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Northern Ireland Assembly

Tuesday 14 April 2015

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

Members observed two minutes' silence.

Ministerial Statement

North/South Ministerial Council: Education

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Cheann Comhairle. A Cheann Comhairle, le do chead, ba mhian liom ráiteas a dhéanamh, ag comhlíonadh alt 52 de Acht 1988, maidir le cruinniú den Chomhairle Aireachta Thuaidh/Theas i bhformáid oideachais. Tionóladh an cruinniú in Ard Mhacha ar 25 Márta 2015. Mr Speaker, with your permission, I wish to make a statement, in compliance with section 52 of the NI Act 1998, regarding a meeting of the North/South Ministerial Council (NSMC) in education format. The meeting was held in Armagh on 25 March 2015. This statement has been agreed with Minister Storey and is made on behalf of both of us.

Turning to EU funding opportunities, the Council noted the ongoing work of both Departments on the shared education theme of the forthcoming Peace IV programme. I will be asking my officials to explore the potential for collaboration with the Department of Education and Skills on the ERASMUS+ programme. I am looking forward to receiving an update on progress at the next NSMC plenary meeting.

The Council noted plans by both Departments to draw up a model for a future cross-jurisdiction engagement event on educational underachievement issues. I look forward to receiving that from officials.

The Council received a joint presentation from both inspectorates, covering the main conclusions from their work on literacy and numeracy. I welcome the continuing work of the inspectorates and their plans to publish joint work on literacy and numeracy, their continuing programme of inspection exchanges and their plans for the inspectorate of the Department of Education and Skills to quality assure the Education and Training Inspectorate's review of

the outcomes of its Promoting Improvement in English and Mathematics programme.

I welcome the continuing progress by both Departments and the Middletown Centre for Autism in facilitating the expansion of the centre's range of services since it commenced expansion in April 2013. Minister O'Sullivan and I had the opportunity to visit the centre following the Council meeting. We received a presentation by the centre on its current work and its plans for 2015-16.

We also had the opportunity to observe intervention work with children referred to the centre and learn about the centre's whole-school referral work and meet parents and children. Minister O'Sullivan and I were delighted to meet the children and parents and see first-hand the invaluable support that the centre offers to them. We will continue to support the centre in its vital role in working with some of the most vulnerable children and young people with autism.

I turn to teacher qualifications. Both Ministers noted that the work on the professional accreditation of reconceptualisation programmes of initial teacher education has now been completed by the Teaching Council Ireland. Ministers noted that the North/South teacher qualifications working group has asked both councils to revisit the Teaching Council Ireland desk-based qualifications assessment process and provide an assessment of the issues impacting mobility by the end of September 2015.

Ministers were pleased that the criteria encompassing guidelines for the Irish-language requirement programme design have now been approved by the Teaching Council Ireland, and they have recently invited St Mary's University College, Belfast to submit a formal programme proposal for approval. The Council also noted the progress made on the implementation of the 2014-15 programme plan developed by the Professional Development Service for Teachers and the Curriculum Advisory and Support Service (CASS).

Ministers noted the positive outcome of the independent evaluation of the North/South collaborative programme of work for 2010-11 to 2013-14, the findings of which will inform future programmes of work. It was noted that approval in principle has been given to a collaborative programme of work over the next three academic years based on digital literacy and history and that support services have been asked to develop a detailed proposal to include objectives, timelines and budgets for final approval of the North/South teacher qualifications working group in May 2015. Ministers noted that the twelfth annual conference, 'Always Learning, Always Teaching: Making the Journey', took place in the Killyhevlin Hotel, Enniskillen, on 21 and 22 October 2014, and work has commenced on organising the thirteenth annual conference, 'Teacher Education for Social Justice'.

I turn to school, youth and teacher exchanges. Minister O'Sullivan and I noted the ongoing activities of the North/South education and training standards committee for youth work, particularly in relation to the professional endorsement of higher education programmes in youth work. I welcome the development of a dedicated website and the introduction of an annual monitoring process to ensure that institutions comply with the basic criteria for professional endorsement. The Council welcomed the work of the group established by the Youth Council for Northern Ireland and the National Youth Council of Ireland to consider the issue of youth work and ICT and its recent success in securing funding through the ERASMUS+ programme to carry out further research with European partners.

Ministers agreed that the North/South Ministerial Council in education format should meet again on 21 October 2015.

Miss M McIlveen (The Chairperson of the Committee for Education): The Minister mentioned anticipated improvements to the transferability of teaching qualifications, and he previously announced a favourable change to the way in which universities in the Irish Republic award points for GCE A levels. Will the Minister tell the House whether he has made any progress in persuading the Irish Universities Association to change its mind and recognise our applied Northern Ireland GCSE A levels to ensure their portability? In addition, will he provide further detail on the cost associated with the three-year collaborative programme of work and confirm that key services like the primary modern languages programme will not be sacrificed to fund cross-

border activities that have seemingly limited relevance to our schools?

Mr O'Dowd: I am not sure how the Member can end by saying that those activities have limited relevance to our schools, given that her first two points are very relevant to our schools. The issue of applied A levels is very relevant to our schools, and engagement through the North/South Ministerial Council has paid dividends in that Southern universities have made a commitment to review the way in which they deal with and score A levels to ensure that there is greater equitable access for Northern students to Southern universities. That is relevant to our schools.

The Member raised key services such as the primary languages programme. Will it be sacrificed in relation to the ongoing cooperation between the inspectorates etc? No, it will not be, but I think that it is vital that our inspectorate learns from its colleagues from the southern side of the border. We also cooperate with the inspectorate in Britain, so we are learning from other inspectorates around this group of islands to ensure that young people in our schools receive the best-quality education services possible.

I should also have mentioned your question about applied A levels. We will continue to lobby Southern universities to give the proper recognition to applied A levels; we have not succeeded yet, but those discussions and that lobbying will continue. We will continue to engage at both ministerial and official level, and I am aware that the Minister for Employment and Learning is also lobbying for proper recognition of applied A levels.

In relation to the primary languages programme, nothing will be sacrificed in any of our services here to ensure greater cross-border cooperation. I have been lobbied by a number of schools recently about the primary languages programme. It is not directly relevant to North/South cooperation, but the Member has raised it. One of the schools has a surplus of £250,000 and the other has a surplus of £70,000. I respectfully suggest that those schools are in quite a good position to continue our primary languages programme.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement today, and I want to acknowledge the continuing progress in Middletown autism centre. As somebody who comes from a border constituency, can I ask the Minister specifically: there is agreement, in principle, on the collaborative programme, but what needs to

happen to make that approach more formal? Can the Minister give some indication as to how that would link with further and higher education?

Mr O'Dowd: The ongoing work of the North/South Ministerial Council is paying dividends, as I have outlined, in learning best practice from the inspectorate. The autism work, through the Middletown centre, has proven to be very relevant. We visited the autism centre and met the parents, teachers and a child who was receiving services from the autism centre and were heartened to see the reality of investment in the centre and the outworkings across the educational sector. The relevance to further and higher education is really a matter for the Minister for Employment and Learning to respond to. I believe that the ongoing work, whether through the autism centre or inspection qualifications, or through any other aspect of North/South cooperation, has a relevance to our education system and is therefore a benefit to further and higher education.

Mr Rogers: We all acknowledge the great work of the autism centre at Middletown. What discussions have taken place with your Southern counterpart to share the good practice and ensure that children with ASD who fall outside the remit of Middletown have their educational needs met?

Mr O'Dowd: My counterpart in the South has commissioned different services from the Middletown centre than we have, and that is to meet what they believe to be the training needs in their jurisdiction. What I found heartening, particularly during my visit to the Middletown centre, was that speaking to teachers from our special educational needs schools, and schools that are coming to the centre and receiving training from it in their schools, is paying dividends for all the children in their settings, whether in special needs or mainstream schools. We are either training our teachers and professionals in Middletown or teachers from Middletown are visiting schools, to work with schools, parents and boards of governors. That is paying dividends for all children, whether or not they are on the autism spectrum.

Mrs Overend: I thank the Minister for his statement. Does the Minister not agree that, while it is fine to look at North/South mobility for teachers — as the Minister refers to in the second paragraph, regarding teacher qualifications — that his priority should be for teacher mobility within and across sectors in Northern Ireland? Could the Minister clarify at

what point, between 9 and 10 February this year, he changed his mind, and decided that keeping the requirement for maintained primary and nursery schools to have a certificate in RE was a good idea?

10.45 am

Mr O'Dowd: I did not change my mind. I made an error. To err is human; to forgive is divine. I notified Members quite quickly afterwards in writing. During Question Time, when different issues are being thrown at you, I, like anyone else, am capable of making an error. I rectified it, and Members are now fully aware of the position.

There are two clearly distinct issues. I have written to the First Minister and the deputy First Minister about the exemption. I believe that it should be dealt with. I understand that people are seeking to do so through equality legislation, with the support of all parties, I hope. The Catholic certificate is open to all denominations and can be obtained from either St Mary's University College or, through online learning, the University of Glasgow. I have committed to looking at the recommendations that came out of a recent review by my Department to ensure that the certificate is accessible to all and that all teachers have mobility across sectors.

Mr Lunn: In the spirit of North/South cooperation, perhaps, has there been any discussion at these meetings on the excellent work of Educate Together in the Republic and its relevance to the work of the Northern Ireland Council for Integrated Education (NICIE) and the Integrated Education Fund (IEF) in the Northern Ireland context?

Mr O'Dowd: I cannot recall any discussions about that group, but I am more than happy to engage with Minister O'Sullivan to see whether she would be agreeable to having it on a future agenda of the North/South Ministerial Council.

Mr Craig: Thank you, Minister. I listened with interest to what you said about the Middletown Centre and how you hope to expand its range of services. What impact will your reduction of £100,000 to its budget this year have on that expansion programme, and will there be a similar reduction from the Republic of Ireland?

Mr O'Dowd: I have sought to ensure that there will be no reduction in services at the Middletown Centre as a result of the £100,000 reduction. We believe that that will be dealt with through administration at the Department

and in other areas. You will not see a reduction in front-line services. A decision on any funding from Minister O'Sullivan's budget is a matter for Minister O'Sullivan.

Mr Newton: I thank the Minister for his statement. The Chair of the Committee asked specifically about the budget allocation for the collaborative programme of work over the next three years, but the Minister did not cover that in his answer. Can he outline the cost of the programme?

In addition, I welcome the establishment of a group by the Youth Council for Northern Ireland and the announcement of the work that it will do with the National Youth Council of Ireland. In the context of cuts to the youth budget, and the consternation that those cuts have caused in the education and library boards, which are particularly concerned about detached youth work in inner-city and difficult interface areas, is it the case that the establishment of the working group will in fact detract from existing support?

Mr O'Dowd: I do not have the details of the costs for the collaborative programme of work in front of me, but I am more than happy to share them with Members. I reiterate my welcome for the work between the youth councils on the island.

I have made my views on our local youth council very clear: it is administration that we can no longer afford. I will launch a consultation in the near future on how we move forward. Our current youth council has a legislative basis and, given the budget facing the Department of Education and the projected budgets for future years, we should do everything in our power to reduce bureaucracy and administration. We have to find an alternative solution.

There is no cut to youth budgets in the education and library boards — now the Education Authority. There are no cuts to youth budgets whatsoever, whether for detached youth work or mainstream youth work. I have ring-fenced youth services, and it is now a matter for the various management strands in the Education Authority to decide which programmes of detached youth work that they wish to take forward. The budget is there to continue programmes moving forward in future. This is funded under what is known as the ministerial fund. I introduced that funding a number of years ago, particularly for socially deprived areas. It has been assigned to the authority and I await decisions from the authority as to how the funding will be used.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. Fáiltím ach go háirithe roimh an chomhoibriú atá ar bun idir an dá chigireacht um oideachas agus oiliúint, Thuaidh agus Theas. Ba mhaith liom a fhiafraí den Aire cad é an comhoibriú atá ar siúl idir an dá chigireacht maidir leis an Ghaelscolaíocht. An dtig leis an Aire a dheimhniú go bhfuil na scileanna cuí ag na cigirí i bhfos a théann isteach a dhéanamh cigireachta sna Gaelscoileanna?

I thank the Minister for his statement and I especially welcome the cooperation between the two inspectorates, North and South. As part of that cooperation, what work is being done on developing inspection skills regarding Irish-medium education? Will the Minister assure us that the inspectorate here has the appropriate skills to carry out that work?

Mr O'Dowd: Gabhaim buíochas leis an Chomhalta as a cheist. Yes, there has been previous cooperation between the two inspectorates in relation to the inspection of Irish-medium provision, and that cooperation will continue. I am satisfied that our inspectorate has the appropriate skills to carry out inspections in the Irish-medium sector.

Mr Campbell: The Minister referred to educational underachievement, particularly in Northern Ireland, and the work on literacy and numeracy. Did the subject of the signature project come up? It is about to end in the next few weeks. Given the success of that project, has the Minister given any thought to a replacement for it, particularly to enable our working-class young people to get better numeracy and literacy skills?

Mr O'Dowd: It would be inappropriate for the programme to be raised at the North/South Ministerial Council in education format because it is funded by OFMDFM. I welcome the Member's support for the programme. I would like to see it moving forward, and I understand that OFMDFM is analysing its budgets to see whether it can continue to fund the programme. The initial response and reports back from the programme have been that it has been very beneficial to the schools and pupils involved. I hope that OFMDFM is in a position to continue funding the programme in future.

Mr Dallat: I welcome the Ministers' statement, and particularly their plans to publish joint work on literacy and numeracy, which Mr Campbell just mentioned. Given that the standards of literacy and numeracy in both parts of the island

are equally bad and far below those in Japan, Finland and the Netherlands, does the Minister agree that recent decisions to remove funding — for example, the early years fund from nursery schools — will set us back even further than we were?

Mr O'Dowd: Again, I welcome the opportunity to clarify, or correct, the Member's assertion. There have been no cuts to early years education funding for nursery schools or preschools. The Member mentioned a cut to the early years fund but that will not impact on early years provision for preschools because I have a Programme for Government commitment and the budget to meet that commitment to ensure that every child whose parents wish to avail themselves of early years provision will be allowed to do so. There are two separate and distinct funding regimes.

In relation to the common cause of tackling our numeracy and literacy levels, we have much to learn from across this island, these islands and the world. Our educational challenges are not unique; they are common across other parts of the world, and the more we learn from others, the more opportunity there will be for our young people to improve and have an opportunity for better quality education moving forward.

Private Members' Business

UDR Four

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Irwin: I beg to move

That this Assembly notes the miscarriage of justice in the case of the UDR four; recognises the particular circumstances of Mr Colin Worton in relation to the case and that he served over two and a half years in custody on remand before the case against him was dropped and he was released; further notes the Minister of Justice's comments on the miscarriage of justice, the innocence of Mr Worton and the significant detrimental impact on Mr Worton; and calls on the Minister of Justice to seek urgently to address this miscarriage of justice by exercising his discretion to provide redress for Mr Worton.

I welcome the opportunity to once again bring the case of Colin Worton to the House. Members will recall that the previous occasion the matter was discussed in the Chamber was in an Adjournment debate on Tuesday 24 June 2011. We are some years down the line from that. However, for Colin, the situation remains unchanged. He continues to pursue his very dignified and honourable campaign to find redress.

The facts are well established in Colin's case. The fact that he spent 30 months on remand before he was released without charge has had a profound effect on him and his family. Colin feels very strongly that a heavy stigma has been attached to his undeserving association with Adrian Carroll's murder and that that has prevented him from undertaking many of the normal and honourable pursuits in his life that he would have otherwise pursued. Indeed, his passion lay with the army, and he was devastated when his contract was not renewed and he had to leave the profession that he loved. His unwarranted and erroneous journey through the legal system at that time was significant for the length of time that he was

held on remand. In today's terms, it would represent a very serious sentence. Lord Morrow made that point in the previous Adjournment debate.

Through my numerous meetings with Colin, he has stressed that all he seeks is to be fully recognised as innocent and for the ordeal that he was put through to be appropriately addressed. That has always been the position, and it is one that I fully support.

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

When anyone looks at the facts of Colin's case, they see that it is very clear that, of course and importantly, whilst Lord Justice Kelly acquitted him in the first instance, he had already served a lengthy period on remand. What is obviously concerning for him is that those who were convicted and then had those convictions overturned then qualified for compensation and were duly awarded it. I made the point in the House back in June 2011 that the process of exoneration and compensation in the instances of those convicted and then acquitted was much more public, much more publicised and much more conclusive in getting closure for the accused. Colin has never had a sense of closure. That is the crux of the issue and the injustice that our Justice Minister should move to put right for Mr Worton.

The previous Adjournment debate —

Mr Allister: Will the Member give way?

Mr Irwin: I will, yes; OK.

Mr Allister: I think the Member puts his finger on the perverse inequity at the heart of the matter, which is that Mr Worton is effectively being punished by being denied compensation because he was acquitted at an early stage, whereas, if his trial had run its full course and he had been convicted and then acquitted on appeal, he would have qualified for the statutory scheme. However, because on judicial direction, the case being so weak, he was acquitted at an early stage, he is being denied compensation, yet he spent the same 30 months in prison as his co-accused. Is it not the Justice Minister's failure to address that inequity and to bring justice to the case that really is the ongoing scandal?

Mr Irwin: I thank the Member for his intervention, and I agree fully with him.

The previous Adjournment debate was important for establishing the views of the

Justice Minister, David Ford, and it included useful debate between Members, including those with experience of law.

Given that the Justice Minister has the necessary authority under our devolved Assembly institutions to respond to the case, Mr Ford, at the time, pledged to reassess Colin's case and gave assurances to fully take on board the contributions made by Members in the House on 21 June 2011. Those contributions, by and large, supported the case for redress to be made by the Minister. The Minister responded to Mr Worton on 28 October 2013 stating that, after a thorough review of the case, Colin was not eligible for the ex gratia scheme. I ask the Minister to tell the House today whether he believes that Colin Worton has been completely exonerated of any wrongdoing in the murder of Adrian Carroll.

11.00 am

In revisiting this important case, the main thrust of the motion is a request to the Justice Minister to further consider Colin Worton's case, thereby acknowledging the ongoing circumstances affecting Colin, and to move to exercise his discretion to get redress for Colin in light of the significant ordeal he has come through. With this firmly established, I am concerned that the Minister, through the amendment tabled by his party colleagues, has clearly signalled that he is closing the door on any possibility of discretionary redress. That, I believe, sends a very poor signal to Colin and is an unfortunate contribution from the Justice Minister's party. The amendment runs against the grain of the goodwill that was generated in the previous Adjournment debate. Alliance Party Members have sought to make an amendment that, in effect, would end any chance of future liaising between Mr Worton and Mr Ford. I must say that I find that unhelpful.

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

There is merit in the Justice Minister redoubling his efforts to seek redress for Colin, and those should be especially directed at the manner in which the confession was obtained in light of the words of Justice Kelly in rejecting the confession as inadmissible. The following quotation is on the record of the Chamber, and it is worth repeating it today to set in context the basis of the case for redress for Colin. Mr Smyth QC stated that Colin's statement:

"had been induced by the detectives at Castlereagh by a trick which embraced

threats and dishonest promises and oppressive and unfair means."

Colin remains firmly of the view that the methods used in his interview did indeed represent a serious default on the part of the police. This tallies with the findings of Lord Justice Kelly when, in rejecting the evidence before him, he said:

"the assurance of a fair trial includes the right to be protected from evidence which might have an unreliable effect on the result of the trial."

In the letter to Mr Worton of 28 October 2013, the Justice Minister confirmed that he had reviewed the case under the ex gratia scheme and, importantly, in the realm of exceptional circumstances, which included the suggestion of serious default by the police. The conclusion reached by Mr Ford that he continues to be ineligible for compensation remains a source of great concern for Colin. I appeal again for the Justice Minister to look again at the case. I take the opportunity to go further and ask him to use this very serious example as a basis for improving the criteria and guidelines under which the scheme is operated.

The word "inability" is used in the amendment. However, in the letter to Colin of 28 October 2013, it is stated clearly that responsibility for Mr Worton's application was transferred to the Department of Justice on devolution. It is therefore the case that the Justice Minister has ability in this regard, and the motion urges him to use that ability to reach a satisfactory and deserving conclusion for Mr Worton.

It is an unacceptable state of affairs in the outworking of justice that someone who is held for so long with such notable negative effects, lasting over 30 years, cannot find redress. I respectfully put the motion to the House in the hope that the wrong can be righted.

Mr Dickson: I beg to move the following amendment:

Leave out all after "further notes" and insert

"the previous comments of the Minister of Justice that Colin Worton was found by the proper authorities of the law to be not guilty of any crime associated with the death of Adrian Carroll; and concludes that the inability of the Minister of Justice to provide compensation in no way undermines Mr Worton's innocence."

I think, like most people, we will have real sympathy for the experience of Colin Worton. It is deeply regrettable that he was ever placed in this position. I have spoken to the Minister of Justice at length on the issue. His Department has looked at the case from a wide variety of angles and with appropriate advice. Indeed, there was a review of it following the evidence of the Historical Enquiries Team (HET). However, unfortunately, it is simply outside the Department of Justice's abilities to provide compensation for Mr Worton because he was never actually convicted of a crime. I trust that the Minister will further develop on this detail. However, it is at the very heart and crux of the matter that Mr Worton is not eligible for compensation because, unlike the three others convicted at trial in that case, he was acquitted. It is for that reason that I propose the amendment to the motion today:

"that Colin Worton was found by the proper authorities of the law to be not guilty of any crime associated with the death of Adrian Carroll; and concludes that the inability of the Minister of Justice to provide compensation in no way undermines Mr Worton's innocence."

The Minister of Justice cannot provide compensation to Mr Worton as he has, I believe and understand, not the means to do this. However, the House can clearly and unequivocally state that, although the Department of Justice is not in a position to provide compensation, it remains plainly the fact that Mr Worton has been acquitted of the murder of Adrian Carroll, something that we must clearly highlight.

Mr Allister: Will the Member give way?

Mr Dickson: I will, yes.

Mr Allister: Will the Member not acknowledge that the Minister, being the Minister, would have the power to revise the statutory scheme and bring to the House revisions to the scheme that would meet the inequity that Mr Worton has been subjected to? Instead of hiding behind the existing statutory scheme, why do the Member and the Minister not set about revising the statutory scheme to bring Mr Worton within it?

Mr Dickson: I hear what Mr Allister says, and, indeed, my next line will perhaps explain my difficulty in answering him. I am neither a barrister nor a lawyer, and I recognise that this is a complex, unfortunate and troubling case. I am sure and am convinced that the Minister of

Justice will look at all the avenues and explore every aspect in respect of this case and other cases that have similar legal complexities attached to them.

Mrs Foster: Will the Member give way?

Mr Dickson: I would like just to finish, thank you.

I trust that today's debate can bring comfort to Mr Worton. I genuinely hope that it will do that. I wish to repeat the words that I said earlier: Mr Worton was found to be not guilty by the proper authorities of the law. On that basis, I hope that other Members will join me in supporting the amendment and recognise that, while the Minister cannot provide compensation to Mr Worton, we can all speak with one voice when we acknowledge that Mr Worton has not been convicted of any crime relating to the murder of Adrian Carroll.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I want to begin my remarks by extending my solidarity to the family of Adrian Carroll. As we have said many times, I am sure that a debate such as this reminds the family of the trauma and grief that they are experiencing. I am a bit perturbed that the proposer of the motion did not acknowledge that family in any way, but that follows the trend from the Adjournment debate in 2012, when not one Member from the unionist parties acknowledged the family at the heart of this. Perhaps they might have the good grace to correct that today.

The motion asks that the Assembly:

"notes the miscarriage of justice in the case of the UDR four".

Then the proposer came to the Floor and did not mention that case, except for Colin Worton, who was not designated by the campaign as one of the UDR four. It amazes me that a person stands convicted, yet the proposer of the motion made no case for why that is a miscarriage of justice.

There is a case to be made that Mr Worton should be considered for compensation, and I will return to that. As I have just pointed out, the motion is framed in a particular way. Perhaps if the supporters of the motion had come here today and said that this case bore all the hallmarks of many cases that passed through Castlereagh and the Diplock courts, we would be having a different debate with a different outcome. Therein lies the problem for

us. Those who tabled the motion are trying to paint the scenario that this was somehow the only miscarriage of justice that went through the Diplock courts — far from it, and we have to address that as well.

That is against the backdrop over the last number of years, almost monthly, of cases that were referred to the Court of Appeal by the Criminal Cases Review Commission (CCRC) being overturned by that court, and the trial in that court pointing out abuses by the RUC, the British Army and, indeed, in times gone by, the PPS, yet those who tabled the motion take no recognition of that at all. I think that, in these types of cases, you have to be able to say that, if the process was flawed then, the outcomes, on many occasions, were also flawed. The motion does not address that in any way, which is why we cannot support it.

I turn to the case of Mr Worton. I think that you can accept that there is a case to be made. Here was a person with regard to whom the courts accepted that the RUC abused its power. That led to a man being tried and acquitted, but he was not compensated. If you accept that, you also have to accept that it is a universal principle. Many, many other cases went through the court system in which people were acquitted, and the trial judge pointed out that there were abuses by the RUC, yet those people were told that there was no legal redress. Indeed, I refer to one case in which the witness was an agent of the state. The trial judge called him a liar and said that he was unworthy of belief, fabricated evidence and was encouraged by the RUC to fabricate evidence against people. All those people were acquitted in the first instance, yet not one of them received any compensation. They were told that they were not permitted to do so legally.

Mr Brady: Will the Member give way?

Mr McCartney: I will indeed.

Mr Brady: Will the Member consider that there are many cases of people who should be compensated who are not currently provided for under the law?

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

Mr McCartney: That is an excellent point, and we should address it here today. I firmly believe that the Members who raised this issue are absolutely content that this was a miscarriage of justice. If you accept that, you also have to accept that there are other similar

cases in which people have not been given any legal redress or compensation.

Lord Morrow: I thank the Member for giving way. He said that his party finds that it cannot support the motion, and he cites that, potentially, there are others who suffered in the same way. Surely accepting the motion in relation to Mr Worton does not diminish the cases of others if they are out there. Surely to goodness, he can support what is being said in today's motion because we are dealing with a particular case. That does not preclude any Member coming to the House with other cases.

Mr McCartney: That is a fair point, which we would accept if the first clause of the motion had not been in it. The Assembly is being asked to accept:

"the miscarriage of justice in the case of the UDR four".

A person stands convicted in that case. I did not hear those who tabled the motion make any case for that being overturned. That is why we cannot support it. They did not come here today and say that torture happened wholesale in Castlereagh and that there were Diplock courts. Indeed, I refer to Mr Allister's insight at that time, when he said that the trial judge in this case took no prisoners. That is a good commentary on that particular time because that is what judges did then: they took no prisoners. They accepted the word of the RUC wholesale, but case after case, including this one, showed that there were torture techniques and malpractice in Castlereagh and that the Diplock courts were all too willing to accept it.

I accept that Mr Worton should be considered for compensation, but, if you accept that, you have to accept that it is a universal principle. There are other people. We cannot support the case of the UDR four being considered a miscarriage of justice.

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

Mr McCartney: The proposer did not try to enlighten us as to why that should be when a man stands convicted in that case.

Mrs D Kelly: In speaking to today's motion, I am very mindful indeed of the family of Adrian Carroll, who, no doubt, still mourn his loss deeply. It is unfortunate that, as we talk about matters of the past, we often reopen the wounds for the families who are left behind.

We have to be very mindful of that in any such debates.

It is also right to be mindful of the fact that many in the UDR lost their lives in circumstances in which they were going about their ordinary jobs elsewhere and were murdered in a very cowardly fashion. However, other members of the UDR took part in and were convicted of the murders of innocent civilians. I am sure that many Members agree with me that they were a disgrace to the uniform.

11.15 am

The case of the UDR four was always very sensitive and prominent in terms of the many murders of the past. As others have said, we have previously debated the case of Colin Worton, who seems to have had a rather peculiar set of circumstances in which he found himself to be ineligible for compensation for the time that he spent on remand. The trial judge, and indeed at other appeals, and the people examining his evidence all agreed that he was a very vulnerable person. That should have been picked up. There were early warning signs during his questioning by the police that he was a vulnerable person, and indeed evidence was submitted by the psychologist to confirm that that was the case. Therefore, one has to ask why, under the European convention, he was not afforded a responsible adult to be with him during that period of questioning. That is a point that Mr Worton, in my discussions with him, said that he wants to have noted. I ask the Minister to reflect on that.

Indeed, Mr McCartney is right about other people who have spent time on remand, given the miscarriages of justice littered across the past. That is why the SDLP sought not only the reform of the police but also that of the judicial system, so that people would have confidence in it. So what if it opens the floodgates? If people spent time on remand, away from their families, their names dragged through the mud, they are entitled to a form of compensation. Society should reflect on that, particularly in cases where the evidence against them was so poor and was —

Mr McCartney: Will the Member give way?

Mrs D Kelly: Yes, I will.

Mr McCartney: Should that be extended to all those who were interned without trial, never mind a case that — [*Inaudible.*]

Mrs D Kelly: Absolutely. I have represented people who were interned without trial and who now suffer respiratory problems because of the damp and dismal conditions that they suffered under and lived in. We have no qualms about supporting such a cause. We will not go into those days in total; I want to deal with the case of Colin Worton because I know that it is one to which the Justice Minister has, in fairness, given lengthy consideration in the past, as have Secretaries of State.

Perhaps, as the parties labour over how we deal with the past, this is an element, given the miscarriages of justice, that should be included in the talks on the Stormont House Agreement.

Mr D Bradley: I thank the Member for giving way. I agree with her that support for Mr Worton's case in no way diminishes our sympathy for the Carroll family and the great loss that they have suffered. Has the Member noted that there is a wide range of support for Mr Worton from the leaders of the main Churches; British Irish Rights Watch; the Victims' Commissioner; the Irish Department of Foreign Affairs and Trade; and the Northern Ireland Human Rights Commission, as well as substantial cross-party support in this House?

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

Mrs D Kelly: Thank you, Mr Deputy Speaker. I was not as aware as the Member of the lengthy list that he set out. It shows how many people have considered the vulnerability of Mr Worton in terms of his acquittal and the initial charging. That stands as testimony to how he, personally, feels so obliged and hurt by how he has been treated — or mistreated — by the judicial system and how he still maintains, despite all the assurances by repeated Secretaries of State, the Justice Minister and this House, that he should be regarded as innocent. He very clearly feels that he has not yet been vindicated or his name fully cleared. Recognition should be given to the length of time that he served on remand. The SDLP supports the motion.

Mr Kennedy: I welcome the opportunity to speak in the debate. I do so as a constituency representative for Newry and Armagh, and someone who has had involvement and more than a passing knowledge of this case and the personalities involved.

This has been a long campaign for justice, not only for the UDR four but for Mr Colin Worton, who is our focus today. There is no doubt that Colin Worton is an innocent man, but the justice

system has not served him well, and he has suffered as a result. I pay tribute to Colin Worton for his doggedness and for how he has pursued the issue. I also pay tribute to his wife and family — his elderly mother in particular — who have supported him in his attempts to obtain justice.

The origins of the case, which became known as the case of the UDR four, have been well documented and acknowledged as a miscarriage of justice. The individual, Mr Colin Worton, was held on remand for 30 months between 1 December 1983 and 30 May 1986, when he was acquitted after Lord Justice Kelly ruled that his statement, which was the only evidence against him, was inadmissible. Mr Worton has been seeking not only justice but compensation since 1992 and has thus far been unsuccessful.

Whatever the legal niceties, the fact remains that he has been denied justice. I have lost count of the number of meetings that I have attended with Colin Worton and members of his family. We have met senior politicians, Secretaries of State, important public figures, such as the Police Ombudsman and human rights commissioners — Monica McWilliams and others — to put forward the case. It was clear in all the many meetings that no one disputed the innocence of Colin Worton. Indeed, the Justice Minister acknowledged that in the House in a previous debate and, in part, acknowledges it again in the Alliance Party amendment. However, I believe that the amendment is flawed because it effectively rules out any potential further action on the issue of compensation for Colin Worton. In listening to the Justice Minister's response, I will be interested to hear how he proposes to address that.

There has been a huge impact on Colin Worton, his life and his family lifestyle.

Mr A Maginness: I thank the Member for giving way. The ex gratia compensation scheme, which was operated by successive Governments up until 2006, as I understand it, still applies to Mr Worton, and it is within the terms of that ex gratia scheme that the Minister of Justice, as the successor in title to the Secretary of State, can exercise that discretion. That is the nub of the matter. Does the Member agree?

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

Mr Kennedy: I thank the Member. I am conscious of his legal background, so I will be interested in how the Minister of Justice addresses his point later in the debate, in addition to the point made earlier by the Member for North Antrim Mr Allister.

Colin Worton's life has been dominated, unfortunately, by a set of circumstances beyond his control. He deserves and is entitled to proper and fair justice and, indeed, to fair compensation for what he has endured. He is also entitled to an apology and to have his good name restored.

The political and legal systems have managed to find a way of releasing prisoners early. They have managed to exercise the royal prerogative of mercy in some extremely dubious cases for even more dubious individuals. They have even managed to devise literally hundreds of get-out-of-jail-free letters to hand out to so-called on-the-runs. There is no doubt, however, that the justice system has failed Colin Worton. I urge the Justice Minister, even at this stage, to exercise his discretion and prove that common sense and fairness still have a place in the justice system of Northern Ireland.

Mr Poots: The Colin Worton case has been ongoing for many years, as has the issue around the UDR four. At the outset, I will say that all our sympathies are with the Carroll family on the murder that took place. Murder is always wrong. The position of our party is that all murder is wrong. It was never justified in any circumstance. I do not need to be prompted by Sinn Féin on when I need to express my sympathies to anyone. We stand totally with that family on the loss of their son. It should never have happened. It was wrong and they deserve the support of the public.

They also deserve justice, and justice will be done when the people who committed that murder are brought before the courts of law and found guilty of having carried out that crime. Colin Worton was not one of those people but was an innocent man who was drawn into this and held for two and a half years although there was not the evidence to support a conviction. Colin's desire to have his name cleared conclusively is something that he holds very strongly. Everyone recognises the man's innocence, but we want to see more done on that front. We would also like Minister Ford to take a look at the circumstances of the case.

I listened to the debate between Ms Kelly and Mr McCartney, and I do not think that we would be supportive of throwing the doors open for every single person who was held for a period

of time to receive compensation. The nature of justice is that people are brought before the courts on the basis of evidence that is before them and the Public Prosecution Service has a course of work to do in demonstrating that there is likely to be a conviction. I do not believe that that course of work was well applied in the case of Colin Worton, and, therefore, the circumstances are different from the discussion that took place between the two aforesaid Members, which would open the doors in a way that would lead to hundreds of millions of pounds in compensation having to be paid.

I think that Minister Ford has the ability to look at this, consider the ex gratia payments that Mr Maginness referred to and give proper reasoning and understanding to any compensation that could be paid to Mr Worton. Our sympathies are with him on what he has had to endure and the damage it has done to his life as a consequence. Indeed, it is the same for the others who were found innocent of the crimes committed against Adrian Carroll. They served many years in prison. They have had the opportunity to move on; Mr Worton has not, and our plea to the Minister of Justice is that he gives Mr Worton that chance to move on with the rest of his life.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. I oppose the motion. Like other Members said, our thoughts should be with the Carroll family, some of whom I know personally.

There are two aspects to this motion: miscarriages of justice and Mr Worton's case for compensation for the period he spent in prison. Whilst we have sympathy with Mr Worton as he was acquitted of the charges on the basis that the only evidence against him was a statement he made in Castlereagh holding centre, might I add that, in that respect, Mr Worton's case is similar to hundreds of other cases. I do not accept Mr Poots's statement that this should not be opened up to all cases. I believe that it should.

11.30 am

I question the methods of obtaining statements from Mr Worton. The methods that the police employed in Castlereagh and other holding centres were highly questionable during this period. Human rights organisations often criticised the police for obtaining statements under duress. I know many people who experienced degrading and threatening behaviour whilst in custody. Rather than focusing on one case, it would be better if the

sponsors of the motion had called for legislation to deal with all cases of this nature.

The motion states:

"This Assembly notes the miscarriage of justice in the case of the UDR four".

It must be remembered that one person was convicted of Adrian Carroll's murder. Miscarriages of justice arise from the criminal justice system of that time — a system that my community had little confidence in. Human rights organisations accused courts of turning a blind eye to dubious police interrogation practices, which routinely led to a conviction, in the shape of a confession, not to mention the dark periods of the paid perjurer era.

More recently, the blight of the miscarriages of justice has raised serious concerns about the judicial system, with the quashing of many convictions from that period. An article in a modern law review recently explored the neglected area of miscarriages of justice and suggested that they may be much more extensive than previously realised and that the level of appeals for wrongful convictions is low. However, it said that that is not a reliable indicator of justice served. The article quotes a figure of over 300 such cases that could be reviewed.

To conclude, a Cheann Comhairle, as my colleague Raymond McCartney said, if the motion had been framed in another form that sought the review of all miscarriages of justice as a result of the criminal justice system, which included dubious interrogation methods and the role of the Diplock courts, we would have supported it.

Mr A Maginness: I know that in his campaign for the pursuit of justice, Colin Worton has been persistent and, indeed, courageous. However, if he were permitted to speak here today as a Member, he would also say that he is committed to justice for Adrian Carroll. I think that that is an important thing to remember in the circumstances of this man's case and of his suffering. He did suffer. He was held in custody for 30 months, which, if he had been sentenced to five years, is the equivalent of five years' imprisonment. So, the extent of time in custody for a crime that he clearly did not commit gives rise to a very serious case of injustice. I think that all of us in the House should be supportive of his campaign, no matter about the generality of other issues with which I have great sympathy as a lawyer and as someone who has pursued in my political career human rights justice and fairness for

everybody, irrespective of where they come from in this community.

Unlike those who were convicted in the UDR four case and then acquitted, Mr Worton is unable to obtain compensation under section 133 of the Criminal Justice Act 1988. Therefore, he is thrown to the discretion of the Secretary of State — in this instance, its successor in title, the Minister of Justice — to decide whether he is entitled to compensation.

It seems clear from Mr Justice Treacy's judicial review that the central part of the exercise of that discretion is that the relevant Minister has to be satisfied that it resulted from a serious default on the part of a member of the police force or some other public authority. That, I believe, is the essential criterion involved in this case.

Mrs Foster: Will the Member give way?

Mr A Maginness: Yes, indeed.

Mrs Foster: I accept entirely what the Member says in relation to the serious default, but does he also agree with me that the judgement then goes on to say that there may be exceptional circumstances that may justify compensation? For me, there are actually two parts to that: there is the serious default element — I believe that the case falls within the serious default element — but I also believe that there is a case to be made in respect of the exceptional circumstances part as well.

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

Mr A Maginness: I accept that point, and I am grateful to the Member for highlighting it. It is important, during the debate, to reflect on that carefully, and I think that the Minister of Justice should reflect on that and reflect on it carefully. Where I disagree with the Member, if I heard her correctly, is that she does not believe that there was serious default in this instance. I think that there was serious —

Mrs Foster: I said yes, there was.

Mr A Maginness: You accept that; thank you for that clarification. There are really two grounds: one is a wider ground, which is exceptional circumstances, and the other is serious default. What I cannot understand is this: in the totality of the circumstances of the case, where three of the UDR four were acquitted by the Court of Appeal on the ground that there was manipulation or rewriting of the

confession statements, it seems to me that that represents or could represent serious default. It may well be said, "Does that affect the case of Mr Worton?". I think that it does, because you have to take the case in its totality. I do not think that you can segment the case and say, "Well, this only applied to Mr Worton. What happened to the other defendants in the case is irrelevant". I do not think that you can do that. I do not think that you can segment it.

In addition, in Lord Justice Basil Kelly's judgement there is sufficient to come to the conclusion that there was serious default. Central to that judgement was the fact that there was a vulnerable young man being questioned by the police and all sorts of things were happening, things that Mr Justice Kelly described as bizarre things — bizarre allegations and so forth. If you take those things in the round, that, in itself, comes to serious default, but, if you add the position in relation to the other defendants together with the position in relation to Mr Worton, you have grounds for serious default or, alternatively, exceptional circumstances. That should be applied in this case.

I will conclude there and simply say that we support the motion. It is important that we pursue this with vigour and that the Minister of Justice exercises his discretion positively in favour of Mr Worton.

Mr Allister: There has to be something compellingly absurd and fundamentally wrong about a situation where it would have served a man better to be convicted than to be acquitted. That really is the essence of Colin Worton's case. If he had been convicted like co-accused and subsequently acquitted on appeal, we would not be having this debate, and he would have had the statutory compensation to which he would have been entitled. However, because the case was so weak against him that it was stopped at the halfway point by Lord Justice Kelly and, on direction, he was acquitted, he is said to fall outside the statutory scheme. Even though he served precisely the same 30 months as co-accused had served, they, for that and further time, are compensated, but he is denied compensation. That is so absurd, and it is so wrong that any Minister should be stretching to the nth degree the regulations and the guidance to meet that outrageous situation.

The situation is compounded by the tone and content of what Lord Justice Kelly said in acquitting this man. He said that it was not just a matter, in his discretion, of excluding the alleged confession and added that, even if he

admitted it, he could not give any weight to it, so bad was the situation. How, in those circumstances, a previous Secretary of State and this Justice Minister could reach the conclusion that there is no serious fault on the part of those who produced that scenario is beyond me.

Mr Maginness was absolutely right to say that there is serious fault to bring Mr Worton within the statutory scheme, as well as the ex gratia or exceptional circumstance aspect. It really is a running sore for not just Mr Worton but the whole sense of justice in this community that this man for so long has been denied what has been available to others who faced, we would have to say, stronger cases, in the sense that they were initially convicted, than he ever faced, yet he spent all that time in custody. It cries out for a remedy.

We are told often that devolution is about being caring, local and bringing solutions where uncaring direct rule Ministers did not bring solutions. Sadly, in this case, the local Minister has made no difference. It is an indictment of the House and the system that something crying out for a solution has been denied one. Therefore, I strongly support the motion and reject the amendment because it seeks to pull the teeth of the motion.

I apologise to the Minister and the House that, because of another compelling requirement, I cannot stay further, but I thank you, Mr Deputy Speaker, for using your discretion in calling me.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I oppose the motion. It is very unfortunate that the proposer, along with so many people, did not make reference to the loss that the Carroll family had to endure and will still be enduring when they hear of this debate. I do not think we should view justice for Colin Worton through a separate prism from that of the Carroll family. That has been alluded to but, unfortunately, it has happened. It was pointed out by my colleagues that, while we heard at length about Colin Worton and the apparent miscarriage of justice in his case, there has been absolutely no reference by the proposer or any of those in support of the motion to its first sentence regarding the miscarriage of justice for the UDR four. That fault lies at the very heart of the motion, and it is why we cannot support it.

As was also pointed out, there needs to be a universal analysis of miscarriages of justice. Mr Allister just talked about a running sore: this is one of hundreds of running sores. We cannot simply look at one; it is not an isolated case.

Hundreds of people have been victims of police brutality, degradation and very often torture in detention centres such as Castlereagh.

Lord Morrow: Will the Member give way?

Mr Hazzard: No, I will not give way on this. Colin Worton's case is a window through which we can look at the entire rotten lot: a wholly flawed judicial system at times, including Diplock courts, police brutality and intimidation, when people's vulnerabilities were pressed on by what can only be described as bullies in darkened rooms. That is something that human rights organisations, Church leaders and everybody else have flagged up, so to simply pinpoint one case and say that it is all we will look at and all that deserves treatment is wrong.

Of course we have sympathy with Mr Worton. I was not alive when the case first raised its head, but, looking back at the files and the information, you can only have sympathy for what Mr Worton has gone through. It is not an isolated case, but it provides a window that we need to look through.

We need to shine a light on the whole lot if we are to afford justice to everybody who has suffered such miscarriages of justice. I will not support the motion or the amendment.

11.45 am

Mr Ford (The Minister of Justice): Let me begin by stressing that, at the heart of all our discussions about Colin Worton and the UDR four's case, is one important fact that is not in dispute: Adrian Carroll was murdered on 8 November 1983. Every time we discuss the issue, we add to the burden that his relatives and friends bear from that dreadful time. I have no doubt that this debate will create difficulties for them, as, indeed, it will for Colin Worton and his family.

The murder trial took place in 1986. Let us remember that, after exhausting the judicial process, one man, Neil Latimer, served 14 years before he was released under the Good Friday Agreement. Three others — Noel Bell, James Hegan and Winston Allen — were convicted but had their convictions quashed in 1992.

Jim Allister — I acknowledge that, unlike some others, he at least apologised to me and to the House that he would not be here for my speech — said that Colin Worton had served the same time as the other three: he did not. He served the same time pre-trial as the three who were

convicted and had their convictions quashed. They served a period post-conviction, and that is the basis for the compensation scheme.

In Colin's case, the trial judge had first to decide whether to admit the only evidence that was put forward against him: his confession. After thorough consideration, with detailed oral evidence from Colin, the police and expert witnesses, the judge concluded that that confession should not be admitted. He did, however, conclude that there was nothing improper in the police questioning of Colin Worton. That point was reconsidered in the judicial review of the Secretary of State's decision to refuse compensation, which was held in February 2010. Unlike the four co-accused, Colin Worton was not convicted, as many have said: he was acquitted at the initial trial. He is innocent in the eyes of the law, but being innocent in the eyes of the law is not the test that applies for compensation in this jurisdiction or elsewhere in the UK. He was released immediately and returned to serve in the Ulster Defence Regiment for the remainder of his contract.

Mr Worton was held in custody for two and a half years awaiting his trial. It is fundamentally important that those charged with crimes should be held in custody only when it is absolutely necessary, that their continuing remand is periodically tested and reviewed and that they be brought to trial without undue delay. Delays in delivering justice are always deeply regrettable, which is why an extensive programme aimed at speeding up justice is now in place.

The motion specifically calls for me to provide redress for Mr Worton. I am aware that he has sought financial compensation for many years. Prior to the devolution of justice, several Secretaries of State considered his case on a number of occasions and concluded that he did not meet the criteria for either of the compensation schemes that were then in place. Following devolution, I first met Colin to discuss his application in October 2010. I explained to him the factors that lay behind the previous decisions and that I would necessarily have to give regard to the same eligibility criteria as those behind the consideration of compensation by the Secretaries of State. However, I said that I would certainly look at the decision, particularly in light of any new material being available. In particular, I wanted to consider any relevant material from the Historical Enquiries Team's report on the murder of Adrian Carroll. Following receipt of that report, it was confirmed that the review did not provide any new information relevant to Colin's case.

As I promised, I explored all aspects of the case and had no legal option but to refuse his claim for compensation. I met Colin on 17 April 2013 to confirm my decision with him in person and to explain the reasons for it. The key issue is this: the statutory compensation scheme applies only to people who have been convicted. Although Colin spent two and a half years on remand, he was not convicted by the court, unlike the four men who were tried with him. Compensation is not available on the basis of a charge dropped or an acquittal secured. If that were the case, every failed prosecution could attract an award. Last year alone, my Department would have been responsible for compensating over 2,000 adults who were acquitted by the courts in Northern Ireland. I simply cannot provide compensation to Colin Worton without changing the entire basis of the scheme as it applies across the whole of the UK.

While an award under the statutory scheme was clearly not available, I also explored whether an ex gratia payment of compensation would be appropriate. An ex gratia scheme operated prior to 2006, as other Members have said, but it was closed to new cases from that year on. Nonetheless, I considered whether an exceptional case could be made for making an ex gratia payment in line with the terms of that previous scheme. However, my review concluded that Colin's case also failed to meet the criteria for the ex gratia scheme. The fact that Colin had challenged the Secretary of State's refusal by judicial review but was not successful was an important factor that I had to consider. The judge agreed that the requirements of the ex gratia scheme had not been satisfied. I also consulted the Department of Finance and Personnel to determine whether there was any scope to make an ex gratia award. However, I had no evidence to present to DFP that might help to justify the payment of such an award. DFP was unable to provide approval, as Colin did not qualify for the statutory scheme, and there was insufficient justification to provide an ex gratia payment, as the Department was not at fault.

Shortly after our meeting in 2013, Colin submitted an FOI request and was provided with copies of all the information held by my Department relating to my deliberations of his case and his claim for compensation. Colin's solicitor then contacted me, asking me to provide adequate reasons for Colin to understand how I had arrived at my decision. I trust that the response to that letter provided Colin and his lawyers with all the information that he required to conclude that I had made a careful and detailed consideration of all the

relevant aspects of his case before making my decision. Colin had the right to apply for a judicial review and ask the court to review my decision, but he did not do so.

The general principle behind any payment of compensation is to make reparation where the normal machinery of justice has demonstrably failed the accused person. In Colin's case, the due process of law occurred, and he was acquitted at first trial. From my discussions with Colin, I very much recognise the pain and hurt that he has described to me, and I was happy to state publicly in the Assembly for the comfort of Colin and his family that there was no stain on his character: he was acquitted by the court. I am happy to restate that today, for the benefit of the House and others: there is no stain on Colin Worton's character; he was acquitted by the court.

I appreciate that my decision to refuse compensation was disappointing to Colin, but I repeat that I have given careful and detailed consideration to all the relevant aspects of the case. Colin has been provided with all the papers held relating to the information that I considered as part of my deliberation, and my decision has been explained fully to him in person and in writing. I therefore have no further avenues to explore in the case. I appreciate that that is not the answer that Colin and many in the House, including most of those who have spoken today, want, but I hope that the House will understand that the matter has been considered fully by me and that, unless new evidence is available, it is not possible for me to reconsider the case. I cannot, therefore, accept the motion.

References were made during the debate to the discretion of the Minister. The discretion of the Minister is not to pick and choose individual cases as he sees fit; it has to be discretion within guidelines that is applied uniformly in all appropriate circumstances. Whatever sympathy we may have as individuals, there is no ministerial pick-and-choose discretion in that respect. Danny Kennedy said, "whatever the legal niceties": I am very sorry, but, as Minister of Justice, I have to adhere to the legal niceties. As a private individual, I may have sympathy for lots of people in different cases, but, as Minister, I have to go with the legal niceties.

Mr Kennedy: I am grateful to the Minister for giving way. Use of the term "legal niceties" is one thing, but, fundamentally, there remains a question for the Minister to answer: is he prepared even to consider some legislative amendment that will provide the opportunity to correct the clear injustice to Colin Worton? Is

the Minister open at least to exploring that today, given that a large majority of Members have indicated their support for the cause and case of Colin Worton?

Mr Ford: I thank Mr Kennedy for his point. I must confess that I did not realise that he could read my handwriting over my shoulder as effectively as he has done.

The issue of whether there would be a different scheme is one that the House may wish to consider, but it has to consider it in the context of what is being done to deal with the past under the Stormont House Agreement. It is not something — this is a point that Mrs Kelly made — that could be introduced solely for one or two difficult cases, and it is clear that there is no immediate and easy consensus in the House on that point.

Mr A Maginness: I thank the Minister for giving way. I understand what the Minister says about legal niceties and so on and support him in that, but at the nub of this is whether the Minister can exercise his discretion. I believe that he can exercise his discretion positively by looking at the circumstances of the Worton case and coming to the conclusion that there was serious default by the police. Are you suggesting to the House that there is no substance in that proposition?

Mr Ford: I appreciate the point that Mr Maginness makes, but my advice, on the basis of the remarks made by the trial judge that there was no improper behaviour on the part of the police and on the basis of the decision in the judicial review relating to the Secretary of State's previous refusal to award compensation, is that it is not possible to make that case of serious default. That is why, having explored all the information that has been put before me in the almost five years since the case was raised with me, I do not believe that there is discretion open to me.

Mrs Foster: Will the Minister give way?

Mr Ford: I will give way.

Mrs Foster: If one looks at the judgement in the judicial review case, one sees that it is a very narrow judgement. It looks at whether the Secretary of State had the right to exercise or not exercise his discretion. The judge is not saying whether he believes that there was a serious default or whether there were exceptional circumstances, because that is for the Secretary of State at the time to determine, not the judicial review judge. I argue very

strongly that it is still within your discretion as Minister of Justice to deal with the case.

Mr Ford: I appreciate Mrs Foster's point, but my advice is that the remarks at the initial trial were that, even though he rejected the statement by Mr Worton, the judge did not state that there was improper behaviour on the part of the police. That would have been a serious point. The precise details of that are difficult for us to get to almost 30 years on, but that was part of the information that was put to me. That is where I believe that, if we are to look at something that will provide compensation for Colin Worton, it is an issue that the House will have to address within the Stormont House Agreement discussions, looking at wider issues of the past and recognising that it would take into account a very significant number of cases. There would also be the significant issue of the retrospective effect of legislation, which is not something that the Department of Justice could promote unless it was done in the context of wider arrangements for looking at the past. That is why I believe that it is not possible, with all the information that has been placed before me, to provide specific, individual compensation for Colin Worton at this stage. That is why I believe that the amendment moved by my colleague Stewart Dickson accurately reflects the position as it stands today, and that is why I believe that the amendment is a more accurate reflection of the position than the motion. I cannot support the motion as it stands.

Mr Dickson: I do not intend to take a great deal of time, other than to remind the House once again that there are two families today who are living through this debate. There is the family of Adrian Carroll and the family of Colin Worton and, indeed, Colin Worton himself.

By way of summing up, I acknowledge the measured way in which all Members have contributed to the debate. However, they also need to acknowledge the situation that the Minister of Justice finds himself in. Today, he has given the House a clear and concise setting-out of the position he has as Minister and in the role that he holds in the Department of Justice in respect of the case. He has also reminded us that to deal with this case the House and wider society in Northern Ireland need to be able to come together to deal with the very complex, very difficult, very hurtful and very important issue of how we deal with the past as a society.

12.00 noon

I do not think I can go any further this morning in this case than by repeating the words of the Minister of Justice:

"there is no stain on Colin Worton's character; he was acquitted by the court."

Thank you.

Mrs Foster: The case of Colin Worton, of course, has received widespread support. We heard a list from Mr Bradley of those who have seen fit to support Colin in his long fight for justice over 30 years, and we continue to support him in that fight for justice.

The motion today is about what happened in November of that year. It is specifically about Colin Worton and the particular circumstances of his case, in the context of the UDR four case. There have been some spurious reasons given by Sinn Féin for why they cannot support the motion today — very spurious indeed and nearly as spurious as some of the moral authority we had from them in relation to the many deaths that occurred over the past 35 to 40 years. That fact was reflected by Mrs Kelly when she acknowledged that many murders had been committed over the years, many of them by the IRA, who, of course, murdered Roman Catholics and Protestants alike throughout Northern Ireland. I want to acknowledge the brutal murder of Adrian Carroll and the pain and grief that that caused his family, his friends and the community at that time and, indeed, continues to cause pain to his family.

This debate is the continuation of an Adjournment debate that took place in June 2011 and is an attempt to secure justice and compensation in the particular circumstances of Colin Worton's case. Stewart Dickson moved the amendment making the case that the Minister had an inability to provide compensation to Mr Worton. I hope that, as I continue with my comments, I can point out that that certainly is not the case and that there is a discretion for the Minister to exercise. Whilst he may not be able to deal with Mr Worton's case under the statutory scheme — that is accepted because Colin was never convicted of a crime — there is still a way in which he can deal with the case.

Many Members spoke, including Members from Colin's constituency. Mr Kennedy rightly reflected the wider family support that Colin has received over the years and the fact that he is entitled to have his good name restored. Mr Poots related that all murders are wrong and helpfully pointed out the particular

circumstances of Colin's case, as opposed to the scattergun approach that some would seek to take in relation to the case.

Mr Maginness talked about the ex gratia scheme, and it is that that I want to concentrate on. I would firmly argue that there are two elements to the ex gratia scheme: the serious default element, which was referred to in the judgement, and the fact that Lord Justice Kelly, at that time, did not believe that there were improper actions by the police. That is accepted. That does not necessarily mean that there was not serious default. When one looks at the circumstances of the case, one sees that, as Mrs Kelly pointed out, there certainly should have been somebody present with Colin Worton when he was being interviewed by the police. If that had happened, he might not have been in the situation that he found himself in, so I would say that the circumstances of the case lead to a serious default.

Even if the Minister feels that he cannot act for whatever reason on the serious default, he could still act under the part of the scheme that deals with exceptional circumstances. Again, I appeal to the Minister. I have to accept that he has received legal advice from officials on the matter, particularly on the judicial review case, but I urge him to seek further legal advice on the matter in the context of what I put to him today. That judicial review was on the exercise of the Secretary of State's discretion; it was not on whether it met the ex gratia scheme. Wade's 'Administrative Law', which is the textbook on the issue, says that, whilst discretion is not unfettered, it can be wide or narrow. I argue firmly that you have a wide discretion to act in this case. Bearing in mind the comments that have been made around the House today, I hope that you, Minister, will exercise your discretion again and will look at the particular circumstances of the case. In doing so, I hope that you will recognise that this is a very particular circumstance and that Colin Worton deserves to have the case looked at again.

Question, That the amendment be made, put and negatived.

Main Question put.

The Assembly divided:

Ayes 54; Noes 27.

AYES

Mr Agnew, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr I McCrea, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mr McKinney, Mr McNarry, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr Clarke and Mr G Robinson

NOES

Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Hazzard and Mr Lynch.

The following Members voted in both Lobbies and are therefore not counted in the result: Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle

Main Question accordingly agreed to.

Resolved:

That this Assembly notes the miscarriage of justice in the case of the UDR four; recognises the particular circumstances of Mr Colin Worton in relation to the case and that he served over two and a half years in custody on remand before the case against him was dropped and he was released; further notes the Minister of Justice's comments on the miscarriage of justice, the innocence of Mr Worton and the significant detrimental impact on Mr Worton; and calls on the Minister of Justice to seek urgently to address this miscarriage of justice by exercising his discretion to provide redress for Mr Worton.

Mr Deputy Speaker (Mr Beggs): The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend

the sitting until 2.00 pm. The first item of business when we return will be Question Time. The sitting is, by leave, suspended.

The sitting was suspended at 12.21 pm.

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

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Credit Unions: DETI Support

1. **Mr McElduff** asked the Minister of Enterprise, Trade and Investment for an update on her Department's efforts in supporting local credit unions to expand the range of services they offer. (AQO 7919/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): My Department has been working closely with the sector in identifying appropriate updates to Northern Ireland legislation. That will be achieved by way of the introduction of an Assembly Bill. The Bill will remove restrictions on Northern Ireland credit unions and thereby permit them to expand further the range of services that they offer to reach out to new groups. Following a public consultation in the summer of 2013, I wrote to the Enterprise, Trade and Investment Committee in December 2013 with policy proposals for the legislation. Following a number of queries raised by the Committee, which have now been answered, I hope to bring the draft Bill to the Executive in early May 2015, with a view to its introduction in the Assembly soon after.

Mr McElduff: Go raibh maith agat. I thank the Minister for her reply, particularly her reference to the notion of removing restrictions. Has the Minister or her Department given consideration to enabling credit unions to provide financial support to local businesses, most typically small and medium-sized enterprises (SMEs)?

Mrs Foster: Absolutely. Indeed, part of what we hope will be achieved by the Bill is that services from the credit unions will be more widely available. I say that also in the context of the fact that there have been a number of bank closures in rural areas over the past period of time. I recognise that that can be a difficulty, particularly for individuals and small businesses who perhaps do not have cause to go to the larger towns where the banks are now situated. It was an issue that was acknowledged by the Northern Ireland Affairs Committee report on banking, which recognised

that the banks' position is that closures are inevitable due to a decline in branch transactions and that that could potentially leave customers financially excluded, particularly those in rural areas. I am sure that that is an issue that the Member, bearing in mind his constituency, which is like my constituency, will have concern about. I hope that post offices, in particular, and credit unions will be able to fill that gap.

Mr Dunne: I thank the Minister for her answers today. I think that we all recognise the need for the change in legislation and the reform to credit unions, and that we all see it as being very important. Will the Minister give a firm commitment to the House that she will do all she can to get those amendments pushed through in the current mandate?

Mrs Foster: It has always been my hope and desire that we will be able to do that. As I have indicated, the Committee has finished its stage, and, hopefully, I will be able to take a paper to the Executive in May of this year and then introduce the matter into the House. I know that time may not be on my side in relation to the matter, but I am hopeful that we will be able to deal with it in this mandate.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. Are there any additional measures that her Department can take to encourage more people to use credit unions rather than going to payday loan companies?

Mrs Foster: That is an issue that has caused us grave concern, particularly through the work that we have carried out in our financial capability strategy; there are those who feel that they have no other option. We are not that concerned about payday loans — even though they can cause grave difficulties, they have their place — it is the loan sharks and the unregulated loans that cause us the deepest concern.

The Department for Social Development and my colleague Minister Storey have been looking at ways in which they can work with the credit union movement to allow people who are perhaps on low income to access financial products. That Department is engaged in running two pilots to try to see what support is required by credit unions that may need help in relation to the provision of longer opening hours, training for staff or volunteers, and marketing material. The second proposal is to look at the feasibility of supporting credit unions to provide enhanced banking services and

products in the context of benefits. My Department, DSD and DARD have all been engaged in working with the credit union movement and that will be the case in future as well.

Mr Deputy Speaker (Mr Dallat): Before we proceed to question 2, Members should note that questions 7, 12 and 13 have been withdrawn.

Inward Investment: Derry/Strabane

2. **Ms Boyle** asked the Minister of Enterprise, Trade and Investment how her Department intends to work with Derry City and Strabane District Council to attract greater levels of inward investment to the area. (AQO 7920/11-15)

Mrs Foster: My Department has engaged extensively with the former councils in the north-west to understand the local investment proposition and will continue to do so with the new council. In addition, Invest NI's international investment division intends to hold a planning meeting in Londonderry at the end of April 2015. The programme will include meetings with council officials, university and college representatives and other stakeholders, with inward investment at the top of the agenda.

Ms Boyle: I thank the Minister for her answer. Will she, along with Invest NI, continue to meet council representatives and officials to agree targets and outcomes for inward investment? Expanding on the theme of investment, is she in a position to give an update on the business park in Strabane?

Mrs Foster: I thank the Member for her question. We will continue to work with the new council, as we did with the previous two councils. She may be aware that Invest NI has agreed to co-fund the development of the integrated economic strategy for the new Derry City and Strabane District Council area, which I wholeheartedly support. I was also delighted to see the new app promoting Strabane as an investment destination launched on 10 March this year. It has highlighted the inward investments that are already there and, on the Member's second point, it has made everyone aware of the fact that land is available in the Strabane area that can be marketed to inward investors as well as investors within Northern Ireland who may wish to set up business in Strabane.

Mr Buchanan: I thank the Minister for her answers so far. Does she agree that the extension of the gas network to the west will not only be a significant boost to existing businesses but will be an attraction for new businesses and a help to inward investment in the west?

Mrs Foster: Of course, I am particularly delighted to see the progress that is being made in relation to the gas to the west project. Ms Boyle's first question was about Strabane, and it is to Strabane that the gas network will be extended first. Work will commence on that part of the pipeline later this year, with the first customer, we hope, connected in 2016. The main pipeline works to provide for the connections in the west for the other part of the gas to the west project — to Dungannon, Coalisland, Cookstown, Magherafelt, Omagh, Enniskillen and Derrylin — are planned to commence in 2016 and should be completed in 2017. We should be cognisant of the importance of this piece of infrastructure because it will give individuals a chance to connect to natural gas and will be part of the investment story for the west of the Province. It is something that we should all welcome.

Mr Gardiner: Does the Minister agree that attracting inward investment should remain primarily an Invest Northern Ireland role but that the new super-councils, with their enhanced economic development role, can make their areas more attractive places in which to do business?

Mrs Foster: Absolutely, and that is the point that I have been making for quite some time. The new super-councils have a very much enhanced role with the new powers that they have been given, particularly in relation to the Start a Business programme and social entrepreneurship and, indeed, others who want to start up, particularly young people. The new councils have been given powers in that regard as well and overall in the sense of promoting their areas as a good place in which to do business. I am sure that he was delighted to see the announcement that we made just recently in Craigavon, where 320 jobs were announced for his area. That was a tremendous announcement, which I was very pleased to make.

Economic Inactivity

3. **Mr Sheehan** asked the Minister of Enterprise, Trade and Investment, given that the most recent labour force survey shows the working age economic inactivity rate at 27.8%,

how her Department is assisting people who are economically inactive. (AQO 7921/11-15)

Mrs Foster: My Department and the Department for Employment and Learning, in conjunction with the Department for Social Development, the Department of Health, Social Services and Public Safety and Invest NI, have developed a draft strategy to reduce the high levels of economic inactivity in Northern Ireland. The draft strategy seeks to help key economically inactive groups make the transition towards, and into, the labour market. The draft strategy is currently with the Executive for consideration. Once agreed, we will commence implementation at the earliest opportunity.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for her answer. I am sure she will be aware that west Belfast has one of the highest rates of economic inactivity across these islands. Can the Minister tell us what specific actions are being taken to create job opportunities for people in west Belfast?

Mrs Foster: I am pleased that Sinn Féin has now agreed to allow the matter to go on to the Executive agenda and that we will be able to have the matter before the Executive, hopefully on Thursday, because the strategy has particular actions in it that I think will be of use to the Member in his own constituency and, indeed, to many members across Northern Ireland. It will have competitive pilot testing of innovative ways to try to deal with the economic inactivity that persists as a legacy issue for Northern Ireland. It is also going to establish and facilitate a strategic forum to oversee strategic delivery issues.

Whilst the Member makes the point about west Belfast — I acknowledge the point that he makes in relation to economic inactivity there — the latest figures show that there has been a sustained fall in the number of people claiming unemployment benefits in west Belfast since 2013, something that I hope he will welcome, as I do, but there is much more work to be done. With the strategy in place, hopefully, after the Executive meeting this week, it is something that we will be able to take forward.

Lord Morrow: Can I ask the Minister something in relation to the question that has been asked? Surely there is something hypocritical about Sinn Féin's position in relation to welfare reform. Many from that

constituency are being deprived because of the inactivity and inaction of the party opposite.

Mrs Foster: There is no doubt that the inertia that seems to have arrived within Sinn Féin at the moment in dealing with the Stormont House Agreement is something to be deeply regretted, because I believe that we need to get on and deal with the issues that were agreed back in December. That will free us up to deal with all of the issues on the agenda, including corporation tax, because, of course, we have not had the opportunity to set the date and the rate as yet because we are in a state of limbo in relation to corporation tax until the welfare reforms, which were agreed in December, are implemented.

Mr Swann: Minister, there is a target in the Executive's economic inactivity strategy of an employment rate of over 70% by 2023. Does the Minister think that that will be achievable?

Mrs Foster: Yes, I do, particularly if we are able to continue on the route of the devolution of corporation tax, because, as I am sure the Member is aware, the studies from the Northern Ireland Centre for Economic Policy — now the Ulster University Business School — indicate that that is going to grow the economy by 10% or 11%, so that will allow us to employ more people right across Northern Ireland and will deal with some of the legacy issues that we have had to deal with over the past period. It is true that we have the highest level of economic inactivity in the United Kingdom. Next to us are Wales, with 25.6%, and the north-west of England, on 24%. We currently stand at 27.8%, and that is something that we need to tackle. We have recognised that and, with the strategy in place after the Executive meeting this week, we hope we will be able to move forward.

Mr Allister: Does the Minister agree that the Member who asked the question and his party, by opposing all aspects of welfare reform, are in fact blocking any incentivising of the economically inactive into work? Does she accept that incentivising the economically inactive into work has to be part of a viable economic strategy?

Mrs Foster: I do think that we have to look at new and innovative ways to try to incentivise people into work. There are those who are not in work at present because of deep-seated problems — some of them mental health problems. Issues need to be addressed. That is why the Department of Health, Social Services and Public Safety was involved in the

formulation of the strategy. There is no doubt that there are also those on welfare who do not believe that it would benefit them to go into work because it would disadvantage them. We need to incentivise those people into work, because work is not just good for bringing home a wage at the end of the week or month but is good for one's mental health. To be able to engage in gainful employment is good generally for the society and community within which people dwell.

2.15 pm

Trade: Island-wide Returns

4. **Mr Boylan** asked the Minister of Enterprise, Trade and Investment to outline her proposals to ensure that local businesses secure greater returns from island-wide trade. (AQO 7922/11-15)

Mrs Foster: The all-Ireland market is an important market for many of our businesses, large and small. Specific industry sectors, such as construction and food, continue to deliver significant sales across the island. Invest Northern Ireland works directly with many of these businesses to support and assist their export plans.

The trade and business development body InterTradelreland offers practical cross-border funding information, advice and support to small and medium-sized industries in both jurisdictions and continues to develop an environment in which the Republic of Ireland and Northern Ireland cooperate to ensure that SMEs are making full use of cross-border opportunities to drive competitiveness, growth and jobs. InterTradelreland also supports businesses, through its innovation and trade programmes, to take advantage of North/South cooperation opportunities to improve capability and drive competitiveness, jobs and growth.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. Has she any other proposals to ensure that we maximise the trade potential of local firms?

Mrs Foster: Around two thirds of small and medium-sized companies already take their first step into exporting by working with their nearest neighbours in the Republic of Ireland. That is their first step into the export market. Indeed, 90% of Northern Ireland exporters took their first step into exporting by trading across the border first and then looking to new and different markets. There is a very healthy

cross-border market ongoing. Of course, InterTradelreland and Invest Northern Ireland will continue to help those companies who want to take that first step.

Mr McKinney: Can the Minister outline what discussions she has had, if any, with the Irish Government and others on the proposed cuts to the budget of InterTradelreland?

Mrs Foster: Well, they are not proposed cuts: those cuts are already in place. They were agreed at the last inter-trade sectoral meeting. I think that my counterpart, Richard Bruton, understands the issue with regard to Northern Ireland, because they went through a similar issue in the Republic of Ireland a number of years ago.

Mr Givan: What impact is the fluctuation in the exchange rate — the strengthening pound and the weakening euro — having on our local economy, the Republic of Ireland and across Europe?

Mrs Foster: Given the answers that I have just made about the number of firms and the percentage of firms that take their first step into exporting by working across the border, it is a very difficult picture at the moment because a stronger pound makes our goods and services more expensive in the eurozone market, not just in the Republic of Ireland. As well as for goods, it is the same for tourism. When considering destinations, of course tourists are usually price-sensitive. It could be a barrier to those people who are perhaps looking at coming to Northern Ireland from the eurozone.

However, on a positive note, goods and services, such as energy and food, which we import from the eurozone will of course be cheaper for businesses and households in Northern Ireland. I suppose that it is a bit of swings and roundabouts, but we totally understand that, for those people who are doing business across the border, it is very difficult at the moment.

Broadband: Superfast Uptake

5. **Mr Moutray** asked the Minister of Enterprise, Trade and Investment for an update on the local uptake of superfast broadband. (AQO 7923/11-15)

Mrs Foster: According to Ofcom's latest infrastructure report, at June 2014 the number of premises that had taken up superfast broadband services in Northern Ireland stood at

22%, having risen by some three percentage points on the previous year. That is on a par with the take-up in England and considerably above that of similar services in Scotland and Wales.

Mr Moutray: I thank the Minister for her response. It is encouraging to know that we are on a par with other regions of the United Kingdom. Will the Minister expand on that? Is she aware what the take-up in Southern Ireland is?

Mrs Foster: I do not have the figures for the Republic of Ireland because we work in the United Kingdom system. Ofcom looks at how the regions of the UK are doing. Wales and Scotland, particularly, sometimes look at Northern Ireland with envy in relation to some of the schemes that we have been able to roll out, whether it is the Northern Ireland broadband improvement project; the Superfast Rollout programme, which we began in February of this year; or the SuperConnected Cities programme, which we hope to expand beyond Londonderry and Belfast and into the rest of Northern Ireland. So there is quite a lot going on in relation to broadband. We make no apology for that because we want to retain our position as number one in the UK.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answers so far. What level of investment in superfast broadband is provided in Newry and Armagh?

Mrs Foster: The Superfast Rollout programme is a £17 million programme that has just begun, and its coverage will be extended to over 38,000 premises by 2017. As it has just begun, we do not have the figures for Newry and Armagh at present.

The SuperConnected Cities programme started life as a voucher scheme in Belfast; businesses could apply for a £3,000 voucher. It was then rolled out to our second city, Londonderry, and now it will be available for councils across Northern Ireland to bid into. I encourage councils in the Member's area, or in the area of any other Member, to apply to the SuperConnected Cities programme. That name is a misnomer: it started life as a cities' programme, but it will now be available right across Northern Ireland.

Mr Byrne: How happy is the Minister with the various schemes that DETI and DARD have tried to promote over the last number of years? There are still queries about reliability and speeds. When can we have 100% coverage of

fixed-wire fibre-optic cabling throughout Northern Ireland?

Mrs Foster: It will be a long time before we have 100% fibre to every home in Northern Ireland. What we are trying to do at the moment is ensure that there is fibre to cabinet in some of the schemes that we have been involved in. Fibre to the home is more expensive again. We want to ensure, through the broadband improvement project, which is still ongoing and which does not finish until the end of this year — and I accept that there are still some areas have to be dealt with — that people have a basic broadband in certain areas where there is no service and improve broadband services where choice is poor or speeds are low. That is what we are engaged in at present. I must say, however, that it will be a very long time before we have fibre to every home in Northern Ireland.

Councillors: Training

6. **Mrs Overend** asked the Minister of Enterprise, Trade and Investment to outline the training her Department provided to local councillors in advance of the transfer of new economic powers. (AQO 7924/11-15)

Mrs Foster: As a statutory partner in community planning, Invest Northern Ireland has been actively working with council officials and elected representatives on the transfer of functions and its community planning activities. While no formal training has been provided to local councillors in advance of the transfer of new economic powers, both my Department and Invest NI are committed to continuing to provide as much ongoing support and guidance as may be required.

Mrs Overend: I appreciate that officers have a crucial role to play in this. Will the Minister liaise with the Minister of the Environment on training needs for councillors and officers? A lot of attention has been paid to planning powers in the new councils.

Does the Minister agree that the new local economic development powers are equally important for the new councils?

Mrs Foster: The new powers that are being devolved from Invest Northern Ireland relate to enterprise awareness, the start-a-business activity and social enterprise. I acknowledge that they are not as comprehensive as the new planning powers that are being devolved from the Department of the Environment. Because

of our network of offices across Northern Ireland, Invest Northern Ireland officials stand ready to work with council officials or, indeed, council members across Northern Ireland. If a request in relation to training comes in, which has not happened to date, I am sure Invest officials will try to facilitate that.

Mr I McCrea: Will the Minister outline what funding has been allocated to councils to help them with the devolution of the powers and what role parts of her Department will have in respect of community planning?

Mrs Foster: The original allocation to the 11 councils was £3.55 million, but, as a result of budget restructuring, that has been subject to a reduction. The reduced amount transferring is £3.01 million. As I have indicated, economic powers transferring from Invest NI include functions in relation to enterprise awareness, the start-a-business activity and social enterprise. It is for individual councils to decide how they wish to exercise those powers. Some may wish to continue with the start-a-business programme. They will have to procure a new contract in relation to that, as it ends, I think, in October this year. They may want to do things in a different way that will suit their agenda and their rural area, but we stand ready to help in any way we can from a strategic point of view.

Mr A Maginness: I thank the Minister for her interesting answers. Does she envisage that the devolution of more economic power to councils will continue over the years? It seems to me that the local council, particularly in rural areas, has an important and pivotal role to play in economic development.

Mrs Foster: It is too soon to answer that question, because the new powers have just been devolved. It will be interesting to see the way in which they develop over the next couple of years. Invest will be very much part of the community planning process at each of the council area levels, so there is that connectivity between regional level and the local council area. I referred to the app that has been set up in Strabane: it is a piece of collaborative working between Invest NI and the new council, which was in shadow form at that time. I will be happy to look, in the future, at what else can be devolved, but, at the moment, we have devolved some powers, and we wait to see how they will be exercised.

Businesses: South Antrim

8. **Mr Girvan** asked the Minister of Enterprise, Trade and Investment to outline the number of

new businesses in South Antrim since 2010. (AQO 7926/11-15)

Mrs Foster: Invest Northern Ireland releases information at subregional level following each financial year end. Therefore, the most up-to-date figures available show that, between 1 April 2010 and 31 March 2014, Invest NI offered support to 428 start-up projects in the South Antrim constituency area. Of those projects, 400 were supported indirectly by Invest NI through the regional start initiative, formerly known as the enterprise development programme.

Mr Girvan: I thank the Minister for her answers thus far. My supplementary question relates to businesses which, probably, have had a major turnaround. I think in particular of Mivan Marine Ltd: this time last year, it was in bankruptcy. It is a good news story. Is there any more information on how that is progressing?

Mrs Foster: Indeed. I commend Brian McConville and his team in Mivan Marine Ltd. I was due to visit Brian and his team, but, unfortunately, due to a death in the family I was not able to attend. The junior Minister attended in my place, and I understand that things are going well. In its first year of trading, Mivan Marine Ltd achieved profit with a turnover of £9.7 million to the year end — December 2014 — and currently employs 99 full-time staff. That is good news for Antrim and for Mivan in particular, because, as the Member rightly says, it was a very different story some 12 months ago.

Mr Deputy Speaker (Mr Dallat): Order. That ends the period for listed questions. We will now move on to topical questions.

2.30 pm

Construction Industry

T1. **Mr Boylan** asked the Minister of Enterprise, Trade and Investment whether she can confirm that there has been a slight increase in activity in the construction industry, given that that industry has traditionally provided a lot of employment, and to state how we can ensure that we retain our local young tradespeople rather than losing them to places such as America and Australia. (AQT 2341/11-15)

Mrs Foster: I recognise that it has been a concern of Members that skills may be lost in the construction arena, with young people in particular emigrating to other parts of the world

because of the lack of construction jobs in Northern Ireland. It is a challenge for the Minister for Employment and Learning and me to ensure that those skills are retained and that we continue to provide them into the future. We may find ourselves in a situation where we have skill gaps in the future because young people have left. We need to be very aware of that and to make sure that we continue to train young people in those jobs. Although construction was down again in the last quarter, I believe that there are signs that things are beginning to pick up. Certainly, for the first time, I am seeing construction projects start all over Northern Ireland.

Mr Boylan: I thank the Minister for that answer. What assistance can she provide, through talking to other Ministers, to ensure that local firms can access capital projects through the public procurement process? Go raibh mile maith agat.

Mrs Foster: Of course, the public procurement rules are sometimes a mystery to all of us. Through InterTradelreland, we have established a go-to-tender programme that allows companies in Northern Ireland to bid in to procurement projects in the Republic of Ireland and vice versa so that they can access those projects on the island. We have supported companies that continue to work here. They may perhaps be engaged in projects in Great Britain at the moment, but they keep their design facilities and intellectual property here in Northern Ireland. We will continue to work with the construction industry.

JTI Gallaher: Future

T2. **Mr Swann** asked the Minister of Enterprise, Trade and Investment for an update on the work of the Executive-appointed task force, of which she and the Minister for Employment and Learning are members, that was created to see a future for the JTI Gallaher's site and workers in Ballymena. (AQT 2342/11-15)

Mrs Foster: First of all, we were not appointed as a task force; we were appointed as the two responsible Ministers to liaise with the management and workers at Gallaher. We have continued to do that. As he will be aware, a proposal was put forward between the workers and the local management to the management in Switzerland. That was rejected, and, therefore, Gallaher's management has decided to proceed with the plant's closure on a phased basis. I understand that it has made packages available to staff, and that process is ongoing.

Mr Swann: I thank the Minister and apologise for using the term "task force": it was incorrect. The Minister will be aware that I have sort of explored the possibility of creating the area as an enterprise zone. I know that in the past the Minister has said that it is not her responsibility but that of Westminster. Matthew Hancock MP from the Department for Business said that it is up to the Executive to approach it, and Danny Alexander MP from Her Majesty's Treasury says that it is up to the Executive to ask the British Government whether they would create an enterprise zone in any area in Northern Ireland. Would the Minister still be willing to explore that as an opportunity?

Mrs Foster: As the Member knows, the pilot enterprise zone has still to be designated in Coleraine. Whilst there has been progress on the matter recently between the council and, indeed, the private sector in Coleraine, it remains outstanding. Therefore, we need to deal with the matter in front of us, which is the Coleraine enterprise zone.

This enterprise zone is a different creature to the enterprise zone creature that was available back in the 1980s. We have planning policy devolved to Northern Ireland; indeed, it is now devolved to local councils, and the telecoms policy is there. The other issue is in relation to capital allowances, which is the only issue that we have control over, and that is one of the reasons why a data centre is well suited to an enterprise zone. If the Member wants to indicate why he believes that capital allowances would be particularly helpful in relation to the enterprise zone in Ballymena, I am more than happy to listen to that.

Antrim Coast and Glens: Promotion

T3. **Mr McMullan** asked the Minister of Enterprise, Trade and Investment for her assurance that, with the formation of the new Mid and East Antrim Borough Council and Tourism NI, the Antrim coast and glens will be promoted to the standard set in the Programme for Government. (AQT 2343/11-15)

Mrs Foster: I could give a very short answer to that, but, absolutely, it will be. It is one of the nine tourism destinations and one that Members from his area should be very proud of. I had the opportunity to visit Whiterocks recently to see the new facilities there, and I encourage all Members who have not been to visit that new facility to do so.

Mr McMullan: Indeed, we are quite proud of having it included in the Programme for

Government, but the mid-glens from Glenarm and Carnlough right down into the mid-glens is sadly lacking and has been for a number of years, and we only have to look at the promenade in Carnlough to see that. Can you assure me that the mid-glens will get the share of promotion that it desires on the back of the Giro d'Italia when we had the iconic photographs and pictures of the horses on the beaches at Carnlough? We have not capitalised on those worldwide pictures.

Mrs Foster: To be fair, if you have not capitalised on those worldwide pictures, one has to ask, "Why not?". Those were really iconic pictures. I recall a debate on the mid-glens recently when we were treated to the Deputy Speaker telling us all about the different glens in and around the glens of Antrim. It was very enjoyable, but people have to come forward with applications to Tourism NI. I very much hope that they do, and I understand that they have in relation to the tourism events fund. I am sure that the Member, like me, is very much looking forward to the opening of the Gobbins path, which will be an outstanding tourist attraction in his area, and I hope that his new council will take full benefit of it.

Conscience Clause: Sporting Boycott

T4. **Mrs Cochrane** asked the Minister of Enterprise, Trade and Investment, given her good record in attracting foreign direct investment and major sporting events to Northern Ireland, whether she shares the concern that the proposed conscience clause Bill could have implications along the lines of the business and sporting boycott being experienced in the state of Indiana following the introduction of similar legislation there. (AQT 2344/11-15)

Mrs Foster: No, I do not share her concerns at all. What concerns me is the number of small businesses that have approached me and many of my colleagues in relation to the concerns that they have about the provision of services in the future. It is a concern that she and her party would do well to acknowledge as well because we are not just interested in foreign direct investment; we are also very interested in our indigenous companies.

Mrs Cochrane: I thank the Minister for her answer. I take that point on board, but a number of concerts were cancelled, sponsorships for major tech conferences were pulled out and the planned \$40 million expansion of a company headquarters was

cancelled, which was all to do with that, and I think that is a major issue. Does the Minister understand that encouraging foreign investment and tourism is a difficult enough job without added hurdles such as that and, perhaps, the negative comments that came from the likes of Kit Harington?

Mrs Foster: I could do well, as could our most major investor in Northern Ireland, without the comments of her colleague Naomi Long about Bombardier yesterday. I have been in contact with Bombardier, and it is very concerned about the comments that have been made. Bombardier is completely committed to Northern Ireland because of the workforce that there is here, and to suggest that it would act otherwise following a referendum on the European Union when the company has made it clear that it does not have a particular stance on the UK referendum, if, indeed, it happens after the general election, is irresponsible.

I am hugely surprised that a current Member of Parliament should say such a thing about our biggest investor in Northern Ireland. I hope that the Member who made the comments reflects on the comments and, indeed, apologies to Bombardier for the embarrassment that she has caused.

Mr Deputy Speaker (Mr Dallat): The Member listed for topical question 5 has withdrawn their name.

Concentrix/Allstate: Belfast Headquarters

T6. **Mr Milne** asked the Minister of Enterprise, Trade and Investment for her assessment of the importance to the economy of plans by Concentrix and Allstate to build and develop their new headquarters in Belfast. (AQT 2346/11-15)

Mrs Foster: Allstate and Concentrix are two very important foreign direct investors in Northern Ireland. I met senior teams from both of those organisations recently, and I am aware that both organisations have plans for expansion in Belfast and both have recently submitted planning applications for new development that will be in front of the new Belfast council. I hope that they will be able to develop in the way in which they have said that they want to.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as a freagraí go dtí seo. Thank you, Minister. Do

you believe that that development will result in more really well paid jobs?

Mrs Foster: I certainly know that Allstate and Concentrix have ambitious plans. They want to be on the former Maysfield Leisure Centre site in a few months' time. Both of those companies want to be on the site because they have plans for expansion in the future, and I think that we should very much welcome that. We should also hope that Belfast council will work with both of those companies to make sure that the plans go ahead.

Foreign Direct Investment: Foyle

T7. **Mr Eastwood** asked the Minister of Enterprise, Trade and Investment what she believes are the major barriers to attracting foreign direct investment to the Foyle constituency. (AQT 2347/11-15)

Mrs Foster: I think that there are legacy issues, which the Member is well aware of, in relation to economic inactivity in that constituency. There are issues in relation to youth unemployment in that city. When I met his colleague Mr Ramsey in relation to the economic inactivity draft strategy, he expressed hopes that he would be able to use that strategy and the pilots that would come out of it to help to deal with those legacy issues — I call them legacy issues because they have been there for a period of time — and, therefore, that is why there is a real need to deal with those issues.

Mr Eastwood: I thank the Minister for her answer, and I agree with her. However, does she agree with me that, without proper investment in the road network to the city and proper investment in the expansion of the university campus at Magee, we will not reach our economic potential and will not be able to attract high-end foreign direct investment to the city?

Mrs Foster: He has actually picked up on a subject that I discussed with the Chamber of Commerce in Londonderry recently. I said to it that it was not just about looking at the number of jobs that come to the city; it was about the ecosystem in the city and going out of the city. Therefore, roads are critical and telecoms infrastructure is critical. He will know that the telecoms infrastructure within the city is very, very good and is a legacy of the City of Culture that took place there. There is much to talk about the future of the city and its economic prospects, but he is right to talk about the

infrastructure as well as just looking at the Invest NI job numbers.

Mr Deputy Speaker (Mr Dallat): Ms Caitríona Ruane is not in her place, the Member for topical question 9 has withdrawn their name, and Mr Michael McGimpsey is not in his place.

I ask Members to take their ease for a moment until questions to the Minister of the Environment begin at 2.45 pm.

2.45 pm

Environment

Mr Deputy Speaker (Mr Dallat): I inform Members that questions 2, 8 and 11 have been withdrawn.

Wind Turbines: Planning Approval

1. **Mr Milne** asked the Minister of the Environment how many planning applications for single wind turbines have been approved since 2005. (AQO 7932/11-15)

Mr Durkan (The Minister of the Environment): The number of single wind turbine applications approved from 2005 to 31 January this year is 2,212. That is my Department's latest available provisional renewable energy information.

This figure is for applications approved and does not necessarily equate to the number of single wind turbines constructed and operational, as the Department does not hold information on whether the permission has been implemented. The figures may also include renewals of planning permissions and changes to existing approvals, and may, therefore, equate to fewer than 2,212 individual sites.

Applications for single wind turbines are determined by taking into account all relevant planning considerations — a wide range of factors, including the potential impact on public safety, human health, residential amenity, landscape and cumulative impacts. The details of each application, including site characteristics, locality and height of turbines, will differ. Therefore, each application is determined on its own particular location merits.

It is important that the right balance is struck between facilitating wind energy development in appropriate locations and protecting the exceptional quality of our natural environment.

These are matters and issues that I considered in finalising the strategic planning policy statement (SPPS).

Mr Deputy Speaker (Mr Dallat): I call Mr Milne for a supplementary.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle, mo bhuíochas leis an Aire go dtí seo. Thanks, Deputy Speaker, and I thank the Minister for his answer thus far. Minister, do you propose to set a threshold for single wind turbines in, say, each council area, or what means do you imagine you will set to control, if you like, the blight of single wind turbines in the countryside?

Mr Durkan: I thank the Member for the question and the supplementary. As the Member will be aware — as all Members will be aware, or should be aware — as from 1 April the vast majority of planning powers were transferred from my Department to the 11 new councils. While the Department will retain overarching planning policy responsibility, including the responsibility for planning policy statement 18 — or now the SPPS — and policy for renewable energies, it is only right and proper that councils will have a fair degree of autonomy when it comes to deciding what will work in their areas and what their areas need.

Therefore, I certainly do not have any intention of introducing a threshold or limit on the number of wind turbines that may be erected in any council area, as I would not have any intention of introducing a threshold for the number of houses in any council area. However, one threshold that does exist is that any renewable energy application over 30 MW will not be dealt with by the relevant council but retained centrally by the Department, as that would be deemed to be a major or regionally significant application given its scale.

Mr Eastwood: I ask the Minister for an update on the finalisation of the SPPS.

Mr Durkan: I thank Mr Eastwood for that question. The final draft of the SPPS was completed last month following extensive engagement with key planning stakeholders.

My aim is to publish the SPPS in its final form in the very near future, following Executive Committee consideration. When it is published in final form, the provisions of the SPPS must be taken into account in the preparation of local development plans by the 11 new councils, and will be material to all decisions on individual planning applications and appeals. It is very

important that the SPPS be in place as soon as possible to provide the policy framework for the new two-tier planning system and, in particular, to enable the new councils to get on with the very important work of preparing their local development plans.

Pending its publication, the existing suite of planning policy statements and relevant provisions of a planning strategy for Northern Ireland shall continue to apply as a temporary arrangement.

Mr Cree: Getting back to wind turbines, can the Minister advise on whether there has been any progress on securing cooperation with NIE to get connection costs agreed early in the process so that people can see if they can go ahead?

Mr Durkan: I thank the Member for that question. The issue of grid connection has been raised, largely by the industry itself, as a major problem, as it slows down the development of wind farms and single wind turbines. The Member will be aware that, while I have responsibility for planning, I do not have responsibility for energy. So, problems with, or associated with, NIE and grid connections would be better directed towards the Enterprise, Trade and Investment Minister the next time the Member gets the opportunity.

It is very important. Quite a number of wind farms in the system have received planning approval but have not been able to secure a grid connection. That skews our figures when we talk about meeting renewable energy targets, because, although one has received planning approval, there may be no realistic prospect of its being connected. So, I share the Member's concerns: it is something that we need to look at strategically.

In other jurisdictions — Scotland, for example — they do it the other way round: planning permission will not be awarded to a renewable energy project unless it has a guaranteed grid connection. That is something that we need to look at, and I will look at it in conjunction with the Enterprise, Trade and Investment Minister and others.

Noise and Shadow Flicker

3. **Mr G Kelly** asked the Minister of the Environment, in relation to noise and shadow flicker, whether ETSU-R-97 is outdated. (AQO 7934/11-15)

Mr Durkan: In common with the approach in the other devolved Administrations, my Department's planning policy statement 18 on renewable energy recommends the use of the 'Assessment and Rating of Noise from Wind Farms' — ETSU-R-97 — standard in the assessment and rating of noise from wind energy developments.

That standard describes a methodology for the assessment and rating of noise from wind energy development that provides protection to wind-farm neighbours without placing unreasonable restrictions upon appropriate wind-energy development. ETSU-R-97 deals only with the assessment and rating of noise; it does not provide guidance in relation to the assessment of shadow flicker. Advice on shadow flicker and reflected light is set out in the associated best practice guidance to PPS 18.

While I recognise that ETSU-R-97 is the established UK-wide standard in relation to the assessment of noise, I am aware that it has attracted some criticism. I also acknowledge that the Environment Committee, in its recent report on the outcome of its inquiry into wind energy, recommended that my Department review the use of ETSU-R-97. As a result of those concerns, and in response to the recommendation of the Committee, I am considering further investigation of the use of ETSU-R-97 in the North.

I aim to complete an urgent review of strategic policy on renewable energy following the publication of the SPPS and during 2015-16, and I will consider this matter as part of that review.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answer up to now. He said that he will do a review. Can he give us some indication of when he plans the update? I notice that you said 2015-16 in terms of the noise control regulations. Do you have a date for that? Will it be done in this mandate?

Mr Durkan: I thank Mr Kelly for the question. When I heard that I was going to be asked a question about my assessment of ETSU, my answer was going to be that he has not done that much for Everton since he came on loan from Chelsea.

The Member's question is around the review that I have pledged of PPS 18, which is the wider renewable energy policy. I very much intend to do that this year, which, obviously, is my last year, potentially, as Minister of the

Environment. It has always been my intention that, following the publication of the strategic planning policy statement, each component of that statement would be subject to a comprehensive review. It is my intention that the first components of that review will be the more controversial aspects of it, namely PPS 18, pertaining to renewable energy, and PPS 21, with which the Member's more rural colleagues are very well acquainted. However, I have to wait until the SPPS is published until I can proceed with these reviews. The SPPS is currently awaiting approval by the Executive.

Climate Change: Prosperity Agreements

4. **Mr McGlone** asked the Minister of the Environment to outline how prosperity agreements can contribute to tackling climate change. (AQO 7935/11-15)

Mr Durkan: Climate change is one of the key societal challenges of the 21st century, with transport, business and agriculture all contributing to greenhouse gas emissions in Northern Ireland. I am committed to bringing forward a climate change Bill in the next Assembly, and my Department is also being proactive in seeking to address this challenge through innovative regulatory practices in advance of any legislative instruments. Prosperity agreements are voluntary agreements through which the Northern Ireland Environment Agency (NIEA) and an organisation can realise opportunities for reducing the environmental impacts of energy and material use in ways that create prosperity and well-being.

To address the challenge of climate change requires a business and the regulators to take a radical new approach. Companies need to change the way they operate and recognise the environment as an opportunity rather than a barrier. This requires a partnership approach with the regulator.

The first agreement, signed with Linden Foods, included a target to reduce carbon emissions from the company's operations by a staggering 25% through investment in new refrigeration equipment. Prosperity agreements support responsible businesses that seek to move beyond minimum compliance and harness market value from innovation. A prosperity agreement can also enable the Department to leverage sector-wide change, influencing the supply chain — in this case the agriculture sector — to take action on reducing its carbon footprint. The recently signed agreement with

Lafarge Tarmac includes the commitment to use alternative fuels in its cement kiln, helping to reduce fossil fuel dependency and use former waste materials as a resource. All future prosperity agreements will also include actions relating to climate change adaptation or mitigation.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as an fhreagra chuimsitheach sin. I thank the Minister for his comprehensive reply. Can he give us some more detail about the prosperity agreement that exists with Lafarge in Cookstown? How does that work and when did it come in? That is the type of detail that I am asking for.

Mr Durkan: The second prosperity agreement was signed with Lafarge Tarmac on 5 March this year, and it focuses on the innovative use of waste-derived fuels to secure jobs and better environmental outcomes in its Cookstown plant, in the Member's constituency of course. The agreement is a public document and is available on the Lafarge Tarmac and NIEA websites. Details of the agreement include that Lafarge Tarmac will reduce fossil fuel or coal dependence by 35% through alternative fuel substitution. Lafarge Tarmac will reduce its total carbon emissions from production by a minimum of 10%.

That is the equivalent of taking 6,500 cars off the road. That is how big an impact we are talking about. We are also exploring options for the reuse of known Northern Ireland waste streams; for example, gypsum, chicken litter, meat meal and bonemeal, and tyres. That will obviously reduce the amount of waste to landfill.

3.00 pm

Lafarge will examine options to reduce emissions from transport, including in its haulage supply chain and staff. There will also be improved public access to the key European geological features that are found in the Ballysudden area of special scientific interest (ASSI), which is in the Cookstown quarry. It is also worth noting that Lafarge has undertaken to work with key stakeholders to develop a renewable energy strategy and to examine further options to reduce packaging. I think that those are very responsible actions that that company is taking. However, it is not taking them sheerly for the environmental benefit; it can clearly see, as these prosperity agreements highlight, that there can be win-wins and that

what is good for economics can also be good for the environment.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. Thank you, Mr Deputy Speaker, and I thank the Minister for his answers. How do the powers that the he has transferred to local authorities assist them in tackling climate change?

Mr Durkan: I thank Mr Boylan for that question. The restructuring of local government was about not just reducing the number of councils but increasing its powers and responsibilities. One of those new powers, which has been spoken of a lot with perhaps not a lot of understanding or maybe even realisation of its potential, is community planning. I think that it is a very important vehicle through which councils can take a real hands-on approach to improving the economy, the environment, and their own area's social health and well-being. I put environment in the middle there, but I think it is very much a central plank of what new councils could and should be doing.

Regarding the powers that have transferred to allow them to do that, councils clearly have in their own gift the ability to have their own waste policies. Many of them do, and they are working together in their new councils to formulate waste policies that not only prove to be good value to the ratepayer but that help us, as NI plc, to meet European targets. If you look at the estate of councils, such as the number of public buildings that they have and vehicles that they own, you will see that all councils will already be looking, as purely a cost-saving exercise, at how they can reduce energy use. I also very much think that, if any of the councils have potential new builds, we should put pressure on them to make them carbon-neutral buildings. I do not know whether I can do that legislatively or through regulation.

Ms Lo: I very much welcome the Minister's announcement of reviewing urgently the ETSU-R-97 and of introducing the climate change Bill. Can the Minister be a bit more specific about the timescale for bringing in the climate change Bill and about whether he is going to put in targets for mitigating measures?

Mr Durkan: I thank the Member for that question. I referred to the fact that the clock was ticking in my office, or on my time in it anyway, and that, therefore, work is already well under way. Given the groundwork that is necessary to proceed with legislation, over the past 18 months to two years, I have been

involved, as have my officials, in extensive and intensive discussions with representatives from a number of sectors, including from agriculture, industry, the environmental NGO sector, and with officials from other jurisdictions about how we could and should best progress any climate change legislation.

The challenges facing us in the North, while not unique, certainly differ from those in other UK jurisdictions. That is why it is important to look at the Republic of Ireland, with which we share a very similar economy, given, for example, our dependence on agriculture. We have to work closely with them and look at their incoming climate change legislation when shaping ours. It is vital that we as a Department do not do that in isolation, and the input from those sectors to which I referred earlier is and will be vital. The ball has started rolling; it is important that momentum is sustained and that I keep my shoulder to it.

Arc21 Incinerator: Update

5. Mrs Cameron asked the Minister of the Environment for an update on the proposed Arc21 incinerator at the Hightown site, Newtownabbey. (AQO 7936/11-15)

Mr Durkan: The Arc21 planning application for the development of a residual waste treatment facility at Hightown quarry, Mallusk was submitted to the Department on 27 March 2014. The application was accompanied by a voluntary environmental statement. Consultations were carried out with a wide range of statutory bodies, including NIEA, Antrim Borough Council's environmental health department, Transport NI and the Public Health Agency. Following receipt of comments from consultees, a request for further environmental information was issued to the agent last July. The further information was submitted in September 2014 and was advertised in the local press. It included further information from NIEA, environmental health and Transport NI. Consultations were issued to the relevant consultees and all responses have now been received.

I am aware of the very high level of objections to the proposal. There have been 3,258 letters of objection to date, the main issues raised being visual impact, traffic impact, health implications, odour, noise, house values, proximity to residential areas, economics, tourism impact, environmental impact and the adequacy of the environmental statement. No letters of support have been received to date.

This regionally significant planning application is still under consideration, and my officials are currently in the process of making a recommendation to me through a comprehensive development management report. I will fully consider all relevant material considerations, including the views of local objectors, before making a final decision.

The operating permit application is also currently being considered by the Department, and all statutory consultee responses have now been submitted. It would be remiss of me to make any further comment until officials conclude their deliberations.

Mrs Cameron: I thank the Minister for his answer. I understand that he is reluctant to comment further but does he agree with me that, given the vast number of objections — 3,258 to date, as he has outlined — and the obvious lack of infrastructure at the Hightown site, it is wholly inappropriate for the development to go ahead?

Mr Durkan: Given my stated reluctance to elaborate on my earlier points, I cannot, unfortunately, agree with Mrs Cameron at this stage as she has requested. The number of objections to this proposal is, I think, unprecedented, certainly during my tenure as Minister. However, the number of objections to a planning application is not and never can be a determining factor when assessing an application. I have, however, given a pledge to consider all material considerations raised by the objectors. I think that is very important. The reference by the Member to what she perceives to be inadequate infrastructure has been made in many of the 3,000-odd objections. That will receive close scrutiny from Transport NI, which is the relevant consultee on such issues.

Mr Kinahan: I thank the Minister for his comments so far, and I am glad that he will take on board all the objectors' comments. Will he clarify the position on funding for Arc21? I think that £50 million or £51 million was placed in your budget by the Finance Minister.

Mr Durkan: I thank the Member for that question. I was delighted when I heard that I was getting a bonus £50 million inserted into my budget by the Finance Minister. That was £50 million that I never asked for. However, I then discovered what the £50 million was for. To be precise, it is £50.5 million of financial transactions capital money from the Treasury, which has sought to identify privately financed projects that the Government can finance and

then have the money repaid at a commercial rate. It is the Treasury's view that the Arc21 project could be one such project; however, it cannot be one in the absence of planning permission or a successful application for an operating permit. With that in mind, I raised objections to the fact that that money was being put into the capital budget of the Department that would ultimately be responsible for making the decisions on the planning and permit applications. However, we still have it. If the approval is not granted, that money could become available to other projects. If not, it will be taken back but at no loss to my Department or any other.

Mr A Maginness: I thank the Minister for his previous answers. I want to ask about the point that has just been raised about the £50.5 million, and I ask without prejudice to the Minister making any decision. If, for some reason, the Arc21 project were not to go ahead, is the Minister saying that that £50.5 million could, at some point, go back to Westminster if there is no other project in which that money could properly be invested?

Mr Durkan: I thank the Member for that supplementary question. The allocation of the financial transactions capital is to the DOE. The FTC fund is a Treasury loan to support the delivery of major infrastructure projects, and it is being administered — just administered — on the Treasury's behalf by DFP. As I indicated in an earlier answer, any loan must be repaid at commercial rates.

As we now know, DFP has assigned that £50.5 million from the fund to the DOE budget to assist the delivery of the Arc21 project in the event of the waste management group submitting a satisfactory business case and reaching financial close. However, in the event of that not happening and a failure to identify a similar major infrastructure project in that Department, it is my understating that that money could well go back to the Treasury. I do not know whether that money would become available to another major infrastructure project that might come forward under the umbrella of another Department, but I would be keen to explore that.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. Following the review of public administration, what role does Arc21 now have in addressing waste management?

Mr Durkan: Arc21 is one of three waste management groups across the North. It is comprised, as each of them are, of a number of

councils. It will be very much up to the councils what role is played by the waste management groups.

I have gone on record before saying that we should consider a move towards a single waste authority for all of the North rather than the three groups comprising the various councils. I think that for many reasons, not least because a lot of the proposals that have been brought forward — I am not singling out any particular one — have been fuelled as much by competition as anything else. As I said, it is up to the councils to decide how to proceed, but I meet councils regularly, and the regional waste management board has strong opinions on this — not always wrong opinions but always strong opinions. Work is ongoing with the councils to decide the best way forward. Waste is a massive issue, and it is only now with the spiralling cost of managing our waste that it is getting the attention that it deserves and requires, not just across the councils but in this Chamber as well.

3.15 pm

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We now move to topical questions.

River Strule: Sewage Leak

T1. Mr McAleer asked the Minister of the Environment whether he is aware of reports in last week's 'Ulster Herald', which stated that raw sewage may have been leaching into the River Strule for two weeks and, if so, what steps his Department has taken to investigate and remedy the situation, given the serious concerns that this raises for wildlife, public health and the aquaculture of the River Strule and, indeed, the wider Foyle basin. (AQT 2351/11-15)

Mr Durkan: I thank the Member for that question. This report will cause huge concern for the public around the issues that the Member has identified, as well as for me and my departmental officials. The incident to which the Member refers was first reported to the Northern Ireland Environment Agency (NIEA) on 8 April, and a local inspector investigated immediately. The inspector informed Northern Ireland Water about the problem, and it then carried out work to remove the sewer blockage that had caused the sewage overflow and had led to it going into the watercourse.

It is understood that there were difficulties in gaining access to the site. NIEA classified this as a low-severity incident, with localised impact on the River Strule. I am not saying that low impact is no impact, but fortunately, due to the swift reporting of the incident and the swift reaction to that report, a more major incident was avoided. Contrary, however, to the report in the 'Ulster Herald', DOE and the Northern Ireland Environment Agency do not have a role in maintaining rivers, other than in securing improvements in water quality. NIEA will investigate water pollution reports and encourages the public to do so in a timely manner on our confidential pollution hotline. I would give you the number, but it would not be confidential then. *[Laughter.]*

Mr McAleer: I thank the Minister for that response and for the clarification. In a second incident, again highlighted in the local press last week, the carcass of a calf was dumped in the Rylagh burn outside Omagh a number of weeks ago. Does he agree that this is reprehensible behaviour by the people who dumped it there? Given the public health concerns, does he also agree that it is entirely unreasonable to expect the local landowner or indeed any member of the public to attempt to remove the carcass themselves?

Mr Durkan: I certainly echo the Member's sentiments around this act: it should be condemned. Neither NIEA nor DOE has a role in the removal of fallen animals, but a number of other bodies do have responsibility. Local councils will or, certainly, should lift and dispose of fallen animals dumped on council-owned land, roadsides, car parks or lay-bys and between the high and low watermarks on beaches. In adopted watercourses, the Rivers Agency may remove fallen animals if river flows are impeded. Where flow is not impeded and the fallen animal is a public health issue, which, as the Member outlined, they tend to be on occasion, it is a local council responsibility to ensure that appropriate action is taken.

Fallen animals dumped on private land, however, do become the responsibility of the landowner. Local councils can serve a notice on the landowner to dispose of a carcass if it is a public health nuisance. Riparian owners on either riverbank are legally responsible for the river up to its central line. In the past, some local councils have removed fallen animals from private land; I know that Derry City Council has been good at doing so in the past. However, local councils have no legal remit to undertake that function and would seek indemnity from the landowner when they have to.

Sand Extraction: Lough Neagh

T2. **Mr Milne** asked the Minister of the Environment what discussions he has had with local sand extraction companies about planning permission at Lough Neagh. (AQT 2352/11-15)

Mr Durkan: I thank the Member for that question. I initially became aware of the issue on Lough Neagh as recently as last summer — maybe at the start of last summer — and I have had regular, and incessant, correspondence on it ever since. The practice or industry of sand dredging, as it is known, has been going on in the lough as far back as the 1930s at least, and possibly beyond. As I said, no one had raised any issue with it or objection to it until very recently. However, given the serious nature of the objections, they have not been taken lightly by any means. DOE has issued an enforcement warning letter to many — if not all — of those involved in the practice of sand dredging, and it continues to monitor the situation.

I am also aware of, and have received correspondence from those involved in the industry about, their dependence on it, their many employees and their families' dependence on it and the fact that they have been doing it for so long. If they have been doing it for so long, just how harmful can it be? It is a very difficult issue of balancing environmental and economic concerns. However, given the very real threat of infraction proceedings from Europe, we have to ensure that we do everything correctly and that the environment is protected.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas don Aire as a fhreagraí go dtí seo. Minister, you say that there are concerns from other groups. Will you express to us what those concerns are? As you said, it has been going on since the 1930s and there was no regulation put in place, so why now?

Mr Durkan: I did say that the concerns raised are very real ones, centring on the impact on habitat. That is coming from Europe as well. We have to maintain standards in certain habitats, of which the lough is one. Therefore, the threat of infraction proceedings from Europe is very real and is one that we, as a region, cannot afford to be in any way blasé about, because if a huge fine comes along with that infraction, we will know all about it.

It is my understanding that those involved in the sand extraction business are working

collectively to bring forward a planning application and an environmental impact statement to, I suppose, regularise the work that has been regular to them for almost a century. That is something that we have encouraged them to do, and I have subsequently encouraged them to do it a bit more quickly.

Carrier Bag Levy: NIEA Grants

T3. **Mr Dickson** asked the Minister of the Environment whether he can guarantee that the recently announced £1 million from the carrier bag levy/tax fund will go to current NIEA grant-funded organisations and that, given the fact that many of those organisations are under great stress, those applications will not be lengthy or torturous. (AQT 2353/11-15)

Mr Durkan: I thank the Member for that question. I can guarantee the Member that that money will be spent in a way that maximises the protection and promotion of our environment. I cannot guarantee that it will go to or be split on a pro rata basis among all the environmental NGOs that have been funded to date.

I believe that a piece of work is required and is already under way with the sector itself, the NGOs affected and others, like independent environmental experts, for us to prioritise where that money should be spent. I can assure the Member that this will not be an arduous process. Time is of the essence here. It is vital that we get the certainty to these organisations that they and their employees need.

We will look very carefully through this process at how the money is awarded. I mentioned environmental priorities. We will also look at how much match funding our funding actually enables some of the organisations to draw down — and some of them are excellent at it — as well as, I suppose, the value for money and volunteer activity that some of them can generate as well. It will not be an easy task but, as I said, it is one that we have not got a lot of time to do.

Mr Dickson: I thank the Minister for his answer. In addition to £1 million, he has further funds available in the carrier bag fund. Will he use those to create a challenge fund this year? Would he not be better actually diverting all those funds to support the NIEA organisations with which his Department has a service-level agreement?

Mr Durkan: It is projected that we will have in the region of a further £500,000, or possibly £550,000, from the carrier bag levy. However, at this stage it is my intention to use that as a challenge fund to make available to community groups, schools and other organisations to run their own, I suppose, low-level environmental projects. While they are low level, they can and do have a huge impact.

The money has been generated through the carrier bag levy, and it states in legislation that money generated through that levy must be spent on community-based projects, which restricts very much how we can look at reallocating it across the NGOs.

I understand the point the Member is making. I was, in fact, considering front-loading the money that I was going to set aside to run the challenge fund later in the year to now and then wait for money to become freed up through the voluntary exit scheme and use that for the challenge fund, but I am going to resist doing that. However, I spoke about the piece of work we are doing currently to see what projects we will continue funding and the rate at which we will continue funding them. Again, depending on how that exercise goes, there is a possibility that I may have to dip into the challenge fund. I am reluctant to do so, but it may become a necessary evil.

Planning: Super-councils

T4. **Mrs Dobson** asked the Minister of the Environment for an update on how he feels the new super-councils will conduct their new responsibility for planning. (AQT 2354/11-15)

Mr Durkan: I thank the Member for that question. I have every confidence that the new super-councils will embrace their new powers, particularly the planning function, and use them to deliver for the citizens in their respective council districts and areas. I know and have spoken in the House before of a certain nervousness that existed, not just among councillors but maybe across other sectors, about the capacity of new super-councillors and super-councils corporate to deal with planning issues and, I suppose, the controversy and contention that follows many of these planning issues.

I am confident that the capacity-building programme secured by my predecessor through funding he received from the Executive has been very successful. I know that it has built councillors' confidence as well as competence.

3.30 pm

Different councils have spent that money differently. However, from speaking to councillors from across the North, I know that many of them are happy with the training that they have received. Obviously, no training is as good as learning on the job, so I have no doubt that a lot of learning is to be done and that a lot will be done.

Mrs Dobson: I welcome your enthusiasm, Minister. Thank you for your answer. You will be aware that, in the past, delays in applications for businesses and homeowners led to frustrations and missed business opportunities. What guarantees can you provide that the new system will operate more efficiently than it has in the past?

Mr Durkan: I am unaware of any inefficiency that has existed within the system, over the past couple of years anyway. I think it is important that we all realise that we are not talking about a brand new function. While it will be new for councillors to be decision takers and decision makers, the council staff who are there now and who will be bringing recommendations to councillors are the same staff who have been bringing recommendations to councils under the guise of DOE Planning Service. We have transferred over 400 highly competent and highly qualified staff to the 11 new councils. The Department, of course, retains overarching responsibility for planning policy. Without doubt, there will be a lot of hand-holding to be done, but it is important that that does not become handcuffing and that we are not too restrictive on the new councils and their ability to make their own decisions.

Mr Deputy Speaker (Mr Dallat): On that very positive note, I am pleased to say that time is up. Members will take their ease while we change the top Table.

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

Assembly Business

Mr Principal Deputy Speaker: Before we commence the next item of business, I advise the House that I have been notified by the Business Committee that the proposer will not be speaking today to the Adjournment topic on services at the Causeway Hospital. The debate has been postponed until 21 April.

Private Members' Business

Block Grant

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

Mr Maskey: I beg to move

That this Assembly notes the estimated reduction of £1.5 billion from the block grant; further notes the declared intention by the current Tory-led Government to make further swingeing cuts of many millions over the next mandate; notes the devastating effect this has had on the funding of public services; declares its opposition to the austerity policies at the root of all of this; calls on the British Government to pursue, in the immediate term, a policy of economic stimulus; and further calls on the Executive to continue to defend the core public services of health and education and appeal to civic society, employers, trade unions and the voluntary and community sector to unite in lobbying the British Government on this basis.

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I rise on behalf of Sinn Féin to propose the motion. It is a simple enough motion and I do not think that it should provide any issues for any Member or party in the House. I think most of the parties will already subscribe to the general intention behind the motion and most, if not all, of its sentiments. Nevertheless, I will make a few points on the motion.

The motion, as has been outlined, asks the Assembly to note the reduction in the block grant of £1.5 billion over the last recent number of years. It further notes the declared intentions of the British Tories to make even more swingeing cuts within the next mandate if re-elected in May. The Tories, as we all know, have said that they will take a further £30 billion from public spending, which will include, perhaps, £12 billion from welfare. Who knows precisely what a Labour-led Government may seek to do? However, that is outside our gift at this time.

Unfortunately, we already know the devastating impact that this is having on public services and what the impact on the most vulnerable in our society would be if we were to simply pass on

the benefit cuts to those most in need. Those are benefit cuts that the five parties to the Stormont House Agreement have agreed should not be imposed on the most vulnerable, but which will come, obviously, at a cost to the block grant. All around us, Departments have been forced to cut budgets because of the cuts to our block grant. We know that all of that is down to an austerity programme and a Tory ideological agenda of assault on spending on public services and cutting benefits to those most in need. That, of course, drives down wages and makes more profit for big businesses, the friends of the Tories.

The motion asks all parties in the Assembly to restate their opposition to the austerity policies at the root of all this and to call on any incoming British Government to immediately pursue a policy of economic stimulus. For Sinn Féin's part, we will continue to oppose austerity as an economic policy, which, by all evidence, is counterproductive to building an economy, certainly any notion of a fair economy.

I believe that it is important to place on record, particularly for those outside of here who choose to ignore the financial realities that the Executive have to deal with, that the British Government set the block grant. We have no fiscal powers or levers at our disposal to allow us to stimulate and build our local economy. Effectively, we are having to manage the block grant as opposed to managing the economy. Equally, we have a range of very negative indicators, which are additional burdens that our Executive have to take account of. They include having the highest cost of living; the highest levels of child poverty; some of the most deprived wards; higher levels of unemployment; and, of course, the fact that we are a post-conflict society.

I commend our Executive for working very hard, despite those problems, to mitigate many of them. Indeed, the Programme for Government commits us to build the economy and tackle disadvantage. The Executive and Departments have introduced many measures. No water charges have been imposed; there is free travel for senior citizens; there are no prescription charges; there are regional and other targeted rates relief initiatives; and there is substantial funding support for education to target areas of greater need etc. There is a range of other measures, which I do not need to rehearse but which I fully believe show the attempts that each Department has made to address some of the difficulties that many in society have to address in dealing with the austerity programmes and cuts to budgets.

Despite all of the controversy around welfare cuts, the Executive, to their credit, have agreed to not simply impose the benefit cuts, as demanded by the British Government. I acknowledge that the Executive and Departments have had to face very hard choices, and most have made great efforts to minimise the impact of reduced spending, although it is fair to say that not all decisions have been universally welcomed or even supported. I also want to put on the record the experience that I have had with the Minister who I have most direct engagement with, the Minister for Social Development. He personally and his Department have done their best to protect neighbourhood renewal areas and projects, in particular, from the massive cuts being imposed across the board.

The motion calls on the Executive to continue to defend the crucial public services of health and education, particularly as, clearly, they are essential elements of any caring society. As I said, I fully understand the concerns in many of our sectors. I am certain that our Executive can always do some things better, but the motion makes an important appeal to civic society in general, and to employers, trade unions and the community and voluntary sector specifically, to unite in lobbying the British Government against these austerity policies and the massive cuts to the block grant, because that is where the full responsibility for the cuts to the budgets lies.

As I said earlier, we effectively have to manage the block grant with our hands tied behind our back, because we cannot manage the economy without the powers to do so. We call on those in wider civic society to unite behind the parties here that have been doing their level best to tackle the austerity programme that has been imposed upon us and the swingeing cuts that have come as a result of those punitive policies.

Mr Girvan: I stand to support the motion but with some reluctance and some difficulty because I see some hypocrisy associated with what is being put forward. I appreciate that we would like to ensure that we protect as much of the block grant that we draw down as possible, and I appreciate that it is vital that we use that block grant as efficiently as possible.

I believe that it is not Tory cuts but Sinn Féin cuts that we are having to deal with in our block grant in Northern Ireland. That has happened as a result of not implementing certain things, primarily welfare reform, and is leading to a major cost to our block grant at present. There is some irony involved in stating that we should lobby Westminster considering that, when it comes to dealing with any matter in

Westminster, Sinn Féin do not even take up their seats in Parliament. We think that it is vital to ensure that we draw down the maximum money into Northern Ireland, and, if that means trying to protect our block grant, we will do all that we can and ensure that it is used effectively.

It is said that we are only ring-fencing the likes of Health and Education. I appreciate that those are two very important Departments, but, as it stands, they are probably being starved of resource as a consequence of some of the cuts that we are having to put in to deal with penalties that are being imposed upon us.

We also have some major infrastructural problems to deal with in Northern Ireland, where there has been major underinvestment for many years under direct rule. As a consequence of a campaign of terrorism and bombing, we spent quite a bit of our money having to rebuild property that was destroyed and rebuild our public infrastructure, which was being systematically taken to pieces by those who claim to be the custodians of ensuring that the public and the most vulnerable in our society are protected. We are now starting to see evidence that the most vulnerable in our society are sometimes not necessarily just people who are on benefit. A lot of individuals out there are suffering because they cannot get operations or access proper health treatment, and there are those who will possibly lose their job as a consequence of the reduction in our block grant.

We have to ensure that we target what resource we have and grow our private sector but not at the expense of our public sector. We have to ensure that we have a public sector that is fit for purpose. I use the word "fit" because it has to deliver. It is not an employment agency. It is to work. I appreciate that we have to work with the trade unions to ensure that they understand that we have to deliver and have to cut our cloth accordingly. We cannot just break the Budget and go back with cap in hand and ask for more money. I appreciate that, when they came into power in 2010, the Conservative Government made major cuts to the Northern Ireland block grant. We then set the four-year Budget for the Assembly in 2011 and that has impacted on where we are today.

So, it is with some reluctance that I support the motion. It is vital that we protect the block grant, but there is a certain hypocrisy in the way that this has been brought forward by Sinn Féin.

3.45 pm

Mr D Bradley: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle, as an deis labhairt ar an rún seo. Thank you very much for the opportunity to speak to the motion. There is no doubt about it that 7 May is fast approaching, and, as we know, there is much uncertainty about the type of government that will be formed at Westminster. Indeed, it seems likely that Northern Ireland parties will have a key role in affairs at Westminster after the election.

The austerity policy pursued by the Tory coalition for the past five years has led to a huge fall in standards here more than anywhere else. Claims of an economic recovery have meant little to people who are on zero-hours contracts, on the minimum wage or unemployed. Report after report has indicated how hard we have been hit by the recession. It has been deeper here than elsewhere, and recovery has been slower. The situation here has been made worse by the reduction of £1.5 billion from the block grant.

Although the SDLP's amendment was not accepted, I will refer to it in my speech. Whilst we support the motion, I note, as I said, that the votes of MPs returned from Northern Ireland could be decisive in deciding the type of government at Westminster after the election. Our MPs will have an important role to play in holding the next government to account and in making their votes count.

The motion is right to call on the British Government to pursue a policy of economic stimulus rather than attacking our public services through reductions in the block grant. Austerity is a dead hand on economic development and serves only to stunt growth and keep us mired in recession. What we need is a stimulus to growth. We still have threats to the jobs of 1,500 teachers and 1,000 classroom assistants, and we are also looking at a £1.3 million reduction in the early years budget.

Civic society has an important role in informing, advising and scrutinising government. Trade unions, businesses, employers and the voluntary and community sector have done much lobbying to ensure that the anti-austerity message gets across to the British Government.

As I said, the results of the election are important, but the difference will be in how our MPs use their votes. It is ironic that the motion comes from a party that refuses to take its seats in the House of Commons, refuses to

bring the fight to the Government where it can make a real difference — on the Floor of the House of Commons — and prefers to shout from the sidelines rather than engage where it matters — on the Floor of the House of Commons. It is more than a touch ironic for Sinn Féin to appeal to civic society in the form of the voluntary and community sector, employers and trade unions to take up the cudgel when it refuses to use its mandate to vote against these measures where it matters — on the Floor of the House of Commons.

Although we agree with the motion, it has a hollow ring to it, coming as it does from a party that will not go the full distance in the fight against austerity. What is the point of the motion? While its sentiments are good and wise, its purpose seems to be more to do with protecting Sinn Féin from criticism. However, we believe, as I said, that the sentiments at the heart of the motion are the right sentiments, which we should support —

Mr Principal Deputy Speaker: I ask the Member to bring his remarks to a close.

Mr D Bradley: — and support on the Floor of the House of Commons at the beginning of the next mandate.

Mr Cree: It was only some seven weeks ago that we debated a very similar motion from Sinn Féin. We debated the subject at length, but it would appear that Sinn Féin still does not understand the current economic situation. We are emerging from a world economic crisis. We did not have to be bailed out by others. In fact, we are much more financially fit than our friends in the Republic of Ireland. We did not need outside assistance to prevent us from going bankrupt. It is also worth noting that the United Kingdom was able to assist with funds amounting to £7.5 billion as part of the £85 billion bailout to the Irish Republic. It is important to keep that in mind. We are part of the United Kingdom, which is a major world economy, and that is a significant strength for us.

Economic governance from Dublin, which the Members opposite advocate, would have been a disaster. Sinn Féin would also have us believe that austerity measures were just an experiment conducted by the Westminster Government. Why then did Portugal, Italy, Spain, Greece and other countries in the eurozone have the same problem? Were the Tory cuts responsible for those austerity actions? No, the Government at Westminster were taking prudent action to pay our debts

following a worldwide recession. The union with Britain brings us almost £10 billion a year in the form of a top-up — a subvention above and beyond what we, as a region of the UK, are able to raise ourselves. I trust that the signatories to the motion will be able to elucidate their economic theories with practical, researched examples of how we could raise the £10 billion alone. That did not happen in the previous debate, Mr Principal Deputy Speaker.

The motion calls on the British Government to pursue additional economic activity. It is a pity that, despite contesting the forthcoming Westminster elections, Sinn Féin does not use the opportunity to argue the case directly with all other Members in the UK Parliament.

It is just not enough to generalise about other sources of revenue or taxation. One has to understand how they work and the effect that they may have on the economy as a whole. Scotland has had tax-varying powers for several years and has not yet used them. Scotland has obviously done its homework. There are several taxes that could be transferred, but there is a cost to all of them. Therefore, the economic benefit to be derived has to be set against the costs of the delegated tax. That is why the Ulster Unionist Party was keen to have corporation tax devolved to Northern Ireland. We know that that action will enable the Northern Ireland Assembly to develop our economy and that it will represent value for money.

It is interesting to note that statistics published last month show that Northern Ireland benefits from the Union. The figures for 2013-14 show that public spending per head in the UK as a whole was £8,936. In England, it was £8,678, which was 3% below the UK average. Scotland enjoyed £10,275, which was 15% above the UK average. In Wales, it was £9,924, which was 11% above the UK average. In Northern Ireland, it was £10,961, which was 23% above the UK average.

We are all working to grow the economy, because the creation of jobs is directly linked to the creation of wealth. That enables people to pay tax, which, in turn, provides the cash to pay for vital services such as health, welfare and education. That is how it works.

Mrs Cochrane: First, the Alliance Party concurs with the signatories to the motion that the cuts to the Northern Ireland block grant have caused major problems for Northern Ireland, but we should be clear that Northern Ireland is not the only region of the UK being adversely affected by cuts. We are, however,

also facing other pressures, and Northern Ireland is likely to end up in a serious financial crisis as a result. We face not only large spending cuts but looming Budget uncertainty due to penalties as a result of the as yet unresolved issue of welfare reform. We also have the added future funding pressure of resourcing a lower level of corporation tax, which includes replacing the lost revenue to HM Treasury and investing more in skills and infrastructure. We welcome the devolution of corporation tax but recognise that we need to have a sound strategy in place to deal with the funding pressure in order to allow us to realise the future benefits.

The motion refers to proposed further cuts over the next mandate and:

"declares its opposition to the austerity policies at the root of all of this".

Again, we concur with the thrust of that in that the specific austerity policies of the UK Government are being forced too quickly upon us, with little balance of policies to stimulate the economy. In Alliance's 2010 manifesto, we recognised the need for the UK Government to address the deficit, but we also cautioned about the rate at which that would be done. Our advice has been borne out in events.

We have seen too steep a decline in public spending across the UK, and that has probably slowed our economic recovery. We continue to caution against addressing the deficit at too fast a rate in the next Government. Continued deep cuts in public spending will have huge implications for the Northern Ireland block grant and public services and economic investments here.

Instead of pleading a special case for Northern Ireland, we should be arguing for a slowdown in the rate of austerity at a UK level. That would be more likely to have a greater positive impact on the Northern Ireland block grant. A slowdown in the rate of austerity could, itself, constitute an economic stimulus, especially if what would otherwise have been cut from public spending at a UK level was redirected into economically relevant areas.

It is worth noting that the UK economic recovery is being seen largely in terms of the fall in unemployment and a record employment level. However, there has not really been any increase in productivity. Indeed, UK productivity levels are poor by OECD standards. That is because a lot of low-paid and unskilled jobs are being created to produce the current employment levels, but it is not

healthy. That is something that the Executive and the next UK Government need to address.

The motion:

"calls on the Executive to continue to defend the core public services of health and education".

Again, Alliance acknowledges the importance of health and education as key public services, but we would add policing and economic growth intervention such as skills development. We would caution against simply doing any read across of any protection given to health and education in English public spending decisions and doing the same in Northern Ireland. We have a very different context here. While there is a case for some degree of protection of the health and education budgets, there is significant scope for reform. We need to be careful not to simply continue to allocate resources to a sector that is under pressure without expecting it to pursue its efficiency agenda.

That is particularly clear in education, where we are diverting almost £300 million per year to resource a largely segregated education system. Of course, that is not the only area that is costing us more to run due to our failure to address division in Northern Ireland.

If we are to lobby the UK Government effectively on any changes to the block grant, we must learn the clear lesson from the botched initial attempts to make a pitch in the Stormont House process. Making a loose, general pitch for more resources for general public spending, especially in the context of parts of GB having deep socio-economic problems, is pointless. We need to base any pitch on the particular circumstances of Northern Ireland, show that we are genuinely trying to tackle the cost of division and not being reckless with public funds, and link any additional resources to specific deliverables.

Mr McQuillan: We live in significantly different economic times than when the powers to this Assembly were restored in 2007. Since then, we have seen our block grant reduced in cash terms by successive Administrations in Westminster, beginning with Labour — which Sinn Féin prefers, according to Martin McGuinness in an interview some weeks ago — and the Conservative/Liberal Democrat Administration in the most recent parliamentary term.

Those cuts were generated by the need to make savings due to the imbalance in revenue

generated through poorer tax returns and higher expenditure, primarily in the public sector. The bottom line is that the books do not balance, and that is an economic reality.

I do not expect Sinn Féin to understand that, as they do not even understand that fact in the country they affiliate to. They would rather have seen the Government of the Irish Republic behave like the current Government of Greece rather than behave responsibly and accept economic changes which were responsible for the need to cut public expenditure.

4.00 pm

If the truth be told, we, as a Province, are far better off as part of the United Kingdom under the Barnett formula than we would be as either an independent state or part of a foreign nation. I therefore view the motion with suspicion, and you may ask why. The first reason is the timing. We are weeks away from a general election and one year away from a general election in the Republic of Ireland, where Sinn Féin is allegedly standing against austerity in the hope of collecting a significant portion of the left party votes. The second reason I am sceptical about the timing and wording of the motion is that Sinn Féin despises the Conservative Party. After all, the IRA once tried to murder the late Prime Minister and her Cabinet. Furthermore, like the Scottish National Party, they wish to fuel sheer discontent and anger in order to motivate their core vote here in Ulster.

A number of months ago, we had a similar debate with regard to the revenue-generating mechanisms open to the Assembly and Executive, and the Finance Minister was clear that they were all options on which progress had been made. However, due to Sinn Féin's rejection of the Stormont House Agreement, after it got cold feet over welfare reform, one of those key revenue-generating mechanisms — corporation tax — is on hold. We have witnessed the First Minister, along with his deputy, getting a good deal for Northern Ireland, with additional means of borrowing to plug the gap created by the failure of Sinn Féin to accept welfare reform and to fuel further enhancements to build our economy and generate additional revenue for Northern Ireland. It is therefore somewhat ironic that Sinn Féin stands here today and presents this motion calling on the Executive to look at ways to generate additional revenue and increase the Northern Ireland Budget, when a significant means of doing that was rejected by Sinn Féin after it got cold feet.

Mr McKinney: I welcome the opportunity to participate in today's debate. I have to say that I am disappointed: there are elements of the motion with which I agree, but, as it comes from Sinn Féin, I have to take issue with it. There are a range of ways that you can describe the loss of £1.5 billion to the block grant, and noting it is not one of them. Then again, if you have already voted in favour of such cuts, it is perhaps difficult to move on to stronger language. After the motion, we will all be in a safer place, because Sinn Féin has asked us to note the scale of the cuts. Then we are asked to further note the Tory-led Government's agenda, as if, somehow or other, further noting it will make a dent in that Tory ambition. That is an ambition that the SDLP has been spelling out since the day and hour that the Tories came to power but which, in the end, Sinn Féin actually backed. But, once again, Ireland will be free now that we have further noted Tory intentions. In writing this, I have had to ask myself what all the pain and suffering was for if all we can do is sit here in Stormont this afternoon, "note" what the Tories are up to and vainly appeal to them to change their mind. That is what the motion amounts to. That is all that Sinn Féin can come up with: "Let's not go to Westminster, but let's ask the Tories for more. Let's pretend that Sinn Féin did not actually back the cuts".

Sinn Féin, as my colleague pointed out, has got the gall to ask the unions and the voluntary and community sector to join it. The party that backed the Budget that led to the cuts wants the unions to stand with it. No wonder it was not too present at the recent rallies. No wonder the Irish National Teachers' Organisation (INTO) members held up placards in front of John O'Dowd at the recent conference, telling him that the DUP/Sinn Féin axis amounted to Tory cuts. The trusted teachers of Ireland know the score.

Mr Maskey: I thank the Member for giving way. I had hoped that this afternoon would not descend into a silly point-scoring exercise. Most other Members have not done that and have still been able to make their points. Can the Member identify a single pound that any of his colleagues in Westminster have brought here as a result of their participation at Westminster? I cannot identify a shilling, never mind a pound.

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

Mr McKinney: I will turn it round on him: will you tell me how many pounds you are not going to bring back by not going to Westminster?

Mr Maskey: Will the Member give way so that I can answer?

Mr McKinney: You will have plenty of time in the winding up.

Mr Maskey: Do you want me to answer?

Mr McKinney: OK, go ahead.

Mr Maskey: Go back to the Stormont House talks. If you speak to your party leader — I do not know if you speak to him or not — you will know that the five-party discussions with the British Prime Minister, David Cameron, resulted in an additional £550 million being brought in for education over the next number of years. That was a direct result of our party leading on that.

Mr Principal Deputy Speaker: I ask the Member to address all remarks through the Chair.

Mr McKinney: It was our party that pointed out, way back in the summer, that two separate parties going to Stormont would not be able to do any of the work. In any event, it is you guys who have, late in the day, done a U-turn on the Glenshane Pass over welfare. In any event, it is why Mickey Brady was booed from the demo at Daisy Hill.

It is not time for noting and appealing; it is time for a real hard look at where our problems lie. There is no point in simply urging an Executive to slice up the cake more favourably when we do not have a big enough cake. There is no point in Gerry Adams urging us to socialise the wealth when we do not have sufficient wealth, and he will not get his hands dirty creating it. Chris Hazzard has a fairy-tale economics approach that we should break the link with Westminster because austerity will always be the dish of the day. It might be a cold dish, but it is a dish worth £10 billion a year and to break it now would bankrupt us completely and send any North/South ambition down the tubes. It is why Máirtín Ó Muilleoir's plans, which he revealed to the BBC's 'Inside Politics' show, to push even more taxes on to those who have properties worth over £400,000, when they may not have the income to cope with them, will not work. He also has plans to tax Coke — I assume that he means the drinking variety — but that will not bail us out either. In the midst of a financial crisis on top of an economic crisis, what is the response of the Sinn Féin think

tank? It is Oliver Twist economics: "Please sir, can I have some more?"

Tilting at windmills will not sort out our problems. Agreeing what those problems are and uniting in a common ambition to resolve them may, however, make a difference. We first of all need to decide that that is what we are doing. At present, we are unsustainable, we are relying on handouts and we are powerless. If you want an answer to why we did not get on the television debates, it lies there. We have our hands out looking for more. That is not power; that is pathetic. We scarcely have an economy because two thirds of what this place produces is based on the block grant and our private sector accounts for around a third. That is unsustainable, and it becomes even more so when the grant is to be cut. Parties in the Chamber need to start addressing that issue immediately because it will continue to be increasingly unsustainable.

We need to do things differently. We need to start with an ambition to succeed, to build and to stand on our own two feet and to pay our way. Bleating to the Tories and noting what we have all known for years and what the SDLP has been saying for years simply will not cut it.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank my colleagues for tabling the motion today. The last Member who spoke called for plenty of different ideas, a different approach and alternatives. He had five minutes but did not list a single alternative to what is happening. Perhaps he wants to go away to his own think tank and come up with some ideas and he can then table a motion to solve the problems. They are probably still smarting from trying to sell the City Airport or the harbour or some other thing that was not ours to sell.

At the core of this is the notion that we need to break away from being wedded to the failed economic policies of austerity emanating from the London and Dublin Governments. We need to look around us and realise that there is an alternative. There is no reason why we should not look at places such as Latin America. In Chile, they use moneys from corporate taxes to invest in tuition fees so that children who have been locked out of education for many years can now avail themselves of it. In Venezuela, where they use their natural resources to fund social missions, they have eradicated numeracy and literacy problems, and they are genuinely lifting millions of people out of poverty. Yet, here in Ireland, Governments have sought to sell off natural assets to the highest bidder as

the interests of international consortiums all too often trump the needs of the people.

Mr Nesbitt: Will the Member give way?

Mr Hazzard: No, sorry. I want to get through this next point, and I will then come back.

Some may brush off what I say today as nothing more than radical rhetoric, but let us have a closer look at what is radical. Surely, radical is sending thousands of working families to food banks for survival; surely, radical is shipping thousands of young people off to foreign lands for a job; and, surely, radical is dismantling the NHS and selling it off for parts. Despite the nonsense promoted by Western media outlets, there is an alternative. That alternative begins with taking control of our economic destiny. I give way to the Member now.

Mr Nesbitt: I am grateful to the Member for giving way. I just seek clarification. I was listening carefully, but it seemed to me that you were implying that Belfast harbour was a natural asset. Will you clarify that?

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

Mr Hazzard: I was not referring to that at all. I was talking about selling off natural assets to the highest bidder; I was not talking about Belfast harbour. If you want to look at fracking or anything else, perhaps that would be closer to home.

If we are truly to build an economic alternative to austerity we must repatriate economic powers from Westminster and empower the people of Ireland. I know that the last Member who spoke scoffed at that idea. I am not sure if he has party support for scoffing at the idea of repatriating powers from Westminster and breaking the link with the Union. I am sure that many of his party will be surprised that he said such in the Chamber today. However, if we are to truly empower local communities to continue to raise attainment in schools and eradicate inequalities in Irish society, we must be in control of the choices that are to be made. As long as economic power resides in Westminster, we will remain locked in a Tory trap. The Union offers us nothing but the abhorrent and divisive agenda of austerity. If we act collectively, we can end the Tories' reckless mismanagement of our economy. If all sections of civil society — trade unions, political parties and the people we represent — stand

united in defence of our public services and local jobs, we can build a fairer society.

We must fight for sustainable employment, a living wage and improved working conditions for our people. Our combined forces must be on promoting innovation, encouraging our life sciences sector and our tourism industry and strengthening manufacturing. We cannot repair and rebuild our economy and public services in the interests of the few; we must maximise returns for all in this society. At the very heart of that is the idea that we must smash the notion that there is no alternative. There is an alternative. There are alternatives all around the world, where the rights and interests of the many in society are put ahead of the few. We have to break away and show that this institution is full of political leaders, not political pygmies. We must stand up and take real power for our people.

Mr Allister: I have to wonder about the nature of the bubble in which those who tabled the motion and those who seem to be going to support it live. Anyone who thinks that you can be part of a nation that needs to balance its books and yet be immune from the steps necessary to do so is utterly deluded. To that delusion they then add a huge dollop of hypocrisy. The very same people voted for a Budget of cuts and austerity and trooped through the Lobby to support it. Then they come today lamenting austerity and noting, with disdain and dismay, the cuts that they voted through the House. Hypocrisy does not begin to describe the stance of some. Then, we have Mr Girvan say that we need to cut our cloth to meet our situation but in the next breath tell us that, nonetheless, he will support the motion: that too is lacking in the candour that one would expect in this situation.

The parties in the House have conspired to raid the block grant to promote and sustain unrealistic welfare payments to the tune of £500-plus million over the next few years to come off health and education — vital services. Then, of course, Sinn Féin is back demanding more. It is typical of their strategy that they pocketed what they could get at Christmas and are now back demanding more, leaving a huge ransom note on the First Minister's desk, producing the five-point plan that really seems to amount to "Give us more, more, more, so that we can pay off the Sinn Féin ransom demand and keep Stormont going".

We really need to get a grip on reality. This is the same party — Sinn Féin — that, day and daily, is depleting the block grant through penalties over welfare reform and then laments

the situation of its own creation. We have Mr Maskey, on the one hand, talking disparagingly about big business but then, apparently, they want us to embrace the devolution and cutting of corporation tax. Who does he think that will primarily benefit, other than big business?

Mr McCallister: Will the Member give way?

4.15 pm

Mr Allister: At the same time, it will further deplete the block grant, which it tells us it so cherishes.

Yes, I will give way.

Mr McCallister: I am grateful to the Member. As I have pointed out before in these debates, corporation tax cuts have a long way to trickle down before they reach people on benefits and welfare — the people Sinn Féin says that it wants to help. Does the Member agree with that?

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

Mr Allister: Thank you.

Absolutely. The only certainty about cutting corporation tax is the further depletion of the block grant. There is hope and expectation — it is a wing and a prayer — that it might produce more jobs, but there is no certainty whatsoever about that.

If this debate is to have any value, it will come when the Minister maybe answers some of these questions. I have a couple for him. Given the situation we are in with the logjam on welfare reform and the failure to deliver the Stormont House Agreement, will he be in a position to bring the Budget (No. 2) Bill to the House in June? Will he be in a position to bring the final Estimates? That is really where the House will have to face reality. I think that the Minister needs to tell us whether, if things continue as they are, he will be in a position to deal with those fiscal necessities. If he is not, does he expect the Treasury simply to stand back and say, "That is all right then"? Or does he have a realisation and an expectation that that will not happen and that the Treasury cannot and will not stand back?

I think that we need to hear from the Minister the stark financial realities of the situation — not the aspirations, not the hopes and not what one might dream about. What are the fiscal realities? Will he be able to bring the Budget

(No. 2) Bill to the House? If he is, how is he going to do it? If he is not, what happens then?

Mr McCallister: I have to say that this is one of those completely bizarre motions that a party — a party of government — brings. I am surprised at others supporting it. When I first read the motion, I was reminded of Neil Kinnock's remarks when he turned to address militants in his own party. This is what he said:

"I'll tell you what happens with impossible promises. You start with far-fetched resolutions. They are then pickled into a rigid dogma, a code, and you go through the years sticking to that, out-dated, mis-placed, irrelevant to the real needs, and you end up in ... grotesque chaos".

That is where Sinn Féin is now stuck. On the one hand, it talks about criticising big business, but then it is cutting corporation tax. It talks about the block grant, the cost and price of the Union and austerity and of how evil the Tories and Tory cuts are. Did it watch the leader of the Labour Party, who is hoping to be prime minister of our country in a few weeks, trying to sell himself as a man who will be fiscally responsible? There were no promises of reckless spending but of trying to buy in to a triple-lock.

As part of the coalition agreement, the Tories in 2010 — the Minister may wish to allude to this — ring-fenced and protected health spending. We get a Barnett consequential for that. That made a big difference to what happened. The Minister will probably know the Barnett consequential better than I, but if the Tory and Lib Dem Government happen to be re-elected by promising year-on-year increases in health spending by up to £8 billion until 2020, the consequential will be somewhere in the region of £230 million to £240 million. The very fact that a future UK government could protect health and education, amounting to 60%-plus of our Budget, is the kind of thing that has shielded this Executive from the real ravages of austerity.

I remember a previous debate on the Budget when Mr Nesbitt gave some figures about UK debt. I reminded the House that the Republic of Ireland had reduced its spending by some €30 billion, the equivalent of 18% of GDP. If the UK had to reduce public spending at the same level, that would have equated to £500 billion. I will let the Minister work out how much that would have been off our block grant.

There seems to be an idea that you can keep asking for more and more, and that more

money is always the answer. When you are part of a union, you have to take some of the hits. The Executive boast that we have the lowest household charges anywhere in the UK. As Mr Cree pointed out, we have the highest levels of public spending in the UK. Those situations cannot be balanced with endless talk of more and more money.

There are no ideas coming from the Government. Corporation tax is, effectively, the only thing in the tank. They want to cut corporation tax and, as Mr Allister said, the hope is that all this investment will come in. That might be good, positive and could help us to grow, but not when we are cutting our skills budget.

We signed up for welfare reform. Other colleagues have talked about civic society buying into that. We had the Make it Work campaign come up to the Stormont House Agreement talks. When people saw what Make it Work really looked like, they all ran for cover. Suddenly, it was a case of, "Hang on, maybe we don't want to make it work as well as that." That included parties that are in the Government. We have Sinn Féin, which signed up to welfare reform. We debated it, were making progress with it, and things were going very nicely until they got a bit nervous because they had not read the small print or something properly, and there was a row —

Mr Hazzard: Will the Member give way?

Mr McCallister: I am happy to take an intervention at this stage.

Mr Hazzard: I thank the Member for giving way. Just a couple of weeks ago, the Member stood with me in Annalong in solidarity with those who had been affected by an SDLP cut to the money that was allotted to the Mourne Heritage Trust. That is the effect of austerity coming from Westminster. That is the outworkings of austerity.

Mr McKinney: It was your Budget.

Mr Hazzard: That was an SDLP cut —

Mr McKinney: It was your Budget.

Mr Hazzard: Surely you agree that that is the outworking of negative austerity from London and it is something that we stood against together.

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

Mr McCallister: I agree with that but, as Mr McKinney was shouting, it is your Budget. You voted for it. Check the record; I voted against it.

The point is that the problems with our Budget are very often made in Northern Ireland. The Minister could possibly have his Budget blown apart by June because of the £2 million a week in fines due to welfare reform not being delivered on. We also have 65,000 empty school desks, a lack of reform in education and Transforming Your Care has stalled. The only reform that the Administration are doing is reform that has been effectively forced on it by the Government —

Mr Principal Deputy Speaker: I ask the Member to bring his remarks to a conclusion.

Mr McCallister: — in welfare and the public sector. If we had put a recruitment freeze in the Civil Service, you would already have the 12% instead of us having to borrow £700 million to do it. Those are as much your cuts. I also spoke in Kilkeel —

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

Mr McCallister: — against cuts to early years and early intervention. That was a huge blow to those services.

Mr Hamilton (The Minister of Finance and Personnel): Mr Principal Deputy Speaker, I think that this is the first time I have spoken in the House under your chairmanship. I know that it has been several weeks since you were elected to the position of Principal Deputy Speaker, but I want to belatedly welcome you formally to your post. It is a pleasure to sit under your chairmanship.

I have enjoyed the debate much more than I thought I would. It has been entertaining from my vantage point to sit back and listen to the various squabbles. It is always nice and heartening for unionists to listen to nationalists squabble among each other, and I do not intend to fight with any unionist colleagues too aggressively today.

We do not get enough opportunities to debate budgetary matters, and I welcome opportunities to do so. We debate the Budget frequently in the House, but that can sometimes turn into a very broad discussion that is about anything other than the Budget.

We do not often get into focused discussions around austerity policies or whatever it might be, so I welcome the opportunity that today's debate has presented. I do so even if this motion is very suspiciously like a Sinn Féin motion that was before the House approximately two months ago.

The House is very well versed, I hope — listening to the contributions it appears that it is — in the past, present and future pressures on our block grant, and it does no harm to rehearse them again. As the motion says, roughly £1.5 billion in spending power has been lost to the block grant since 2010 because our Budget has not risen in keeping with inflation over that period. It is often forgotten that while, latterly, things have changed in this respect, our capital budget was hit by a 40% reduction in the 2011-15 Budget period. That has improved slightly in recent years, but that had a devastating impact. I will come back to that in a moment when I pick up on a point that one Member raised earlier.

In this current financial year — I have to remember that we are now in a new financial year and I cannot talk about next year any longer — we are facing a 1.6% real-terms reduction in our resource budget. We should be listening to what Conservative Party and Labour Party spokespeople are saying, and I will address that as well. Looking forward, however, you do not have to listen to them, nor do you have to listen to me or anybody in this Chamber; you can read what the Office for Budget Responsibility (OBR) is saying. It is clear that whoever wins the upcoming general election, if indeed anybody wins it, the future is more of the same. It will be different; the timings may be slightly different from what we were thinking they were going to be. However, I warned in the House before on earlier OBR projections that we could be facing, at a UK-wide level, as much as 13% reductions to resource expenditure over the next three years. If that was fully applied to Northern Ireland that would equate to a further £1 billion being taken out of our resource budget.

I am listening attentively, as is, I am sure, everybody in the House and further afield, to what is being said by the Conservative Party and the Labour Party, as the two parties likely to lead any new Government, about the various spending commitments that they are making. I listen to them because, as Mr McCallister pointed out in respect of the Barnett consequential, they have very serious implications for our Budget but also because what they particularly pick out as their favourite areas of expenditure have significant Barnett

consequential impacts — or not — for Northern Ireland. We are hearing both parties outbidding and outgunning each other in respect of protecting health and education in real terms or cash terms, and we have had the recent commitment by the Conservative Party to put a further £8 billion a year into the NHS in England by 2019-2020, which would have significant positive Barnett consequentials for Northern Ireland because of the high degree of comparability that there is through the Barnett formula for Northern Ireland in respect of health and education spending. We also recently heard the Chancellor in his Budget statement in March herald the end of austerity by 2019-2020, when he is predicting a significant increase in public spending.

The result of all those pledges, if they are taken forward and implemented — it is likely that there will be bartering between various parties as a Government is formed and things may not come out of the wash exactly as parties put them in — is that instead of there being 13% reductions to our resource budget moving forward over those three years, the reduction is likely to be significantly less. While it will be less, however, reductions in public expenditure are still looming on the horizon. The only plus point, looking at the Budget moving forward and the projections that are there, is that the capital position is likely to improve significantly over that period as well. That, obviously, will provide a boost to the economy. Mr Cree will be glad to hear that it is likely that FTC will play a large part in that, and that might pose some particular difficulties for us in Northern Ireland.

4.30 pm

I will pick up on points made by some Members, including Mrs Cochrane, on the pace of reductions. The reality is accepted by most of us that there is a requirement to live within our means. That is accepted by most sensible people, although it appears that not everybody is sensible. In 2010, the UK Government, in my view and in the view of many, went too hard and too fast, particularly in cutting the capital budget. As I have said before, it was indicated that our capital budget reduced by some 40% over the four years. At that time, given the UK Government's interpretation of the evidence that they saw, that was their way of reducing the deficit and eliminating it in this Parliament. It has not been eliminated in this Parliament, and I believe that one reason why it has not been eliminated is the conscious decision to go after capital, because the economy reversed again. It is sometimes forgotten that, at the time of the last election, the economy was growing, but it reversed because of that very

significant impact on capital spend. Capital projects that did not move forward or were stopped resulted in a lot of people becoming unemployed, and unemployment registers going up, and it had a devastating impact on the economy for a time. That is why austerity and austerity policies have continued and will continue well into the next Parliament.

I will take up a point made by Mr Allister. I think that it is perfectly reasonable for us to accept the reality that we have to live within our means and that adjustments have to be made to do that at a national government level, just as we in Northern Ireland have to make adjustments to live within our means, but to oppose a particular type of policy that is being followed by the Government in Westminster, whether that Government be of a Conservative or Labour hue. On reflection, many of us, including my party, warned that going too hard and too fast, particularly with capital, would have significant negative consequences, and so it proved to pass.

I share the sentiments of many about the motion and agree with some of its sentiments — not helped, I have to say, by some contributions from the Sinn Féin Benches — but what is significant about the motion is what it does not say. Some Members picked up on precisely the points that it does not mention. There are at least three areas in which it omits significant things that should be addressed in a debate like this.

The first — at least Mr Maskey addressed this in moving the motion — is that it omits to acknowledge the good work that has been done, even in a period of cuts to our Budget, by the Executive and by society across Northern Ireland to ensure that economic growth is underpinned and that key public services like health and education continue to be invested in.

Secondly, as some Members picked up, it also fails to acknowledge the home-grown austerity — if I can use that phrase: the Sinn Féin austerity resulting from Sinn Féin inaction, particularly on welfare reform, and how that has harmed Northern Ireland.

Thirdly, as Members pointed out, whilst the motion calls for business, trade unions, the third sector, Uncle Tom Cobley and all to join with politicians to oppose austerity, it fails to mention the fact that, where it matters — at this moment in time, the new House of Commons will be where it matters — Sinn Féin is, of course, absent.

If I may, I will take each of those points in turn in the limited time available. We have done much, and much has been done by many across Northern Ireland, to ensure that our economy has been turned around and that past trends have been overturned. Our economy is growing, albeit at 1.2%, year on year between quarter 2 of 2013 and quarter 2 of 2014. It is a private sector-driven recovery, with the private sector up in three of the last four quarters. In particular, the services and production sectors are driving that annual growth. Unemployment has fallen for 26 months in a row and is down 18,600 over the period, and, of course, in 2013-14, Invest Northern Ireland posted record results, with 11,000 jobs being promoted.

We have also continued to invest in key public services. Health is up by over 3% next year, with some £200 million additional going into the Department of Health. Since 2007, health and education have been up 33% and 23% respectively in expenditure, again showing that, even over difficult years, those key public services have been the priority of the Executive, as the motion calls for.

As bad as austerity policies emanating from London have been, they have been compounded by the self-inflicted wounds of Sinn Féin.

The austerity emanating from the Conservatives and the Liberal Democrats has been exacerbated by the austerity emanating from Sinn Féin. I of course refer, as did many Members in their contributions, to the £100 million that has been lost already in welfare reform fines. We talk about these things so often in this place, at Question Time and in debates, that I think that sometimes we forget that, at a time when there have been various pressures on public spending, as the motion is right to point out, we have lost £100 million because of Sinn Féin inaction on welfare reform. That is £100 million that could have gone to health, education, the environment or wherever. It has gone not to health, education or the environment but back to the Treasury in fines paid because of non-movement on welfare reform. There have been consequences. There have been in-year cuts to services to pay for that £100 million. There have been job cuts in the public sector and outside. As a result of the handing-back of that £100 million to London, there have been contracts with the private sector and the third sector that have ceased, resulting in job losses in those sectors.

There are looming problems — I have to make this point — with the Budget for this current

year, 2015-16. The Stormont House Agreement contained a significant financial package with a voluntary exit scheme, whereby I would be able to access £200 million in loans, and payroll savings of £50 million that would emanate from the scheme. I could go on and on and on. Even Mr Maskey referred to the £500 million that shared education would get as part of the financial package. The Secretary of State and others are on record as saying that, if we do not proceed with welfare reform, the whole package is at risk. That includes the financial package that underpins our Budget. That clearly will have a significant impact on our Budget and on our ability to agree a Budget in advance, and that is something that Executive colleagues and I will have to contend with in the coming weeks.

The impact of the cuts to pay for welfare reform fines and of cuts that could be required in order for us to live within our means this year because of the failure to move forward with the Stormont House Agreement and the Stormont Castle agreement will be every bit as devastating as the austerity that is emanating from London, under any UK Government, if not more devastating.

Thirdly and finally —

Mr Allister: Will the Minister give way?

Mr Hamilton: I have very limited time. If you are very brief, I will give way quickly.

Mr Allister: If the Minister cannot bring forward the Budget Bill in June, what will happen to the finances?

Mr Hamilton: I do not think that, in one minute, I will have time to deal with that and still conclude my remarks. Suffice it to say, the Member and others are right to identify the very serious impact that not being able to move forward with that whole financial package will have on our Budget and on our ability to advance a Budget this year. Several weeks ago, I spelled out that there would be a black hole in the Budget of roughly half a billion pounds. That clearly presents problems for balancing our books and getting a viable Budget.

The motion also rightly calls for Northern Ireland politicians to fight austerity, but what it fails to point out, as I have said before, is that Sinn Féin is absent from the arena in which it is important to be to oppose austerity — the House of Commons. Members opposite laugh, and, again, I do not think that I have the time to

really get into this, but a once-in-a-generation opportunity presents itself to politicians from Northern Ireland who are returned to represent the people of Northern Ireland. There is an opportunity like never before, and perhaps like never again, to exert influence on an incoming UK Government.

Mr Principal Deputy Speaker: The Minister must bring his remarks to a close.

Mr Hamilton: Sinn Féin, for all its ranting and raving and opposition, will not be there. I can assure the House that MPs from my party will be there, will exert their influence and will be seeking to get the best deal that they can get for the people of Northern Ireland.

Ms Maeve McLaughlin: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. First, I welcome the tone of the debate. I think that it has been, for the most part, a mature and informed debate. I have to say that I welcome the developing consensus around the very clear focus on the policies of austerity that are coming at us hard and fast from Westminster.

I want to refer to a number of Members' comments. In proposing the motion, Alex Maskey very clearly highlighted the £30 billion cut that is pending. It is important for us to reflect on that, and on the £12 billion welfare cut that is pending. The motion calls for all parties to assert opposition to austerity. I welcome the fact that, from the DUP Benches, Mr Girvan supported the motion, albeit reluctantly, and called on Sinn Féin to take its seats in Westminster. Thankfully, Mr Girvan does not write Sinn Féin policies or strategies. He also stated that, as a party, the DUP would do all that it could to maximise the block grant. Again, I find that welcome.

Dominic Bradley highlighted how austerity has resulted in a huge fall in standards for people in the North of Ireland and that austerity was what he called "a dead hand" on our economy.

Judith Cochrane outlined how the cuts have caused major problems for the people of the North of Ireland, and Mr McQuillan also referred to living in very difficult economic times.

Fearghal McKinney, from a position that, in my view, was very pro-UK, took great issue with the fact that the motion calls for us to note a number of things, but he missed the fact that it declares opposition to austerity policies. Yes, but also:

"calls on the British Government to pursue, in the immediate term, a policy of economic stimulus".

That is a very clear action in my view.

It was interesting that the Minister, in welcoming the opportunity to have this debate, noted that we do not often have enough debates around policy. I welcome the fact that that was a developing consensus in the Chamber. The Minister noted that a number of issues were missing. I agree with him in terms of the good work that has been done; I acknowledge that, and I will reference it. However, I suppose that I would make reference to his analogy that the motion had failed to acknowledge "Sinn Féin austerity". I suggest that the Minister's word "austerity" should be changed to "protection". And, if it is the case that money has been kept in the pockets of the most vulnerable, I and my party are very happy with that result.

In relation to the motion itself, as we have heard today from Members, there are plans for further cuts of up to £30 billion. We need to fight collectively, tooth and nail, to protect vulnerable people in our society, support our local economy and invest in public services. The Tories have promised a further £12 billion of cuts to welfare provision, and we do not even know clearly, or they do not even have the decency to tell us or outline exactly, where those cuts would come. What we know, from past experience, is that those cuts will be targeted at the poorest and most vulnerable in our society.

Mr McCallister: Will the Member give way?

Ms Maeve McLaughlin: No, I will not. Thank you. The Tories continue to offer tax breaks to the super-rich —

Mr McCarthy: Will the Member give way to me?

Ms Maeve McLaughlin: No. What is — *[Interruption.]* I may come back to both of you in a second, after I make this point. What is very clear is that the austerity programmes have failed by any benchmark, and that is an important point to be made by this House today. Even by Westminster's own yardstick, austerity has failed. Lost growth and higher debt are just the financial costs of Westminster's failure, but the human cost has been higher still. Analysis, even by the Institute for Fiscal Studies, has found that the coalition's tax and benefit changes have indeed hit poorest households

hardest. I give way, now, to Mr McCallister, if he so wishes.

Mr McCallister: Thank you. You will maybe get in now, Mr McCarthy. I just wanted to ask the Member whether she does not consider the £9.6 billion per year subvention as an investment. What about the Minister's point about £100 million effectively wasted on welfare reform or on fines? Who is paying the most for that? Is it not, surely, the most vulnerable?

4.45 pm

Ms Maeve McLaughlin: I thank the Member for his intervention. Again, I go back to the point about the protection of the most vulnerable. Members from other Benches have noted the issue around the lack of clarity regarding the money that is raised here and, indeed, the gap of the alleged £10 billion from Westminster. Let us look at it in terms of the consensus that is coming from the House. Often, we do not even know how that money is raised or how it is spent. Members on the opposite Benches and other Benches have commented on that lack of transparency. Again, there is an opportunity for consensus in the House around challenging issues of fiscal powers to the North of Ireland.

As I said, the human cost has been much higher than is stated in some of the statistical reports that we have seen. This is an important point in the debate today: we could change course. There are alternatives. There is an alternative — there is a very clear alternative. It is within the power of the British Exchequer to restore the Budget. I hope that the developing consensus in the Chamber today will encourage us to demand that that is done. It is within that power for the British Exchequer to drive forward a policy of economic stimulus. In our respective constituencies and legislative frameworks, we must demand no less for the North of Ireland.

The £1.5 billion cut to our budgets has been well documented today. It is important to reflect on the fact that we have maintained public services. We have protected our health service from privatisation; we have —

Mr McCarthy: I am grateful to the Member for giving way, and I am getting angrier as the Member talks about how well she has been doing. What can the Member say to my 10-year-old granddaughter who said to me the other morning, "Grandad, what are they doing up at Stormont? They have taken my opportunity to learn Spanish and Italian away from the classrooms. What are you doing up at

Stormont?"? In view of the fact that the Minister has advised the Assembly that we have handed back millions to London, what can you say to my granddaughter and other children who have been denied education in Spanish and French in their schools?

Ms Maeve McLaughlin: I thank the Member for his intervention. As the Member well knows, some of the debate within our departmental budgets is about where money goes and whether it goes in the right direction. The Member is familiar with some of those similar issues in relation to the current spend of our health budget, for example. A huge debate, which has been validated by the Finance Minister himself, needs to take place. We need to have the hard and tough conversations around where our current spend goes in relation to maximising outcomes for all of our constituents.

It is important to reflect on the fact that there has been progress: progress in opposition to privatisation; in protecting people from water and prescription charges; in ensuring that older people benefit from free transport; and in retaining the education maintenance allowance to support young people from poorer backgrounds to stay in education. We have protected people, invested in business and created jobs, and we should acknowledge that work. However, that work has not happened because of Westminster; it has happened despite Westminster.

Mr Principal Deputy Speaker: I ask the Member to bring her remarks to a close.

Ms Maeve McLaughlin: I will. I welcome the growing consensus that has taken place in the debate; I welcome the mature approach that, for the most part, Members took to the debate; and I welcome the clear opposition to the Tory-led Westminster cuts and policies of austerity. I support the motion in its totality.

Question put and agreed to.

Resolved:

That this Assembly notes the estimated reduction of £1.5 billion from the block grant; further notes the declared intention by the current Tory-led Government to make further swingeing cuts of many millions over the next mandate; notes the devastating effect this has had on the funding of public services; declares its opposition to the austerity policies at the root of all of this; calls on the British Government to pursue, in the immediate term, a policy of

economic stimulus; and further calls on the Executive to continue to defend the core public services of health and education and appeal to civic society, employers, trade unions and the voluntary and community sector to unite in lobbying the British Government on this basis.

Ms Ruane: Mr Principal Deputy Speaker, I would like to apologise for missing my question today. I meant no disrespect to the House.

Mr Principal Deputy Speaker: It has been noted.

Adjourned at 4.49 pm.

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