abusing a woman through prostitution in

Northern Ireland can, if caught, be named in court. In a little society such as Northern Ireland, with 1.8 million people, that is an extremely powerful deterrent.

I went to Sweden with the Justice Committee delegation. The Swedish have the Nordic model, which is the genus from which this is largely derived. That legislation has been operating in Sweden for several years, and, if you are caught abusing a woman through prostitution, you are taken home by the police and introduced to your wife or girlfriend. The police explain where the husband or boyfriend was caught. You are then left with your wife or girlfriend for what is known as a very full and frank discussion. The repeat rate in Sweden is a mere 6%, and that is in a large, cosmopolitan society of 12 million people. I suspect that in Northern Ireland when that full and frank discussion has occurred between husband and wife the repeat rates will be a lot lower indeed.

The Bill has had many detractors in the Alliance Party, who pretend to be concerned with various aspects of clause 15. Without clause 15 the Bill is meaningless. Lord Morrow was absolutely right to stick to his guns and make it clear that he was determined to see this through. No doubt they have their concerns. However, I will just say this: if the Bill saves one woman from being trafficked and abused in a cellar or flat in Northern Ireland, it will have been worthwhile. If one person can be spared the degradation, the humiliation, the loss of personality and the incredible emotional distress of being trafficked and used for prostitution, it will have been worthwhile.

I stand here pleased that my Department has been able to do much to encourage the Bill in various respects. Some of those who criticised the Bill initially were absolutely right. If the Bill is to be a success, it is essential that when women leave the prostitution industry we as a society have the health provision, accommodation, retraining and emotional counselling in place. We must give those women — it is mostly women — the full support that they will need when they come out of this dreadful industry. I am glad, therefore, that we have reached agreement that my Department, in conjunction with the Department of Justice, will provide the high level of care that is necessary. It stands to sense, as some even in the Alliance Party spotted, that if we do not give these women an alternative, they will inevitably be drawn into drug trafficking or petty theft to sustain a drug addiction or to support their family. What we now have in place is something that we can stand over and say, "That will give

an alternative to those women, who are at their very lowest".

The Bill was amended to provide for a review after three years. I agree with that; it was right to consider that. I believe that Lord Morrow's Bill will stand the test of time and that, when we look at the provisions in three years' time, we will ask ourselves why we did not do this earlier and allowed this situation to continue. As we speak, in Northern Ireland there are women locked in rooms being terribly abused. As Lord Morrow says, we no longer have deniability; we know that this goes on. We cannot turn the other way. We have a responsibility to do what we can for these people. My message today is this: well done, Lord Morrow; you are to be congratulated for your tenacity and perseverance and for having the vision to identify this problem and devise legislation to tackle it.

This is the Assembly at its very best. We had long discussions, both in Committee and on the Floor of the House. There were considered views on the Bill, and I will even say, though it hurts me to say it, that some of the Alliance Party's contributions were well considered. They were well considered and totally wrong, but at least they were well argued. I am very glad to say that, despite their protestations and the ambivalence of the Minister, when it came to the crucial vote at Further Consideration Stage the Bill had overwhelming support right across the Chamber. Through private Members' Bills, whether it is John McCallister's Bill on caravans — it grieves me to say it, but it was very good legislation — Mr Allister's Bill on advisers and now this Bill on trafficking and human slavery, we have a strong message to tell the community: when the Assembly is left to have a free, educated and intelligent debate, it can make good legislation. All that I can say to Lord Morrow is "Well done and remember that, in 100 years' time, you will be remembered when all the rest of us are forgotten".

Mr Allister: I certainly commend Lord Morrow for bringing forward the legislation. It is a difficult area of law, but it is necessary legislation. One looks forward to it rolling out and to its implications. I commend Lord Morrow for his tenacity and for refusing to be daunted by the torturous route that one has to travel to get to the point that he has got to. Certainly, for me, the Bill that I sponsored was an eye opener in that regard, and there are many more clauses and issues in this Bill. Therefore, I am sure that it was even more daunting. It takes tenacity and determination to see matters through, and I commend him very much for that.

I should welcome Lord Morrow to the select band of MLAs who have managed to navigate legislation through the House. There was Mr McCallister, although I think that, in this mandate, Lord Morrow and I are the only two so far. In welcoming him to that very select band of MLAs and thinking about his Bill and mine, three points of similarity occur to me, three parallels. Ann's law was very much designed to chip away at terrorism and terrorists, and Lord Morrow's Bill is very much designed to chip away at the terror of human trafficking. That is very important. Secondly, both Bills were very victim-centred. In both Bills, protecting the victim lay at the heart of the legislative purpose. Thirdly, both Bills had the remarkable assistance of some courageous women. In the case of Ann's law, it was Ann Travers, of course, and Lord Morrow's Bill had the support of a number of courageous women who came forward to tell difficult but vital stories that were of immense influence and impact.

I place on the record my acknowledgement of Lord Morrow's work in piloting the Bill through, and I congratulate him on a job well done.

Mr Agnew: I hope to join the select band of MLAs who have got private Member's Bills through the House, having moved the First Stage of the Children's Services Co-operation Bill yesterday. That will, of course, be up to the House, and I look forward to the Second Stage, when I will hear what people really think of it.

There is no doubt that the human trafficking and slavery Bill speaks to an issue that is severe and grave. I have said consistently throughout the stages of the Bill that we should not try to outdo each other in our abhorrence. We started from the basis that we had an Assembly that opposed human trafficking, saw its evils and sought to legislate against them. Was there anyone here with any doubt? Mr Wells illustrates better than I ever could why this is such a heinous crime. The question was always whether the Bill would assist us in tackling human trafficking. In that regard, there is much about it to be welcomed. It brings within the definition of victims not only those who are directly trafficked but those involved in forced labour, who may not otherwise have been captured by the law and given the protection that those who are trafficked will be given. The services and provisions for victims and suspected victims provided in the Bill should assist in supporting them through the difficult process of coming out of slavery, as the case may be, and indeed helping to prosecute their traffickers. There is compensation and protection from prosecution for victims, although I have been contacted by some who

feel that victims are still at risk of prosecution. I suppose that, over time, with the outworkings of the Bill, whether it goes far enough with that protection is something that can be reviewed.

Of course, the clause of great controversy was the prostitution clause. I stand by my position that it could be counterproductive to the stated aims of the Bill, which are to help in the fight against and the discouragement of human trafficking. It has been mentioned that a three-year review is included. That is to be welcomed, because we should have an evidence-based review. We, of course, have evidence from other jurisdictions, but the impact in every jurisdiction will be different. The Bill will be assessed on its own merits and on how it operates in Northern Ireland. The review must be robust. It must be based on evidence and on the Bill's stated aim of reducing, tackling and prosecuting human trafficking. The rights or wrongs of prostitution, to me, were secondary in the Bill; human trafficking is the issue that we had consensus on and wanted to tackle. As I say, whether the Bill is effective in doing that should be the focus of any review.

Mr Wells spoke passionately about the need to protect women who are trafficked. I have a concern — I am happy to give way if Mr Wells wishes me to — that we have come back to the idea of the deserving and the undeserving, because, when a sex worker appeared in front of the Justice Committee and was interrogated by Mr Wells and, indeed, Mr Givan, I did not see people who were fighting for the rights of women; rather, what I saw were people who were making a judgement about the lifestyle of the woman in front of them.

Mr Wells: Will the Member give way?

Mr Agnew: I certainly will give way.

Mr Wells: The reason that the questioning by Mr Givan and me was so strident was that we knew that what we were dealing with was not a genuine sex worker but a spokeswoman for the sex industry — someone who was inextricably linked to a ring using over 300 women in Ireland for prostitution. We never met someone who was a genuine sex worker as such; we were introduced only to frontwomen who were working for the big conglomerates in the sex industry, which are using both trafficked and non-trafficked prostitutes throughout Ireland. That is why we were so cynical.

4.00 pm

He said that he is still concerned about clause 15. Sweden, Iceland, Norway and, now, the Irish Republic have all looked at exactly the same situation as us. All are liberal democracies in which the Greens are an important political element, and they have all come to the same conclusion that the best way forward is to introduce the equivalent of clause 15. How does he know better than all those Western liberal democracies?

Mr Agnew: We could make the same point about a number of issues. I think of how we legislate for equality and how other countries legislate on equal marriage. The fact is that this is going to be the only region of these islands that does not legislate for equal marriage. I could make the same argument that the Members opposite would make to me in those circumstances: we have to legislate as we see fit in Northern Ireland. This is my best analysis of the subject. The evidence on this issue is mixed at best. I will not say that there is no evidence to support the criminalisation of the purchasing of sex; there is evidence, but there is also counter evidence. I was left unconvinced that the best way forward was the criminalisation of the purchasing of sex.

I take the Member very much at his word about that representative in front of the Committee. I do not have facts to counter what he said, so I do not seek to.

Mr Wells: Will the Member give way?

Mr Agnew: Yes.

Mr Principal Deputy Speaker: Sorry, I did not have the benefit of attending the Committee, but I am getting a little nervous about the references to organised rings and people with pecuniary interests. I wonder whether, in posing the question and inviting a response, we are in danger of impugning the reputations of people associated with those witnesses. I am not speaking from any point of information in relation to the evidence offered, but, from listening to it, it seems that we must be straying perilously close to making inappropriate references to people with innocent associations with the witnesses who appeared. I ask Members to be extremely careful.

Mr Wells: Yes, Mr Principal Deputy Speaker, but in intervention to Mr Agnew, at the Committee, I was very open and clear with the witnesses. I made those accusations straight to their face, and I named them. On this occasion, I am not, but, as the issue was raised by Mr Agnew, I will say this: one of the references I

made in Committee directly to the person concerned was that her computer domain name for her so-called group supporting the needs of prostitutes was paid for by the wife of one of the largest pimps in the United Kingdom and that, therefore, it was quite clear that she was very much controlled by the industry. I made that point and named her in the Committee. How independent can someone be in representing the needs of sex workers when her office is maintained by one of the largest prostitution rings in the United Kingdom?

Mr Principal Deputy Speaker: I appreciate that you finished your comments. We are dealing now with the Bill as it stands, not the process that brought it to this point. People should return to the purpose of today's debate.

Mr Agnew: Thank you for that guidance, Principal Deputy Speaker. The last thing I will say is a generalised comment: I certainly stand to protect the rights of women. It is not for me to make a judgement of how some women choose to live their lives in so far as it is compliant with the law. At the Committee, some of the questioning went beyond interrogating the Bill and into interrogating the lifestyles of people who were acting within the law.

The issue of pecuniary interests was raised. There is no doubt that, in any such issue, there will be vested interests, but the comment was made that it was those only with a pecuniary interest who championed the opposition to the prostitution clause. Amnesty International would take great exception to that. It is an organisation that fights for human rights across the world. It is a charity and had no pecuniary interest in the position it took. While Members may disagree with it, as they are entitled to do in a democratic society, it is worth putting on record that Amnesty had no pecuniary interest and that its position was based on its best analysis of the evidence on how best to protect the rights of women and tackle human trafficking.

Finally, it is clear that this Bill will be passed, and, as I say, there is much to be welcomed in it. It is now for us to ensure that any such review in the future is robust and takes an evidence-based approach to the Bill's operation, effectiveness and stated aim of tackling human trafficking and slavery.

Mr McCallister: Others have been kind enough to reflect on those of us who have brought forward a private Member's Bill. I am hoping to

rejoin that group at some point with my Assembly and Executive reform bill.

I give Mr Wells some credit. Not only is he the Minister of Health, but he has already made it into the history books by outing a police officer he caught smoking at a protest at Hillsborough Castle 30 years ago. It gives you a sense of how old Mr Wells must be when you can read about him in the history books. I can tell my children, "I knew Jim Wells." His place in history is secure, from all his activities and antics in the 1980s.

I want to say sincere and genuine congratulations to Lord Morrow. I know from my own experience, albeit in the last Assembly mandate, of the work that goes into getting a private Member's Bill to this stage. In dealing with it, you do not have a legislative team and a Department behind you. You generally have yourself, one assistant and other groups, and you are trying to bring people together. It is a mammoth task to bring forward a Bill of this size and significance. Congratulations to Lord Morrow on his tenacity, hard work and endurance in getting to this stage.

No doubt, he is aware that I did not agree with every element of the Bill. I had two main concerns. At the start, I had a concern that some of it was effectively repeating some of the laws that we already have. I also had concerns around clause 6, which is now clause 15. Nevertheless, I congratulate him on sticking with the Bill and getting it to this stage.

Yesterday, we had the legislative consent motion on the Modern Slavery Bill that is going through Parliament. The main things that I look for in these Bills — and they were also Lord Morrow's initial objectives in setting out with this Bill, and there is commonality and agreement on them throughout the Assembly — are the addressing of the scourge of modern slavery, sexual exploitation and human trafficking and the misery and ruined lives that those things bring. There is no debate over whether we, as a society and a nation, need to do all we can to play our role, regionally in Northern Ireland, nationally in a UK context and internationally, to limit this absolutely abhorrent behaviour and crime that happens to too many people. The fact that we have more people in slavery today than at any point in our history should shame our entire world.

I am fairly certain that the Minister was asked about the National Crime Agency during Question Time. Unfortunately, I did not hear the answer. I am sure that it was a particularly brilliant answer, Minister.

I remind colleagues, particularly to the right of me, although not always to the right of me on many issues but on this issue, of the work of Lord Morrow, which stands tall in the Assembly in scrutinising that legislation and trying to shape it through Committees and debates in here, and the work of the Minister in helping to make it workable for the Department of Justice and the Police Service, and, indeed, the work that the Minister was involved in with the Modern Slavery Bill. I remind colleagues in the SDLP that one of the MPs who has made the biggest contribution to the Modern Slavery Bill that is going through the House of Commons is Mark Durkan, Member of Parliament for Foyle.

It is vital that we have the National Crime Agency (NCA) to work on implementing Lord Morrow's Bill and the Modern Slavery Bill to try to fight to eliminate the absolute scourge of human trafficking and the misery that goes with that. We are going to be in a difficult time to implement and get the best use of this legislation at a time of diminishing budgets for our Police Service without tapping into the expertise and availability of the National Crime Agency. I appeal to colleagues to rethink our commitment to getting the NCA in and working in Northern Ireland to make the very best use of this legislation and the tools that we are giving to our Police Service.

I agree with Mr Agnew's point about the review. The mark of this legislation's being successful is that we end up with more prosecutions, more people before the courts and more deterrence. That is something that I want to see and I am sure Lord Morrow does as well.

Thanks and congratulations to Lord Morrow, the Minister and the Committee for persevering and getting this piece of legislation. There is a reasonable chance you are going to get it passed here today, Lord Morrow. A sincere "Well done."

Mr Ford (The Minister of Justice): I feel that I should deal with the important business first of all: I actually had a private Member's Bill prepared in the first Assembly, but when the Assembly was suspended in 2002, it was lost.

Speaking on behalf of the Executive on the substance of this Bill, I welcome this final informed debate on what I believe is a groundbreaking Bill that puts Northern Ireland at the forefront of the fight against human trafficking and slavery. In reinforcing our stance against those crimes, it will act as a deterrent for would-be traffickers. Where people are exploited, it will help to ensure that the

perpetrators are properly punished. Crucially, it will enhance the protection and support available for victims whose lives have been shattered by these abhorrent crimes.

Members will, I am sure, agree that the landscape has changed significantly in the three years since Lord Morrow stood here and announced his intention to introduce this Bill. The Bill that was subsequently introduced in June 2013 sought to make Northern Ireland a more difficult place for traffickers to operate in and to improve the provision of support for victims. It also sought to achieve improved compliance with international obligations. I have been clear from the beginning that those are worthy aims that I fully support. I am satisfied that they are being preserved intact and, indeed, strengthened in the final Bill before the Assembly today.

I pay tribute to Lord Morrow for bringing the Bill forward and for leading it through what I know has been a very challenging journey. He has demonstrated dedication and tenacity in driving the legislation forward to reach this significant milestone. In introducing the debate, Lord Morrow said that —

Mr I McCrea: Will the Minister give way?

Mr Ford: I will give way.

Mr I McCrea: I had thought of putting my name down to speak in the debate, but the Minister got to the point of congratulating Lord Morrow. It is important that those of us who have followed this through the House do pay tribute to Lord Morrow for the time and effort that he has put into the Bill. I suppose we should give credit to the Minister for the work he has put in alongside Lord Morrow. It would be wrong of me to not refer to my colleague to my left who led the Committee through the Committee Stage.

4.15 pm

The Minister was referring to the officials in the corner, but I wanted to join him, and it is fair to put on record the appreciation of Members on this side of the House to our colleague Lord Morrow and to the effort of the Department.

Mr Ford: I am grateful to the Member for that intervention; I should clearly allow DUP Members to intervene in my speeches more often.

When introducing the debate, Lord Morrow referred to me being "sceptical" in the early

days. That is a correct assumption. The Department was looking at the potential for secondary legislation. While that would have covered the bulk of what is now in the Bill, it was clear that, as developments occurred, particularly in terms of linking up across the UK jurisdictions, there was a wider need to look to primary legislation. Indeed, when I was attacked by Mr McCallister's former colleague at the Second Reading for supporting the Bill when I had some reservations, I did a quick sum and said that, if you support a third of the clauses, believe a third need some amendment and are not too sure of another third, that is no reason to oppose a Bill at Second Stage.

The Bill is rather longer than it was when it appeared at Second Stage. It is rather more complex and bears the mark of a lot of work. It is much more agreed than it was at Second Stage. Whilst we have disagreed on some measures, Lord Morrow and I — and, I believe, the House as a whole — are united on the Bill's fundamental principles. I am pleased that we have been able to work so collaboratively, as so many Members, not just Mr McCrea, have highlighted, on the vast majority of the provisions in the Bill.

So, I again put on record my thanks to Lord Morrow for the openness, the flexibility and the willingness that he has shown throughout the process to ensure that we make the Bill the best that it can be for Northern Ireland. His desire to combat human trafficking and modern slavery is absolutely clear. He has firmly established himself as a key figure in highlighting these appalling crimes, and he has played a part in the Westminster legislation. I have no doubt that he will continue to engage with my Department as it works to implement the measures in the Bill. I say that on the presumption that we are about to pass the Bill.

When I praise Lord Morrow, I also praise those who worked with him, particularly Mark Baillie from CARE in NI, who has provided support to Lord Morrow throughout the Bill's passage and has worked very closely with my officials to resolve concerns and identify effective policy solutions to make the Bill so effective. Lord Morrow also referred in particular to one of my officials, Julie Wilson. Unfortunately, I do not think that she heard him directly; no doubt, he will repeat his praise in a few minutes' time. I add my thanks to Julie Wilson and her team, who have put an awful lot of effort into ensuring that the Bill is the best possible. Lord Morrow said that he expected Julie to be:

"pleased to see the back of me."

She probably has not seen the back of him, and I am not sure that she would be pleased to. However, I suspect that we will all be pleased at the end of this laborious process to see the back of the Bill. The important issue is seeing that the work goes forward with the Department, the Department of Health on other aspects, a range of justice agencies and a range of our NGO partners, to ensure that the Bill's provisions are implemented. Certainly, the input from a number of those NGO partners, through our engagement group in the Department, as well as through those who have worked with Lord Morrow, has been key.

As others have said, I should also acknowledge the work of the Justice Committee, which has also played an integral role in shaping and informing the Bill, has done the detailed scrutiny and deserves our thanks for that. In particular, I thank Paul Givan and Raymond McCartney, the Chair and Deputy Chair, but I also thank all those members who played a part in helping to develop the legislation. I also thank Christine Darrah and her staff on the Committee.

There has been very valuable contribution from around the Assembly, and I am confident that we have robust, comprehensive and effective legislation, which, despite the changes due to the massive number of amendments we have passed, is still very much Lord Morrow's intent. I also thank the Office of the Legislative Counsel (OLC), which has tirelessly provided the usual sage advice and guidance to ensure that the Bill is effective and appropriately written to match the sponsor's intent.

I have said before on many occasions that the nature of human trafficking is such that no one individual Department or agency, working alone, can tackle it. We need to build an effective partnership, and I believe that the Bill exemplifies the common goal and the partnership that we have done.

While Final Stage is not the place for a clause-by-clause analysis, I want to take a few minutes as Minister to remind the House of what we hope to achieve through the Bill. It consolidates and reinforces the legislative framework around human trafficking and slavery and brings together new offences for the first time in a single piece of legislation so that the law is streamlined and simplified to assist investigators, prosecutors and the courts. In doing so, it importantly gives equal weight to human trafficking and slavery-like offences. Both types of offence will be triable only on indictment, with each attracting a maximum sentence of life imprisonment. The new sentencing framework provided by the Bill will

enhance public protection and send out a powerful message to would-be traffickers and enslavers that Northern Ireland will simply not tolerate these evil practices.

We will see the introduction of new slavery and trafficking prevention orders (STPOs) to help to bolster public protection as well as adding a further layer of personal risk to those who are involved at whatever level in exploiting others and so act as a deterrent.

Law enforcement has described human trafficking and slavery as high profit and low risk. I believe that the new powers to confiscate criminal assets and to force perpetrators to pay reparations not only will help victims but will disrupt this profit/risk dynamic and so dilute the economic driver that fuels these crimes. In short, taken together, the package of provisions set out in the clauses of Part 1 will improve our understanding of these types of crime and help to protect the public as well as boosting our capacity to respond effectively and robustly to perpetrators.

Of course, there is one small part of the Bill, originally clause 6 and latterly clause 15 in Part 2, on which Lord Morrow and I did not agree: the criminalisation of the purchase of sex. This one clause took up more than the lion's share of debating time and, I believe, diverted the focus away from some of the other important measures that I just outlined into the moral issues surrounding the purchase of sex. Lord Morrow has stated that the motivation for this new offence was to reduce the market for women trafficked into sexual exploitation but, invariably, other reasons were put forward.

My view has always been that policy cannot be developed properly, and the Assembly should not make law without a sound evidence base. I remain disappointed, therefore, that the research on prostitution that I commissioned from Queen's University, which was published before Consideration Stage, was ignored and, indeed, derided at times. In part, it was because it portrayed the views of sex workers who had until then not been heard and because it destroyed a lot of the stereotypical imagery of prostitution.

As we look at Part 2, I can do no better than briefly quote one of the sex workers who was interviewed as part of the research. She said:

"I used to respect government and I used to think they did things because they really put a lot of information into learning about things and making real decisions based on real facts. They are not making any decisions

based on facts. They are making decisions for the rest of the country without really bearing in mind what the decisions are to be based on and I feel so disillusioned. Because they don't care about me, because they are not interested at what I have to say."

While we still have disagreements on Part 2, that should not detract from the areas on which we all agree about the positive aspects of the Bill. Lord Morrow has made it clear — I entirely agree with him — that victims are at the heart of the Bill and have to be at the heart of our work in future.

Mr Givan: I appreciate the Minister giving way. I asked for the intervention because he outlined where he believes Lord Morrow and others have ignored the facts, when all the evidence presented to the Committee demonstrated that there is a mountain of evidence that shows that criminalisation of the purchasing of sexual services is the right way to go. Others can produce other evidence, and we can get lost in a debate saying, "Here is evidence that says this" and "Here is evidence that says that". The bottom line is that MLAs had to make a decision, and the majority accepted doing that.

Does the Minister still not regret the fact that he decided, at the eleventh hour, to throw tens of thousands of pounds into an effort to undermine this clause when he should have known that the game was already up? Instead, Queen's University engaged in a piece of work that I hope it reflects on because of the shoddy quality that was produced by the prejudiced researchers who were involved.

Mr Ford: The DOJ is not in the business of commissioning shoddy, prejudiced work. Work was commissioned to assess the nature and extent of prostitution in Northern Ireland. Some Members may not like the result of that research, but it was commissioned to be genuine, and it was on the basis of that evidence that the DOJ took its decisions.

Let us look at the remaining aspects of the Bill on which there is significant agreement. In particular, there is a focus in Part 3 on providing assistance and support that will help vulnerable individuals, victims and potential victims to take the necessary steps to rebuild their lives. It will also provide essential protections for children who have been trafficked or who are considered to be separated. On behalf of the Executive, I welcome the inclusion of these vital measures. They are, of course, the responsibility of DHSSPS, and I have no doubt that, had the Minister of Health, Social Services

and Public Safety taken part in the debate, he would have agreed with the points that I have just expressed on his behalf.

The provisions in Part 4 will also enhance the protections available for victims of these offences in criminal investigations. Those are important measures that I believe will help to give victims renewed confidence to take a stand against their exploiters without facing additional trauma and, in many cases, will protect them from prosecution for certain crimes that they might have been compelled to commit.

Mr Principal Deputy Speaker, if I could digress and ignore your earlier suggestion that we should stick to what is in the Bill, I would like to refer briefly to Part 5 and the provision for the Northern Ireland rapporteur, which is no longer there. I emphasise that that was the result of good work done between Lord Morrow and his team and my team in persuading the Home Secretary that we had a better solution, which we saw when we passed the LCM yesterday.

There are very significant aspects to the Bill. On the great majority of them, Lord Morrow and I are as one, along with, I believe, the great majority of the House. I am grateful that we have been able to work together on shaping the Bill. I believe that we now have a robust Bill. In intent, it is clearly the original Bill that Lord Morrow introduced, but it has been significantly improved in its practical operation by the input of the DOJ, the OLC and a range of others who were consulted. It is an example of what can happen when we work constructively together in this place — a private Member, a range of NGOs, the Department, the Committee and other officials. It is an example that we should perhaps celebrate because we have few enough examples of that constructive good work to celebrate. We now have important legislation that I believe will make Northern Ireland safer and freer from these kinds of criminals and from those who would exploit others in such a horrific way. I believe that it will make a material difference to the lives of vulnerable people.

I congratulate Lord Morrow on his achievement in bringing the Bill this far. I commend the Bill to the House and trust that we will see it pass shortly.

Lord Morrow: I barely know where to start. I am slightly overwhelmed by the many generous remarks that have been made in the House, even by those who may be on the side of the detractors. Nevertheless, it is good that even they have something good to say about this legislation. However, I will leave what others

had to say until the end of what I want to say. I want to get on the record a few important words on the Bill, which I hope will pass in the not-too-distant future.

I am very glad to have the last word in the debate. I would like to thank Members for all of their kind words. Maybe some of the comments were far too kind, but that is how debates and politics sometimes turn out.

I will not lie to Members: this process has been far from easy, and it is a good job that I did not realise what was ahead of me before I started — I might have stepped back from it. For other Members contemplating bringing a private Member's Bill, let me tell you that the process is a lengthy one that is marked with many, many hurdles. You will have many highs and lows, and, at points, you may contemplate giving up. Having gone through the process with this Bill, I can honestly say that I fully understand what Otto Von Bismarck is believed to have said, which was:

"Laws are like sausages, it is better not to see them being made."

[Laughter.]

I experienced that.

4.30 pm

One point that I would humbly make from my experience is that it may be a good idea to increase the support provided by the Assembly to private Members who seek to bring through legislation. Do not get me wrong: I have had some wonderful help throughout this process from NGOs, staff at the Assembly and, indeed, the Department of Justice. I acknowledged that earlier, and I do not retract one word of it. However, it would, perhaps, be fruitful for the Assembly, at some point, to look at how it can support private Members seeking to bring through legislation.

I hope that Members across the House will feel able to support the Bill today. I strongly believe that it is a good Bill and that it will make a real difference in responding to and tackling the crime of human trafficking. I have been privileged to bring the Bill through the House. I hope that it will send a strong message that our society will not tolerate human trafficking and we will not let the victims of such crimes down.

I have one last remark at this stage. It is my hope that, even in a small way, the Bill will have helped to raise awareness of the horrendous

reality of human trafficking in modern-day Northern Ireland. The legislation, in and of itself, will not eradicate human trafficking; ultimately, that may prove impossible. However, that does not mean that we should not try. If we are to move towards that goal, we need society as a whole to be clear that we will not tolerate human trafficking, that we will be tough on those who perpetrate such acts and that we will support effectively the victims of such acts. It is my hope that this legislation will contribute to such a goal.

I turn briefly to what Members have said. I have detected that some are very enthusiastic about the legislation, some have mixed feelings about it and some want to see it tested before they give it their final approval. That is not unreasonable. However, I say this to everyone here today: doing nothing was never an option.

Raymond McCartney acknowledged the volume of work that has gone into the Bill. If you believe nothing else that I say in the Assembly, believe me when I say that there was a massive volume of work undertaken during the process. He also acknowledged those who worked with me and the papers that we presented. We did it in a wholesome way, to the best of our ability, to ensure that those who were deliberating on the legislation were informed as much as possible. We can confidently put our head on the pillow tonight and say that we achieved that and that we gave as much information as we could to help those who were making decisions to make informed decisions.

Paul Givan has been very enthusiastic about the Bill. He has led the Committee with enthusiasm in a very talented way. I would fail in my duty if I did not acknowledge that. He posed this question to us all, not alone to me: when your political career is over — I am not saying that anyone's political career is over; I want to make that very clear — what achievements will you look back on with satisfaction?

I entered the arena of elected politics in 1973. I know that you are all muttering under your breath, "He doesn't look that age", but it was then. For the past 42 years or thereabouts, I have been in politics at different levels. I have to say that this legislation has, I think, tested me the most, and I hope that I have passed the test. When all is said and done, I hope that even those who still have reservations will one day come round and say, "Yes, this legislation is good for Northern Ireland. It does what it says on the tin, and it tackles the scourge of human trafficking".

Tom Elliott also commented on clause 15. He queried whether it would be effective. I am convinced that it will be, but, for anything to be effective, it must be enforced. We will now look to others who play that role in society, and we serve notice on them today that we will watch very carefully to see and hear of the enforcement of the legislation.

While Stewart Dickson acknowledged that it is robust legislation in an attempt to tackle human trafficking, he still has many reservations about it. I sincerely hope that, as time goes by, he will come to acknowledge the legislation's merits and effectiveness. He, again, is sceptical about clause 15, which was clause 6. I say this to Mr Dickson: I think that you will come to acknowledge that the legislation is necessary and effective. At least he acknowledged that it had overwhelming support in the House and that over 89% of those who voted voted for the clause. That boils down to something like 92% of people in Northern Ireland voting for the legislation. I doubt that any other legislation will receive that degree of support in the coming days, particularly legislation that extends to this size.

Jim Wells spoke for himself. I think that everyone is in no doubt where Jim is on the legislation. To Jim Wells I say, "Well done. I value your support. You have been an enthusiastic supporter from day one. You did not have to be brought on board. You could see the merits of it right away". I want to thank you not only as an MLA but in your capacity as a Minister.

Jim Allister acknowledged the merits of the Bill. He drew a parallel with his Bill, which I thought was significant. He said that at the heart of my Bill was concern for victims. That is right: the Bill is all about delivering for victims of human trafficking and providing support for them.

I do not think that I have Steven Agnew convinced. I see that he is not here at the moment, but he too was sceptical of clause 15. To him, I say, "You will have to wait for the outworkings of the legislation". As time goes by, I hope that he too will come to realise, acknowledge and support the legislation, which, today, he is still sceptical of. He also acknowledged that, while he did not support the Bill in its entirety, there are many good aspects to it.

About this time last year, or a week later, I went to Sweden and met the head of the police in Stockholm, who is in charge of combating human trafficking. I listened to what he had to say. I also met the Swedish rapporteur. I

listened to what she had to say. I listened and talked to prosecutors in Sweden, and I heard what they said. As a result of visiting Sweden, I am convinced that the legislation can work effectively in Northern Ireland. Although my Bill is based on the Swedish model, it is not entirely as the legislation is in Sweden. However, it can be very effective legislation. If it is as effective in Northern Ireland as the equivalent is in Sweden, the Assembly will have done everyone a favour, particularly victims of human trafficking.

Mr McCallister acknowledged that a Bill of this size called for some endurance: I am at one with him on that. You are dead right, Mr McCallister: there were times that endurance was called for. He again was sceptical of clause 15, which was clause 6 in the Bill as introduced. However, he too looks forward to the review of the Bill in three years' time to see its outworking and how effective it is. I hope that, in that time, he will be convinced that the Bill is necessary and is working.

Mr Humphrey: I am grateful to the Member for giving way. As a former member of the Committee, I pay tribute to the Member for the work that he has done in the background to ensure that the Bill progressed through the House. To those who are sceptical about clause 15 — formerly clause 6 — I say this: had they listened to the witnesses who were brought before the Committee and the testimonies that we heard in Stockholm, both from those involved in the sex industry and the police, it would be clear to them that the Bill is about protecting the most vulnerable people in society. It is our duty and responsibility to protect the most vulnerable, who cannot protect themselves. That includes the young lady from Bucharest who was kept in a small, filthy room and got no payment but had to service up to 19 or 20 clients a day. Does the Member agree?

Lord Morrow: Yes, I do. I still fail to understand how those who heard the evidence from, in some cases, victims cannot see the merits of clause 15. I thought that if anything would dispel the concerns, apprehensions and misgivings of those in opposition to clause 15 — clause 6, as it was — that would. I am at a loss to understand how they could listen to that evidence and still take the position that the provision is not necessary.

Minister Ford and I have had a good working relationship. I recall the very first meeting that we had on this. To say that it was frosty would be an understatement. However, there seemed to come a thaw as we progressed through the Bill. He came to the discussions, the debate

and the work on the Bill in a businesslike way. I would fail in my duties if I did not pay tribute to him this afternoon. One thing that struck me — I might hold him to it in the future — was that he said that he thought it would be a good thing if DUP Members intervened more often in his speeches. I say this to the Minister: not every day will be like this. You might regret encouraging that, because you just might be taken up on it.

The Minister said that he was concerned about clause 15. He then referred to the Queen's University report on prostitution. I would be less than honest if I did not say that I perceived that report and the timing of its release as a distraction. Let me say why. The Bill has been almost three years in the making. Could I be forgiven for wondering why, on the eve of one of the most important debates on the Bill, the Minister decided to release a report on prostitution? I will let the House decide on that one. I am sure that Members might conclude that it is more than coincidental that, on the eve of an important decision being made, we got that report out of the blue. I will say no more on that.

4.45 pm

I want to return to one person. I did not know whether she was in the House when I said it, but the Minister encouraged me to do it — I mentioned Julie Wilson. If anyone is worthy of special mention in relation to all this, it is Julie Wilson, who stands head and shoulders above the rest in this respect. I made many phone calls, sent emails and letters and called meetings, and all that correspondence did not happen between the hours of 9.00 am and 5.00 pm.

This civil servant, in my opinion, went beyond the call of duty. She went what I would call "the second mile". That is not in any way saying that she supported the Bill; she did not. She never told me one way or the other; nor did I ask because I would know not to. However, I want to place on record her superb work, professional approach, the way she carried out her business at all times and her attitude. As I said earlier, the Minister should treasure her and make sure that she stays in that Department because she is a real asset to it.

I am going to stop there, but I commend the Bill to the House and I look forward to it passing, being enacted and being effective in tackling the scourge of human trafficking. I want to thank all who participated, not only here but at other levels. I very much appreciate it indeed.

Some Members: Hear, hear.

Question put and agreed to.

Resolved:

That the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill [NIA 26/11-15] do now pass.

Motion made:

That the Assembly do now adjourn. — [Mr Principal Deputy Speaker.]

Adjournment

Western Health and Social Care Trust: Impact of Cuts on the Omagh Area

Mr Principal Deputy Speaker: The proposer of the topic will have 15 minutes, and all other Members who are called to speak will have approximately five minutes.

Mr McElduff: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I am pleased that the topic before us, the proposed savings in the Western Health and Social Care Trust and their particular negative impact in the Omagh area, has been selected for discussion. I am also grateful that Minister Jim Wells is in attendance for the debate. Knowing Jim Wells as I do, I hope that he will listen to the various points made throughout the debate and not merely rely on a pre-prepared script that may have been written for and with him by the Department. I ask the Minister to listen carefully to the points made.

Six weeks ago, on 30 October, the Western Trust announced its savings plans for the remainder of the 2014-15 financial year. The Minister will, no doubt, tell us that all trusts in the North have been asked to develop saving plans to deal with the financial deficit facing his Department. However, the Western Trust is looking at a savings plan with cuts amounting to £7 million. At the heart of this, I believe it needs to be said that our financial difficulties, as an Assembly and Executive, are largely as a result of this time of British Government — Tory Government — economic policies: cutting the block grant year-on-year and, at the same time, depriving us of levers to generate our own revenue.

I also want to state that I appreciate that, from the point of view of the Western Trust, this would have been a very difficult exercise, and I have professional respect for the senior management team of the Western Trust who have engaged with me on these issues in the recent past. However, the principles that should be observed when identifying areas for savings should be quality of patient care, defence of front-line services and retention of staff where possible. I do not always agree that

making wrong choices amounts to strong leadership.

The topic before us makes specific and particular reference to the impact of proposed cuts on service provision in the Omagh area, and there is good reason for that. It is my belief that the Omagh area suffers a disproportionately negative impact, not least in palliative care, but also in dementia care, with a resultant negative impact on patient care and staff.

There is another very good reason why it mentions the Omagh area. The Omagh community is understandably vigilant about essential health services. In the past, we lost our maternity services at the Tyrone County Hospital. We then lost our acute services per se at the Tyrone County Hospital. While we await 2016 and the opening of a new local enhanced hospital in Omagh, forgive us for being anxious to retain the maximum range of services in the Tyrone County Hospital and at the Tyrone and Fermanagh Hospital ahead of the transfer of services to the new local enhanced hospital.

I have a personal memory of being involved in putting the case for Omagh's acute services. I was with a group of community-based individuals and other elected representatives handing over the case for Omagh, and the Department at the time was pleased to take receipt of the document, which was backed up and supported by the York Health Economics Consortium, only to be told, "Thank you for the document. We will now set about rebutting your arguments". I have a memory of that. Forgive us for being a wee bit sceptical and cynical at times about plans for our community.

The Minister knows that the current proposals have provoked public protest in Omagh. There was a rally and a further protest. It was at that rally, on a Saturday in November, that I was handed a list of the services that have seen reductions since 2009: accident and emergency; ward 5 surgical; ward 6 men's surgical; ICU; recovery main surgery theatre; ENT, children and adults; community stores; laboratory; ward 12 medical; psychiatric ICU Spruce; and Ferone Drive, an alternative to hospital provision for many.

The latest proposals involved — initially, anyway — a merger of palliative care and stroke rehabilitation, with the loss of 10 beds, the merger of the cardiac assessment unit with urgent care, and the closure of the challenging behaviour ward in Tyrone and Fermanagh, and Pine C day care and community equipment

stores in Tyrone and Fermanagh. That is the context, and we are awaiting decisions on, for example, the acute mental health admissions for the future.

The proposal on palliative care, in particular, provoked widespread dismay and anger in the local community. It did not make any sense to anybody. It appeared to be a most insensitive and really inappropriate mix of patients, with those receiving end-of-life care being placed alongside patients who are recovering. That proposal was greeted with widespread dismay and even anger in the community. Thankfully, the Western Health Trust did withdraw that proposal and showed some evidence that it was listening to the community. That was welcome, but then a decision was taken to reduce the number of beds in the palliative care ward, now to be kept separate from rehabilitation, from 10 to six, and there was to be a further loss of six beds in the rehabilitation ward.

One of the key phrases used by the Western Trust and, subsequently, by the Minister was that the justification for reducing the number of beds in the palliative care ward — temporarily, and to be restored in 2016 with the opening of the new hospital — was about reflecting current levels of usage.

The problem that I have with that was evidenced at the rally in Omagh and a few days beforehand, when I was sympathising with a local family on the death of their loved one. I know that the family will not mind my mentioning the lady who died who was Mrs Violet Sweeney from the Brookmount Road area. Her family were at pains to point out to me the level and excellence of care that their beloved mother received in the hospital's palliative care ward. However, at the time when Mrs Sweeney unfortunately died, the family believes that there were at least four other patients in a queue waiting to access a palliative care bed. To me, the notion that 10 beds can be reduced to six in order to reflect the current level of usage is not borne out by that empirical evidence. I say that with all respect to the Sweeney family. Mrs Sweeney died about a month ago, and while they are obviously keen to praise the staff at Tyrone County Hospital, they want answers to that question on the current levels of usage when there was an obvious demand on the part of other end-of-life patients.

The Minister will be aware that I have tabled a series of questions on dementia care at the Tyrone and Fermanagh Hospital. I am grateful for his replies, but, essentially, it again seems

inappropriate that dementia care patients exhibiting challenging behaviour should be placed in the same setting as patients with less challenging behaviour or patients who are being assessed. It has been asked whether Ash Villa will be closing. The term "closing" was used at the beginning by the Western Trust officials, but they have now changed that and are using words such as "service reconfiguration".

Anybody who is engaged with staff at Ash Villa at the Tyrone and Fermanagh Hospital, or with family members or relatives of users of that service, will know about the great anxiety there.

The questions that I have raised have related to, for example, occupancy rates. Did the trust block admissions for a number of months in order to contrive the figures? One staff member has said to me — I am not scaremongering or being alarmist; I have to reflect what people say to me — that they wondered whether a police cell was one possibility being considered to accommodate patients with challenging behaviour who presented in a crisis situation. I have a duty to forward that to the relevant authorities — the trust and the Minister — and I have asked that question.

I asked a series of questions about the dementia care proposal, and I ask that the Minister do everything in his power to ensure that there is a strong presence at the Tyrone and Fermanagh Hospital for patients who present with challenging behaviour, and that they are suitably accommodated there and not put alongside people who are being assessed.

Mr McKay: I thank the Member for giving way. He puts across a very strong argument, and the situation sounds very similar to that at Dalriada in Ballycastle, which Members will be aware of. The Member made reference to the stress and uncertainty that patients and families face. Does he agree that the Minister should lift that stress and uncertainty for patients in the Western Trust area today, and also for those at Dalriada? We have heard rumours that the Minister will ensure that Dalriada remains open until 31 March. Does the Member agree that the Minister should confirm that?

Mr McElduff: I support the Member for North Antrim in putting his case, and I commend him and the other parties who worked collectively with the local community to raise the issue of Dalriada. That showed great participatory democracy in that the community came here and filled the Public Gallery in support of that case.

My emphasis today has been on the reduction of the number of palliative care beds from 10 to six. It has also been on the reconfiguration — or closure — of a particular service within dementia care at the Tyrone and Fermanagh Hospital, but there are additional issues that I want to raise. I know that other Members will also take up the issue of domiciliary care. I would like to hear more detail about the proposals for domiciliary care in the Western Trust area. We often hear that the direction of Transforming Your Care is towards caring for patients in their own home, but these proposals tend to be undermined by a savings plan that suggests that home care packages will be reduced. I also want some certainty about that.

5.00 pm

I have been told by senior managers in the Western Trust that no member of staff or user of day centre services in Omagh will lose out, yet I am told by a lady from Mountfield, County Tyrone, that it has been suggested that her sister may no longer have a place at the day centre that she has attended in Omagh for 28 years. This is very important for her socialisation and for the activities that she enjoys there. I want that cloud of uncertainty to be removed.

I welcome the fact that the Minister, through Michaela Boyle's representations, has acceded to a request from the six MLAs for West Tyrone for a meeting. The Western Trust says — quite rightly, I believe — that the palliative care service in Omagh is not properly funded by the commissioner. Can the Minister do anything about that or address the difficulties in recruiting specialty doctors and consultants, including locums for hospitals such as Tyrone County Hospital?

I look forward to the opening of our local enhanced hospital in Omagh in 2016, with the maximum range of services and acute mental health services at the site of the Tyrone and Fermanagh Hospital. Forgive us for representing our people and reflecting deeply held concerns on the part of a community that has seen some very important health decisions go against it in the last 10 years.

Mr Buchanan: I also thank the Minister for his presence at the debate and for his open-door policy, which affords concerned Members a meeting on request and at a suitable time. I fully appreciate the difficult circumstances that the Minister and the trust find themselves in because of the Budget and the knock-on effect

that it is beginning to have on service delivery, especially in rural areas.

I am sure that it is no surprise to the House or the Minister that the Members for West Tyrone are here again debating health care. The Adjournment debate is focused on the impact on service provision in Omagh of the cuts proposed by the Western Health and Social Care Trust. When I entered the political arena almost 22 years ago as a councillor on Omagh District Council, one of the first things I was faced with was the closure of maternity services in Omagh. Since then, I have fought year on year to retain health-care provision in Omagh, especially at the Tyrone County Hospital. The first challenge, as I said, was the closure of maternity services, which were removed to Enniskillen. West Tyrone and Omagh are still suffering the effects of the closure of that service. We are now in a position whereby there is no facility for childbirth in County Tyrone. The identity of future generations has been taken away, and children have been robbed of their County Tyrone identity.

We then witnessed the removal of acute medical and surgical care and, of course, our accident and emergency services. We lost our ENT service, which was second to none, having been built up by Dr Kate Law, not to mention the video link service that was delivered by Dr Patterson. On all those occasions, the trust saw fit not to replace consultants when they retired. Of course, a number of other services were lost to Omagh, which the Member who secured the debate mentioned.

Of course, all this was done under the guise of Developing Better Services. Now we have Transforming Your Care, which has a more community-based focus, and I welcome that. We all know that everyone wants to stay at home for as long as they possibly can. However, in seeking to deliver Transforming Your Care, the Western Health and Social Care Trust has failed to put the proper infrastructure in place, leaving huge gaps in rural areas of West Tyrone while seeking to deliver this service. The further proposed cuts mean that the quality of care being delivered to patients will be further eroded and seriously impacted on. No doubt, we all agree here that domiciliary care for the most vulnerable is a necessary expenditure. Any moves to cut back on that expenditure will cause a lot of concern, anxiety and stress among patients, their families and their carers.

Mr Wells (The Minister of Health, Social Services and Public Safety): Will the Member give way?

Mr Buchanan: Yes.

Mr Wells: This is one of many similar debates that we have had in the House on areas in every corner of the Province — from Dungannon to Downpatrick to Ballycastle — and I have no doubt that there will be many other groups. In answer to Mr McElduff, I do listen. However, it would be very helpful if someone could suggest to me a less painful way of balancing the budget in the Western Trust, the Southern Trust, the Northern Trust etc, rather than simply berating the fact these contingency plans have been made and saying that you do not like the fact that we have to find the reductions. Could the people who speak during the rest of the debate suggest to me a way of balancing the books in the Western Trust and in the health and social care system generally that will cause them less pain? It is no good for 12 different sets of MLAs to stand up and make 12 different pleas not to reduce services in their area without offering any alternative to what can be done to balance the books.

Mr Principal Deputy Speaker: The Member's time was almost up, but he now has an extra minute.

Mr Buchanan: Thank you, Mr Principal Deputy Speaker. It has been clearly pointed out, including at the commencement of the debate, that Omagh has suffered again and again from cuts over the years. The removal of services has created in the people of Omagh a lack of confidence in the trust's ability to deliver services in the efficient way in which they should be delivered. In addition, it appears that the Western Trust is targeting mental health facilities throughout Omagh and West Tyrone. The list of cuts being drip-fed almost weekly is an increasing concern for health-care workers, service providers and the community as a whole. Of course, we are listening to the health-care workers and service providers, and they are the people saying that it is nigh impossible for them to be able to deliver those services in the situation that they find themselves in.

One of the things that I want to touch on, and I know that my time is almost gone —

Mr Principal Deputy Speaker: Your time is up.

Mr Buchanan: One of the most worrying things is Ferone Drive, which is a 24/7 facility for those with challenging behaviour. The potential reduction or removal of that service is of grave concern. I call on the Minister to ensure that

something is in place for those with challenging behaviour in the Omagh area.

Mr Byrne: Like other MLAs from West Tyrone, I find myself angry and annoyed at what has happened in our part of the world. I appreciate that the Minister is here, but it appears that, once again, health service cuts are a reality relating to crisis management. It appears that the trust makes precipitate announcements that cause great anxiety and concern and, very often, lead to undue stress for patients, staff and the wider community.

Recently, the decision taken to merge two wards in the Tyrone County Hospital — ward 5, the palliative care ward, and ward 12, the rehab ward — caused such anxiety that the trust had to bow to the pressure. As a result, it has now reconfigured the service, but, as Mr McElduff said earlier, the number of beds in the palliative care unit has been reduced from 10 to six. There was no consultation; it was quite simply a crisis management announcement.

I appeal to the Minister, who was on the Health Committee for many years and who is now in the supreme job, to exercise his authority. Let us take on the administrators and have a reconfiguration of the service.

In Omagh, there is a great deal of resentment about past decisions. Those of us who are in favour of the local enhanced hospital proposal greatly appreciate what Minister Poots did, and, hopefully, what Minister Wells will now do, in delivering that hospital. That can lead to a rebuilding of some confidence, but this sudden decision by the Western Trust saps the community's energy and confidence. Domiciliary care causes great anxiety to many families. Again, the sudden announcement of cuts at the Spruce Ward at the Tyrone and Fermanagh Hospital and indeed the final closure of the Gortmore House care home in Omagh adds to that stress and anxiety. I have many facts and figures. The £7 million of cuts that were announced for next year and the end-of-year cuts for this year are adding to that stress and anxiety.

We have had two public demonstrations; one on a Saturday and one on a Monday. Patricia McKeown, the well-known trade unionist with UNISON, has stated that, in her experience, administrative costs are never cut. That is the same for most Departments. The albatross of administration grows; it is services at the bedside that are cut. I challenge the Minister, who I thought was a radical, to take on the status quo, whether civil servants,

administrative managers, trusts or other sections of the service.

We are greatly concerned in our part of the world about a pending decision on the acute mental health unit. A strong case has been made for over a year, but the local enhanced hospital will not be sustainable if, before it is actually built and commissioned, services are withdrawn from Omagh. It will defeat the purpose.

The new hospital in Enniskillen in the south-west is a fine building with a lot of capital resources, but it lacks the resource on a day-to-day basis to provide the services that meet the needs of the people of the south-west. That sort of decision-making on capital decisions, which, very often, are then undermined when it comes to the actual delivery of services and revenue costs causes great anxiety.

Mr Principal Deputy Speaker: Will the Member draw his remarks to a close?

Mr Byrne: I made a completely different speech from the one that I had intended. I hope that I posed a challenge to the Minister: let us take on the decision-makers, who are, very often, faceless people.

Mr Principal Deputy Speaker: I call Mr Ross Hussey: you may remain in your seat if you wish.

Mr Hussey: Thank you Mr Principal Deputy Speaker. I thank Mr McElduff for bringing this subject to the House, and I thank the Minister for being present. Mr Byrne and I had also tabled a motion on the issue because, again, it is something that causes us concern in west Tyrone.

At the outset, I ask my colleagues to remember the late David McKee, Stanley Millar and Julia McGinn, all of whom were hospital campaigners in our time. Health issues are one thing that bring all of west Tyrone's politicians together. The Minister asked what we were going to do about it. Well, Minister, when you sat on these Benches on this side of the House, you often barracked Ministers and asked them for their solution to the problem, so that is what we will do here today.

I went to Ash Villa on a Sunday afternoon and spent an hour and a half listening to the nurses. My late father was a psychiatric nurse, as was my brother. My nephew is a psychiatric nurse. I listened to the concerns of those in Ash Villa who deal with patients who have dementia but

who also have challenging behaviour. The staff in that ward had over 300 years of experience between them of dealing with patients with challenging behaviour. We can draw a line between patients with dementia and those with challenging behaviour.

5.15 pm

A couple of days ago, as I was travelling towards Belfast, I heard 'Thought for the Day' on the radio put it clearly when it said that dementia is one of the most common forms of mental ill health and is growing. That is still here, but those with challenging behaviour is a very difficult subject. When I spoke to the nurses, I also decided to speak to somebody else. I contacted a psychiatrist and spoke to him about patients with challenging behaviour. He agrees with me that those with challenging behaviour should not be in the same unit as those who do not have challenging behaviour. It is understood that those with challenging behaviour can disturb ordinary dementia patients to the point where they develop challenging behaviour.

I understand that the unit in the Tyrone and Fermanagh Hospital was to receive an award from the University of Stirling because it achieved a benchmark that showed that it was using best practice to deliver care in the hospital. However, that ward was chosen to be downgraded. I accept the point that others made that Ash Villa is not closing; it is being reconfigured.

The consultation was a waste of time. The people who were not consulted were the families of those with challenging behaviours. I asked the Minister questions about that, and I am told that various people were consulted. I am told that the Alzheimer's Society was consulted, and I would like to know what its response was. Families were not consulted, because they were present the day that I and others from Omagh District Council met the nurses in Ash Villa. It is causing me great concern that all those qualified staff will be distributed throughout the trust. I will stop on that particular issue because of limited time.

Look at what happened to palliative care and the stroke rehabilitation unit in the Tyrone County Hospital. Those are two entirely different areas. Someone thought that it would be a wizard wheeze to bring those two together. I said that that decision was moronic, and I stand by that. It was moronic. When you have people dying and when friends of theirs, who are probably recovering from an illness, see

their friends dying in another room, that is hardly the best solution for health.

Our coronary care unit in Omagh is excellent. I was sent there by my doctor, and I am pleased to say that my health was OK. That unit is first class. There will be a 25% reduction in palliative care. Are fewer people dying in Tyrone? Do fewer people need to use the rehabilitation unit? The answer is no. Minister, you are going to come back to me on costs, but regardless of costs, let us look at the people who need the service. It is supposed to be the Western Health and Social Care Trust, but there is no care or trust being shown.

Mr Wells: Will the Member give way?

Mr Hussey: I am not going to give way, Minister. I am going to finish my comments, and you are then going to answer anyway.

I have asked several questions of you about the trust. I accept that it has difficulties. What consideration was given to the fact that we are in rural Tyrone? Mr McElduff always makes reference to rural proofing. Was this rural proofed? Were the Northern Ireland Statistics and Research Agency (NISRA) figures taken into account when the decision was reached?

I will not go beyond your patience, Mr Principal Deputy Speaker. Thank you for your time.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I also welcome the opportunity to speak in today's debate. I thank my party colleague Barry for securing it. Like others, I am grateful to the Minister for being here today to listen to our concerns.

As has been said, there is growing concern in the Western Trust area about the proposed cuts to front-line health services, particularly those at the Tyrone County Hospital and the Tyrone and Fermanagh Hospital in Omagh. The announcement of the reduction in palliative care beds from 10 to six, followed by the announcement on the Ash ward in Omagh, has not gone down well in the local community, and rightly so. As we know, hundreds of people took part in a rally in Omagh recently. All our offices have been inundated with calls from members of the public who are genuinely, seriously concerned about what the cuts will mean for them, their loved ones and their families.

The people in Omagh and west Tyrone as a community need to be very vigilant at this time. Both the Western Trust and the Department of

Health need to be up front and honest with the people in west Tyrone. We do not want any further reduction in services at the Tyrone County Hospital as a prelude to the new hospital opening. We in the west are entitled to the same liberty and care as everyone else, but we feel that we are being victimised. We feel that we are not getting adequate health-care provision.

I am glad that, as has been mentioned, all six West Tyrone MLAs are singing off the same hymn sheet on the issue. Minister, I am pleased that, just yesterday, you contacted my office to confirm that you are willing to meet the six MLAs to discuss the matter further. We will all be in touch with you to arrange a suitable date so that we can move forward.

Everyone recognises that the health service is experiencing pressures at this very important time. However, it should also be remembered that our health budget of £4.6 billion has been protected through budgetary processes. Indeed, as a result of all-party lobbying, the Department was allocated £80 million in the October monitoring round and an additional £200 million in the draft Budget. Minister, you have to explain why, in spite of that, the health budget was so badly mismanaged by your predecessor. It is now up to you, Minister, to ensure that any potential cuts are subject to full equality impact assessments in order to protect front-line services, and, indeed, front-line services in our rural areas. It beggars belief that, when we are faced with such cuts, we also have, annually, £34 million being paid to consultants in bonuses, increases in administration staff, and up to £65 million being paid to the independent sector.

It is vital that strategic accountability be placed on the Health and Social Care Board and the trusts to ensure that efficiency savings are targeted in such a way as not to undermine the provision of high-quality front-line care. Not enough is being done to identify opportunities for income generation or ways in which savings can be made. Minister, may I make a suggestion to you of how to make savings? One perfect example of savings being made was in our own area of Castlederg in the Western Trust area, where the use of generic as opposed to branded medicines over a five-week period resulted in a saving of £312,000. It is estimated that, if that were rolled out throughout the North, savings in the region of £40 million would be made. Indeed, Minister, you said yourself back in 2011 that £40 million would go a long way towards meeting the shortfall that we have at the moment.

There are clearly pressures on the health service, and no one is denying that. However, we need to ensure that there is adequate funding to meet the needs of the sick and the most vulnerable in our society. That requires additional resources and additional scrutiny. The Minister has said that there is still waste in his Department. We, and my party, will not be caught short on the issue. The health service is too important to be caught up in party politicking. We need to stretch ourselves to find more funding in what are very challenging economic circumstances.

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

Ms Boyle: On top of that, we must ensure that there is adequate scrutiny so that any additional resources are targeted at front-line services.

Mr McAleer: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. First, I want to identify myself with all the comments that have been made. I reiterate the point made by the MLAs who have spoken that, although all of us from different parties from the west, and West Tyrone, have great ideological differences on many things, there is a great unanimity among us when it comes to health issues. That is shown here today and was demonstrated in previous campaigns around the hospital.

I want to pick up on the point about the domiciliary care packages. As a member of the Agriculture and Rural Development Committee and someone who is heavily involved in rural issues, I am concerned about the impact that this could have on rural areas. In west Tyrone, six out of 10 — 60% — of the most deprived rural output areas in the whole of the North lie between Omagh and Strabane. Those figures were provided to us earlier today at the ARD Committee meeting by representatives of NISRA.

We all know that when we look at poverty and deprivation, health, income and access to services are considered in working out those rankings. In the Omagh area, the Owenkillew super-output area, which is the rural area of Gortin and Greencastle and right up into Mountfield, is the number one most deprived area in the whole of the North of Ireland for access to services. In west Tyrone, and indeed the wider north-west, we are talking about a dispersed rural area with very little access to services.

In one of the Departments that we are involved in — DARD — we prioritised the tackling rural poverty and social isolation (TRPSI)

programme in the budget. We are continuing with the maximising access in rural areas (MARA) scheme, the assisted rural transport scheme and the rural borewells scheme. We think it is really important to deal with people who are isolated and vulnerable. The fear we have now is that one area that is going to be cut back in those £7 million of proposed cuts will be access to domiciliary care packages, including wheelchairs and home care provision. Those will be restricted along with community health services.

We are alarmed about that because, in an isolated area, that can have a huge impact on people. In actual fact, it could end up in more people receiving hospital referrals, which would run against the thrust of Transforming Your Care.

I commend my colleague Barry for tabling the debate. I ask the Minister to address this issue in his response and to look at the importance of domiciliary care for people in some of the most isolated rural areas in this part of Ireland.

Mr Hussey: Will the Member give way?

Mr McAleer: Go ahead.

Mr Hussey: The Member will be aware that, with the closure of Spruce Ward, more people with mental health issues and living in rural areas are going to be more isolated because that service is no longer available. Would he agree that that could also lead to more referrals back to hospital and cause more stress for the families who have to look after those individuals?

Mr McAleer: I thank the Member for that intervention. I concur totally with him because it is the individual patient who will be affected. There is a ripple impact on the wider family and primary carers of those individuals as well, so this has a huge impact.

I was a little startled earlier when I went through the NISRA statistics and realised that six of the 10 most deprived rural areas in the North of Ireland lie in the Omagh and Strabane catchment. That is startling and flags up the importance of community care, particularly in an era when the thrust is moving to Transforming Your Care and getting people into communities.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Chomhalta. I speak in support and defence of the health service across the Western Trust area. I speak on behalf of the

many patients who are reliant on the health and social care services and on behalf of the staff who provide those vital services. That is the reason why we are all here.

Michaela made a good point that we are not here engaging in a party political way. I do not think that the Minister got too much of a hard touch here this evening yet, and I certainly do not intend to start. The responsibility for the majority of these problems certainly does not lie with the Minister. We will put the blame between the trusts and how they manage their budgets, and the British Government, who have repeatedly cut the allocation to the block grant over successive years. We will leave Mr Wells out of it for the day and hope for a positive response from him. It is very easy to blame him, but that is not going to wash with anybody, so we will not waste our time.

We all know that the health service is under serious pressure due to several reasons.

The cuts to the block grant have caused a serious problem. They have reduced the amount that the Executive have to distribute around their Departments. However, considerable efforts have been made to protect the health service, which has to be welcomed.

5.30 pm

The privatisation agenda driving things in England has had a knock-on impact on the funding given to the Executive. In addition, the changing needs of our citizens due to our ageing population and changes in demographics have had an impact on the range and the cost of service provision across the North, but particularly in rural communities like the Western Trust area.

There is also financial mismanagement going on within the trusts, which has caused serious problems. On every occasion that I engage with Western Trust management, they constantly tell me that it is one of the better performing trusts, and that this is the first time that it has been in deficit. It is happening across the board, but there needs to be serious action to address mismanagement in the trust. There is a complete over-reliance on the private sector — or, the independent sector, as they call it — to deliver services. That over-reliance has proved ineffective and costly, and it is certainly not in the best interests of the people we all represent.

We are all aware of the financial pressures facing each of the trusts, and the Western Trust has outlined to us the impact that those

pressures will have on its delivery of front-line services. However, the manner in which the Western Trust has dealt with the financial challenge has been disappointing. The number of people from across the border who are being treated by the Western Trust in the new hospital is nowhere near good enough, and fewer people are coming to the new hospital in Enniskillen for services than went to the old Erne Hospital. If the Minister and the Western Trust are looking for ways to raise revenue in the Western Trust area, the two easiest things they can do is try to get patients from across the border who are using health insurance and try to get patients from other trust areas. The location of the hospital in Enniskillen makes trying to attract people from across the border very straightforward.

The Western Trust produced a lengthy document, with a range of things that it wants to target, including meals on wheel, day care at Westbridge House in Enniskillen, the wheelchair service, domiciliary care, temporary staff, the Scanning Bureau service in Enniskillen and the filling of vacancies. Those are all key front-line services, and that is where the emphasis has been.

What about low-paid staff? They have borne the brunt of the pressures, and all the while senior executives are lifting over £100,000 a year and are building pension pots of over £1 million. That leaves a very sour taste in the mouths of very many low-paid workers.

We constantly hear about cuts to day care places. I do not think I have ever seen my constituency office as busy with people coming in with problems with the health and social care services. People have to wait 44 weeks for a basic occupational therapist (OT) visit; people are being relocated to Altnagelvin to give birth; there are questions over the availability of consultant neurologists for clinics, and people have to wait nearly two years for routine orthopaedic surgery.

If we look at all these issues, we can see where we can save money. Look at the amount of money we are spending on giving medication to people who are in pain because they cannot get a routine hip or knee operation. Look at the amount of money we are spending on giving people antidepressants because they have to wait nine months to see a counsellor. This is where you make the money: you invest in your services to reduce expenditure on things like medication that is not required. I realise that I am out of time. I eagerly await a positive response from the Minister.

Mr Wells: As expected, the focus of the debate is on the Western Health and Social Care Trust's proposals for temporary reductions in services in the Omagh area. First, it is important to set the changes in context and acknowledge the service provision that the Western Trust is delivering.

Last year, 2013-14, the Western Trust treated more than 62,000 inpatients and saw over 100,000 outpatients or day cases. There were 106,000 emergency department attendances, including almost 18,000 at the urgent care and treatment centre in Tyrone County Hospital. Add to that, 385,000, allied health-care professional contacts, 202,000 district nursing contacts, 3,500 domiciliary care packages for older people and a range of child protection, social care and adult day care services. The Western Trust not only delivers an enormous volume of care to people in its area, but does it to a very high standard — over, can I add, an extraordinarily large area that stretches from Belleek to Magilligan Point.

Time and time again, Western Trust staff have featured prominently in regional and national awards such as the allied health care profession awards, the Royal College of Nursing awards and the Northern Ireland Healthcare Awards, to name but a few. This excellence extends to all fields — medical, nursing, AHP, pharmacy and support staff — and all specialities, including dementia and maternity services. Two weeks ago, I had the privilege of meeting many of the excellent staff of the Western Trust at their staff recognition awards. I wish that all of the MLAs for West Tyrone had been at that event, because they would have seen the most extraordinarily high standard of dedication and commitment from staff in every corner of the Western Trust. I have to say, it was probably —

Mr McElduff: Will the Minister give way?

Mr Wells: Certainly.

Mr McElduff: The Minister will accept that we are all at one on the issue of recognising the excellence of staff throughout the Western Trust. There is no divergence on that point whatsoever, but I echo Ross Hussey's point that among those staff are the staff at Ash Villa, who were due to receive recognition from Stirling University for their excellence. They should be listened to at this time.

Mr Wells: I will be coming to the Ash Villa issue later on, but I think we need to get this in perspective. There is some extremely good

work being done by the Western Trust. Indeed, some of that is based in the Omagh area, such as the staff of Beltany House respite care home for adults with learning disabilities, which received an award at that event. Others deliver trust-wide services that bring them into frequent contact with people from the Omagh area, such as the dementia services and the sensory team.

I hate to keep coming back to this issue, but I have to, and I suspect I will be doing so for the next 18 months: the financial challenge that is facing not only the Western Trust but all of health and social care in Northern Ireland. Delivering excellent health and social care services has always been challenging. We are well aware of the pressures on services from the increasing demand on hospital services, the increasing number of people living with long-term conditions, growing public expectations, and new medical technology and interventions. This year, however, has been extremely challenging, exacerbated by the financial position. I have outlined those problems to the Assembly on many occasions.

To summarise, the financial challenge that we are facing for 2013-14, even with the additional funding secured in the June and October monitoring rounds, still leaves us with consequences for provision of health and social care services. It is simply not possible to maintain current levels of service provision in the absence of all the required funding. A range of competing pressures and priorities have had to be considered across the health and social care system. The focus has been to ensure that the services that we provide are safe and effective, whilst seeking to achieve financial balance for the Department.

To achieve these twin aims, in addition to the £170 million of savings that are required this year, the trusts have been required to implement a range of contingency proposals. That is why we are here this evening. Each trust —

Mr Byrne: I appreciate the Minister's giving way. I think all of us accept that the actual health-care services provided by the medical and nursing staff are superb. I also contend, on the basis of facts from the Western Trust's management, that on a per capita basis it is as efficient as, or more efficient than, the other trusts. The question that you pose to us, Minister, is what solutions we have got. You are the Minister.

Mr Wells: I was waiting; I would have opened a book on who was going to make that point. First of all, I accept entirely that the Western

Trust has been a very effective and efficient trust and has achieved outstanding performance. Indeed, until this year, it was able to balance the books in terribly difficult circumstances. The fact that the Western Trust and other very effectively managed trusts in Northern Ireland are telling me that they are finding this extraordinarily difficult tells me that there is no problem inherent within the trust's management structure.

Demand is growing so fast that even the most efficiently managed trusts cannot make the books balance.

Each trust, including the Western Trust, has provided assurances that their services will remain safe, with appropriate staffing levels. Such proposals, including the closure of some beds, will be implemented on the understanding that alternative arrangements are to be put in place to maintain safety and mitigate the impact on patient flow.

That brings me to the Western Trust's contingency plans. I have listened to Members' contributions, and I have answered the flow of questions for written answer from Mr McElduff, Mr Buchanan, Mr Hussey and so many others. Indeed, dealing with those questions has ruined many's an evening at home. You are not a very shy and retiring lot when it comes to asking questions about health in West Tyrone. I understand your fears that temporary reductions in beds could become permanent and that the realignment of dementia services might mean a worse service for the people of Omagh. However, let us look at the facts.

Looking first at Tyrone County Hospital, I said in my statement of 30 October 2014 that I expected the full engagement of the trusts in their local areas so that the public would be fully aware of the changes and their impact. The Western Trust has engaged with local people and listened to them. I know that the trust's original proposal temporarily to merge the palliative care ward and the rehabilitation ward caused a lot of concern in the mid-Tyrone community. In response to the concerns expressed by staff, patients and their families and, of course, MLAs, the trust changed its proposal. I cannot understand. If the trust listened to the concerns of MLAs and changed its proposals, why should it be criticised? For listening to —

Mr Hussey: Will the Minister give way?

Mr Wells: OK.

Mr Hussey: I accept that the trust changed its plans, but, as I said at the time, the plans were moronic. You cannot put palliative care in with stroke rehabilitation. It was a silly idea, and it would never have made sense. I cannot understand why the trust made such a proposal. It knew that it would be pooh-poohed by everybody in West Tyrone. It was a silly idea.

Mr Wells: I cannot accept words like "moronic", or "mismanagement", which Mr Flanagan used, about the Western Trust. It is under extreme pressure to balance the books. How can a trust be high-performing and doing well in meeting its targets one year, yet become moronic and mismanaged the next?

Mr Hussey: The proposal was.

Mr Principal Deputy Speaker: Order

Mr Wells: The staff have remained unchanged, but the pressures have developed. The wards —

Mr McElduff: Will the Minister give way?

Mr Principal Deputy Speaker: May I also point out that the Minister has been very generous with his time —

Mr Wells: I have.

Mr Principal Deputy Speaker: — but I have no extra time to allocate. [*Laughter.*]

Mr McElduff: Minister, will you fast-track a community planning process? Some of those nonsensical proposals would never have seen the light of day had local councillors and MLAs been properly consulted. We should fast-track community planning for health.

Mr Wells: Since my appointment, I have explained at length that we were in a very difficult position. We had to find £70 million very quickly, and there was not enough time to consult. If we had consulted, by the time the consultation had finished, we would not have saved a single penny. That is the difficulty the trust is having.

There have been other changes to services in the Tyrone County Hospital relating to the merger of the cardiac assessment unit and urgent care and treatment centre overnight. The Western Trust has advised me that there is no direct impact on patient care from that proposal. Indeed, the merger will help to

establish a single team and give staff the opportunity to build up skills in both areas. When the time comes in 2016 for the transfer to the new enhanced local hospital — I was out about a month ago doing the stone laying — all staff will have the skills and knowledge to work across both areas competently, and a seamless transfer of services —

Mr Principal Deputy Speaker: The Minister's time is up, but I can give you a couple of minutes to sum up.

Mr Wells: — will occur. Thank you, Mr Principal Deputy Speaker.

I will move on quickly to Ash Villa. In response to several Members, I want to say that the reduction in palliative care beds was the result of a reduction in usage. Indeed, in 2013-14, there was a bed occupancy rate of only 70%. That gives me a clear indication that there was a need for a reconfiguration.

Mr McElduff: I think that the Minister is talking about dementia care and not palliative care.

Mr Wells: I will reflect on that.

Members have also expressed concern about the proposals relating to Ash Villa, a 20-bed unit that provides short-term treatment for people with dementia.

It is important to realise that this is not a reduction in service to make savings but part of a redesign of older people's mental health services across the Western Trust.

Dementia care is an important issue facing us all in Northern Ireland. The expected increase in the number of people with dementia will bring further pressures on our health and social care services, and we need to start planning now to ensure that our services are configured to meet demand.

It is estimated that the health and social care system already spends £250 million supporting people with dementia. With demand increasing alongside budgetary pressures, there is an onus on all of us to consider how best to provide services to ensure that safe, high-quality services are available.

I will finish with this, Mr Principal Deputy Speaker: of the last 12 Adjournment debates, this is probably the fifth secured by MLAs from various constituencies in Northern Ireland berating the fact that the trusts have made cuts in their area. Not one of them has told me

where those savings could be made, apart from Ms Boyle who made some comment. For somebody from West Tyrone to stand up and say —

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

Mr Wells: — that that is my job certainly does not help one iota.

Adjourned at 5.46 pm.



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