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Northern Ireland Assembly

Monday 16 March 2015

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Executive Committee Business

Off-street Parking (Functions of District Councils) Bill: Royal Assent

Mr Speaker: I wish to inform the House that the Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 became law on 12 March 2015.

Budget Bill: Royal Assent

Mr Speaker: The Budget Act (Northern Ireland) 2015 became law on 12 March 2015.

Teachers' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015

Mr O'Dowd (The Minister of Education): I beg to move

That the draft Teachers' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.

Go raibh maith agat, a Cheann Comhairle. Iarraim cead an rún seo a bhogadh. The regulations we are debating today make consequential modifications to the Pension Schemes (NI) Act 1993 and the Finance Act 2004 to ensure that our teachers' pension scheme, which was created under the Public Service Pensions Act (NI) 2014, operates as intended.

The proposed regulations make small and technical modifications to the law governing the new teachers' pension scheme. I remind Members that the Public Service Pensions Act (NI) 2014 provides framework enabling legislation for the reform of public-service

pensions in the North of Ireland. The design of the new teachers' scheme has now been settled within the confines of the Act, and the scheme will come into operation on 1 April of this year. The regulations before us today are simply the means to ensure that the scheme design for the teachers' pension scheme, which was widely consulted upon with members and unions, works properly within the wider framework of pensions and tax law. They will make sure that members of the teachers' pension scheme get the pensions they expect, and that they do not lose out as a result of any tension between the scheme design and the wider law.

I move now to modifications to the Pension Schemes (NI) Act 1993 and provisions to stop transitional members being treated as deferred members of their pre-2015 scheme.

A set of modifications is being made to the Pension Schemes (NI) Act 1993, the first of which is needed to ensure that members moving from their existing scheme to the new scheme also remain non-accruing members of the old scheme. Therefore, their old scheme service will only terminate when they leave the new scheme. That will ensure the following three things: the benefits that they have accrued in their existing scheme are not revalued as if they were deferred members; secondly, their right to a cash equivalent transfer value, a refund of contributions or a cash transfer sum applies only when they leave the new scheme; and, finally, anti-franking provisions do not apply as if they were deferred members from 1 April 2015.

The proposed modifications mean that, for those purposes, such individuals do not cease to be active members of the existing scheme until they also leave their new scheme. In addition, modifications to the regulations that govern contracting out, specifically those that dictate the process a scheme must follow to be contracted out, are also contained in the regulations. For the new teachers' pension scheme, the process has been simplified, ensuring that the new scheme and, therefore,

its members continue to be contracted out of the additional state pension until the end of contracting out in April 2016.

I move now to modifications to the Finance Act 2004 and provisions to stop transitional members taking ill-health retirement being assessed twice against annual allowance and lifetime allowance limits. The regulations also seek to modify provisions within the Finance Act to ensure that members with service in both a new and existing pension scheme who retire with an ill-health pension do not face unintended tax consequences. Specifically, they ensure that parts of the ill-health pension available to members who fall ill are not measured twice for annual allowance and lifetime allowance limits simply because of the transitional mechanics for payment of ill-health benefits. Put simply, the modifications ensure that the tax regime will apply in the way intended to those members who move into the new scheme and then retire because of illness.

In conclusion, these are very technical modifications to wider pension legislation that seek to ensure that NI Teachers' Pension Scheme members can get the pensions that they expect without any unexpected effects as a result of tensions with the wider law. Therefore, I commend the modifications to the House. Subject to affirmative resolution, the regulations will become effective from 1 April 2015.

Miss M McIlveen (The Chairperson of the Committee for Education): The Department briefed the Committee on the regulations in question on a number of occasions and as part of the wider raft of secondary legislation that supports the Public Service Pensions Act (Northern Ireland) 2014.

The Minister has outlined the nature of the regulations before the House today. The Committee considered the relevant consultation on 5 November 2014 and the draft rule on 4 February 2015. The Committee also engaged with the teaching unions, seeking their views on the changes to the Northern Ireland Teachers' Pension Scheme. Members accepted that the legislation in question was largely technical in nature and that its passage was certainly required in order to ensure the continued payment of teachers' pensions. The Committee noted that the Examiner of Statutory Rules had found no impediments in the drafting of the rule. The Committee, therefore, agreed on 3 March 2015 that it was content for the Assembly to affirm the rule.

This secondary legislation is part of the wider reform of teachers' pensions. As pensioners' longevity has improved, so costs have increased. In order to manage this increasing liability, teachers' contributions have risen to an average of 9.6% of pensionable salary. Teachers' retirement age is also set to change. It is expected that the average retirement age for teachers will increase from around 60 at present to around 65 in about 10 years' time. That will increase again to 66 in about 20 years from now. As well as teachers' contributions, employers' contributions have also increased to 17.7%, generating an additional cost of around £37 million per annum for the next four years.

The costs are substantial and the changes are significant. The outlook, according to the actuaries, appears to be better, with employers' contributions to the new pension scheme falling back to 13.2% in 2019-2020 as contributions catch up with liabilities. It is also hoped that there will be no further increases in teachers' contributions to their pensions. This is a difficult transition with consequences for all teachers and, indeed, further education lecturers that need to be fully understood.

As I indicated earlier, the Committee was content with the legislation. However, members did have a number of reservations and concerns. Firstly, members want to be sure that the Department will make significant efforts to communicate these complex pension changes that will take effect in about two weeks' time. Members also wanted to be sure that the Department will properly explain and be flexible in respect of the timescales relating to options for avoiding actuarial reductions.

As I indicated a moment ago, that may very well affect almost all teachers retiring 20 years from now.

Finally, changes of the kind proposed in this and related legislation may have equality implications. The Committee was surprised by the absence of workforce information and equality data for teachers. The Committee felt that the Department should do more, and soon, to develop and maintain such data. Members felt that, for a modern teaching profession, it was only sensible to know more detailed demographic profile information for its employees.

The Department has provided some assurance in respect of the above. I hope that the Minister, in his response, will touch on these matters again and give reassurance to members of the Committee.

Mr Lunn: As the Chair has said, we do not really have much option but to agree to this, and the Committee has done so. She also said that the Committee had some reservations, and, certainly in my case, that is an understatement.

Take the situation of a new teacher who is going to join the new scheme after 1 April. He may well graduate, and, if he is one of the 18% or so lucky enough to get a job, he will now take on an average contribution rate of 9·6%, and the employer will eventually pay 13·2% or something like that. The 9·6% contribution rate is well above the rate for a Civil Service or public service contribution, and the 13%-odd is well below it. As well as that, the eventual benefits for teachers are no better, and in some cases are worse, than those provided by other public service schemes. The eventual increase up to age 68 will hit the teacher who is now coming into the profession for the first time. At present, most teachers retire before the age of 60 because — I would not like to say that they are "burnt out" — you come to the end of your useful teaching life at some stage in your late 50s or early 60s. If that 23-year-old teacher, who is now coming into the profession, wants to retire early, he may well have made 40 years' contributions, but his pension will be reduced if he retires early, by 5% per annum for each year of early retirement.

Only a few years ago, we were encouraging teachers to leave the profession in their late 50s and making up their pension to what they would have got aged 60. Now, we are doing completely the reverse: we are effectively forcing teachers to work on until the age of 68. At the same time, we are going to have hundreds into thousands of young graduate teachers who cannot get a job. As I have said, I accept these regulations but with considerable reservation.

Mr O'Dowd: I welcome the support from Members that has been expressed during the debate. I also acknowledge the reservations of Members that were also expressed during the debate. Our hands are largely forced in this matter, in terms of legislation. Pension changes take place in Westminster and then the financial consequences of those bear down on our Executive and Assembly. As I have already said, the enabling legislation was passed by the Assembly in 2014, and today we pass the regulations.

In response to some of the issues raised by the Chair of the Committee, I take the opportunity to reiterate the assurances given to the Education Committee by my officials, both in

oral sessions and writing. My Department is conscious of the wide range and number of changes involved in introducing the reformed pension scheme. A communications strategy and engagement action plan have been put in place to ensure that members are fully informed — or informed as much as possible — of the changes to the scheme.

12.15 pm

My Department continues to work with employers and teachers' unions to ensure that teachers are made aware of the changes to the pension scheme and how they will affect them. To that end, six information roadshows have taken place in various venues across the North.

I am aware of the time limits in the scheme rules for exercising the option to buy out an actuarial reduction to pension. I asked my officials to exercise, where appropriate, the flexibility in the regulations in the application of the timelines. I acknowledge that there are gaps in the data that are collected for equality monitoring. I am committed to ensuring that better-quality data are collected in future to inform monitoring and the analysis of the effect of policy changes across our workforce.

I commend the motion to the Assembly.

Question put and agreed to.

Resolved:

That the draft Teachers' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.

Firefighters' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015

Mr Wells (The Minister of Health, Social Services and Public Safety): I beg to move

That the draft Firefighters' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.

The regulations make consequential modifications to the Pension Schemes (Northern Ireland) Act 1993 and the Finance Act 2004 to ensure that the firefighters' pension scheme, which was created under the Public Service Pensions Act (Northern Ireland) 2014, operates as intended.

The proposed regulations make small and technical modifications to the law governing the new firefighters' pension scheme. I remind Members that the Public Service Pensions Act (Northern Ireland) 2014 provides framework-enabling legislation for the reform of public service pensions in Northern Ireland. The Act gives effect to the recommendations from the Independent Public Service Pensions Commission, led by Lord Hutton. That review considered what needed to be done to have sustainable public service pensions, given the increases in longevity and associated costs.

These reforms were much needed to balance taxpayers' legitimate concerns about the cost of public service pensions with the need to ensure adequate levels of retirement income for the millions of people who have devoted their lives to the service of the public. I am pleased to say that these reforms received the Northern Ireland Assembly's support during their legislative passage.

The reforms will apply to all public service pension schemes in Northern Ireland, including the firefighters' pension scheme. The design of the new firefighters' pension scheme has now been settled and will come into effect from 1 April this year.

The regulations are simply the means to ensure that the design of the firefighters' pension scheme, which was widely consulted upon with members and unions, works properly within the wider framework of pensions and tax law. They will make sure that members of the firefighters' pension scheme get the pension that they expect and do not lose out as a result of any tension between scheme design and wider law.

There are also provisions to stop transitional members being treated as deferred members of the pre-2015 scheme. A set of modifications are being made to the Pension Schemes (Northern Ireland) Act 1993, the first of which is to ensure that members moving from their existing scheme to the new scheme also remain non-accruing members of the old scheme. Therefore, their old pension service will terminate only when they leave the new scheme.

That will ensure three things. First, the benefits they accrued in their existing scheme are not revalued as though they were deferred members. Secondly, their right to a cash equivalent transfer value, a refund of contributions or a cash transfer sum applies only when they leave the new scheme. Thirdly, anti-franking provisions do not apply as though they were deferred members on 1 April 2015. Mr O'Dowd made exactly the same point about his scheme.

The proposed modifications mean that, for those purposes, such individuals do not cease to be active members of their existing scheme until they leave their new scheme. In addition, modifications to the regulations that govern contracting out, specifically those that dictate the process that a scheme must follow to be contracted out, are in the regulations.

For the new firefighters' pension scheme, the process has been simplified, ensuring the new scheme, and therefore its members, continues to be contracted out of the additional state pension until the end of the contracting out period in April 2016. There are also provisions to stop transitional members who are taking ill-health retirement from being assessed twice against annual allowance and lifetime allowance limits.

The regulations also seek to modify provisions within the Finance Act 2004 to ensure that members with service in a new and existing pension scheme who retire with an ill-health pension do not face unintended tax consequences. Specifically, they ensure that parts of the ill-health pensions available to members who fall ill are not measured twice for annual allowance and lifetime allowance limits simply because of the transitional mechanics for payment of ill-health benefits. Put simply, the modifications ensure that the tax regime will apply in the way intended by the Government to those members who move into the new scheme and then retire because of illness.

In conclusion, I am sure that Members will agree that these are very technical

modifications to wider pensions legislation, which seek to ensure that firefighter pension scheme members can get the pensions they expect without any unexpected effects as a result of tensions within wider law. I therefore commend the modifications to the House. Subject to affirmative resolution, the regulations will come into effect from 1 April 2015.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. On behalf of the Committee for Health, Social Services and Public Safety, I support the motion.

The statutory rule, as the Minister said, intends to make consequential modifications to primary legislation, which are required to ensure that new public-service pension schemes — in this case, the firefighters' pension scheme — will operate as intended in their interaction with the wider framework of pensions and tax legislation.

The Committee considered the proposal for the statutory rule at its meeting on 14 January 2015, and we approved the subsequent rule on 18 February 2015. There were no issues raised by the Committee.

Mr Wells: I seem to be on a good run, because this is the second time there has been very little opposition to what is, of course, technical legislation.

I am glad that Members appreciate that this deals with some of the difficulties of matching the new scheme with taxation law. It is not a rehearsal of the debate on Hutton or the nature of the changes to pensions; it is something that simply has to be done if we are going to be able to start running the scheme from 1 April 2015. Members of the Fire Service and the unions, whilst not happy with the overall direction of pensions legislation in the United Kingdom, feel that, given where we are, these regulations are absolutely necessary. Therefore, I commend them to the House.

Question put and agreed to.

Resolved:

That the draft Firefighters' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.

Health Service Workers (Consequential Provisions) Regulations (Northern Ireland) 2015

Mr Wells (The Minister of Health, Social Services and Public Safety): I beg to move

That the draft Health Service Workers (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.

The regulations we are debating today make consequential modifications to the Pension Schemes (Northern Ireland) Act 1993 and the Finance Act 2004 to ensure the health and social care (HSC) pension scheme, which was created under the Public Service Pensions Act (Northern Ireland) 2014, operates as intended.

The proposed regulations make small and technical modifications to the law governing the new HSC pension scheme. I remind members that the Public Service Pensions Act (Northern Ireland) 2014 provides a framework enabling legislation for the reform of public-service pensions in Northern Ireland.

The Act gives effect to the recommendations from the Independent Public Service Pensions Commission, led by Lord Hutton. That review considered what was needed to be done to have sustainable public-service pensions, given the increases in longevity and the associated costs.

Those reforms were much needed to balance the legitimate concerns of taxpayers about the cost of public-service pensions with the need to ensure acceptable levels of retirement income for millions of people who have devoted their lives to the service of the public. I am pleased to say that these reforms received the support of the Northern Ireland Assembly during legislative passage and will apply to all public-service schemes in Northern Ireland, including the HSC pension scheme. The design of the new HSC pension scheme has now been settled, and it will come into operation on 1 April this year.

The regulations are simply the means to ensure that the design of the HSC pension scheme, which was widely consulted upon with members and unions, works properly within the wider framework of pensions and tax law. The regulations will make sure that members of the HSC pension scheme get the pension that they expect and that they do not lose out as a result of any tension between the scheme design and wider law. There are also provisions to stop

transitional members being treated as deferred members of their pre-2015 scheme.

Modifications are being made to the Pension Schemes (Northern Ireland) Act 1993, the first of which is needed to ensure that members moving from their existing scheme to the new scheme also remain non-accruing members of the old scheme. Therefore, their old scheme service will terminate only when they leave the new scheme. That will ensure three things: first, that the benefits that they have accrued in their existing scheme are not revalued as if they were deferred members; secondly, that their right to a cash equivalent transfer value, a refund of contributions or to a cash transfer sum only applies when they leave the new scheme; and, finally, that anti-franking provisions do not apply as if they were deferred members on 1 April 2015.

The proposed modifications mean that, for those purposes, such individuals do not cease to be active members of their existing scheme until they leave their new scheme. I hope that everyone is following this because I will be asking questions later. In addition, modifications to the regulations that govern contracting out, specifically those that dictate the process that a scheme must follow to be contracted out, are also contained in the regulations. For the new HSC pension scheme, the process has been simplified, ensuring that the new scheme, and, therefore, its members, continue to be contracted out of the additional state pension until the end of contracting-out in April 2016.

There are also provisions to stop transitional members taking ill-health retirement being assessed twice against annual allowance and lifetime allowance limits. The regulations seek to modify provisions in the Finance Act 2004 to ensure that members with service in both a new and existing pension scheme who retire with an ill-health pension do not face unintended tax consequences. Specifically, they ensure that parts of the ill-health pensions available to members who fall ill are not measured twice for annual allowance and lifetime allowance limits simply because of the transitional mechanics for payment of ill-health benefits. Put simply, the modifications ensure that the tax regime will apply in the way intended by Government to those members who move into the new schemes and then retire because of illness.

In conclusion, these are very technical modifications to the wider pensions legislation, which seek to ensure that HSC pension scheme members can get the pension that they expect, without any unexpected effects as a

result of tensions with the wider law. I therefore commend these modifications to the House. Subject to affirmative resolution, the regulations will come into effect on 1 April 2015.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. On behalf of the Committee for Health, Social Services and Public Safety, I support the motion. The statutory rule contains amendments to the Pension Schemes Act 1993 and the Occupational Pension Schemes Regulations 1996 to ensure that the new HSC pension scheme operates as intended. The Committee considered the proposal for this statutory rule on 4 February 2015, and we approved the subsequent rule on 18 February 2015. There were no issues raised by the Committee.

Mr Wells: I thank the Chair of the Health Committee for her contribution. I am extremely grateful for her support and that of the Committee in respect of the amendments in the Health Service Workers (Consequential Provisions) Regulations (Northern Ireland) 2015, and I commend the motion to the House. Once again, I am glad that Members have not taken the opportunity to rehearse the debate on Hutton. These are simply technical changes to ensure that health service workers get the pension that they believe they are entitled to without any consequential tax difficulties. Therefore, I commend it to the House.

Question put and agreed to.

Resolved:

That the draft Health Service Workers (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.

12.30 pm

Statutory Rule Laid by the Attorney General for Northern Ireland

Mr Speaker: The Business Committee has agreed to allow up to 30 minutes for this debate. The proposer will have five minutes to propose the motion and five minutes to wind up. All other speakers will have five minutes.

Mr Dickson (The Chairperson of the Ad Hoc Committee to consider an AGNI Statutory Rule): I beg to move

That this Assembly approves the report of the Ad Hoc Committee to consider an Attorney General for Northern Ireland Statutory Rule [NIA 236/11-16] on the Statutory Rule laid by the AGNI entitled: The Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015.

On behalf of the Ad Hoc Committee I am pleased to bring to the House today the Committee's report on its consideration of the statutory rule entitled the Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015. The statutory rule has been laid by the Attorney General for Northern Ireland, whom I shall refer to as AGNI, and is subject to the draft affirmative resolution procedure. As Members are aware, statutory rules that are subject to draft affirmative resolution are normally brought to the Chamber in the form of a motion, usually moved by the relevant Minister. This statutory rule, however, has been laid by the AGNI and, as he cannot table a motion to allow the rule to be considered by the Assembly, the Ad Hoc Committee was established to facilitate the bringing forward of the rule.

Perhaps I should outline the purpose of the statutory rule. One of the responsibilities of the AGNI is to provide guidance on human rights standards to a list of criminal justice organisations. The statutory rule in question seeks to add the PSNI to the list of organisations to whom guidance is issued. The Committee for Justice has given detailed consideration to the proposed statutory rule, including taking oral evidence from the Attorney General. Having completed its scrutiny of the rule, the Committee for Justice has recommended that it be approved by the Assembly. The Examiner of Statutory Rules has also carried out his technical scrutiny of the rule, and his report confirms that it contains no technical defects. In view, therefore, of the detailed scrutiny that the rule has already been

subjected to, the Ad Hoc Committee agreed that no further evidence was required to inform its decision-making. In conclusion, having considered all of the evidence in relation to the proposed statutory rule, the Ad Hoc Committee has recommended that it be approved by the Assembly, and therefore I commend the report to the House.

Mr Ross (The Chairperson of the Committee for Justice): I am pleased to speak on behalf of the Committee for Justice this morning. As the Chairperson of the Ad Hoc Committee has already outlined, the statutory rule brings the PSNI into the list of organisations that the Attorney General can issue guidance to on the exercise of their functions in a manner consistent with international human rights standards.

The Committee has considered this issue from as far back as February 2013, when the Attorney General wrote to the Committee advising that he proposed to amend the list of section 8 organisations to include the Police Service of Northern Ireland. The Committee considered this issue a number of times and consulted with the Attorney General, the PSNI, the Policing Board and the Department of Justice.

The PSNI indicated in its response to the Committee that it is subject to the close statutory scrutiny of the Northern Ireland Policing Board on how it carries out its duties and functions in relation to human rights standards and that, under section 52 of the Police (Northern Ireland) Act 2000, the PSNI is bound by a code of ethics, which is intended to lay down standards of conduct and practice for police officers and to make police officers aware of their rights and obligations under the Human Rights Act 1998 and the European Convention on Human Rights. It is the PSNI's view that it was not necessary to add the PSNI to the list. The Policing Board performance committee also indicated that, in its view, the inclusion of the PSNI on the list would be both unnecessary and potentially unhelpful as it may be in contention with the Policing Board's oversight role in monitoring the PSNI's performance in complying with the Human Rights Act 1998.

The Committee sought the views of the Attorney General on the issues raised by the PSNI and the Policing Board. In response, the Attorney General highlighted the fact that guidance under section 8 provides direction on how to achieve compliance with international human rights standards rather than with a base minimum, and that the guidance could provide

the PSNI with more detailed and practical advice to assist officers carrying out their day-to-day duties.

The addition of the Police Service of Northern Ireland to the list of organisations would also enable him to provide guidance that links across all the criminal justice organisations. The Attorney General also indicated that the role of the Policing Board to monitor the Police Service of Northern Ireland's performance in complying with the Human Rights Act 1998 is entirely distinct from the role that section 8 guidance would play in assisting the PSNI with human rights compliance. The Committee also sought further clarification on the role of the Department of Justice and the mechanism to amend section 8.

Having considered the views expressed at its meeting of 30 April 2014, the Committee agreed that it was content to support the Attorney General's proposal to add the PSNI to the section 8 list of organisations. The Committee subsequently agreed, at the meeting on 14 January 2015, that it was content with the Attorney General's proposed statutory rule to give effect to his proposal and, at its meeting on 4 February 2015, recommended that the statutory rule be affirmed by the Assembly. While the Committee is content, one member, Mr Elliott, indicated his opposition to the inclusion of the PSNI on the list of organisations to which section 8 guidance applies when considering both the proposal and the statutory rule. However, all other members of the Committee were content, and we therefore recommend it to the House.

Mr Elliott: I apologise for not being in for Mr Dickson's introduction of the proposals. This has been through Committee on several occasions, and we had quite a number of debates around it. The Committee seemed to move from maybe supporting it or being minded to support it, to opposition to it and eventually to a position of support for it. I was consistent during the entire process in that I was taking some lead, as was the Committee at one point, from what the PSNI had said and, indeed, the Policing Board decision.

In essence, the PSNI indicated that it is subject to section 52 of the Police (Northern Ireland) Act 2000. The PSNI is bound by a code of ethics that is intended to lay down standards of conduct and practice for police officers and to make police officers aware of their rights and obligations under the Human Rights Act 1998 and the European Convention on Human Rights. The guidance to section 52 of the Act

states that the purpose of the code is to ensure that the police are guided by one document that is consistent with the human rights guidance and avoids the need for the police to refer to a variety of documents. In addition, the PSNI is subject to oversight by a range of other statutory agencies, including the Northern Ireland Human Rights Commission, and the surveillance commissioner. The Policing Board performance committee has concluded that the inclusion of the PSNI on the list of section 8 organisations would be unnecessary and potentially unhelpful.

I met the Attorney General, as well as him presenting to the Committee on the issue, and I was not persuaded by his arguments around the aspects. I still believe that the PSNI direction and view on it, as well as that of the Policing Board performance committee, is the proper view, and I have consistently supported that. I opposed it the entire way through Committee, and so the Ulster Unionist Party will oppose it today.

Ms P Bradley (The Deputy Chairperson of the Ad Hoc Committee to consider an AGNI Statutory Rule): I welcome the opportunity to conclude this short debate on the Ad Hoc Committee report. I would like to thank the Committee Chairperson for opening the debate and to thank Mr Ross, Chair of the Justice Committee, and Mr Elliott for their contributions. In any of our debates in the Committee, nothing was raised of any of the issues that have been brought up today. As this is a straightforward statutory rule, there is very little that I can add to what has already been said, except perhaps to summarise. As the Chairperson mentioned, the purpose of the rule is simply to add the PSNI to the list of criminal justice organisations to which the AGNI issues guidance on human rights standards. As the Committee for Justice and the Examiner of Statutory Rules have scrutinised the rule and are content with it, there was no need for the Ad Hoc Committee to take further evidence. Mr Speaker, the Committee asks that the Assembly approve this report, and I commend it to the House.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Ad Hoc Committee to consider an Attorney General for Northern Ireland Statutory Rule [NIA 236/11-16] on the Statutory Rule laid by the AGNI entitled: The Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015.

Assembly Business

Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015

Mr Speaker: The next item of business is a motion to approve a statutory rule tabled by the Attorney General for Northern Ireland. As this is a business motion, there will be no debate.

Resolved:

That the draft Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015 be approved. — [Mr Dickson.]

Committee Business

Attorney General's Participation in Proceedings of the Northern Ireland Assembly: Committee on Procedures Report

Mr Speaker: The next item of business is a motion from the Committee on Procedures on its report on the extent to which standing orders should permit the Attorney General for Northern Ireland to participate in proceedings of the Assembly. The Business Committee has agreed to allow up to 45 minutes for this debate. The proposer will have 10 minutes to propose the motion and five minutes to wind up the debate. All other Members who wish to speak will have five minutes.

Mr G Kelly (The Chairperson of the Committee on Procedures): Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. I beg to move

That this Assembly approves the report of the Committee on Procedures [NIA 232/11-16] on its inquiry into the extent to which Standing Orders should permit the Attorney General for Northern Ireland (AGNI) to participate in proceedings of the Assembly: Part 1 — impartiality of the Office of AGNI, registration of interests and participation of the AGNI in Assembly proceedings in respect of areas other than Statutory Rules.

This report is slightly unusual, because it covers only part of a Committee inquiry. This is necessary because of the complexity of the issues being considered and the care and diligence with which the Committee has approached the inquiry.

The inquiry is on section 25 of the Justice Act 2002. This permits the Attorney General to participate in proceedings of the Assembly, but only to the extent permitted by Standing Orders and it expressly forbids him from voting. The provision has been in existence for some time. However, there has been no interpretation of the legislation in practice, despite predecessor Committees having wrestled with the matter. During the 2007 to 2011 mandate, both the Procedures Committee and the Committee on Standards and Privileges examined the matter. However, no resolution was reached by the end of that mandate, and the matter passed into the legacy report and then to the present Committee on Procedures.

At first glance, this seemed a fairly straightforward matter. Closer examination of models used for law officers in other jurisdictions showed that it was not. Some parts of the models were defined in legislation; others arose from constitutional convention, custom and practice; but they had all been adapted to suit specific devolution settlements and/or unique legal arrangements in the different areas. Although the Committee looked at modifying existing models, it soon became clear that this would not work, the reason being the statutory requirement that the role of AGNI be non-political. This is not true of any other legislatures examined.

Having recognised this, the Committee began to examine the role and devise a model from scratch. Its first step was to identify aspects of the role where participation in Assembly proceedings might be of benefit, either by providing enhanced scrutiny or added value to proceedings, both Committee and plenary. If any such areas were identified, the Committee went on to examine whether such participation needed to be codified in Standing Orders.

Five main areas of work were identified as worthy of further consideration; however, a number of options for participation in each area were found, and this resulted in an extensive matrix that needed to be evaluated. The Committee agreed that a strategic approach to assessing them was required. To achieve this, the Committee discussed a set of key principles, which, it agreed, would be used to underpin its evaluation of options.

As these principles are detailed in the report, I will mention only one as an example. This is the first and suggests that, as the AGNI is not a duly elected Member of the Assembly, he should not automatically be afforded the privileges of that office. Applying that principle meant that a number of options that afforded the AGNI an automatic right to appear in plenary or Committee could be discounted. Applying the agreed principles as a baseline reduced the matrix to a more manageable size, and the Committee moved on to more detailed evaluation.

12.45 pm

The five work areas considered are detailed in the report, but, briefly, they cover the impartiality of the office and the registration of interests; answering Assembly questions; the referral of Bills after Final Stage; the scrutiny of the AGNI's annual report; and scrutiny of statutory rules brought by the AGNI. The first four are the basis of the report before the

House today. The last is still being considered and will be brought to the Assembly as part 2 of the report in due course. For today, though, I will restrict further remarks to a brief outline of the areas covered in the report and the reasons for its recommendations.

The first area is titled "impartiality of the office and registration of interests". No discussion of that would be complete without mentioning the work of the Committee on Standards and Privileges on it. The Standards and Privileges Committee considered the matter in detail during the last mandate. It revisited its findings in this mandate and confirmed to the Committee on Procedures that they were still valid. After consideration of its conclusions, the Committee on Procedures was content to endorse the findings and, therefore, has recommended that a distinct Standing Order be drafted to cover the matter.

No doubt the Chairperson of the Committee on Standards and Privileges will wish to speak to that aspect of the report in more detail, so I will restrict my remarks to a brief outline of the proposed requirements of the Standing Order. The AGNI would be required to register and declare interests in the same way as a Member. He would be prohibited from advocating on any matter on behalf of anyone else for payment or benefit. If an alleged breach were to occur, the Assembly's Commissioner for Standards would investigate it. The report from such an investigation would be passed to the Committee on Standards and Privileges, which would decide whether to uphold the complaint and impose appropriate sanction if required.

The second work area concerns answering Assembly questions. The Committee identified several options but discarded a number that did not comply with underpinning principles or that posed significant reputational risk. For example, if the AGNI attended plenary, he could be asked questions on matters that were sub judice. The AGNI then either could not or would not answer. That could be perceived as an Assembly being powerless to hold the AGNI to account or that the AGNI was being unhelpful or lacking transparency.

The Committee finally agreed that the risk outweighed any perceived benefit and decided to recommend against setting up an oral Question Time for the AGNI. It considered the option of questions for written answer, but it recognised that, as no memorandum of understanding was in place, setting response times and rules would be difficult. The Committee also recognised that, as nothing prevented the AGNI answering questions that

were sent directly to him at present, there was nothing to be gained by making provision in Standing Orders in that regard.

The Committee then considered the power given to the AGNI in legislation to consider and refer Bills after Final Stage for a decision on legislative competence. In that category, too, the Committee identified a reputational risk in calling the AGNI to plenary. For example, if the AGNI was asked inappropriate questions, it could be perceived as the Assembly questioning the AGNI's statutory right to refer Bills. Mitigating that risk from the Chair would be very difficult in practice, therefore the option was discounted.

The Committee also looked at what benefit was derived from codifying the AGNI's attendance at Committee in that regard. However, it agreed that such a Standing Order would merely formalise a process that was already permissible. Therefore, it recommends that no change to Standing Orders be made on that. The Committee gave brief consideration to whether any benefit was to be gained by codifying a role for the AGNI in giving views on Bills prior to Final Stage. However, it was agreed that the AGNI's role in advising the Executive created a conflict of interests, and the matter was set aside.

The last area covered in that section of the report is the AGNI's annual report. The AGNI is required by law to produce an annual report. It must be submitted to the First Minister and deputy First Minister, who are required to lay it in the Assembly. That means that a copy of the report is placed in the Assembly Business Office, where it is available to all Members. It is lodged in the public domain only when the AGNI publishes it on his website. The Committee recognised similar reputational risks attached to plenary appearances as before. However, it believed that some benefit existed in creating a Standing Order to facilitate the AGNI attending a nominated Committee when the report is laid. This should be only at the Committee's request but would allow an opportunity for the AGNI to make a statement and/or answer questions on the content of the report. The Committee recommends that the nominated Committee should be the Committee for Justice.

Obviously, I could go into a lot more detail, and I am sure that Members are delighted that I am not going to. However, I will bring my remarks to a close by stressing again the detailed consideration that has been given to all the options identified. In making recommendations of preferred outcomes, the Committee is

content that those outcomes are in keeping with the key principles that it agreed at the start. It is also confident that the mechanisms that have been recommended protect the integrity of the institutions and individuals involved. I am therefore content to commend the report to the Assembly.

Mr Spratt (The Chairperson of the Committee on Standards and Privileges):

Standing Order 69 addresses the issue of Members' interests, sets out duties in relation to the registration and declaration of interests by Members and provides for a prohibition on paid advocacy. At its meeting on 13 March 2013, following a request from the Committee on Procedures, the Committee on Standards and Privileges considered the issue of the Attorney General and Members' interests. The Committee agreed that the duties for Members set out in Standing Order 69 should be extended to the Attorney General and that the Northern Ireland Assembly Commissioner for Standards should be able to investigate an alleged breach of any duty by the Attorney General in respect of Members' interests. The Committee agreed that it should be able to decide whether to uphold a complaint in respect of the Attorney General and, where it upheld a complaint, it would recommend to the Assembly the imposition of a sanction.

On sanctions, the Committee said that Standing Orders should include provisions for excluding the Attorney General from proceedings of the Assembly if he failed to comply with any of these duties or for withdrawing his rights and privileges for the period of his exclusion. The Committee noted that, however, compared with Members, there were fewer rights and privileges that could be withdrawn during such an exclusion, for example, the right to salary and allowances. The Committee on Procedures has addressed these points in its report.

The Committee on Standards and Privileges is concluding its review of the Assembly's code of conduct. The code of conduct will not apply to the Attorney General. The majority of rules in it will not relate to Members' interests. However, the code and guide will set out categories of registrable interests. Except where these requirements can only apply to Members, the Attorney General would also be bound by them. The new code and guide would also inform the Attorney General's duties in relation to declarations of interests and paid advocacy. I expect that the existing Standing Order 69 on Members' interests will need to be amended to take account of the conclusions of the review of the code of conduct. Given this, the Committee

on Procedures may wish to await the Assembly's consideration of the review of the code before bringing forward a new Standing Order in relation to the Attorney General and Members' interests.

Mr A Maginness: I thank the Chair for his contribution to this debate and his work in leading the Committee on this issue. I also want to thank the Committee staff, who carried out very diligent work on this matter.

To fully understand this report, one has to understand that the Attorney General in Northern Ireland has a unique position.

As the report notes, the Justice (Northern Ireland) Act 2002 states that:

"The Attorney General for Northern Ireland may participate in the proceedings of the Assembly to the extent permitted by its standing orders but he may not vote in the Assembly."

Therefore, the statute gives a permissive power to the Attorney General. That, of course, is to be enacted by the Assembly at its discretion.

The important aspect of the report is the emphasis that it puts on the Attorney General's being independent of the Office of the First Minister and deputy First Minister, the Northern Ireland Executive and Northern Ireland Departments. Of course, he or she is also expressly barred from being a member of the legislature itself. The important point to make about that is that, when we looked at other models of how Attorneys General related to the respective legislatures, it was clear that there was no uniform position and that, in any event, the position of other Attorneys General was, in fact, quite different from the unique statutory position of our own Attorney General.

Therefore it was important, in coming to conclusions, to preserve that independence and to look at the way in which the Attorney General could relate to the Assembly. Whilst it is a fairly conservative report, insofar as it does not give the Attorney General active rights in the Assembly itself, it realises that the Attorney General's independence should not be prejudiced in any way. It is no reflection on the personality of the current Attorney General, who has served the Executive and his public office with great credit, nor is it to do with any other aspect of the functioning of that office, but there is a necessity for the Assembly to explore it. It has explored it and has come to the conclusion that, on the issue of questions, questions can in

fact be asked of the Attorney General at any stage. There is no need for that to be embodied in Standing Orders. There is also the referral of a Bill after Final Stage to the Supreme Court. There are existing arrangements. The Attorney General can be called to a relevant Committee to make a statement and to answer questions as to why that reference took place. That is important to note.

The Attorney General should also not be required to give views on the content or competence of a Bill prior to Final Stage. Again, that is important to note.

Then, with regard to the annual report laid by the Attorney General, he can attend a nominated Committee at that Committee's request to make statements and to answer questions. That Committee should invariably be the Justice Committee. That, I believe, is a sensible approach, which preserves the independence of the Attorney General and which allows the Attorney General the freedom to interact with the Assembly through, effectively, the Assembly's Committees. I think that that is a sensible way forward, and I hope that it will find favour with the rest of the House.

Mr McCarthy: First, as a member of the Committee, I thank everyone involved in the drawing up of the report and, of course, our officials and staff. Our Chairman has already outlined in detail the many recommendations and our deliberations, so I will be brief but give support to the report.

Alliance believes that the report strikes a fair balance between accountability and independence. Where greater accountability can be sought from the Attorney General, the report seeks to implement it. For example, as has already been said, it recommends that the Attorney General be required to make a declaration of interests similar to that of MLAs. This is a sensible move as the role of Attorney General is a public one and it is reasonable, therefore, that people should know what other interests, if any, a senior law officer should have. Given that his or her advice is often used in political debates in favour of or against change, it seems reasonable that the source of that advice should be subject to transparency.

1.00 pm

The report also recommends that there be a specific procedure to allow Committee scrutiny of the Attorney General following two specific events: first, the tabling of the Attorney

General's annual report; and, secondly, any referral of a Bill to the Supreme Court after the passage of Final Stage. Both of these are areas where some form of improved accountability to the Assembly will be welcome. Due to the technical detail of most of these discussions, a Committee would be best placed to hear those discussions.

However, as I outlined at the start, this report also strikes a fair balance with independence. It is important that the Attorney General retains independence from the Assembly, as it is part of the job to speak impartially and fairly. The position is also one that advises the Executive, rather than the Assembly. Making a clear distinction will underline this independence of office. That is why, at this stage, I am not at all convinced that there is a need to allocate the Attorney General any additional role in the Assembly. It is appropriate, therefore, that the report recommends no change in this area.

In conclusion, the Attorney General has an important role in the political process. However, it is a nuanced one. That is why it is important that, at any given time, the balance is appropriately struck between accountability and independence. This report manages to do that. I support the motion.

Mr Clarke (The Deputy Chairperson of the Committee on Procedures): I welcome the opportunity to conclude today's debate on part 1 of the Committee's report on this matter. As we have already heard from the Chair, this has been a complex piece of work. It has taken some time to conclude, but this has been necessary in order to deal with the complexities of seeking to add value while ensuring that the integrity of the institutions and individuals involved is protected.

The final area of the Committee's consideration is yet to be finalised, but today's report stands alone and provides recommendations on four of the five discrete areas that the Committee agreed to consider in its inquiry. The Chair has outlined these, but I will summarise them.

The Committee has recommended that a discrete Standing Order is created to describe how the AGNI will participate in proceedings in respect of ensuring impartiality of the office and a registration of interests. It also recommends that Standing Orders provide for the AGNI to attend the Committee for Justice when his annual report is laid. This should be only at the Committee's request and will allow the AGNI to make a statement or answer questions on the content of his report. However, the Committee could find no benefit in codifying the AGNI's

participation in respect of answering Assembly questions or referral of Bills after Final Stage. It therefore recommends that no changes to Standing Orders be made in this regard.

We have heard the Chair of the Committee on Standards and Privileges go into detail in relation to some of the work. We should take cognisance of that as the Committee goes forward to the next stage of this. We also heard from Committee member Alban Maginness, who said — and I have to agree — that the position of the Attorney General in Northern Ireland is unique but that he should still have the freedom to carry out his work. What we have agreed here today will not restrict him in those duties.

We then heard from another member of the Committee, Mr McCarthy, who emphasised the Alliance Party's position that we need a fair balance and to allow for accountability. That was one of the things in the Chairman's remarks: we have looked for a fair balance and are looking for an opportunity to increase the Attorney General's accountability. Having that opportunity for him to attend at the request of a Committee should allow that, while he can make his report, the Committee will have the opportunity to hold him to account in respect of his views.

In closing, I would like to thank all the Members who have contributed to this debate, as well as the Chair and my Committee colleagues. I commend this report to the Assembly.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee on Procedures [NIA 232/11-16] on its inquiry into the extent to which Standing Orders should permit the Attorney General for Northern Ireland (AGNI) to participate in proceedings of the Assembly: Part 1 — impartiality of the Office of AGNI, registration of interests and participation of the AGNI in Assembly proceedings in respect of areas other than Statutory Rules.

Private Members' Business

Equality Legislation: Revised Wording

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 of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Lyttle: I beg to move

That this Assembly notes, given the passage of the Equality Act in 2010, that Northern Ireland is now out of step with the rest of the UK in equality protections; expresses concern that no progress has been made on introducing a single equality Act in this mandate; rejects the proposed freedom of conscience amendment Bill; regrets the failure of the Office of the First Minister and deputy First Minister to introduce age discrimination legislation that covers under-16s; and calls on the Office of the First Minister and deputy First Minister to issue a fresh consultation paper to facilitate the speedy consideration of a single equality Bill by the Assembly.

I welcome the opportunity, on behalf of the Alliance Party, to propose the motion, which calls for a single equality Act in Northern Ireland. The fact that we are created equally and equality before the law are fundamental principles in any democratic society and, indeed, are reflective of the Alliance Party's long-standing commitment to building a shared society for everyone that is based on religious and civil liberty and equality for all citizens regardless of age, gender, disability, race, ethnicity or sexual orientation. It is also in line with our stand against discrimination or stigmatisation of any kind. It is our belief that the principles of freedom of religion, freedom from religion and equality for all citizens affords us with the best framework within which to build a safe, shared and prosperous society under government by the people.

Our equality legislation in Northern Ireland, in line with the Good Friday Agreement, made some significant progress, but it is true that we have fallen behind pace with equality law in the rest of the UK and Europe. A single equality

Bill would be a demonstration of the commitment of the Office of the First Minister and deputy First Minister and, indeed, the Executive to put in place clear and concise equality law for all citizens in Northern Ireland. It would be an important piece of legislation to harmonise existing Northern Ireland equality law and, indeed, to extend and update existing equality legislation.

The existing body of equality law spans a period of over 40 years. We have had equal pay legislation, anti-sex-discrimination legislation, fair employment law, disability legislation, race relations legislation and anti-discrimination legislation on the grounds of sexual orientation, but it has been some time since we have extended, updated and simplified those provisions in Northern Ireland. In essence, a single equality Bill would bring together, in a structured way, all the provisions that are contained in the existing legislation and update them where appropriate. Hopefully, that would be a much clearer and more accessible statement of law than currently exists.

There was a UK consultation on a single equality Bill for Northern Ireland as long ago as July 2003, and we believe that a fresh consultation on that single equality Bill for Northern Ireland is long overdue. The Equality Act 2010 in Great Britain brought together previous equality law provisions there and harmonised them in a single law. That strengthened the law in a number of areas and shows that changes need to be made in Northern Ireland.

What are the key differences in Northern Ireland? Inconsistencies in equality law were ironed out in the 2010 Act by ensuring that uniform protection across all grounds was established. For example, race equality legislation was amended to provide equal protection on the grounds of colour and nationality as on the grounds of race, ethnic origin and nationality. Age discrimination was tackled. Disability legislation was strengthened considerably; the definition of disability was widened, and it allowed for carers, friends and families of people with a disability to be protected under the law if they were discriminated against.

It also introduced a new duty for schools to provide reasonable adjustments for disabled students. These changes have meant that the law in Northern Ireland is unclear and has some anomalies whereby individuals cannot rely on local legislation to protect them under grounds which are now provided for by Westminster and European legislation. People do not know how

to exercise their rights fully, so we need a new process for that. Northern Ireland has not kept in step with its duties to protect against discrimination on equality grounds. It is time that we stepped up to the mark.

I would also like to use the motion today to send out a clear message that the so-called conscience clause Bill does not address the need for reasonable accommodation in relation to these provisions. We accept that there should be room for debate and respectful dialogue in relation to those provisions, but the so-called conscience clause Bill does not actually address issues relating to this or indeed the Ashers case. It is wholly disproportionate and a dangerous contribution to an already existing debate around reasonable accommodation for conscience in equality and anti-discrimination law. It has been fairly widely rejected as being in any way an appropriate starting point for respectful and informed debate about if and how reasonable accommodation would be achieved for conscience in equality and anti-discrimination law.

For example, my reading of the proposals — perhaps, if the proposer is contributing today, he could respond to this — is that they could potentially permit a restaurant owner or other service provider to refuse service to a same-sex couple on the grounds that it would be against his or her strongly held religious convictions with regard to sexual orientation, by way of facilitating their partnership. Indeed, organisations, such as the Evangelical Alliance, which is absolutely clearly supportive of the need to address reasonable accommodation, have also, in their investigation of the proposals, said that the way in which the consultation and the proposals are currently framed would seem that many ordinary services could be construed as being facilitation of a belief or behaviour and that that has created concern for LGBT people in the community. I think that we therefore have to send out a clear message today in the Assembly that this is not acceptable in a democratic society.

The effect of the proposals has been to heighten tension and division in our community. It has unnecessarily polarised people and has been used as a platform to describe my party as "anti-Christian".

Mr Givan: I appreciate the Member's giving way. Without prejudice to his views about what I have done, would he accept that the Equality Commission's actions have created tension with our community, which has precipitated a response?

Mr Lyttle: Yes: I believe that it is possible to have regrets about the manner in which the Ashers case has been approached, and indeed to consider it as not being a clear-cut case, but to still oppose the conscience clause proposal because it actually fails to address the issues in the Ashers case and, most importantly, I believe, is a dangerous and disproportionate response to that particular case.

I would also use this opportunity to refute what I think is a false, dangerous and inflammatory narrative that the Alliance Party is anti-Christian or that the current balance between freedom of religion and freedom from religion means that the public sphere must be neutral. There are numerous Christians in the Alliance Party and numerous religious freedoms in society. I frequently speak publicly and openly about my Christian faith and the right of others to do so, including in this very public legislature. I have sponsored Christian events and prayer at the Northern Ireland Assembly and recently hosted the launch of Christians on the Left in Northern Ireland here in Parliament Buildings. Many of my colleagues in the Alliance Party are in politics because of their Christian faith and belief in a gospel of reconciliation, social justice and new beginnings for Northern Ireland.

I believe that there is room for respectful debate on what is reasonable accommodation between the human right to manifest one's religion and the human right to freedom from discrimination, but the proposals that are supported and campaigned on by the DUP are not the starting point to go about achieving this.

In closing, it is important that the Assembly supports the Alliance Party motion here today and sends out a clear message of our commitment to delivering equality for everyone in the community. Indeed, the consultation on a single equality Bill should act as an open and inclusive process by which OFMDFM can deliver a respectful and wide-ranging public process to engage views on these very important matters.

1.15 pm

Mr Givan: I beg to move the following amendment:

Leave out from "rejects" to the first "Bill;" and insert

"notes the public debate generated by the consultation on a proposed freedom of conscience amendment Bill and, recognising

the differing views expressed, encourages the Assembly to consider a process to facilitate respectful consideration of these issues;"

I noted Mr Lyttle's contribution. He spent six minutes on the freedom of conscience amendment Bill, which probably indicates that the motion was more about that than about all the other aspects surrounding those few words in the motion, hence the amendment.

I launched this consultation back in December, and there was a 12-week public consultation to engage with people. In fact, I said right at the start that:

"This is very much a draft piece of legislation and I do not claim that it is the finished article. I am interested in the views of interested parties with regard to the legislation and will carefully consider responses to see if my proposals can be improved."

I have been open and honest from the very outset that I am seeking to provide a remedy to the very clear tensions that exist. That is why I am disappointed that the Alliance Party would bring forward a motion wanting to reject this outright. I hope that it will be able to support the amendment so that we can have a reasonable discussion about an issue that is of very real concern.

There was a knee-jerk reaction to the proposals. However, over time, people have been able to engage in the debate. I recognise that even the 'Belfast Telegraph', in its editorial position, has changed somewhat from when it first contributed to this in December to its most recent editorial. That is a sign that people are engaging and debating on it.

The proposals have been grossly misrepresented. That is as soft as I can put it. Some may want to put it stronger. They have been grossly misrepresented. The petition that was mentioned in the media, which people were asked to sign and which got some 218,000 signatures on a worldwide scale, said:

"Northern Ireland's proposed anti-gay amendment would make it legal to deny service to lesbian, gay, and bi people. Restaurants, hotels, and many other businesses could refuse to serve people just because of who they love."

That is a lie, Mr Speaker. It is an absolute lie. Indeed, I could quite easily have signed that petition myself, because if that is what was

being proposed, I would be opposed to it. So, let us nail it for what it is. It is a gross misrepresentation of what is in the Bill. Why not have this discussion in a debate in the Chamber or in a Committee where we can tease through all the legislation? The fact that the SDLP, Sinn Féin and the Alliance very quickly wanted to stop the debate, I think does a disservice to the need for a broad discussion within our society and within a democratic establishment for that discussion.

This debate was not started by me. In a speech to the Dublin Law Society, Baroness Hale spoke of the need for reasonable accommodation in the context of religious belief. That was after a case where she found Christian owners of a bed and breakfast guilty. She then said that we needed to look at this, saying that, "The story has just begun."

It then became very clear in a Northern Ireland context, when the Equality Commission took the case against Ashers bakery. I will not speak too much about that, given that the courts will be looking at it next week. It came very much into the public domain when the Christian owners of that company were being taken to court or, indeed, persecuted through prosecution by the Equality Commission because of their sincerely held beliefs. Indeed, Beulah Print, in Drogheda in the Republic of Ireland, is similarly in the public domain due to issues that it is having to deal with. So, this debate was not initiated by me, but I think there is a duty on politicians to respond to it.

Of course, we were told that there would never be a need for this type of debate because the regulations would not ever do this. In 2006, in fact, we debated the issue in the Assembly. I was not a Member, but others were. Ms Ruane said on the sexual orientation regulations that:

"There is much hysteria and misinformation about this legislation."

She went on to say:

"They also claim that a printing shop run by a Christian will be forced to print flyers promoting gay sex. They claim that it will force a family-run bed-and-breakfast establishment to let a double room to a transsexual couple, even if the family think it in the best interests of their children to refuse to allow that couple into their home."

Let us debunk some of those myths. Printers will not be forced to print flyers promoting gay sex — or any other form of

sex." [Official Report, Bound Volume 21, p92, col 2].

Yet Ashers bakery is to be forced to promote something that it does not believe in. We were told that that would not be an issue, and it is.

Naomi Long made a very important contribution in the same debate, and I agree with a lot of what she said:

"We must be very careful about saying that people should have the right to refuse business simply on the basis of people's beliefs, lifestyles, or who they are."

I agree with Ms Long on that; we should be very careful.

She also said:

"Some Members have suggested that the legislation would impose a duty to promote homosexuality".

This is what Ms Long went on to say:

"nowhere in the legislation is there a demand to promote a homosexual lifestyle ... The legislation contains no duty to promote or defend a homosexual lifestyle: the duty is to treat people with respect." — [Official Report, Bound Volume 21, p104, col 2].

I put it to the House that my proposals are exactly that — to treat people with respect — and that we should not have a duty to force people in business to do things against their religious beliefs. I share what Ms Long indicated.

A report was published only last week that was carried out by the English Equality and Human Rights Commission. It was a report on religion or belief in the workplace and service delivery. It was carried out by the National Centre for Social Research. Two and a half thousand people took part, and the findings of that report demonstrate beyond any doubt that this is a very real issue that we need to grapple with in our society. The findings of the report indicated that people reported being mocked for their beliefs, including Christians, who said that their colleagues assumed that they were bigoted. That is the type of discrimination that Christians are feeling in their workplace. Others alleged that they were excluded from meetings, passed over for promotion or recruitment due to their beliefs, and felt that they were unable to raise those issues for fear of repercussions. So,

those who deny that people of faith in our community feel as though they are being subject to abuse need to realise that it is a very real sense of alienation within the broader faith communities and, therefore, we need to grapple with it.

Just to quote —

Mr Lyttle: I thank the Member. I am not sure that I would disagree with that perception that needs to be responded to and addressed. Will he outline how the proposed conscience clause Bill would respond to that issue?

Mr Givan: The Bill, at its very heart, is about managing the tensions that exist between two protected characteristics in our society: one around sexual orientation and one around religious belief. We need to find that balance, and that is why Baroness Hale spoke about a reasonable accommodation. Those who responded to the consultation process that I carried out, of which there were many hundreds, indeed, thousands — I am working through them and intend to give a report on them — all indicate that we need to strike the right balance, and that is what I am seeking to do and take forward.

In the report that was carried out, the commission acknowledges that work needs to be done. I contend that the commission in England has created a lot of those tensions. Indeed, the Equality Commission in Northern Ireland — I acknowledge what Mr Lyttle indicated — has some regrets about how it handled this particular case. It has not contributed to this in a positive way. It has pitted two different characteristics against each other. It has taken taxpayers' money and funded this case against the private citizens. That is not the way in which it should have gone about its business and left things for the court to adjudicate. It should be trying to facilitate this broad discussion.

Of course, there is recognition for what I am seeking to take forward — I have acknowledged it needs to be worked on — but it came from the Catholic Church, and I will not quote what it said. However, it supported the principle behind what I am doing. The Presbyterian Church, as a denomination and as an official body that is representative a quarter of a million people in Northern Ireland, indicated that it supports what I am trying to do —

Mr Dickson: Will the Member give way?

Mr Givan: I am sorry, but I am going to finish; I have only one minute left.

It has indicated support as a denomination. I accept that there may be differing views within the denomination, but the official view of the church is that it supports what I am trying to do. The chairman of the Church of Ireland committee that is dealing with this indicated that he supports this. In the 'Church of Ireland Gazette', the Rev Adrian Dorrian urged colleagues to continue to facilitate a broad-ranging discussion around the accommodation of rights. My amendment does not prejudice anybody in the Assembly from having a definitive view of how we should seek to strike the balance.

I am putting an olive branch out to people and saying, "Let us discuss this in a respectful manner without having a pre-determined outcome, and I will engage in that process in that manner." I appeal to Members to recognise that this is an issue that needs to be grappled with. Let us do it in a respectful manner so that we can strike the right balance in our society and people can live peaceably with one another.

I support the amendment.

Ms McGahan: Go raibh maith agat. I support the motion and oppose the amendment. I should say at the outset that I will not be taking any interventions.

Sinn Féin takes its responsibility seriously and strives to create an inclusive society based on mutual respect, equality and parity of esteem, the underlying principles of the Good Friday Agreement. That involves reaching out to our fellow citizens in the unionist community and convincing them that we are serious about tackling the differences that exist between us. I am not talking about tolerance, but about the acceptance of cultural, political and religious differences and of people who espouse those differences. I am talking about acceptance, which, within the bounds of equality of treatment, means almost unconditional acceptance of the other.

The motion for discussion gives us an opportunity to focus on the need to give effect to the Good Friday Agreement provisions with respect to the establishment of, for example, a bill of rights for the North of Ireland and the creation of an all-Ireland charter of rights, based on agreed measures for the protection of the fundamental rights of everyone living on the island of Ireland.

The call for a bill of rights and the single equality Act is supported by a wide range of progressive opinion, including leading and influential voices from academia and civic society. The Good Friday Agreement provided for a bill of rights for the North. The agreement was democratically endorsed by the majority of those who cast their votes in historic referendums, North and South, in 1998. The agreement envisaged a bill of rights particular to the circumstances of the North. The clear import was a maximum approach to rights protection. The purpose of a bill of rights is to build on the European Convention on Human Rights and reflect the particular circumstances of the North, a society emerging from decades of discrimination and conflict. Provision for a bill of rights was included in the Good Friday Agreement in recognition that, as a society, we would benefit from setting down a shared set of rights. As we continue to transform our society, developing a bill of rights is as relevant today as it was when the agreement was drafted. It is an essential piece of work that needs to be carried forward.

The British Government were to define, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights to reflect the particular circumstances of the North, drawing, as appropriate, on international instruments and experience. Those additional rights were to reflect the principles of mutual respect for the identity and ethos of both communities in parity of esteem and, taken together with the European Convention on Human Rights, were to constitute a bill of rights. The British Government have failed to deliver on their commitment and have consistently taken the position that a bill of rights must be agreed between unionists and nationalists. A bill of rights would outline basic human rights that all the people in northern society would be entitled to, and it would improve the lives of the most disadvantaged in our society. It would also provide a means by which people can hold the Government to account if those rights are not being adequately protected.

Human rights are there for everyone. It is widely agreed that a bill of rights for the North needs to address the specific realities of our society, a society of great inequalities and divisions. As many as one person in five has a disability, and those with a disability are twice as likely to be unemployed; one in three children here lives in poverty; one in three of those who are economically inactive has no qualifications. Sectarian and racist attacks still happen all too frequently and quietly, and quite often against a backdrop of intolerance. It must

be remembered that a survey carried out by the Equality Commission found that 91% of people in the North supported equality laws. In another survey, carried out by the Human Rights Consortium, there was also support across the board for the right to adequate housing and an adequate standard of living, while rights in relation to mental and physical health scored highly and the right to education highest of all.

A bill of rights and a single equality Act would protect all people equally, regardless of political opinion, colour or creed, and it would protect the social and economic rights of everyone in the North of Ireland. A single equality Act and a bill of rights are about guaranteeing a basic standard of living for everyone that is consistent and fair, providing protection for the most marginalised in society and giving them dignity and respect.

1.30 pm

Mr Attwood: Whether Mr Lyttle did or did not spend 60% of his time on the conscience clause, and Mr Givan spent 100% of his time on the conscience clause, I intend to spend my time trying to deal with the totality of the amendment.

In doing so, between now and 4.00 pm when the House divides, can we have some clarity, from the DUP in particular, in relation to the issue in the motion about the failure to introduce age discrimination legislation? At Question Time I think last week, or certainly within the last two weeks, the junior Minister Jennifer McCann confirmed that it was Sinn Féin's wish that the age discrimination legislation should extend to those under 16 and that they hoped, in time, for that to be realised.

The DUP does not seek to amend the part of the Alliance motion that regrets that age discrimination legislation that covers under-16s is not to be introduced. If it is the case that they do not oppose that part of the motion, I invite the DUP to confirm on the Floor before the vote at 4.00 pm not only that it accepts the principle that legislation should be extended to the under-16s but that it will accept the practice, and that OFMDFM should bring back to the Assembly legislation in that regard. You cannot on the one hand call on the Assembly to accept that part of the motion that the Alliance Party has written, because that is what you are doing by not amending it, and not on the other hand go back and change the legislation that you are proposing in the future.

Secondly, we want to see a single equality Bill because in a society like ours, where too many

people still cling to a past that is already dying, you require good law and tough enforcement to bring about the seismic shifts in how our society conducts its affairs. We know that from our history, which demonstrates that often only when there is good law and tough enforcement do you bring about societal changes. Whether it comes to equality, discrimination, policing or other matters, strong legislation and enforcement bring about better society in a society that resists change. We urge the House to accept the motion because it speaks so strongly in respect of a single equality Bill.

Thirdly, we say to the Equality Commission that it is not living up to all its responsibilities. The Good Friday Agreement created dedicated mechanisms to deal with equality, human rights, policing and justice. Why? As I have oft-times said on the Floor of this Chamber, because as the late Frank Wright, an academic at Queen's, said, national conflicts, when they are fully evolved, revolve around issues of law, order and justice. That is why the Good Friday Agreement put at its heart mechanisms to deal with issues of law, order, justice and equality, including the creation of the Equality Commission. It has been long our view, and the Equality Commission knows this, that we do not believe that it has been punching to its weight when it comes to its general duties in respect of Northern Ireland.

I will give you one example. Long-term male Catholic unemployment is virtually unchanged after decades, and long-term Protestant adult unemployment is increasing. We suggest to the Equality Commission that, whatever about the Ashers case, where questions do arise about its judgement, it should apply its judgement and its mind to dealing with the much wider equality agenda, including long-term male Catholic and Protestant unemployment.

We are supporting the motion and rejecting the amendment because the words that are used in any possible draft Bill, and the attitudes that in the past have informed some in this House when it comes to the treatment of those who are LGBT, leads us to conclude that, whilst the amendment talks about respectful consideration of these issues, at the heart of the proposed conscience clause is something that is not respectful and does not have respectful consideration of those in our society who are LGBT.

Mr Kinahan: I am pleased to speak in the debate on behalf of the Ulster Unionist Party.

The issues of equality and rights are key in any modern liberal democracy, but we would add a third concept, because with rights come responsibilities, and we all must remember that. We should all wish to live in a society that is open, tolerant, respects the rights of others and promotes equality for all. You only have to look at TV bulletins to see that, in far too many countries, too many people are forced to live under regimes that have no respect for the rule of law and have scant regard for human rights and equality. We are fortunate to live in the United Kingdom, where respect for rights and equality before the law are part of our democratic culture.

The motion is correct in that, since the passing of the Equality Act 2010 at Westminster, we have been out of step with the rest of the United Kingdom in equality protections. I had expected other Members to go through those who need to be protected and those whom we are protecting them from. I find it rather strange that we have not gone down that route at all and have hardly touched on what is in the equality Bill. I too want to move on to other matters, but I point out that an email I got today from the Equality Commission highlights that we in Northern Ireland are behind, especially on disability and women's rights. Those are the two areas where I thought that we would probably least be concentrating today. It is sad to see that all being pulled together with a Bill of rights. It is also sad that, in life, common sense and good manners cannot be allowed to resolve these matters and that we feel that we have to go to legislation.

The motion also expresses concern that no progress has been made on introducing the single equality Act in this mandate. The idea of a single equality Act has been around for more than a decade, but, like so much with the process of administration in Northern Ireland, it has ground to a halt. That is typical of so much of what passes for government in Northern Ireland. Departments and bureaucrats are excellent at coming forward with strategies and consultations. They then assist Ministers in drawing up action plans, which lead to task forces and working groups, but, at the end of the day, there is not too much tangible progress in the shape of delivering meaningful change. The failure to bring forward a single equality Act is yet another manifestation of the dysfunctional nature of OFMDFM. The people of Northern Ireland deserve better. Did we not all enter politics to make Northern Ireland a better place?

I come to the freedom of conscience amendment Bill. The Ulster Unionist Party has

a long tradition of permitting Members to vote according to their conscience on matters of conscience. The case involving Ashers bakery is due to be heard in court within the next two weeks. Whatever one thinks of the rights and wrongs in that specific case, I hope that we can all agree that it should never have come to this. There should be space in our society for people who wish to live their life according to their religious beliefs. However, we need to find a way of accommodating the whole range of views. Freedom of conscience needs to be allowed and respected, as do the rights of citizens and of all other groups. All too often in this Chamber, there is an arrogance among some who try to force their views on others. That must cease, and, if we are to set the right example to society, we must all do that. We live in a democracy and under the rule of law. When it comes to the Ashers case, let due process take its course.

When it comes to the amendment, I sincerely believe that we have to find an accommodating range of views. Freedom of conscience and religion have to be protected. We must also accept that the rights of citizens and groups to equality of treatment is key in any liberal democracy worthy of that name. The amendment recognises "the differing views expressed" and calls on the Assembly to:

"consider a process to facilitate respectful consideration of these issues".

That is why we support the amendment. That is the way that we should be going to discuss and find a way forward. What disappoints me in the amendment is that there is no timescale

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Mr Lyttle: Will the Member give way?

Mr Speaker: The Member's time is up.

Mr Moutray: The issue of rights and the balance to be found between them is not black and white. In our society, rights compete against each other frequently. At times, these rights are not compatible. The key to a successful society is the ability to balance these rights and to ensure fairness and equity to all parties. However, there seems to exist a form of human rights fundamentalism that allows for no other interpretation or approach or shows no tolerance for other views on the issues of rights. That is exactly what we have seen from the Alliance Party in this motion. I am strong believer in human rights and the protection of these rights. That is wholly different from saying that only one interpretation is the correct

one. The proposal put forward by my colleague was not an attempt to attack or demean anyone on the basis of their sexuality. Rather, the primary aim of the proposal was to address the lack of protections for faith in our community.

This is not a challenge that we alone face. This clash of rights has occurred elsewhere, including across the United Kingdom and in the Republic of Ireland. Many people hold strong religious beliefs. This is not a choice but often a matter of genuine faith. This must also be respected in our society. This proposal is not about dominance but about protecting yet another of our minority groups in society. I wish to highlight the fact that the proposal by my colleague is about consultation. It is about taking on the views on how to better protect people with genuinely held religious views. Discussion and debate —

Mr Lyttle: Will the Member give way?

Mr Moutray: I will, yes.

Mr Lyttle: I thank the Member for his contribution. With respect, the proposal is not just about consultation. It is a specific proposal on which the Ulster Unionist Party has just completely fudged expressing any view whatsoever. We need to consider the specific proposal as well.

Mr Speaker: The Member will have an extra minute.

Mr Moutray: Thank you, Mr Speaker. I take on board what my colleague across the way says. However, I will continue. Discussion and debate on these issues should be welcomed, not closed down and rejected outright, as the Alliance Party is suggesting. I am calling on all parties around this Chamber to engage in a positive discussion on how we protect our citizens and how we balance these rights. It is not sustainable or acceptable that Christians and others of faith continue to be discriminated against and maligned.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an díospóireacht seo agus gabhaim buíochas le Páirtí an Chomhaontaithe as an díospóireacht seo a chur sa Tionól. I welcome the debate, and I thank the Alliance for bringing it forward. As my colleague Bronwyn McGahan has said, we will be supporting the motion and voting against the DUP amendment.

Sinn Féin supports equality legislation, and we note with disappointment the DUP attempts to

row back on equality. It is disappointing to see this because equality is for everyone, and nobody should be afraid of it.

As I stated publicly, Sinn Féin will put a petition of concern against the so-called freedom of conscience Bill at the earliest opportunity because this is not about debate. No matter what the previous Member to speak said, this is not about debate or consultation. This is about the continued DUP threats to discriminate against the LGBT community. Its past record was that it was first going to save Ulster from sodomy, and, thankfully, people stood up and were counted. It then tried to block civil partnership Bills. It has voted consistently against equal marriage. This is just a continuation of its discrimination against the LGBT community, and I am very pleased that Basil McCrea and Steven Agnew are joining with us on the petition of concern. I welcome the fact that the SDLP and Alliance have said that they will be voting against. I am still waiting for them to come back to me to confirm whether they will be supporting our petition of concern.

I publicly call on them to do that, because we need to send a very clear message from the Assembly that we will not tolerate any diminution of rights for the LGBT community.

1.45 pm

Leaving aside the Ashers case, we should not return to a situation where people who are lesbian, gay or bisexual are worried that, every time they go to a restaurant, look for insurance or look to buy a mortgage, someone is going to use the so-called freedom of conscience Bill. Thankfully, there will be no freedom of conscience Bill, and Sinn Féin will use the petition of concern in the way it was meant to be used, which is to protect equality.

I put on record my admiration for the LGBT community's courage in standing up against discrimination. I would like the Assembly to send out a message not of hate but of love and support for that community. It has suffered enough in the past. You can see the level of attacks and homophobic behaviour and the impact that it has on that community. The people who try to bring about Bills on freedom of conscience really need to examine their own conscience about what is behind some of this legislation.

Where Christian beliefs are concerned, of course Churches of all denominations need religious belief. We are the first to support that, but many people in Christian communities do not want to see religion used as an attempt to

justify discrimination against an entire community. I note that a Catholic priest has come out recently on that, as have many people within the Protestant and, indeed, other Churches. I very much welcome that.

We have been trying for some time to get age discrimination included in legislation. It is not a good foundation to bring forward anti-discrimination legislation when it discriminates against people who are under 16. We tried to get agreement on this, covering all ages, but unfortunately it was not forthcoming. At present, there is no protection for anyone who is under 16. We see the legislation that has been brought forward as a first step, and we will now ensure that we consult with all interested parties and stakeholders with the aim of bringing forward legislation that covers everybody.

I support those Members who spoke about the Single Equality Bill. Our position on it is very clear. We support it, and we would like to see a bill of rights progressed. Again, however, the party opposite is attempting to block anti-discrimination legislation.

Mr Poots: I welcome the opportunity to participate in the debate. I know it is a debate that the Alliance Party wanted to close down a few months ago, making it very clear that that was the case. Interestingly enough, it comes to the Floor today with its proposal, and I think that that is on the basis that it has been publicly losing the argument and knows that it has been losing it. People are now publicly saying that this matter needs to be discussed, that we need to find a middle way and that there is, in fact, too much discrimination against people of Christian faith who have real concerns about engaging in particular things and being forced to do things that they are totally opposed to.

Mr Lyttle: Will the Member give way?

Mr Poots: I have not started yet, so give me a moment or two to develop the debate.

Lord Mackay of Clashfern, who was, amongst other things, the Lord Advocate of Scotland, Lord of the Session, Lord of Appeal in Ordinary, Lord Chancellor and Lord High Commissioner, has made this following point of view known:

"Those who have strong religious views are likely to have views about what is right and wrong and in their lives their consciences are constrained by these views. It is particularly painful for them to be forced to transgress the direction of their

consciences. If it is possible by reasonable adjustment of the arrangements to which such a person is subject so that he or she is not forced to transgress the dictates of conscience, this seems highly desirable thus avoiding the infliction of unnecessary pain on the person affected".

Mr Givan proposed a conscience clause Bill, which people immediately sought to close down. Ms Ruane, who has disappeared almost as quickly as she appeared and made her speech, is very quick to run around the Assembly seeking to get people to sign a petition of concern, and, quite foolishly, Basil McCrea and Steven Agnew supported her in that without allowing a debate to take place and without allowing those issues to come forward.

Mr Attwood asked why we made the amendment in the way that we did. We did that to facilitate and enable the SDLP to lend its support. Sadly, it has chosen not to. I am very surprised that it has chosen not to. Bishop Treanor was up at the Assembly in the past month, and he said that we need to have a discussion:

"in a calm and respectful manner, how to find a more just and reasonable accommodation for religious belief when conflicts between goods and services legislation and freedom of conscience arise."

It would be good if the SDLP listened to this point. He continued:

"It is important that our politicians accept there is a real problem here that needs to be addressed. Our laws as they stand are having an unjust and disproportionate impact on those of religious faith. It is important that they don't just ignore the situation but seek ways of addressing it and of giving greater recognition to freedom of conscience and religion as a fundamental human right and a cornerstone of a diverse and pluralist society."

The SDLP is not yet too late to support us in the amendment, which is a very reasoned amendment that allows us to engage in a continued discussion on this vexed issue.

We cannot force individuals to think particular things. It is sad that the Ashers case came to the fore through a cake that was to be used by the Alliance Party's Mayor of North Down, I believe, to promote gay marriage. I am happy to be challenged on that. If someone is not in support of gay marriage, why go to their

business and seek to force them to provide that support? It is wrong that someone's conscience should be exercised on an issue like that.

Mr Givan: Will the Member give way?

Mr Poots: Yes.

Mr Givan: In respecting rights, the Member will be aware that the Parliamentary Assembly of the Council of Europe voted earlier this year on a report calling for a reasonable accommodation for religious beliefs across all the member states in Europe. The SDLP, in its pro-European stance, could be part of the curve on this issue and could join with others in seeking the reasonable accommodation that I would like to take forward.

Mr Poots: I thank the Member. It is wrong that people who are engaged in a bed-and-breakfast business are forced to adopt a policy, if they want to maintain their business, that goes totally against their beliefs in a small family home. And —

Mr Attwood: Will the Member give way?

Mr Poots: Very briefly.

Mr Attwood: So, you want to have respectful conversations about this matter. Would the respectful thing not be to withdraw your Bill in order to have a conversation, perhaps in the terms that you want to talk about? By the way, whilst my Catholic faith informs my values, my party constitution informs my judgements when it comes to political matters.

Mr Poots: The Bill has not been lodged yet.

Mr Speaker: Time is almost up.

Mr Poots: We are proposing a Committee to discuss it. The Member seems to be opposing that, but he could change his mind.

Mr Speaker: Members, as you know, Question Time is at 2.00 pm. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The debate stood suspended.

The sitting was suspended at 1.54 pm.

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

2.00 pm

Oral Answers to Questions

Health, Social Services and Public Safety

Mr Principal Deputy Speaker: We will start with listed questions. Before I call Mr Basil McCrea, I inform the Assembly that question 4 has been withdrawn.

Genito-urinary Clinics

1. **Mr B McCrea** asked the Minister of Health, Social Services and Public Safety for his assessment of the effectiveness of local genito-urinary medicine clinics. (AQO 7792/11-15)

Mr Wells (The Minister of Health, Social Services and Public Safety): Local genito-urinary medicine (GUM) clinics are an effective means of providing for the diagnosis and care of patients with sexually transmitted infections (STIs) and related problems, including contraceptive care, genital conditions and HIV. Confidentiality is a fundamental component of working in the clinic. Staff are trained to deal with all sexual health problems and to provide advice, education and information to patients, their friends and family and outside agencies.

The main conditions treated in the specialty are bacterial STIs, such as syphilis, gonorrhoea and chlamydia, and viral STIs, such as the human papilloma virus, herpes and molluscum. GUM clinics may also provide additional services, such as erectile dysfunction management. Importantly, they act as centres for training and governance for sexual health networks.

Mr B McCrea: Minister, in England, the public health outcomes framework provides useful indicators that local areas can be benchmarked against. One indicator is especially relevant to adult sexual health, and that is the proportion of people presenting with HIV at a late stage of infection. What is the Minister's view of the framework? Is it relevant to Northern Ireland? If so, does he accept that the number of consultants in our GUM clinics ought to rise from four to 20 to meet the demand?

Mr Wells: As the Member will be aware, the Regulation and Quality Improvement Authority

(RQIA) undertook a review of the provision of specialist sexual health services. That report was published in October 2013. I think that one of the reasons that he is raising this is that there is a staff vacancy in the present provision for a grade 6 nurse. That post has been advertised and trawled, and I think that we will be in a position fairly soon to indicate that there has been an appointment. We believe that that will bring us up to the full complement of staff required.

He raised the issue of HIV. In total, 522 people were receiving HIV care in Northern Ireland in 2011. That is the latest figure. Also in that year, 82 new diagnoses were made of HIV. That is very unfortunate. HIV has been with us now for almost 30 years, and there has been a very intensive public education programme to alert people to the dangers of certain practices that run the risk of contracting HIV. Sadly, even though that extensive campaign has been well managed by the Public Health Agency and has targeted the entire population, we are still seeing an inexorable rise in the number of HIV diagnoses. That is very unfortunate, because there are very simple and effective ways of avoiding contracting that condition.

Ms P Bradley: As the chair of the all-party group on sexual health, I welcome the Minister's response, albeit that I impress on him the pressures that our GUM clinic up in the Royal is facing. As the Minister will be aware, we have a reduction in cervical cancer due to a good vaccination programme in our girls, albeit that we still have not provided that for our boys. We also have a reduction in teenage pregnancies. What is the Minister doing to further reduce this number?

Mr Wells: This is quite a good-news story. In 2012, there were 1,100 recorded births to teenage mothers in Northern Ireland. That is 6% lower than 2011, when there were 1,170. Even more fundamentally, it is 27% lower than a decade ago, when it stood at 1,502 births. However, I emphasise that the birth rate for teenage mothers aged 13 to 16 remains two to three times higher in the most deprived parts of Northern Ireland. That is still an issue, but at least it is an issue that we are tackling with considerable success. We know that the outcomes for children born from teenage mothers are often much poorer than those of mothers who wait until a more mature age before giving birth.

The HPV vaccine has been a success. Of course, it is much more of an issue for young girls than it is for young boys, but we are keeping that issue under review. We are

having considerable success in on both counts — HPV and teenage pregnancies. We will be guided by the evidence when it comes to HPV vaccinations but, once again, extending that to a wider population will require more funding. One of the fundamental issues that I face is the fact that I have no finances at all for new service development in 2015-16. That is an area of profound concern to me because there are so many worthy initiatives that could be rolled out to protect public health. At the moment, we do not see where we are going to get the money to pay for them.

Mr Eastwood: The Minister mentioned some of the figures around HIV cases. The fact is that, since 2000, between the North and GB, we have had the largest increase in new HIV cases. Why is that, and what are we not doing to try to turn that around?

Mr Wells: I presume he means Northern Ireland when he refers to the North rather than Malin Head.

In 2013, the review team found that Northern Ireland does not as yet have a specific set of agreed standards for sexual health services. There is a need for standardisation of practice across all those services. The review also indicated that we needed to do more in commissioning, leadership training, workforce planning and capacity of services.

It is very worrying that Northern Ireland in particular has a greater increase, but we started from a much lower base and, as Northern Ireland has become a much more cosmopolitan society, we have found that that has led to an increase in sexually transmitted infections. I find it quite worrying because not only is HIV increasing but the number of sexually transmitted infections diagnosed at GUM clinics increased by 28% between 2000 and 2011. In 2011, 7,661 new diagnoses were made in those clinics, which is a very worrying statistic. We need to get the message home to our population and to those who have come into our community that there are important steps that can be taken to avoid contracting sexually transmitted infections. It very much depends on the community listening to that message and taking advice that will prevent what is, to me, quite a worrying change in the situation.

Huntington's Disease: Regional Strategy

2. **Mr Boylan** asked the Minister of Health, Social Services and Public Safety whether he

has any plans to implement a regional strategy for Huntington's disease. (AQO 7793/11-15)

Mr Wells: While I have no plans to develop a regional strategy specifically for Huntington's disease, following publication of the United Kingdom strategy for rare diseases in November 2014, my Department is currently developing the Northern Ireland rare diseases implementation plan. This will set out how the commitments identified in the strategy will be taken forward in Northern Ireland. It is anticipated that the final plan will be published in summer 2015.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer. What services are available at present?

Mr Wells: People diagnosed with Huntington's disease have access to the full range of core community health and social services across Northern Ireland, including physiotherapy, occupational therapy, community nursing, speech and language therapy, dietetics, social work, social care, domiciliary care and day care. The Huntington's disease regional service is provided by the Belfast Health and Social Care Trust, and I fully support the need to develop research, particularly in the rare diseases sector, so that patients can receive the appropriate treatment at the earliest opportunity.

Currently, 120 patients in Northern Ireland are being treated for Huntington's disease, which means that it constitutes a rare disease. It is a very serious genetic condition, which is life-limiting. That does not mean that we do not take it seriously, but it makes it difficult to develop large-scale projects for that relatively small number of patients. Based on clinical need, there is always the option of travelling across to the mainland of the United Kingdom for specialist care, but that case would have to be made by the clinician and funded accordingly.

Mr G Robinson: Will the Minister give us an update on the rare diseases strategy?

Mr Wells: The consultation on the draft Northern Ireland implementation plan ended on 19 January 2015. Following the analysis of the responses and the amendments to the plan, it is envisaged that we will definitely have it by the summer of this year. I have a particular interest in the rare disease partnership, and I have attended all the various events associated with the implementation plan.

I do have a personal interest, because I have a rare disease and so does my daughter, so I am always very interested to see what happens with those conditions and what treatments and care pathways are available. I am taking particular interest in the subject, and I look forward to the publication of the full plan, hopefully by the end of August 2015.

Mr Kinahan: Will the Minister meet the Huntington's Disease Association and the Health and Social Care Board to see how it can be dealt with better?

Mr Wells: I would be delighted to. There are 169 registered health charities in Northern Ireland, and I think that each of them has been through my door at least five times, but I must say I have not had direct contact with the Huntington's Disease Association. If the Member wishes to coordinate a meeting, I would be absolutely delighted. It is a condition that, until the question was asked, I, frankly, did not know an awful lot about. I was obviously aware of it, but I was not aware of the scale. I am always very interested in the charitable sector, which provides so much useful information to me and to the Department in general. I find it extremely beneficial to meet those charities, and the door is certainly open to the Huntington's disease folk.

Mr McCarthy: Can the Minister advise the Assembly if he has had any correspondence with the Huntington's disease people across the water or indeed down South?

Mr Wells: No, I have not. When I was looking at the material in connection with the condition, it surprised me that, as far as we can trace — apart from Mr Boylan, who takes a personal interest in the subject — I have not come across much material on Huntington's disease. It is one of those conditions that, because there are a relatively small number of sufferers in Northern Ireland, has not crossed my constituency casework either. No doubt this will open up the doors to an avalanche of material from the charity, and I would welcome that. It is still life-limiting. The average onset is at 30 to 45 years of age and life expectancy following that is 15 to 20 years, so it is certainly life-limiting and a very painful and difficult condition. I would like to know more about it, and I am sure that I have prompted both the Member and Mr Kinahan to ensure that my ignorance is swept away very quickly.

Craigavon Area Hospital: Additional Finance

3. **Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety, given the increased demand for services at Craigavon Area Hospital, what additional financial resource the health and social care trust will receive from his Department. (AQO 7794/11-15)

Mr Wells: The final budget for 2015-16 is exceptionally challenging for my Department. Work is ongoing with all of the trusts, the Health and Social Care Board (HSCB), the Public Health Authority (PHA) and other arm's-length bodies to clarify the implications of the Executive's final budget and develop detailed savings proposals for 2015. As part of the process, the board is currently finalising the budget allocations for each of the trusts. However, at this stage, I can give an indication that we plan to allocate an extra £28 million to the Southern Trust for 2015-16. That represents about 22% of the total planned increase to all of the trusts. The Southern Trust spends about 16% of the total budget at the moment, so an increase 22% is a real and significant increase.

Whilst there is an increase in planned allocations, all of the trusts must deliver substantial savings in order to live within their budget and meet rising demand. Indeed, I have those proposals from the Southern Trust. As she knows, the Southern Trust has a very strong management team and it has been very quick to come back with proposals. I think most of them are sensible and deliverable.

Savings from non-front-line areas will be maximised. However, given the scale of the challenge that health and social care faces in 2015-16, savings will also need to be delivered from front-line services, and that will inevitably impact on those who are trying to meet their needs. In any case, I can assure her that we will maintain the safety of services for patients and clients across the trusts. That will remain my priority.

Mrs D Kelly: I welcome the increase in funding. Can the Minister provide any more detail in relation to how that might be split between acute service provision and community service provision?

Mr Wells: No, we are not that far on. We leave it to the trust's board and the new chief executive, Paula Clarke, and her team, to work that out. Whilst we have a rough indication of

where we are going budget-wise next year, we have not yet nailed down what money is going where. I can say, from my experience of the Southern Trust, that the extra £22 million will be very well spent. I was at a function on Thursday where we said goodbye to the outgoing chief executive of the Southern Trust, Mairead McAlinden, and quite a few Members from the House were present. Even with the loss of Mairead, I think that we have a very strong team in the Southern Trust. I think that that £22 million will be very well spent. I have noticed in my seven years in Health that, in almost every indicator, the Southern Trust has been at the top of the league in Northern Ireland. We need to support and confirm that success by investing further in what is a first-rate service.

2.15 pm

Mr Anderson: I thank the Minister for his responses thus far. What changes have there been in the numbers of key staff in the Southern Trust area over the last four years?

Mr Wells: We have obviously maintained our priority to invest in front-line services. It is worth saying, for instance, that, since Mr Poots was appointed Minister, we have decreased administration staff by 11% and sports support services by 23%, but we have increased medical and dental staff by 19%, qualified nurses by 9%, and professional and technical staff by 14%. I hope to refer to the huge increase in front-line staff that my predecessor delivered. I will continue to bring in extra staff. Almost 900 new nurses have been taken on since my party took on this portfolio four years ago. That gives a clear indication that we are putting more feet on the wards and moving more resources into front-line care, particularly in hospitals such as Craigavon and Daisy Hill, where we know that it will be well used. Indeed, both those hospitals maintain their positions in the top 40 hospitals in the United Kingdom year after year. If you saw what the competition is like, you would know that that is a remarkable achievement by the Southern Trust area team.

Mrs Dobson: I also thank the Minister for his answers. I met management of the Southern Trust at the hospital recently, and I appreciate the very real pressures that staff are under. Can the Minister give his assessment of the potential repercussions of heaping more pressure on to an already stretched workforce? I share the very real concern, which was reiterated to me, about the nursing staff shortage. How does he plan to resolve —

Mr Principal Deputy Speaker: Can I just bring you to the question?

Mrs Dobson: — that at Craigavon Hospital?

Mr Wells: I think the fact that we have managed to recruit 892 nurses in four years indicates that we accept the argument that she is making —

Mrs Dobson: There is still a shortage.

Mr Wells: Yes, I accept what she is saying. In Northern Ireland, we are still short of nurses, GPs and middle-grade doctors and consultants. We have a fundamental problem, in that 20% of nurses who qualify in Northern Ireland go elsewhere. They go to Australia, London, other parts of England or wherever they are recruited. That is a real issue. We have also lost 250 middle-grade doctors who qualified in Northern Ireland and went straight to Australia. We are doing everything that we can to recruit, but there is another point that I need to make.

On Saturday night, I attended a dinner of a very successful private residential home in Castlederg. The problem is that, if we extend our recruitment of nurses into the trusts, we find that they inevitably come from that sector. That is making life extremely difficult for those who are trying to manage private nursing homes and private residential homes. We are robbing Peter to pay Paul. Under the workforce review, we need to find a way whereby we can train more nurses to meet the need that she identified. The Southern Trust has been much more successful than other trusts in attracting and retaining staff, and, therefore, its bank agency budget, for instance, is much smaller than the other four trusts'.

Mr McNarry: In the light of what the Minister just said, would he really and earnestly consider putting in a cap so that nurses who have been trained in Northern Ireland have to stay here for a period so that we are not losing them to the places that he says we are?

Mr Wells: That is a very interesting point. It costs us £860,000 to train a doctor in Northern Ireland. There is nothing to stop that person, as soon as they are registered, getting on the plane and going to Bondi Beach. Should we be spending Northern Ireland taxpayers' money to train doctors for the rest of the world? It does not cost as much as that to train a nurse, but should we be training nurses to go to Barking, Somerset, Tottenham or wherever else in England?

Mr McNarry: You can do something about it.

Mr Wells: Unfortunately, while we remain within the European Union, we cannot stop them going elsewhere within the European Union. That is because there is free movement of staff. However, we will have to look seriously at some way not of preventing staff from going but of saying, "If you go, you will pay back a significant proportion of the money that it cost to train you." That has already been implemented in other professions.

It is only at the initial stage, but we need to look at that. I do not see why I am training nurses and doctors to go to Sydney, but there is another argument: for years, we have benefited enormously from doctors and nurses coming from places like India, Pakistan and the Philippines. Even in the ward that I recently had experience of, a good proportion of the nurses — first-rate nurses — were from the Philippines. We gain the other way, so it is a double-edged sword.

The Member has a point: it is worrying that we lose so many of our top staff. The good news, of course, is that that means that the rest of the world regards our staff as extremely competent and well trained. Therefore, they are the envy of the rest of the world, but we would like to keep them.

Causeway Hospital: Service Delivery

5. **Mr Campbell** asked the Minister of Health, Social Services and Public Safety how the delivery of services at the Causeway Hospital will change following the recent senior clinical staff appointments. (AQO 7796/11-15)

Mr Wells: The Northern Trust's model for services in the Causeway Coast and glens area is based around an acute hospital in Coleraine with an emergency department and supporting clinical services, a well-developed intermediate care service and community teams evenly distributed across the area. In January, the trust made a number of new clinical appointments for the Causeway Hospital. The permanent appointments include consultants in surgery, gastroenterology, respiratory — these are hard — obstetrics, gynaecology and a consultant physician in internal medicine. All that I am drinking is water. A joint consultant cardiologist post with Altnagelvin Area Hospital is in the process of being recruited.

The Causeway Hospital, like several of the other smaller acute hospitals across Northern Ireland, has experienced challenges in

attracting permanent staff to some of its specialties in the past. I am therefore pleased to see that the new permanent clinical staff have arrived on site. The trust is also recruiting a further three posts: a consultant in emergency medicine; a consultant physician in general medicine and care of the elderly; and a consultant physician with an interest in respiratory medicine. Those processes remain open. The appointments are good news for the people who use the Causeway Hospital, and it is expected that these permanent postings will enhance the continuity and quality of care for patients.

Mr Campbell: I, too, welcome the intention to recruit the three new staff. Will the Minister indicate, for example, the change that there has been at the A&E, compared with four years ago, in the number of people waiting 12 hours or longer?

Mr Wells: I am glad to say that there has been a dramatic fall in the number of people waiting more than 12 hours at the Causeway Hospital. In 2011-12, there were 1,020; in 2012-13, there were 719; and, in 2013-14, there were 156. That is dramatic and almost an 80% fall. Well done to the staff — the clinicians, the consultants and the nurses — at the Causeway Hospital who have delivered such a fundamental change in outcomes. That, of course, is in the context of quite a significant increase in demand. Indeed, almost 80% of patients in that hospital are seen within four hours.

Throughout Northern Ireland, demand on A&E and ED is increasing dramatically. We had over 2,200 more referrals in December this year than the previous year, and that puts significant pressure on our staff. I am glad to say that we were able to meet that demand, unlike 13 health trusts in England, where emergency situations were declared, or in the Republic of Ireland, where over 600 patients were on trolley waits at one stage during December and January. Therefore, a lot has been achieved. Indeed, there have been no 12-hour breaches in the Causeway Hospital since September 2013. Well done to all concerned. It has been a huge effort by the Northern Trust team. I believe that there is a brighter future for the Northern Trust and that things are beginning to turn around there. I offer my congratulations to the chief executive and all those responsible.

Mr Dallat: I welcome the Minister's response, and I would, of course, say absolutely nothing negative about the Causeway Hospital. Would he agree that developing partnerships not just

with Antrim Area Hospital, which is in the same trust area, but with Altnagelvin Area Hospital, which, in turn, has partnerships with Letterkenny General Hospital, is the key? Does he also agree that, in the future, the Causeway Hospital will have a major role to play in the north and north-west? I include Malin Head in that, because some patients come from there.

Mr Wells: I am glad the Member has defined what he believes to be the north: that includes Malin Head. All joking aside, we have an excellent relationship with our colleagues in Letterkenny General Hospital. For instance, when we had the fire in Altnagelvin a few years ago, they were in there immediately to try to help us out. I welcome that, and that cooperation will continue.

The Causeway Hospital is in a unique situation because it is equidistant from Altnagelvin in Londonderry and Antrim; therefore, there is a crossover. I have already indicated that the consultant cardiologist will be shared by the hospitals because, for folk who live in the Member's constituency, such as in Limavady, it is six of one, half a dozen of the other in terms of moving. John Compton, in 'Transforming Your Care', outlined that hospitals should not be identified as silos or islands but should work in partnership with one another. I welcome that. Not only does that help with patient care, but it helps to maintain the viability of individual hospitals. It is important that the numbers are sufficient to maintain viability.

I think that the tide has turned for the Causeway Hospital. Things are now moving very much in the right direction. I believe that the new team in charge of the Northern Trust has given new priority to that. From letters that I have received from the Member, I know that he certainly believes that the Causeway Hospital is providing first-rate care. We hope that that is maintained in the future.

Mr Allister: I welcome the recent permanent appointments, not least because it was not so long ago that the Minister's predecessor was telling us how difficult it was to recruit people permanently to the Causeway Hospital. I am glad that that has been turned around.

The Minister says that he is committed to the retention of a small acute hospital at the Causeway. What does "a small acute hospital" mean with regard to the level and range of clinical services, including, for example, maternity services? Can he spell out exactly the services that he will maintain? In particular, does it mean that the present range of services will all be retained?

Mr Wells: The honourable Member for North Antrim would need to realise the current services being maintained in the Causeway: the A&E department; day surgery; dermatology; children's ward; coronary care; cardiology; maternity; intensive care unit; X-ray department; mortuary; gynaecology; minor injury unit; various theatres; and older people's services, including a rehabilitation ward. The Causeway has a remarkable range of services already for a relatively small hospital. Compared with Altnagelvin, the Royal or Antrim, the numbers that go through Coleraine are much smaller. Accepting that, I think that that list indicates our commitment to the Causeway.

The new management structure in the Northern Trust and — I will be honest — the new chief executive have instilled confidence in the Northern Trust. The tide has turned in the sense that people now have confidence in the long-term future of the Causeway and are prepared to apply. The Member rightly said that there was a difficulty in obtaining consultants for posts in the Causeway: that was true. Adverts were not being answered, and the number of applicants was very small. That has changed. We have made a series of major appointments, and we continue to do so. That is good for the future. I also said that the new chief executive of the Northern Trust had made a strong personal commitment to the emergency department in the Causeway. That has to be good for the future of that relatively modern hospital.

Mr Swann: The Minister referred to hospitals working in partnership. He will know that the Dalriada Hospital is used as a step-down facility for the Causeway Hospital. Can he give the House an update on where the Dalriada Hospital stands at the minute?

Mr Wells: The honourable Member will know that a judicial review was taken by one of the patients who used the Dalriada Hospital and that interim relief was granted by the courts in response. Therefore, I am abiding by the terms of that legal opinion. There is no change at the moment to services at the Dalriada.

I will also say that there has been the most incredible public response in the Moyle area to any change to the status of the Dalriada. Indeed, I think that we have all been taken aback by the sheer scale of it and the input from the entire community. Therefore, we will keep the situation under review, but the trust has confirmed that it will fully comply with the court's interim relief ruling and has restored the status quo at Dalriada by increasing the staffing

complement and admitting additional patients. That is an indication that, when the courts rule, this Department simply has to follow that. We have no option.

Mr Principal Deputy Speaker: Order. That ends the period for listed questions. We will now move on to 15 minutes of topical questions.

Cancer Patients: Inequalities

T1. **Mr Rogers** asked the Minister of Health, Social Services and Public Safety for an update on what he is doing to reduce the health inequalities experienced by cancer patients here when compared to patients in England. (AQT 2261/11-15)

2.30 pm

Mr Wells: I thought he was going to ask a question about Downe Hospital, but he has not. As he knows, we have had the review of the individual funding request (IFR). That is out for consultation, and it is indicating that we are going to do away with the 95% exceptionality criteria. Indicative in what I said when I launched that review and its findings was that we will be trebling the amount of money that is being set aside for non-National Institute for Health and Clinical Excellence (NICE)-approved cancer drugs in Northern Ireland. If he reads the figures he will see that the quantum of what we are trying to do is clear. Two committees will be set up to look at individual requests for funding of non-NICE drugs. We expect that those new committees will be much more flexible in their approach and that the people of Northern Ireland will not have to jump through hoops, as they were doing under the old criteria. Most of those drugs are life-extending and life-enhancing rather than life-preserving, but, still, my view is that we should try to make certain that someone in Downpatrick is in the same position as someone in Durham or Dundee when it comes to these products. There will still be people who will be turned down under a much lower exceptionality threshold.

As far as the more general issue is concerned, Northern Ireland, through the Belfast cancer centre, which is based at the Belfast City Hospital, has been able to produce outstanding, significant progress in survival rates. Indeed, for some cancers, like testicular cancer, prostate cancer and breast cancer, we are now into the 80% range, which is remarkable. Therefore we can hold our head up and say that we are making progress. However, there

are still other cancers, such as ovarian, pancreatic and lung, where the survival rates are extremely poor. We need to continue to work on those. Less than 10% of lung cancer patients, for instance, are alive after 10 years, and, for pancreatic, it is less than 5%. Those are the really worrying conditions that we need to bear down on. I think Northern Ireland is doing well in this field, and that is thanks to people like Paddy Johnston and his team of oncologists at Belfast City Hospital —

Mr Principal Deputy Speaker: I remind the Minister about the two-minute rule.

Mr Wells: — who do outstanding work.

Mr Rogers: I thank the Minister for his answer. I welcome the answer and, on a personal level, commend the work of the cancer centre at Belfast City Hospital. Considering the revelation that £36 million has been received by the Department from the Pharmaceutical Price Regulation Scheme (PPRS) rebate, what is your assessment of the benefits of creating a cancer drug fund immediately, without prescription charges?

Mr Wells: I am glad that he asked that question, because I think we need to look in depth at what he means by the PPRS. This year, 2014-15, we are going to get about £13 million in PPRS refunds. We think that it will be £30 million for next year, 2015-16. I see that the honourable Member for South Belfast does not agree with me, but whether it is £13 million or £14 million is neither here nor there, because we are spending an extra £12 million this year on NICE-approved drugs. Therefore, whatever we get back from PPRS is completely gobbled up. We could carry that £12 million into next year, and we will be spending another, maybe, £13 or million or £14 million on NICE-approved drugs, so that will eat up entirely the PPRS rebate. Of course, the PPRS is a five-year programme; it may not be here in five years' time.

I am trying to develop a sustainable model that will ensure that we have the money for not just cancer drugs but all specialist drugs and treatments for the foreseeable future. That is why I suggested a very small prescription charge of maybe 30 pence, 50 pence or a pound, with an exemption certificate of £20 or £25. The latest model I have seen has suggested that that will raise an initial £16 million. Is anyone telling me that it is not fair that someone who may be getting thousands of pounds of free prescription drugs cannot pay a pound or 50 pence per item? That is what is

out for debate. I will be very interested to see what people's views are on it. To me, that is the sustainable model for the future, long after PPRS is gone.

Prescriptions: Generic and Cheaper Drugs

T2. **Mr Dallat** asked the Minister of Health, Social Services and Public Safety what he has to say about the fact that a Public Accounts Committee report has shown that, in 2012-13, £14 million could have been saved if GPs had prescribed cheaper, generic drugs, and, in the next three years, £54 million could be saved. (AQT 2262/11-15)

Mr Wells: First, our generic rate at the moment is 72% and, because of our concern about the alleged wastage, we have imposed a £20 million saving on pharmacy for next year to try to ensure that clinicians, pharmacists and hospitals grind down on any perceived wastage. Over the last 10 years, the use of generic drugs has gone from 41% to 71% and is now at 72%. In the four-year period from 2013-14, the Department, through the HSC, has delivered £132 million through efficiencies in prescribing. This gives an indication of just how important we consider the issue to be.

We are up there with many other nations in our generic cost base, and I think that we are doing very well in that sense. However, there is clearly wastage in the system, and we need to drive that down. The problem, of course, is what while we do so, demand continues to rise. There has been a very significant rise since we went to totally free prescriptions. I think that we need to give prescriptions a value. It is a bit like a free newspaper. When a free newspaper comes through my door, it is hardly read because it is of no value, but if I buy a copy of the 'Mourne Observer' or the 'Down Recorder', I read it because I have invested some of my hard-earned cash in buying it. The same principle applies: a very small charge will encourage people to think, first, whether they need a prescription and, secondly, now that they have paid £1 or whatever for it, they should use it properly.

This matter is out to consultation. I want to see the views of the industry, individual pharmacists and the public on this very important issue. If we get it right, we can have a long-term funding stream, which will mean that many of the arguments about various drugs, vaccinations, etc, will no longer apply, because we will have the money to pay for them.

Mr Dallat: There is an awful lot in the Minister's answer, but none of it is about the GPs who are not prescribing the cheaper generic medicines that could be equally as good. Does the Minister agree, having talked to Seán Rogers earlier, that it would be wonderful to invest these savings in a cancer fund?

Mr Wells: We continue to look at that issue. Remember, it is a decision for the individual GP as to what he or she prescribes. GPs tell me that there is a certain resistance among their patients when a different box appears, even though, clinically, it is exactly the same product. If it is not the yellow and orange, or whatever, that they have always had, and you move them on to the generic drug, which can be 90% cheaper, they say that it does not have the same impact. Therefore, there is pressure on the doctor to prescribe the branded product. We need to continue to do that.

I can assure you that the overall trend is very much in the direction of further generics: there is no question about that; we are getting there. We need to take the BMA and the doctors with us on the issue. I hope that the £20 million efficiency saving that I am imposing next year will force everyone to have another look at the issue.

With regard to the report, we have to be careful, because it is still going through the process of the Public Accounts Committee. We have a view on some of the assertions made in it, and it is not all as black and white as it seems. The experts in the Department tell me that it is just not entirely correct in its assumptions. However, with regard to the basic question of whether we need to drive down more efficiencies in our prescribing budget; yes, we do. However, all of that will simply be gobbled up by other demands within the health service. It is not going to produce the crock of gold at the end of the rainbow that can be used forever and a day to introduce new non-NICE-approved drugs in Northern Ireland. We need something that is much more sustainable.

Health: Budget Deficit

T3. **Mr Spratt** asked the Minister of Health, Social Services and Public Safety for his opinion on the fact that, at the Health Committee last week, officials said that there remains a gap of some £30 million in next year's budget, which will mean that the Executive will be unable to avoid unpalatable decisions, and, in light of that and the fact that there will be absolutely no money available to keep up with developments across the water, to

state how that will be felt by patients and members of the public. (AQT 2263/11-15)

Mr Wells: I alluded to that earlier. We are in an extremely difficult position. Even looking at all the difficult efficiency savings that we have to make, we are somewhere between £29 million and £30 million short for 2015-16. On top of that, we have identified about £100 million of new service developments that, ideally, we would like to deliver in things like elective care, nursing levels, public health initiatives, including vaccinations, NICE drugs and special service, mental health and learning disability and Transforming Your Care (TYC) transitional funding.

As things stand, we have no money at all for those things. I will give you just one example: the previous Minister quite rightly pledged that, once Bexsero was introduced in GB and approved, and agreement reached between the drugs company and the Department over there, we would introduce it here as a vaccination to prevent anyone in Northern Ireland from contracting meningitis B. That is a very worthy initiative, but, at the minute, figures quoted suggest that it might cost £1.5 million to £2 million to do that for all children under one. I want to do it, but, when I have literally no money in the budget even to balance the books for what we are already committed to, it is very difficult to see from where we can get the cash to introduce the vaccine. That is why the new medicines fund is a very good idea: something such as Bexsero could be brought in and implemented using that money. We have got rid of meningitis A and meningitis C. I hope that soon we can get rid of meningitis B, and we are going to tackle meningitis W. The question is this: is it a worthy objective to make certain that, when their child gets flu-like symptoms, parents no longer experience the anguish that it could be meningitis? However, I have to find the money, and I need the support of the House before I can do that.

Mr Spratt: I thank the Minister for his answer. In the light of it, and given the situation in which you find yourself in the Health Department, how do you view recent calls that a further £300 million should be directed towards enhanced welfare payments? Obviously, some of that money would be taken away from your Department.

Mr Wells: When I heard that, I automatically did the sums, and, at 40%, it means that £120 million would be taken out of my budget for 2015-16 to fund welfare claimants. I cannot even find the £29 million to bridge the funding

gap for next year or the £100 million to introduce new services. Therefore, it would be absolutely disastrous.

Members need to know the consequences of that. We are into such serious cutbacks in health that we could not guarantee public safety. That £120 million cut would come on top of £170 million of savings that have been obtained this year and £163 million next year, as well as another £50 million that has to come out of arm's-length bodies such as the Fire Service, the PHA and the Business Services Organisation (BSO). That is how difficult the situation is, so I watch with trepidation to see whether that will happen. It would certainly lead to a deterioration in services and waiting times. The quality of services provided to patients would be compromised, we would have an inability to respond to the growing needs of the population of Northern Ireland, and we would compromise the delivery of key ministerial priorities and commitments. It is as black as that. Certainly, as one who has seen the figures, I urge the Assembly to step back from anything that would lead to a reduction in my budget in 2015-16.

Abortion: DHSSPS Guidelines

T4. **Ms McCorley** asked the Minister of Health, Social Services and Public Safety when his Department will publish guidelines on the termination of pregnancy. (AQT 2264/11-15)

Ms McCorley: An dtig liom a fhiafraí den Aire cén uair a mbeidh treoirínte foilsithe ag a Roinn maidir le cúrsaí ginmhillte?

Mr Wells: As the Member knows, this is a very emotive and difficult issue. There have been various attempts to introduce guidelines in Northern Ireland. The last set of guidelines was successfully challenged by one of the pro-life charities. There have been various attempts to produce a document that the Executive can agree. We are still in that process, and I have to admit to the Member that this is perhaps one of the most difficult issues facing me and the Department at the moment. I have no doubt that, whatever document is produced, it will be judicially reviewed. If it is seen as too liberal, it will be judicially reviewed by the pro-life groups; if it is judged to be too strong on the pro-life stance, it will be judicially reviewed by one of what are euphemistically called the pro-choice charities.

It is one of those areas in which the problem is almost insoluble. It is extremely difficult. I am working on it at the minute, and I hope to have

something before the Executive within the next few weeks.

Mr Principal Deputy Speaker: Time is up.

2.45 pm

Agriculture and Rural Development

Mr Principal Deputy Speaker: Before I call Mr Alban Maginness, I inform Members that question 14 has been withdrawn.

Export Trade Missions

1. **Mr A Maginness** asked the Minister of Agriculture and Rural Development to outline the missions led by her Department to promote Northern Irish exports beyond the EU. (AQO 7807/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I and my officials have been part of numerous missions to non-EU countries aimed at gaining access to markets and promoting our high-quality agricultural commodities.

China is a key market for a range of commodities from the North. I have twice visited there to build the important high-level relationships needed to agree terms of trade. In addition, my veterinary officials have visited China on eight occasions since 2012. Officials have supported inward inspections by the Chinese authorities, when we were able to showcase our excellent pig health standards and secure approval for us to export pig semen. Through those visits, we also agreed terms to export horses to China. I am hoping for similar success for pork exports following the Chinese mission we will host in the coming months.

Other key markets for pork include Australia. I was pleased when my officials, having met their Australian counterparts in June 2014, were able to secure agreement for an inward mission. That is scheduled for mid-2015 and will offer us the opportunity to show at first hand our excellent production standards and high-quality produce. My officials supported an inspection by the US authorities in 2014 that allowed us to maintain our approval to export pork there.

For the beef sector, my officials secured access to the Singapore market after hosting a successful mission in 2013. A visit by my officials to Japan resulted in them agreeing to

initiate negotiations on beef exports. One of my officials recently visited the Philippines to promote our high-quality beef production standards and hopefully to secure an inward inspection of our processors. We are also preparing to host a beef and lamb mission by the US in 2015.

Mr A Maginness: I thank the Minister for her detailed reply and welcome the progress that is being made, particularly in relation to China. I attended a meeting recently that the Chinese consul general attended, and certainly there is great potential there. How much progress is being made on export licences issued by DEFRA?

Mrs O'Neill: I also met the consul general and look forward to establishing good links with her in terms of the assistance that she has offered us in reaching into new markets across China.

We have a strong working relationship with DEFRA on export certificates. DEFRA is in the lead on international relations, but we have a strong working group that helps us to identify priority areas for industry here. We can then have those discussion with DEFRA on potential visits and securing inspections, which lead to us securing new markets. There is a strong and ongoing relationship. We are continually looking for and identifying new markets, so it is important that we keep our eye on the ball in terms of possibilities for the local industry.

Mrs Overend: I may need to declare an interest, being the wife of a pig farmer. Can the Minister provide an update on the inspection visit of the Chinese veterinary officials with regard to the possible exportation of pork from Northern Ireland? I understand that that visit has been delayed twice. Does the Minister accept that time is of the essence with regard to the value of such export markets? Does she accept that the Republic has been better than Northern Ireland in tapping into that market?

Mrs O'Neill: We are disappointed that the Chinese officials had to cancel the inspections on a number of occasions. We are continually engaging with them to make sure that they happen. We have been told to expect our inspection next month and are looking forward to that. As I said, China is a key market for us that we are fully exploring.

I do not think that there is a need to play what happens in the Six Counties against the Twenty-six. We get into quite a lot of the same markets. We work collaboratively in a number of areas and markets that we are trying to

explore. It is of key importance to me that we open every opportunity and my Department is not found wanting in our processes. As I said in my original answer, all markets are being explored, whether in China, the US, South Africa or the Philippines. We are working with those markets because local industry have identified them as the markets that they want to target. We will be working with them to make sure that we access those markets as soon as we can.

Getting pork into China is right up there in my priorities. I have said previously in the House that once we have the inspection, if I think it is important politically for me to visit China, I will certainly do that to try to open up that market.

Mr Allister: Following up on that point and the very disappointing delays in the Chinese inspection, might the answer not lie in better coordinating inspections in Northern Ireland with those governed by DEFRA in the rest of the United Kingdom? The Chinese officials were in GB months ago and did their inspections, so why could you not have an arrangement whereby they would come to Northern Ireland under DEFRA and inspect here? Is DARD standing on its own dignity when there is a far more important issue, namely getting the inspections over and done with?

Mrs O'Neill: The Member probably works very hard to try to find a difference between my working relationship with DEFRA and that with the Department of Agriculture, Food and the Marine (DAFM) in the 26 counties. As I said in my substantive answer, we work very closely with DEFRA on trying to open up new markets. DEFRA is the lead Department on opening new markets, so it is vital that we work with the local industry and identify the markets.

The Chinese market for pork is, in terms of our priorities, right up there. The fact that the Chinese officials have cancelled has been disappointing for all of us. However, we do not have control over their diaries and how they conduct their business. For varying reasons, they have had to cancel their visit. By extension, when they visited England, they were to come here also. However, that did not happen. We are hopeful that that will happen over the next number of weeks. We are hopeful that we will be able to further exploit the Chinese market for the local industry, and we will continue to work with DEFRA on whatever is needed to make sure that we open up the Chinese market for pork.

Mr Principal Deputy Speaker: Mr Raymond McCartney is not in his place.

Local Action Groups: Section 75 Representation

3. **Mr McQuillan** asked the Minister of Agriculture and Rural Development for her assessment of how representative the social partner members of the local action groups are of the Section 75 categories. (AQO 7809/11-15)

Mrs O'Neill: The Rural Network and the rural support networks facilitated the wider local action group (LAG) animation and formation process, which commenced in October 2014. Three or four meetings were held in each new council or LAG area towards the end of last year. I have always wanted to get as many and as wide a spread of rural people involved in the wider LAG as possible. I have also said up front that I want to see a greater emphasis on engaging with young people and women to get them onto the LAGs. To that end, two sector-specific events aimed at encouraging membership from these sectors were also undertaken. As a result, over 2,000 people registered as wider LAG members across the rural North. Some 70% of those members are new to LAGs, 41% are female and the average age of members lies within 40-49 age group.

Each LAG was then required to form a board. All registered LAG members were invited to a facilitated meeting of their LAG for discussion and agreement on the arrangements for the selection of social partner composition on the LAG board. Guidance was provided on the necessary balance and representation of the LAG because of the each area's geography, gender, age and other section 75 considerations.

Members agreed their own composition requirements and were invited to nominate, including self-nominate, and vote for board membership. Nominations had to be supported by two other LAG members, and voting was undertaken in line with the LAG agreed criteria for that area. The social partner election has taken place in every area, and those elected are confirming their appointment.

The establishment and election processes adopted by the new LAGs have been robust and transparent. The composition and balance of each group will be scrutinised by officials before the drafting of the strategies begins.

Mr McQuillan: I thank the Minister for her answer. She has also appointed the rural

development programme monitoring committee. I notice that there are a lot of different groups represented on that committee, one of which is the GAA. Will she consider appointing other groups to that committee, such as the Orange Order?

Mrs O'Neill: Yes, we are very open to any group that represents a rural constituency coming forward. The stakeholder group is very important in monitoring the outcomes and the work of the rural development programme. The board has been established, and we opened up for calls. I do not believe the Orange Order came forward. However, I am open to any group that has an interest in rural communities and is genuinely interested in protecting them coming onto that stakeholder group.

Mr Milne: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. When does the Minister anticipate the new programme opening?

Mrs O'Neill: Our programme has been sent off to Europe, and we expect it to take six months from when it was sent. We had expected initial correspondence during the last couple of months, but that has not happened. By June, we expect to have sign-off from the Commission, and we are hoping to open in April or May for animation works. I encourage all groups that are interested in applying for the funding to watch out for that, because it will be widely advertised in the press and on the DARD website. For me, it is so important that we hit the ground running and that we get funding on the ground as quickly as possible. We certainly can learn from our experience on the current programme and hopefully get off to a better and quicker start. Now that we have the LAGs in place, I think that we are well equipped to be able to do that.

Mr Eastwood: Can the Minister assure us that her Department is continuously monitoring any issues pertinent to section 75 to ensure that we have a proper and full account of people coming from all different parts of our society on these boards?

Mrs O'Neill: Yes. As I said, the LEADER approach is very much a grass-roots and a bottom-up approach. The LAG areas decide how the groups will be constituted. However, I am very mindful of the need to adhere to section 75 considerations, and that was very much part of the discussion informing these groups. I am in no doubt that that happened. My desire in this programme was to make sure that we attracted more young people and more

women to the groups because they were underrepresented. We have improved the situation somewhat; however, there is still a way to go.

Sheep: Identification Methods

4. **Mr Frew** asked the Minister of Agriculture and Rural Development what her Department can do to implement an alternative method of sheep identification, to both prevent the removal of electronic sheep tags by thieves as well as act as a deterrent to sheep theft. (AQO 7810/11-15)

Mrs O'Neill: Accurate traceability of sheep is extremely important for animal disease control and for public health and is necessary to support trade in our sheep and sheep products. Theft and re-identification of sheep must be condemned not only because of the effect on the keeper whose livelihood is affected but because it undermines the future success of our sheep industry. Under European legislation, sheep must be identified with two identifiers bearing the same name that DARD has approved. One of the identifiers must carry an electronic identification device (EID). DARD has approved a range of types of EID identifiers for sheep. That includes an EID ear tag, which is attached to the sheep's ear, and a ruminal EID bolus, which is inserted orally and remains in its stomach.

While I do not propose to make the use of boluses compulsory, if a keeper is concerned about sheep theft, he or she may wish to consider applying a bolus. That may be an effective way to deter the theft of sheep, as boluses cannot be removed from a live animal. Whenever a bolus is applied along with a second identifier in the form of an ear tag, that ear tag must be light blue to signify that the sheep is also carrying a bolus. That may help to deter theft.

I recognise the limitations of the use of boluses, because if a sheep has two ear tags in place, markets and abattoirs are not required to check whether a bolus is also present. However, if the police trace stolen sheep, the presence of any bolus may be of evidential value. Keepers who are particularly concerned about theft can also apply additional identification marks outside the official identification system. That could include tattoos and paint marking.

Mr Frew: What discussions has the Minister had with DEFRA and, of course, our neighbours in the Republic of Ireland about livestock theft? Can she tell the House whether the problem is increasing or decreasing?

Mrs O'Neill: I have had conversations with Simon Coveney through the North/South Ministerial Council on livestock theft and rural crime in general. Quite recently at the North/South Ministerial Council a number of weeks ago, we discussed this item at some length. I think that the Member will be very aware that there are some areas where cattle theft is a lot more pronounced than others. For example, in the glens of Antrim, where a retinal scan pilot was run, we saw the figures for cattle theft coming down, which, obviously, was a positive development. However, it is fair to say that there is not a big demand for that type of technology. I think that there is a different picture depending on different geographical areas. Rural crime and rural theft is the responsibility of DOJ, and I discuss with it on a fairly ongoing basis how we can tackle that. Our Department's veterinary enforcement team is working very clearly with DOJ officials and the Garda Síochána on how we can tackle these issues head on.

Mrs McKeivitt: I am sure that the Minister will join me in congratulating Newry man Colum McNally on becoming young engineer of the year by designing something to help to prevent farm accidents. I thought that I would take that opportunity. Also, with the increase in farm theft in rural areas, what long-term plans does her Department have to tackle the theft of livestock and farm machinery?

Mrs O'Neill: Yes, I concur with your congratulations for the design that the young guy came up with. Fair play to him.

3.00 pm

Farm theft is obviously a crime; it is an issue for the Department of Justice. However, my Department works very closely with the PSNI and Garda Síochána around tackling livestock theft and farm machinery theft, and we are certainly up for getting involved with whatever elements we are able to.

In the longer term, from DARD's point of view, we can be a bit creative with grant aid and items for which we award grant aid. For example, could identification tags be made a must in terms of equipment that is possibly purchased? We are looking at a number of initiatives, but cross-departmental working and cross-agency working is key to that, and we are up for that.

Wind Farm Development Programme: Revenue

5. **Mr Cree** asked the Minister of Agriculture and Rural Development for an update on the revenue generated through the wind farm development programme. (AQO 7811/11-15)

Mrs O'Neill: The Forest Service is actively investigating the opportunities to exploit the forest estate for wind energy development. A wind energy development manager, seconded from the Strategic Investment Board, is progressing work on defining the wind farm programme and developing the necessary business case.

So far, we have confirmed that there is an opportunity to develop this area at a strategic level, and a strategic outline case to support this work was approved in November 2014. The next stages of investigation will inform the basis on which my Department can anticipate revenues to be generated as the programme progresses. Clearly, revenues will be dependent on the first sites becoming operational, and we hope to see significant progress on that over the next number of years.

Alongside our programme for development of wind energy in forests, Forest Service already has access agreements in place for five wind farm projects taking place on land adjacent to forests. Over the past ten years, this has realised about half a million pounds.

Mr Cree: The Minister will know that at least one of the wind farms is due to be in operation this year. The contingent action, in case it was delayed, was to sell timber from the Forest Service. Could the Minister tell us how much has been sold during the current year, and if it will meet the budget?

Mrs O'Neill: I do not have the figures for the overall sales by the Forest Service, but I am happy to provide them to the Member in writing. Suffice it to say that the Forest Service is an efficient operation that works within its budgets and is able to be self-sustaining in its timber production.

Mr Irwin: Has the Minister had any discussions with NIE about difficulties in getting connections to wind farms? I know that DETI has already made representations about that.

Mrs O'Neill: Grid connections remain a significant constraining issue for connecting renewable energy projects, regardless of the scale — whether they are the big projects or the smaller ones — and that is causing issues,

particularly for small-scale generators, including turbines, but also for anaerobic digestion facilities. Larger-scale developments, like those proposed on Forest Service land, tend to connect as part of a group or cluster, to which NIE will provide a transmission-level voltage grid connection, rather than a lower voltage connection.

I know that there are ongoing concerns, as the Member has highlighted, in relation to grid connections. My officials are continuing to engage with NIE about how those things can be improved.

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers so far. How will she ensure that real community benefits are an integral part of this project?

Mrs O'Neill: Forest Service has commissioned work to review and report on community participation on the benefits model that exists in Ireland and other relevant jurisdictions, and to test these models for use on Forest Service lands. Forest Service will present this information to community stakeholders in advance of wind farm plans coming forward. Responsibility for developing an action plan, following on from the cross-departmental study on communities and renewable energy, is a matter for DETI, but Forest Service is part of the group that is working on that.

Suffice it to say that we have to exploit the maximum community benefits. We need to be talking not about small-scale development, but about real, long-term, sustainable investment in rural areas that really leads to a benefit. Community participation and involvement in working up those plans, well in advance of planning applications going forward and all the other works being progressed, is key. That is the only basis on which I will proceed with wind farm development.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mo bhuíochas leis an Aire as ucht a freagraí. I thank the Minister for her answers. The Minister indicated her support for five wind farm projects. Could she give us an indication as to where those are, please?

Mrs O'Neill: The five wind farm projects that I talked about are on land adjacent to Forest Service land. I am happy to give you in writing the names of the five forests adjacent to the wind farms.

Mr Principal Deputy Speaker: Mr Fearghal McKinney is not in his place.

MARA Project: Update

7. **Mrs Hale** asked the Minister of Agriculture and Rural Development for an update on the evaluation of the maximising access in rural areas (MARA) project. (AQO 7813/11-15)

Mrs O'Neill: The maximising access in rural areas evaluation has been ongoing since this phase of the project commenced in 2012. The evaluation, which is both process- and outcome-focused, has been integrated into the implementation of the project from the outset. The process elements of the MARA project were evaluated and reported on early in 2013. The project implementation group implemented the report's recommendations, which enhanced various delivery aspects of the MARA project. Regarding the evaluation of outcomes from the project, household visits have been followed up with a questionnaire to a sample of individuals in each delivery zone to assess outcomes generated.

Data collection is now complete, and data is being analysed to examine the reach of MARA for key demographic groups, the level of referrals for grants, benefits and services and the resultant outcomes. In addition, an independent piece of work has been commissioned to review the evaluation undertaken by our delivery partners in the Public Health Agency. That will include an economic assessment, including a social return on investment on the project. The evaluation work is on schedule to be completed by the end of June 2015, and I look forward to sharing the evaluation to help to inform how to tackle rural poverty and social isolation issues for the most vulnerable in society.

Mrs Hale: I thank the Minister for her answer. I know that trained enablers are planning to visit up to 2,000 households this coming year, but is the Minister aware at the minute, before the data is available, whether there are areas where MARA is not being accessed fully or where take-up is very low?

Mrs O'Neill: We want to draw that out from the analysis that has happened. As far as I am concerned, it is right across the board; I do not think that there are any areas that we are not reaching. However, I am happy to write to the Member when we have our full analysis, because that is obviously not the intention. If there are any areas where we are not being as effective, we need to address that.

The fact that we have rural enablers who are local people who know the areas that they are going into is of benefit to the programme. It is not my understanding that areas have been left out, but if the Member can identify an area, I am very happy to take that on. As we roll out the new programme, we want to make sure that we plug any gaps that are identified, because the early indication is that the benefits of this programme are fantastic, as are the numbers that have been reached. We want to be able to build on that. It is a very positive piece of work.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Could the Minister outline how people have benefited from the roll-out of the project?

Mrs O'Neill: Since it started in 2002, almost 14,000 households have been visited. That speaks volumes about the work that is being done by people going door to door and working through applications with people. Some of the initial outcomes suggest that over 1,800 households have benefited from the installation of energy-efficiency measures through warm homes and levy schemes, and that has led to an investment of over £2 million in rural households. Almost 6,000 households have been issued with various pieces of equipment and advice from a home safety check, and 451 have received additional welfare benefits from 505 successful claims. Almost 1,000 have registered with their rural community transport provider, 440 households have received a SmartPass, and 477 boiler replacement applications have been claimed.

More people have availed themselves of services from occupational therapists and social services. Those are all tremendous benefits for rural areas, and it really highlights the need for MARA in rural communities and the need for us to do more of it. I am certainly for designing our approach to the 2015-16 budget year, and the work on tackling poverty and isolation is, and will continue to be, a priority for me. A project such as MARA, through which my Department works alongside the Public Health Agency, is of tremendous value, and we all should prioritise it to make sure that there is sufficient funding to take it forward.

Mr Rogers: I thank the Minister for her answer. I commend the work of MARA in the South Down constituency. Taking your last answer, and considering that the project is delivered by the Public Health Agency, can you outline your discussions and ongoing engagement with the Minister of Health to ensure the continuing success of the MARA project?

Mrs O'Neill: I am very pleased to confirm to the House that, after discussions at ministerial level, my Department and the Department of Health through the Public Health Agency have agreed to fund this project for 2015-16, so there is no doubt of the project going forward. For all the reasons that I have outlined, the programme has tremendous benefits, so I am delighted that we have been able to secure its future. The basis for its effective delivery is the 13 lead community-based organisations delivering the project on the ground. I want to see more of that.

Brucellosis-free Status

8. **Ms Ruane** asked the Minister of Agriculture and Rural Development how her recent application to secure Brucellosis-free status will assist local farmers. (AQO 7814/11-15)

Mrs O'Neill: My chief veterinary officer began the formal process of applying to the European Commission for officially brucellosis-free (OBF) status on 2 March 2015. I hope that OBF status will be granted later this year, meaning that the whole island of Ireland will be recognised as free from the disease. This represents fantastic news for our dairy and beef farmers. Achieving OBF status would allow us to proportionately and progressively reduce our existing control measures, such as annual testing and pre-movement testing. The brucellosis eradication programme is estimated to cost approximately £8 million per year to taxpayers and £7 million per year in compliance costs to farmers. Relaxing the testing regime for brucellosis would therefore result in substantial savings for both livestock farmers and taxpayers in reduced administration and sampling costs.

This is the opportune time to review existing control measures. On 6 March 2015, I launched a public consultation seeking views on our future testing regime and how to begin to implement a reduction in our control measures. I urge all cattle farmers and industry representatives to fully engage with us and to submit their replies before the closing date of 17 April. However, we must not be complacent. I remind farmers of the importance of complying with the current testing requirements. It is also vital to continue to report any suspicion of disease, so that Veterinary Service staff can follow up with the necessary investigations.

Ms Ruane: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí sin. I thank the Minister for her answers. Will she outline the savings she expects from reduced testing?

Mrs O'Neill: Achieving brucellosis-free status will allow us to introduce proportionate and progressive reductions in the testing regime. The current cost to the taxpayer is about £8 million per year, but the industry pays about £7 million per year in compliance costs, so that is a big saving to the farming industry.

There is the added benefit of achieving this status across the island. Looking towards export markets, there will be added benefits for industry in terms of being able to achieve new markets and the knock-on benefit that that will have in terms of income for farmers. It is an all-round win for the farming industry, which now needs to work with the Department to turn this around into a very positive development indeed.

Mr Principal Deputy Speaker: That ends the period for listed questions. We now move on to topical questions. Members listed at topical questions 1 and 8 have withdrawn their names.

Dairy Technology

T2. **Mr Beggs** asked the Minister of Agriculture and Rural Development, following the recent disclosure that some €25 million has been invested in a new dairy technology centre at the University of Limerick, which is a collaboration between industry and researchers, to advise what has happened in Northern Ireland under her leadership. (AQT 2272/11-15)

Mrs O'Neill: Well, there is quite a lot of work; that is a very broad question. There is quite a lot of work that goes on in supporting the dairy sector. We have our own work at the Agri-Food and Biosciences Institute (AFBI) and with the dairy industry through College of Agriculture, Food and Rural Enterprise (CAFRE) advisers. There are ongoing discussions with farmers about managing efficiencies and assisting with technology transfer. The Member has asked a very broad question; maybe he would like to be more specific. A lot of work goes on to assist the dairy sector to expand, grow and reach into new markets.

3.15 pm

Mr Beggs: In the Republic of Ireland, there is a very clear ambition to significantly increase the dairy sector and invest in practical research that will enable that to happen. Rewards will come to the producer and the manufacturing process industry. Will the Minister give us a figure of what has been invested in Northern Ireland? How has it been coordinated?

Mrs O'Neill: I do not have that figure with me, but I am very happy to provide the Member with a figure if we have it. We very clearly also have an ambition for the dairy sector; it is very clearly set out in the Going for Growth strategy, which is the economic strategy for growth in the agrifood sector. That is across the board, so it includes everything from finding new markets to trying to assist farm businesses around efficiency. We have an avenue to do that through the farm business improvement scheme, which will work with the industry around its needs. The Department will then be able to assist it with grant aid, whether that be for parlours or whatever the industry identifies as its need. There is quite a lot of work, but I will try to get a figure for investment. Quite significant investment happens; I just do not have the figures to hand.

AFBI: Research Potential

T3. Mr Poots asked the Minister of Agriculture and Rural Development to estimate AFBI's ability to engage in research in the coming years. (AQT 2273/11-15)

Mrs O'Neill: AFBI does a significant body of work for the Department and will continue to do so. I do not have the figure with me, but I think that somewhere in the region of £46 million is its current portfolio with the Department around research and development. That is across all the different sectors, and will continue to be the case in the time ahead. We are, obviously, faced with a very difficult budget situation, given the cuts to the block grant by the Tory Government. That is putting us all in a difficult position. I am working with AFBI around our current and future needs. We will continue to work our way through that process as part of the budget process.

Mr Poots: Why has the Minister disproportionately slashed the AFBI budget by more than twice everybody else's cuts? It is close to 30%, which is going to lead to 400 job losses, including the closure of Crossnacreevy, the Omagh facility, and a significant reduction in the services conducted at Hillsborough.

Mrs O'Neill: I have not disproportionately affected AFBI's budget. As I said, I am working my way through the AFBI budget with its board, and we will continue to do so.

We are in a difficult economic climate because of the cuts to the block grant by the Tories. I will work my way through AFBI, but let us not move away from the fact that AFBI receives significant funding from the Department to do

key research and development work. It will continue to hold that portfolio of work over the next number of years.

There are financial challenges for AFBI because of a combination of reasons, not least the private-sector work and the EU money it is drawing down. I have set it challenges that I am quite sure it will be able to rise to, particularly around attracting additional EU investment. There are challenges for AFBI as there are challenges for every other Department here. I will continue to work my way through them. As I said, AFBI holds a significant body of work; it does key work in terms of research and development. I want to continue to work with it to be able to support the local industry.

Bord Bia Accreditation

T4. Mr Boylan asked the Minister of Agriculture and Rural Development whether she is aware of any producers who are having difficulty in obtaining Bord Bia accreditation, given her welcome assistance in a recent case. (AQT 2274/11-15)

Mrs O'Neill: I thank the Member for bringing the issue to my attention. After we learnt that that individual was having difficulties in securing Bord Bia inspections and accreditation, the Department got involved, as the Member is aware. We met Bord Bia at official level to discuss its quality assurance schemes. I understand that the application is being processed; so, I am delighted that there has been some progress in that issue.

Mr Boylan: Go raibh maith agat. I thank the Minister for her answer. What action is she taking to ensure that there are no barriers to all-island trade?

Mrs O'Neill: Removing barriers to all-island trade is a regular discussion item between Simon Coveney and me. We are working very closely on all-island animal health and welfare so that we are able to achieve the same disease status across the island. We very much deploy a fortress Ireland approach when it comes to disease control. That is obviously of tremendous benefit to the industry. I will continue to work with Simon Coveney in removing all barriers that exist to trade. There are opportunities that we can exploit as an island in reaching new markets. There are benefits to be had for all from continuing to work together. I assure the Member that I will continue to do all I can to remove any barriers to all-island trade.

Pesticides and Spraying: Farmer Training

T5. **Mr Elliott** asked the Minister of Agriculture and Rural Development whether, given the new regulations for the use of pesticides and spraying, she will consider arranging some training for farmers in the west of the Province, particularly in and around Fermanagh, due to the fact that the only facilities available at the minute are at CAFRE's Greenmount campus. (AQT 2275/11-15)

Mrs O'Neill: That is an issue that a farmer raised with me at a public meeting in Fermanagh recently. I gave an undertaking to him, as I will to you, that we are trying to see whether it is possible to have courses in the west to make sure that there is proper access for everybody.

Mr Elliott: I thank the Minister for that assurance. Hopefully, courses will be in the west of the Province and not somewhere central. Will she also consider providing financial support to independent trainers who can provide training outside the Department, thus giving the process much wider flexibility? The Department seems to have a monopoly on that training facility.

Mrs O'Neill: If the Department can provide training in-house, why would it pay for anybody outside of the Department to deliver it? That is not something that I would give any consideration to, although I will enquire into whether there is any need for that type of approach. It is not something that has been flagged with me, but, as part of my looking at the availability of courses, I will take a look at all of that in the round.

DARD HQ: Ballykelly Move

T6. **Mr Eastwood** asked the Minister of Agriculture and Rural Development for an update on the proposed decentralisation of her Department to Ballykelly and to state when that move is likely to be fulfilled. (AQT 2276/11-15)

Mrs O'Neill: The update is that we were up there over the past number of weeks and saw the demolition of some of the existing buildings on the site. We are full steam ahead in making the move and that transition with all our staff. We are on target, as we said we would be, to be there in early 2017. I am delighted with progress being made. I meet regularly with the chair of the board that has been tasked with taking the project forward. We are very content

with the approach that is being taken. Work is ongoing to engage with staff and to make sure that everybody is content in moving forward. As I said, it is full steam ahead.

Mr Eastwood: I thank the Minister for her answer. Subsequent to that, will civil servants from the north-west be able to avail themselves of any potential vacancies that will arise from people not wanting to go to Ballykelly so that far fewer people will have to travel the Belfast road in the mornings?

Mrs O'Neill: The Member will know that, in the past number of months, we have published the numbers of people who would be keen to move, whether to the headquarters at Ballykelly, to the fisheries division in Down or to Rivers Agency or Forest Service in Fermanagh and Tyrone. That clearly showed the numbers of people who work in the public service who want to find a better work-life balance. I was very enthused by the fact that so many staff wanted that. We have a bit of a lead-in period because we are allowing staff to make the transition. As part of those changes, under the wider Civil Service rules, there will be opportunities for staff to move out of DARD or into DARD, and that will facilitate the staff in the north-west that you are talking about.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I apologise for not being in my place for an earlier question.

Mr Principal Deputy Speaker: Please leave that until the end of the session, Mr McCartney.

Mr McCartney: I am sorry. My apologies.

Horse Racing Fund

T7. **Mr McCartney** asked the Minister of Agriculture and Rural Development whether, given the recent focus on the retirement of A P McCoy, this is an appropriate time for an update on the horse racing fund. (AQT 2277/11-15)

Mrs O'Neill: The Department administers the horse racing fund, which is maintained through charges on bookmakers. It goes towards funding Downpatrick and Down Royal racecourses. My officials have been engaged with stakeholders as part of a review of the charges on bookmakers, which commenced earlier in the year. In early March, my officials met the Horse Racing Group, which represents the two racecourses, to discuss proposals for future funding. Officials also met the Turf

Guardians Association, which represents bookmakers. It agreed to meet directly with the Horse Racing Group to try to find a way forward.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer. I am just wondering what work will be done, particularly with the online bookmakers, to make sure that they are also part of whatever revenue is raised.

Mrs O'Neill: That is a contentious issue between the online bookmakers and the racecourse — why one group has to pay a levy whilst the other one does not. I have written to the Social Development Minister giving my support to the proposition that online bookmakers should also make a contribution towards horse racing here and that consideration should be given to that in the ongoing review of the gambling legislation, so there is an opportunity to make things better and to raise funds that would allow development and investment in both Downpatrick and Down Royal racecourses.

Young Farmers' Scheme: Update

T9. **Ms Fearon** asked the Minister of Agriculture and Rural Development for an update on the roll-out of the young farmers' scheme. (AQT 2279/11-15)

Mrs O'Neill: Yes. We have obviously had significant numbers of young people — maybe more than anticipated — coming forward to enrol in the level 2 agriculture course, which we are offering in CAFRE. Some 2,500 young farmers have come forward, and on top of that there are obviously quite a number of young farmers who already have the qualification. I think that clearly shows that the profile of farming is changing. That number of young farmers was never identified before. The scheme is financed by reserving 2% of CAP pillar 1 to provide the top-up payment for those eligible. It is very clear to me as I engage in a series of public meetings that young farmers are the hot topic of the day in terms of CAP reform. No matter what public meeting we go into, young farmers' questions continue to take over the questions on the night.

It is also my intention to provide an additional 10% grant aid provision for young farmers as part of the farm business improvement scheme. All those things are going to help keep young people in farming and help them to invest in

their farming and look at new practices and new ways of doing things, so it is quite a positive time for young farmers.

Ms Fearon: Go raibh maith agat. I thank the Minister for her answer so far. How effective does she feel that the CAFRE course has been in preparing young farmers for that level 2 qualification?

Mrs O'Neill: It has certainly been very effective, because quite a number of young people are now involved in a DARD/CAFRE-run course who may have never engaged in the education opportunities that have been there in the past. So, for me, running the courses has actually opened up a number of young farmers to what we provide. The course, which was run on one evening a week over 20 weeks, has been really successful, with a very low drop-off rate. Having been out and visited one of the classes on an evening, I found it great to see that young farmers were enthused and energised by what they were learning. I was also delighted to see that 10% of the young farmers who have enrolled in the courses were female, which, again, is a number of young female farmers that has never been seen before.

Potato Growers: CAP Reform

T10. **Mr Frew** asked the Minister of Agriculture and Rural Development whether she has been able to deal with and resolve the apparent CAP reform and land regulations disparity and discrimination faced by potato growers, who need to be able to use crop rotation when growing potatoes. (AQT 2280/11-15)

Mrs O'Neill: Yes, I am aware of the issue. There is certainly no intent from the Department to discriminate against potato growers. The issue arises when landowners are perhaps going to speculate to try to get an income and do not let their land to potato growers. In an attempt to address the issue, because it is something that comes up quite frequently in public meetings, we set out a q and a for potato growers, which is on the website. It may be useful to refer to that if farmers contact you individually.

Basically, because the Commission is being steadfast in what it has set out, the best advice and the easiest option for potato growers is that they establish entitlements in the first year and then they may be rented or sold back to the landowner the following year. For any potato farmer who finds themselves in difficulties, I encourage them to seek advice. We are trying to provide as much clarity as possible to allow

them to take the best decisions. I also discourage anybody who is not a farmer and is trying to keep land from doing so, because the Department is going to be very robust in how we decide who is a genuine farmer. We will certainly push for strong evidence that you are actually engaged in farming.

3.30 pm

Northern Ireland Assembly Commission

IT: Constituency Offices

1. **Mr I McCrea** asked the Assembly Commission what impact the reduction to its budget will have on the IT provision for constituency offices. (AQO 7821/11-15)

Ms Ruane: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Chomhalta as an gceist. I would like to thank the Member for his question.

Ón bhliain 2012, mar chuid dá phleananna chun trealamh agus seirbhísí Teicneolaíochta Faisnéise a athnuachan agus a uasghrádú, sholáthair Coimisiún an Tionóil áiseanna nua mar chlóirí agus idirlíon leathan-bhanda, agus tá sé ag athsholáthar gach ríomhaire glúine a thugtar do Chomhaltaí agus do fhoireann na nOifíigí Toghlaigh. Tá rún ag Coimisiún an Tionóil gach Ríomhaire Deisce a athsholáthar sa bhliain 2016. Since 2012, as part of its plans to refresh and upgrade all information technology equipment and services provided to constituency offices, the Assembly Commission has delivered new facilities, such as printers and broadband internet, and is replacing all laptop computers supplied to Members and constituency office staff. The Assembly Commission also plans to replace all desktop personal computer equipment in 2016.

The reduction of £2 million in the Commission's budget for 2015-16 will obviously impact on services provided to Members. A significant reconfiguration of the way that the Commission delivers its services is needed. We are still having discussions on our budget reductions. A final paper has to come to the Commission meeting on Wednesday 18 March. I can assure Members that, for my part, I will be doing everything that I can to protect jobs. I am sure that all Commission members will join me in that.

Mr I McCrea: I appreciate that there are many budgetary concerns, whether it is the health

budget, the education budget or the Assembly budget, and we all have our concerns about all of that. The public will no doubt be more concerned about things other than constituency office IT equipment, but one big aspect of delivering constituency services is the IT provision. Can the Assembly Commission ensure that the budget that is in place to change the desktop provision will be protected?

Ms Ruane: I agree with the Member that it is very important that we have the most up-to-date technology to represent our constituents in the way that we should. We are in discussions around the budget. At this point, I cannot give an absolute assurance that the desktop computers will be replaced. Two million pounds is a lot of money out of a budget, and we want to ensure that we protect jobs as much as possible; that is a priority. While I am speaking here for the Assembly Commission, I am stating my own position on jobs, but I know that other Members want to do the same because it is very important. I will certainly relay your comments to the Commission at our meeting on Wednesday.

Ms Boyle: Go raibh maith agat. How does the Assembly Commission intend to dispose of the old laptops?

Ms Ruane: Gabhaim buíochas leis an Chomhalta as an gceist sin. I thank the Member for that question. The successful supplier of the laptops will be responsible for carrying out the disposal of existing laptops in a way that causes minimum disruption to the routine work of the Assembly and is in line with the Waste Electrical and Electronic Equipment Regulations 2006 (WEEE).

Commission Budget: 2015-16

2. **Mr Brady** asked the Assembly Commission how it plans to meet its budget for 2015-16. (AQO 7822/11-15)

3. **Mr B McCrea** asked the Assembly Commission what steps it is taking to meet the budget reduction agreed by the Executive. (AQO 7823/11-15)

6. **Mr Beggs** asked the Assembly Commission how it will meet the reductions in its 2015-16 budget. (AQO 7826/11-15)

8. **Mr Anderson** asked the Assembly Commission for its assessment of the likely impact of budget cuts on the delivery of

services provided by the Assembly. (AQO 7828/11-15)

Mrs Cochrane: With your permission, Mr Principal Deputy Speaker, I propose to answer questions 2, 3, 6 and 8 together. Perhaps you will indulge me if I go over my two minutes.

The Assembly Commission's budget covers a range of different expenditure categories, including Members' salaries and allowances, Assembly secretariat staffing costs and general administration costs. As a result of the overall Budget agreement, the Commission's total budget for 2015-16 was reduced by 5%, equating to a cut of just over £2 million. Approximately 40% of the Commission's total budget of £40.7 million relates to costs that are set by the Independent Financial Review Panel and, therefore, lies outside the control of the Commission. That means that the overall reduction of £2 million becomes a bigger challenge, as the Commission has discretion over only approximately £24 million of its budget. A cut of that scale will undoubtedly have an impact on the services and activities that the Commission delivers.

To deliver those savings in 2015-16 and to continue to absorb any upward inflationary pressures, the Commission recognises that a significant reconfiguration of the way that services are provided is required. To that end, a strategic planning initiative was commissioned for 2015-16 and beyond. The initiative has already carried out a detailed review of all the activities that the Assembly secretariat delivers and has prioritised those activities into the three broad categories of statutory, essential and important.

At its meeting on 10 March 2015, the Commission agreed a package of measures to deliver the £2 million savings that are required in the next financial year. Those measures include the approximate £220,000 saving from the further reduction of office costs expenditure for Members as stipulated by the Independent Financial Review Panel (IFRP); reductions in payments to political parties under the financial assistance for political parties (FAPP) scheme; savings in staffing costs through reductions in temporary staffing numbers and, hopefully, through participation in the public-sector voluntary exit scheme; and savings through a wholesale reduction in administrative costs. The Commission remains committed to supporting the Assembly and its Members, but the range and quality of services and activities that it delivers will have to change.

Mr Brady: I thank the Member for her answer. Our party's position is that we hope that cuts will not necessarily target agency staff, who may not have the protection of permanent staff. What has the Commission done to protect jobs, including agency staff? Go raibh maith agat.

Mrs Cochrane: I thank the Member for his question. In recognition of the fact that the vast majority of services are provided to Members through the secretariat staff, the Commission has sought to deliver inefficiencies from its non-staffing budgets first. However, the extent of the savings that are required for 2015-16 means that a reduction in staffing of the order of 32 full-time equivalent posts will be required. That reduction will be facilitated partly through participation in the wider public-sector voluntary exit scheme, which would be applicable only to those staff who have permanent contracts with us. We will also have to consider a reduction in the use of some of our temporary staff, and we have tried to get a balance between the two. Staffing resources will be deployed to ensure that the Commission's statutory and essential functions are maintained.

I point out that secretariat and agency staff have displayed commendable flexibility over the recent years of the spending review since 2010 and that any changes to staffing will be made in consultation with staff and their representatives.

Mr B McCrea: We have talked quite a lot about cuts, but there is sometimes a view that we are isolated from those cuts. Does the Commission feel that Members will take their fair share of the pain in that regard?

Mrs Cochrane: I thank the Member for his question. In short, yes, we are taking our fair share of the pain.

Member's office cost expenditure has already reduced by 9% between 2012-13 and 2014-15 and will be reduced by an additional 3% in 2015-16, which will provide some £220,000 of the £2 million savings that are required. In addition, the Commission has agreed a 25% reduction in the budget for Members' office consumables and a reduction of £25,000 in the funding that is provided to political parties through the FAPP scheme. The Commission has also written to the Independent Financial Review Panel to request that childcare scheme options for Members are the same as those on offer to secretariat staff. That could yield approximately another £60,000 of savings. If all those savings are realised, over £330,000 of the savings will immediately impact directly on

Members, and that will be before any impact on other services to Members is considered.

Mr Beggs: In the earlier question, the Member tried to give the impression that he wants to protect jobs. Does the commissioner find that strange, given that the Member has approved a Budget with such a significant reduction and that a reduction in employment is a likely outcome? What lessons have been learned from the previous business efficiency programme that can be implemented to try to bring about savings so that such jobs losses will not have to be faced to balance our books?

Mrs Cochrane: I thank the Member for his question. I will not get drawn into a political opinion about how the Budget was agreed by certain parties etc.

The business efficiency programme had been running for a number of years to ensure that the Commission could continue to provide the full range of services to Members, despite the 9% cash cut to its budget over the past number of years.

The programme identified a number of recommendations that have enabled the Commission to reduce admin costs whilst maintaining staffing at levels that can support Members to the best possible extent. Unfortunately, the scale of cuts that are now going forward means that staffing reductions will be required in the near future. Staff who are employed by the Assembly Commission are public-sector employees. They have been entitled to incremental pay rises and inflationary pay rises over the years, so even though we have actually reduced the number of staff, we have not necessarily seen a reduction in the pay bill. That is something that will have to change going forward.

Mr Anderson: In which areas are the budget cuts likely to happen?

Mrs Cochrane: I thank the Member for his question. The Commission has a statutory requirement under section 40 of the Northern Ireland Act 1998 to:

"provide the Assembly, or ensure that the Assembly is provided, with the property, staff and services required for the Assembly's purposes."

The strategic planning initiative, which I mentioned in my original answer, has involved extensive work across the secretariat to prioritise activities into three broad categories:

statutory, ie, those activities to deliver the statutory functions and obligations of the Commission and associated bodies; essential, ie, those activities that are non-statutory but are essential to deliver the statutory functions; and important, which are those activities that are important to the wider work of the Assembly, but which are more discretionary in nature. Staffing allocations have been made on the basis of this secretariat-wide prioritisation exercise. However, all areas of the secretariat will see some reduction in the number of posts. Staffing allocation decisions in future years will be informed by a series of fundamental business reviews to ensure that the core business of the Assembly continues to be supported effectively.

Mr A Maginness: It would seem that the cuts have been imposed by the Executive on this Assembly, which is a very odd thing constitutionally when the Executive are accountable to this Assembly. Were the cuts imposed by the Executive or were they unilaterally made by the Assembly, as should have been the case? Will those cuts, as presently planned, not damage the capacity of this Assembly collectively and Assembly Members individually to carry out their work?

Mrs Cochrane: I thank the Member for his question. Yes, indeed, the cuts have been imposed on us directly by the Executive. I do not necessarily want to defend Ministers, but the Commission wrote to the Finance Minister and explained that 40% of our budget fell outside our control. I think that, as a result of that engagement, the 5% cut that we received, which equates to £2 million, was perhaps less than we may have received had we not made that representation.

Parliament Buildings: Visits by Constituency

4. **Mr Campbell** asked the Assembly Commission what is the estimated number of visits to Parliament Buildings by individuals or groups from each constituency since 2012. (AQO 7824/11-15)

Ms Ruane: I thank the Member for his question. Gabhaim buíochas leis an Chomhalta as an gceist. Mar gheall ar éagsúlacht na gcuairteanna agus an líon ollmhór cuairteoirí a bhíonn ar imeachtaí, ócáidí, nó ar thurasanna, ní féidir le Coimisiún an Tionóil an t-eolas seo a bhailiú de réir toghlaigh. Is féidir linn, áfach, líon na gcuairteoirí sna trí bliana deireanacha a chur ar

fáil don Chomhalta. Sa bhliain 2012: 79,081 chuairoteoir. *[Interruption.]*

Mr Principal Deputy Speaker: I call Mr Gregory Campbell for a supplementary.

Mr Campbell: I did not understand the first part of —

Ms Ruane: Sorry, Mr Principal Deputy Speaker —

Mr Principal Deputy Speaker: Order.

Ms Ruane: I am answering the question, and I really believe that that was totally inappropriate behaviour. I was waiting for —

Mr Principal Deputy Speaker: I ask the Member to continue with her answer.

Ms Ruane: Sa bhliain 2012: 79,081 chuairoteoir. Sa bhliain dhá mhíle — *[Interruption.]* Mr Principal Deputy Speaker, is it appropriate that somebody yawns so ignorantly as I am trying to answer the question? *[Interruption.]* It is not possible. I am not prepared to answer questions in these circumstances.

3.45 pm

Mr Principal Deputy Speaker: I ask the Member to resume her seat. All remarks are to be made through the Chair. I ask the Member to continue.

Ms Ruane: I have made the point that I think that it is absolutely inappropriate for the Member to yawn in the way that he has.

Sa bhliain 2013: 70,328 gcuairoteoir. Sa bhliain 2014, 67,921 chuairoteoir.

Due to the diverse nature of the visits and the vast number of visitors attending an event, function or tour, the Assembly Commission is not able to gather that information, broken down per constituency. However, we can provide the Member with the total number of visitors for the past three years. In 2012, there were 79,081 visitors, in 2013, 70,328 and, in 2014, 67,921.

Beidh Coimisiún an Tionóil in ann miondealú ar líon iomlán bliantúil na gcuairoteoirí ar ócáidí, ócáidí le turas, turasanna le fáilte, agus clár oideachais a chur ar fáil don Chomhalta i scríbhinn.

The Assembly Commission will be able to provide for the Member, in writing, the yearly total number of visitors broken down for functions, functions with tour, tours with hospitality and education programmes.

Is iad na clár oideachais an t-aon chatagóir d'imeachtaí ina bhféadann an Tionól an toglach as ar tháinig cuairteoirí a thaifead go beacht.

Education programmes are the only —

Mr Principal Deputy Speaker: I remind the Member that she has only two minutes.

Mr Campbell: I look forward to being told how one can yawn in Irish; I do not know how that will work out. The Commission member outlined the numbers that came to Parliament Buildings in the course of each of the three years. What intention is there in the course of the next 12 months to ensure that numbers continue at that high level in future, particularly for young people to see and get a feeling for what goes on in Parliament Buildings?

Ms Ruane: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I will answer the question, but I will not be ignorant and inappropriate as the Member was to me.

The Assembly Commission recently approved a new engagement strategy, which aims to ensure that the Assembly and its work are accessible to all and communicated widely. The four main objectives of the strategy are to provide accurate and timely information in order to build awareness, understanding and participation with the Assembly, its Members and work and the democratic process; to develop an increased digital initiative in order to support all stakeholders to participate, interact and engage with the Assembly; to build partnerships with stakeholders, create and improve engagement opportunities with underrepresented and/or hard-to-reach groups, build synergies and improve effectiveness; and to increase visitor numbers to Parliament Buildings and deliver an excellent visitor experience.

Mrs Overend: Can the commissioner detail how the Assembly proactively reaches out to schools and groups that are furthest away from Parliament Buildings in the far west?

Ms Ruane: I thank the Member for her question. Since 2012, the three most represented constituencies on our education programmes have been East Belfast, with

2,787 pupils; Upper Bann, with 2,779; and East Antrim, with 2,663 pupils. The three constituencies that are least represented are West Tyrone, with 626 pupils; North Down, with 1,072; and Strangford, with 1,128 pupils. The Member can see that there is a bit of a mixed bag in terms of distance from the Assembly. I absolutely take the point. I have a full list, which I will provide to the Member, of the numbers coming from schools from every constituency. It is essential that the Assembly Commission target, in particular, the constituencies that have the least number of children and young people coming up.

Mr Eastwood: I thank the commissioner for her answers thus far. Given what we have talked about already, the Budget cuts, and given the importance of outreach, by way of the educational work of the Assembly, especially the 'Let's Talk' programmes, for example, can the commissioner assure us that those things will not be cut and that there will still be a fully fledged educational process for our young people to engage with the Assembly?

Ms Ruane: Gabhaim buíochas leis an Chomhalta as an cheist sin. I thank the Member for his question. As I said, the Assembly Commission has not agreed the final cuts or budget reductions to date. We still have to have further discussion at our meeting on 18 March. We are trying to do everything that we can to protect front-line services and jobs. At this point, I cannot give any assurances on any programmes. However, the Member can be assured that I will certainly do everything that I can to ensure that the resources are there to protect front-line services and jobs as far as possible.

Mr Maskey: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. What plans does the Commission have to increase visits from women's groups, ethnic minorities and the LGBT community?

Ms Ruane: I thank the Member for that question; it is very close to my concerns. As Members in the Chamber know, the Assembly and Executive Review Committee recently produced a report, and the Assembly Commission will examine the report very carefully in relation to women in politics and how we ensure broader gender representation. At our next meeting, we will look at the issue of the gender action plan. The Member will be aware that the Speaker recently hosted a very successful event for International Women's Day. Indeed, the Building was lit up purple to celebrate women. We will do everything that

we can to broaden the number of visitors and the number of women in the Chamber. In terms of the LGBT community, as part of the outreach strategy, which I chaired, we ensured that sexual orientation was one of the key areas of outreach for us, and that is now out for an equality impact assessment. That is one of the areas that we will look at. We value greatly the contribution that our ethnic minorities make to our society here in this part of Ireland, and we will do everything to ensure that our institution reflects the diverse nature of our society.

Parliament Buildings: External Lighting

5. **Mr G Kelly** asked the Assembly Commission what plans it has to consider additional dates for the external lighting of Parliament Buildings. (AQO 7825/11-15)

7. **Mr Lunn** asked the Assembly Commission for an update on the policy for the external lighting of Parliament Buildings. (AQO 7827/11-15)

Mr Weir: With permission, I will answer questions 5 and 7 together. Perhaps we have a question here that can generate more light than heat, for once.

The external lighting system is due to be installed in May 2015, and it will have the ability to colour-wash the facade of Parliament Buildings in a single colour. In the meantime, the colour wash of the facade is provided by hand-fitted colour gels, which is done on a one-off basis.

At its meeting on 11 November 2014, the Assembly Commission agreed the policy for the external lighting of Parliament Buildings in order to manage the use of that system while preserving the dignity of Parliament Buildings. In line with the policy, the Commission scheduled up to four days during a calendar year for events of its choice. In 2015, the four days chosen by the Assembly Commission are Monday 9 March, International Women's Day, purple; Tuesday 17 March, St Patrick's Day, green; Sunday 12 July, orange; and Wednesday 11 November, Remembrance Day, red.

Again, in line with the policy, the Commission will permit its charity of the year, which, this year, is the Simon Community, up to five days during a 12-months period, as well as granting up to a maximum of another eight days for other events during the calendar year.

Mr G Kelly: Gabhaim buíochas leis an Chomhalta as an fhreagra sin. I thank the Member for his answer. As he knows, Pride is also an internationally celebrated day, especially in Belfast. Is any consideration being given to externally lighting the Building on Pride day?

Mr Weir: The Commission agreed unanimously to four specific days during the year. That is in line with the policy, and we have agreed that. From that point of view, there is a system which allows consideration of other days, again, by way of a consensus. So, at the moment, the answer is basically that four days have been unanimously agreed. That is what has been agreed so far.

Mr Lunn: I thank the Member for his answer so far. Who can apply to have the facade lit up, and what will the process be for such an application in the future?

Mr Weir: I thank the Member for his question. In line with the policy, only events organised at Parliament Buildings or in the estate, and which are DFP approved, will have access to the lighting system. It is restricted to charitable, community or non-profit-making organisations, which make a significant contribution to Northern Ireland and are celebrating a significant anniversary or occasion. Only such organisations are permitted to have Parliament Buildings illuminated in a particular colour.

Organisations wishing to use the facilities will apply for the use of it directly to the Events Office, in line with this policy and the events policy. The organisers will be asked to seek a triple signature sponsorship, as we would require for any other event, from Members, showing cross-designation support. Requests should then be forwarded to the Events Office which will seek approval from the Assembly Commission, no less than two calendar months before the event taking place. In line with the policy, that would be agreed by way of consensus.

The eight-day provision can also apply to something that is particularly significant to Northern Ireland. To choose an example from a previous occasion, if we had the Giro this year, it would be something that could be considered by the Commission for a specific day within that envelope of eight days.

The aim is to try to facilitate special events by lighting up Parliament Buildings, without it becoming something which simply happens on a casual basis and then loses its significance.

Mr Rogers: I certainly welcome this, and I know that a certain amount of PR is associated with it. How will we encourage other groups to use this facility?

Mr Weir: Again, it is up to individual Members. As I indicated, the process is that, if it fits certain criteria, there would then be an application made through the Events Office. From experience elsewhere, there may be an argument that we will have more groups applying than days available. However, to be honest, it is about striking a balance. From that point of view, there is no point in having a building that is lit up every day of the week in a different colour. In that case, it would lose its special significance. It is up to individual Members to encourage whatever groups they want to apply; then the application has to fit the criteria and clear the various hurdles before it can be agreed.

Mr Allister: What are the initial capital costs to enable this programme to proceed?

Mr Weir: I am glad that the Member asked that. It is part of the overall roof project and was budgeted for within that project. The overall initial costs — in fact, the overall capital costs full stop — are £95,000, which are part of what I think was about a £4 million project for the roof. There is one initial capital cost. Until now, when groups have been facilitated, there has been an individual cost each time it has been brought forward. This, effectively, operates as a one-off cost.

Cycle to Work Scheme

9. **Mr Clarke** asked the Assembly Commission how many people have joined the Cycle to Work scheme. (AQO 7829/11-15)

Mr Gardiner: I thank Mr Clarke for his question. There is currently a review of this aspect of the scheme which is coming to a close. Members will be informed of the outcome of this review shortly.

Mr Clarke: I thank the Member for his answer, however, it does not answer the question I submitted. Given that there is a review, has consideration being given to the fact that each Government Department opens its scheme 12 months a year, but employees of the Assembly are eligible to apply only once a year?

Mr Gardiner: That was looked at before, and applications are accepted during February and March; that is slightly changed. This is the first

time that it has been changed. If you bear with us, you will probably see the change coming about.

Mr Principal Deputy Speaker: Time is up.

4.00 pm

Private Members' Business

Equality Legislation: Revised Wording

Debate resumed on amendment to motion:

That this Assembly notes, given the passage of the Equality Act in 2010, that Northern Ireland is now out of step with the rest of the UK in equality protections; expresses concern that no progress has been made on introducing a single equality Act in this mandate; rejects the proposed freedom of conscience amendment Bill; regrets the failure of the Office of the First Minister and deputy First Minister to introduce age discrimination legislation that covers under-16s; and calls on the Office of the First Minister and deputy First Minister to issue a fresh consultation paper to facilitate the speedy consideration of a single equality Bill by the Assembly. — [Mr Lyttle.]

Which amendment was:

Leave out from "rejects" to the first "Bill;" and insert

"notes the public debate generated by the consultation on a proposed freedom of conscience amendment Bill and, recognising the differing views expressed, encourages the Assembly to consider a process to facilitate respectful consideration of these issues;" — [Mr Givan.]

Mr Eastwood: I thank the Alliance Party for tabling the motion. It is a very good and broad motion. It needs to be broad, because equality issues should not be narrowed to one Bill.

The motion understands that we are not there yet when it comes to equality legislation and that we are lacking a single equality Act. If people were prepared to engage on that, we could address some of the issues raised today. It is also good that the motion recognises that we have age discrimination legislation that discriminates against people on the basis of their age. By anybody's standards, that is a fairly bizarre way to do law.

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

My colleague Mr Attwood rightly pointed out that it was interesting that the DUP sought to amend only the part of the motion that dealt

with the conscience clause issue and left alone the issue around age discrimination legislation. We can only assume that that means that the DUP now supports the idea that age discrimination legislation should not start at 16 and that people under that age should be entitled to avail themselves of the protections in law that people over 16 are entitled to avail themselves of.

There are not too many DUP Members here right now, but perhaps we can look forward to a new announcement from OFMDFM saying that it has changed its mind and finally has agreement on ensuring that everybody is covered by age discrimination legislation. That would be a positive step forward. I hope that I am not reading too much into the lack of amendment of that part of the motion from the DUP. We would all be grateful for confirmation of that.

The issue that has got all the media attention is the proposed conscience clause. We have to be careful in the House about the messages that we send out to members of our community. For a long time, people in our community who were described as LGBT had to hide who they were from their family, community and people in general. I think that we have moved a long way from that. I think that families in every community, regardless of religion or faith, have moved to understanding people's sexual orientation. As a society, we have moved far forward in that regard.

Unfortunately, the Assembly has not moved quite as fast. Perhaps that is understandable, but we need to begin to send out a different message — to send out a message to the man in Belfast whose house was attacked recently after his husband passed away that that sort of activity is not condoned by us. That sort of activity should be left in the past where it belongs. We should send out the message that we as legislators stand with minorities, regardless of what minority it is, against people who would bully or intimidate them out of their home or drive them towards suicide, which is a very real concern for many in our community.

I was very proud when I was mayor of our city to lead the first Foyle Pride march in Derry. From Duke Street in the Waterside, that particular civil rights march actually made it to Guildhall. That shows the advancement that has been made over the past number of years.

Mr Givan: I appreciate the Member's giving way. All of the attacks that he mentioned are wrong and are to be condemned. In the report that was carried out by the Equality and Human

Rights Commission in England, and I would appreciate your thoughts on this, one of the respondents — a manager in the health service — said:

"I appreciate minority groups may in the past feel that they were dealt with in an intolerant manner. For that I am truly sorry. However, you cannot allow the pendulum to shift so far in the opposite direction ... A balance of mutual respect must be found."

Is that not what I am trying to do so that we can strike the right balance and at least have the discussion? I cannot understand why the SDLP cannot support an amendment that does not set any preconditions and only asks for a reasonable discussion to take place.

Mr Eastwood: I thank the Member for his intervention and for getting me an extra minute. Of course, the SDLP has no problem with any discussions. We do think, however, that it is very difficult to have those discussions in an atmosphere that has been created over the last number of months that, despite the DUP calling for respect and tolerance, has not been respectful or tolerant and has made people in our communities feel less than the rest of us. That is not the way to go forward.

We are open to any discussion or debate: you do not need an amendment to this motion to get that. You need to engage in the idea of a single equality Bill, where we can have all those issues addressed. We are up for that conversation. What we are absolutely not up for is supporting legislation that will, in our view, enshrine in law discrimination. I will answer Ms Caitríona Ruane's question —

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

Mr Eastwood: She asked whether we would sign the petition of concern.

Mr Deputy Speaker (Mr Dallat): Sorry, the Member is well over his time.

Mr Eastwood: Yes, we will sign the petition of concern. We have said in public and we have said in private that we will sign the petition of concern when it comes to this House.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. I will speak briefly on this matter. Like my party colleagues, I support the motion and reject the amendment.

In rejecting the amendment, it would prudent and wise for people to enter into dialogue. To that extent, the spirit of the amendment is supportable, but the proof of the pudding has to be in the eating. Therefore, in our party's view, if you create the conditions whereby it is quite obvious that there is an intention, at least on behalf of some by their actions, to discriminate against certain sections of our community, that is not the way to lead to a positive environment within which you might have a constructive discussion and debate. Like the previous Member to speak, Colum Eastwood, my party is very keen to have such a discussion, but we do not believe that that will be facilitated by the amendment.

We support the motion. I want to make it very clear on behalf of Sinn Féin that, whilst OFMDFM recently agreed legislation on goods, facilities and services (GFS), our party's absolute preference has always been to include all ages in that legislation. We worked for considerable time to try to ensure that that was the case. The best way to tackle and end discrimination is not to not go the whole way with the GFS Bill and omit people under the age of 16. I want to make it clear on behalf of Sinn Féin that that was not our preferred option, and we did not endorse it.

We had lengthy and very significant discussions with the DUP at OFMDFM level, but there was only agreement to include people aged between 16 and 18 in the proposed GFS legislation, which is useful and beneficial. That is a step forward, but it does not go anywhere near far enough for Sinn Féin, and we see the introduction of that legislation as being one step towards ending discrimination in terms of citizens' rights and their ability to avail themselves of all the necessary and appropriate goods, facilities and services.

I make a pledge from the House this afternoon that we will endeavour to work with a wide range of people within the children and young persons' sector, as we have done this last while. I look forward to being engaged in that work to make sure that we examine every opportunity we can, by way of various Department and agency strategies and policies, to seek to redress any aspects of discrimination that people under the age of 16 will have to suffer as a result of not being included in that particular piece of proposed legislation.

We are disappointed that that is the way that the DUP is prepared to go in terms of OFMDFM. Nevertheless, as I said, I think that it is worthwhile, at least insofar as it includes people aged 16 and above. It is important to

stress the importance not only for older citizens, who have been a very highly effective lobby — fair play to that sector of people out there; they are clearly in need of legislative protection — but it is important to say that there are a lot of very challenging issues for people from the age of 16 even to age 18. I think that the legislation will go some way to addressing some of their concern.

As I said, my main point is that we need to go much further, and my party will certainly look forward to working with others in the House and with people in the sector to ensure that we do as much as we can in the remainder of this Assembly mandate and going forward into the next to end any form of discrimination against all of our citizens from when they are born.

Mr Lyttle: I thank the Member for giving way. Does he have insight into how likely it is that OFMDFM will be able to bring forward an equality Bill for an open and inclusive consultation process on these issues?

Mr Maskey: I thank the Member for his intervention. As I said, my party has a clear view: we want to see a single equality Bill; we want to see an end to all forms of discrimination; and, in respect of the proposed GFS legislation, we support proposed legislation from the age of 16 upwards. We argued for some time that that should include all ages, but that was not possible because the First Minister was not prepared to include everyone under the age of 16. That is quite simple, and that is the basic bottom line on the matter. It is not a choice of Sinn Féin. We were happy or at least a little more content with the fact that it was bringing in people under the age of 18 to at least include people of 16 years of age. It is not our preferred option, and I again make this pledge in case anyone has missed the point: we as a party will continue to work with all other Members of the House who want to include — a lot of Members do — people below the age of 16 right through to birth. I invite all of the other parties to state who will in the future support the introduction of legislation on GFS that will include all ages. Sinn Féin certainly stands ready to deliver on that legislation if we get agreement from the First Minister. As I said, our party —

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

Mr Maskey: — wants to see a single equality Bill. We want to see a bill of rights. We will oppose the freedom of conscience Bill, and

others in the House have already stated that they will too.

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

Mr Maskey: We want to make sure that we work with people in all sectors out there to end discrimination in our society. The Assembly needs to be more progressive than the public.

Mr Allister: Anyone who picks up this resolution to read it and wants to approach the matter objectively, might, when they come to the phrase:

"rejects the proposed freedom of conscience amendment Bill"

rather naively think that, to understand that, they had better go and see what the freedom of conscience amendment Bill actually says. This is the Bill that the Alliance Party wants to reject. Of course, the startling thing is that you will not find it. It is not published. It does not yet exist. Yet, the Alliance Party, the paragon of all things liberal and open-minded, is quite ready and prepared not only to prejudge the entire issue itself but to invite everyone else to prejudge the issue and to condemn and to reject that which they have not yet been able to see or to read.

One often thinks that there is none more illiberal than the liberal, and here we have a classic example of that. They are so totalitarian, so illiberal and so bigoted that they are not even prepared to consider what such a Bill might say but rather condemn it out of hand without needing to see it or wanting to see it or caring what it says because, in their little world, it is not the sort of thing that you could even contemplate.

4.15 pm

Mr Lyttle: I thank the Member for giving way. I find his contribution even more misrepresentative and negative than usual. There is a one-page draft piece of legislation available for the general public to view and read. That is what we based our conclusion on. Indeed, organisations like the Evangelical Alliance have said that the current proposals raise legitimate concerns for the LGBT community about discriminatory treatment across a wide range of goods and services. So, do not try to caricature us when other people across the community have legitimate concerns about the draft legislative proposals on these issues.

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

Mr Allister: The Member knows full well that, in a consultation exercise to bring forward a private Member's Bill, you conduct the consultation and then you produce the Bill. It is what the Bill says that matters.

Unfortunately, the Alliance Party, joined with the SDLP and Sinn Féin, is so narrow-minded in its approach that it is not even prepared to have a considered debate, even though it knows full well that there is a shrinking ground of toleration for people of a religious viewpoint.

People have religious beliefs that inform their view of what is right and what is wrong. It is their religious beliefs that very often make something unconscionable for them, yet even though the Universal Declaration of Human Rights expressly underscores the right to freedom of conscience, what we have here are those prepared to say, before they even see a Bill, "We will suppress freedom of conscience. We are not going to allow freedom of conscience to germinate and grow. We will abort it. We will suppress it". That is the attitude. Who are the people saying that? They are the very people who advocated and encouraged others to practise discrimination when it came to 50:50 in the RUC. They said, "We must have active discrimination. We must have positive discrimination".

Mr Dickson: Will the Member give way?

Mr Allister: No, I am fast running out of time.

The very people who today cannot even contemplate freedom of conscience are the very people who were prepared to practise discrimination and who continue to support the practice of discrimination, namely in the retention of the Catholic certificate of education. The very people who are supportive of —

Mr Dickson: That is simply not true. Not true.

Mr Deputy Speaker (Mr Dallat): Order, please. Can I remind Members who are conducting the debate from a sedentary position that that is against the rules of the House? Let Mr Allister be heard.

Mr Allister: I was speaking about toleration, and perhaps we had an indication of intolerance from my — *[Interruption.]*

Mr Deputy Speaker (Mr Dallat): Sorry, order please. The Member has now got his final warning. No more from a sedentary position.

Mr Allister: Thank you.

The point I am making is that it is bizarre — or is it? — that those who present themselves as the paragons of liberalism are the very suppressors of something as fundamental as freedom of conscience.

One other thing that struck me in the debate is that no one has really expounded what it is in the Equality Act 2010 that we are missing in Northern Ireland that would change things. Section 1 of the Equality Act reads almost like section 75 and section 76 of the Northern Ireland Act, setting out the bodies that must have regard to various issues —

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

Mr Allister: There it is. One listened for and has not heard what essentially is the deficit that has to be addressed, other than —

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

Mr Allister: — other than the intention to determine to suppress freedom of conscience.

Mr Deputy Speaker (Mr Dallat): I call Mr John McCallister. Sorry?

Mr Dickson: On a point of order, Mr Deputy Speaker. In his comment, Mr Allister referred to the Alliance Party supporting 50:50 for RUC/PSNI recruitment. That is simply untrue.

Mr Deputy Speaker (Mr Dallat): That is not a point of order, and it certainly was not an excuse for speaking from a sedentary position. I call Mr John McCallister.

Mr McCallister: In this debate and even in the wider debate around Mr Givan's proposed Bill and changes that he would make, my biggest regret — Members will have heard me saying this on many occasions about many pieces of legislation — is that a petition of concern is not a good way to do our business in this place. I take Mr Allister's point that there are not firm proposals in a draft Bill that we can necessarily look at during First Reading or Second Reading, but, when that comes, I want the Assembly to have the maturity to have a debate. That is quite right. It is no great surprise to Mr Givan that I would like us to vote

down what I think he is likely to bring in his legislation.

Mr Givan: Will the Member give way?

Mr McCallister: Yes, briefly.

Mr Givan: Does the Member agree that it is slightly bizarre that some are queuing up to sign a petition of concern against a Bill that has not even been introduced? They do not even know what type of Bill they want to block by way of a petition of concern (POC). I appreciate that Alliance has said that it will not sign a POC, but others have and yet there is no Bill to put a petition of concern against, unless a POC has been submitted to the Speaker's office. I do not know.

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

Mr McCallister: Thank you, Deputy Speaker. I am in the unusual position of having to agree with Mr Givan on that point. I fundamentally warn Members about signing petitions of concern when, quite clearly, the majority of the House will be against the Bill. It is not the way that we should do our business. There is a slight touch of irony in the DUP lecturing about petitions of concern, considering that it hands them out very liberally, to use a word. We should not be doing that. Look at our experiences with the last number of petitions of concern that were used. On welfare reform, the DUP put in almost 50 petitions of concern against 50 amendments. None of those were needed. The Assembly debated and found its place. That is why it is not a good way to do that.

I do not disagree with Mr Givan's amendment. My concern is about the DUP calling for and pushing for a respectful and thoughtful debate, because I am not entirely sure that that sits well when members of the DUP have talked about homosexuality as an "abomination". I do not see where the respect is there. I do not see the respect when people compare homosexuality to child abuse. We could and should be having the debate very much in the language and spirit of his amendment, but I warn the DUP that using language like "abomination" is not how you have a respectful debate.

There are issues around equality and the Ashers case, and I think that we will all regret the huge damage that has been done to relationships between faith communities and LGBT communities. That has been hugely detrimental as we are almost pitting two

communities against each other. I warn Members, and I say this as a member of the Presbyterian Church and someone who is from a faith background: a recent UK-wide poll of religious attitudes revealed that, to two thirds of British people, religion is a negative concept and is considered to be doing more harm than good. There is a perception that religion produces division, sets people against one another and discriminates against women and gay people. As someone from a faith background, I think that it is of huge damage to faith communities that that is the perception across our United Kingdom.

Very often the forerunners to the DUP talked against home rule as next to Rome rule, yet most support for the DUP for this Bill comes from the Roman Catholic Church. How things have changed over the past 100 years.

Mr Givan: That is your Church.

Mr McCallister: I do not think so. The Member should know that Presbyterians are far too freethinking to be told what each and every one of us should think.

Returning to the wider debate, the drive for the Bill that Mr Givan has talked about could lead —

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

Mr McCallister: — to a much more secular society.

Mr Weir: I do not support the motion, but at least we had the opportunity to hold this debate. We have concerns about the motion and put forward, as we indicated, the amendment to focus in on the one issue. We are, moreover, concerned about a single equality Bill, in part because it could be used, as the proposer of the motion suggested, to extend and expand, rather than merely codify, what is there. A single equality Bill might be not just one Trojan Horse but a stable full to expand the law. That is why we have degrees of reservations.

Mr Attwood, on behalf of the SDLP, referring to our amendment, said that he did not really trust our motives. I am reminded of Queen Elizabeth I's declaration that she did not wish to make "windows into men's souls". Mr Attwood, it seems, is possessed of just such an ability when looking at the DUP — such, presumably, is his wisdom. I urge Members to look at the merits of the wording rather than what they believe to be the intention behind them.

I welcome the consultation that Mr Givan has done on his private Member's Bill. I do not think that Mr Givan would suggest that every jot and tittle is perfectly correct. We do not claim infallibility on behalf of Mr Givan; I do not even think that he would claim it on his own account — certainly not on most days of the week.

I understand that there will be Members who take the view that this is not precisely the way forward or, indeed, that the proposals go either too far or not far enough. As Mr Allister indicated, however, what is slightly disturbing about this debate is that we could have a petition of concern about non-existent legislation. It is tilting at windmills in the tradition of Don Quixote. In this attack Sinn Féin is aided, on this occasion, by the Green Party and NI21, although I appreciate that the previous Member has wriggled out of that particular — I was going to say embarrassment, but perhaps that is a little bit too subjective. It seems to me slightly ridiculous not to allow a proper debate through such a veto. It may be that we are simply saying that there is not a precise solution that people can agree to. One thing has to be acknowledged, and a number of Members mentioned the remarks of Baroness Hale, the position of the Council of Europe and the survey published just this week by the Equality Commission for Northern Ireland. Many Christians in the United Kingdom feel strongly that it is a cold house in which they are being cold-shouldered. When I look at human rights and equality issues, I am reminded of Orwell's 'Animal Farm', where:

"All animals are equal, but some animals are more equal than others."

We are in danger of encompassing human rights and equality, but doing so in a hierarchy that leaves out those of faith and those from a Christian background.

4.30 pm

I welcome the fact that there seems to have been at least some level of acknowledgement from around the Chamber that there are serious issues to be debated. If Mr Givan's Bill is not precisely the way that people would want, let us at least have that much wider debate. If we can accept that there needs to be a reasonable level of adjustment, let us have that mature conversation and see what the best way forward is. I will give way briefly.

Mr Lunn: I thank the Member for giving way. The amendment calls on the Assembly:

"to consider a process to facilitate respectful consideration".

Will he give us some idea of what format that process might take? Would the outcome of it have any effect on the DUP's decision as to whether it would bring forward the conscience clause Bill in its present proposed form?

Mr Weir: From that point of view, we are open-minded on the issue. We are happy to engage with all parties as to the best way forward. We want to see proper protection for people so that their conscience is protected. We are not doctrinaire on the exact format in which that is done. We want to ensure that that proper protection is put in place, and we will be happy to discuss with all the parties the best way forward. *[Interruption.]* No. You will appreciate that I have —

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

Mr Weir: I appreciate that, but I have only a minute to conclude.

In terms of the debate that has been started, mention was made by the Member who spoke previously of the fact that, on this issue, we have the support of the Catholic Church. We also have the broad support of the Presbyterian Church and a number of mainstream denominations in that regard. While not every jot has been agreed, mention was made of a caveat that has been put forward by the Evangelical Alliance. The Evangelical Alliance is in favour of the Bill. There has been much misrepresentation of Paul Givan's Bill; let us not add to that today by pretending that the Evangelical Alliance is against the Bill. There is a wide range —

Mr Lyttle: Will the Member give way?

Mr Weir: I have approximately seven seconds —

Mr Lyttle: I have read from the document.

Mr Weir: I have shared a platform with the Evangelical Alliance, where it has spoken directly. I have seen its submission.

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

Mr Weir: I urge people to support the amendment. Let us at least progress a mature discussion on this issue.

Ms Lo: I thank all the Members who have contributed to the debate. The Alliance Party tabled the motion because, since the Westminster passage of the Equality Act 2010, there have been widening gaps in our equality law protection. We are calling for a single equality Bill to harmonise and simplify different pieces of anti-discrimination legislation. So far, we have failed to update our laws. It is time that we rectified that. Many Members voice their support for that.

It is worth adding that the EU is currently considering the simplification and harmonisation of the equality legislation with the horizontal directive. In the Republic of Ireland, there is also the Equal Status Act 2000. The main gaps in Northern Ireland are in disability legislation and age discrimination legislation to cover under-16s, which my colleague Chris Lyttle and many others mentioned.

The DUP has long dragged its feet over publishing the sexual orientation strategy, but it readily consults on a private Member's Bill that would significantly weaken protection for lesbian, gay and bisexual individuals. The conscience clause would effectively legalise discrimination. Although equality policy is largely a devolved matter, that does not mean that we can create special rights regimes.

The Alliance Party believes that there should be the same standard equality provisions throughout the UK. If we decide that exemptions from equality legislation are necessary, they should be limited, specific and justified objectively.

Legislation should properly reflect and respect the diversity of identities. It certainly should not create a hierarchy of equality. If people want to run a business to provide services or facilities to the public, it must be for everyone; they simply cannot pick and choose who they wish to serve. The days when notices said, "No blacks, no Irish, no dogs" are gone. We cannot, therefore, accept the DUP's amendment, which would remove our rejection of the proposed conscience clause contained in the motion. The amendment may be dressed in a plausible manner but, so far, the DUP's tactic on the consultation process has been anything but respectful, accusing the Alliance Party of being anti-Christian.

Much of my career has been spent in the pursuit of racial equality in Northern Ireland. The single equality Bill will include the amendment of race equality legislation to cover colour and nationality alongside race and ethnic origin. If Members cast their minds back to the

Assembly debate in 2009, they will recall that all parties supported the reform of race relations legislation. The Alliance Party, Sinn Féin and the SDLP all called for a single equality Bill in their manifestos. The UUP manifesto called for the Race Relations (Northern Ireland) Order 1997 to be amended as a matter of urgency. However, we continue to wait.

The draft racial equality strategy has still not been produced, even though the consultation closed in October 2014. Several questions for written answer that I have submitted remain unanswered. I do not need to remind the House of the fear felt among ethnic minority communities over the summer. OFMDFM's snail's pace has certainly not reassured them. The ethnic minority development fund runs out on 31 March and there has been no indication as to when and how it will be administered, even though organisations were told in February that the same level of funding will be available for the next financial year.

Clearly, Northern Ireland has now fallen behind in its equality legislation. It is sobering to reflect that all equality laws applying to Northern Ireland have been delivered either through primary legislation in Westminster or through OFMDFM using the Order in Council, acting under direct rule. Northern Ireland has been named in examinations of the UK by UN committees for non-compliance with treaty standards. Our equality law is, in some areas, less likely to meet, and is potentially in breach of, the standards set out in international human rights conventions.

I will now highlight some of the points that Members made in the debate. Paul Givan said that there was a knee-jerk reaction to his proposal for the conscience clause, which had been grossly misrepresented. He said that the amendment is an olive branch to appeal to Members for respectful discussion.

Bronwyn McGahan said that the bill of rights and the single equality Bill should protect everyone. Alex Attwood asked whether the DUP would confirm that it would accept the principle and practice of the age discrimination legislation covering under-16s. He said that the Equality Commission had not been punching above its weight in promoting equality law.

Danny Kinahan said that we are out of step with equality legislation, particularly on disability and women's rights, and that the single equality Act process had ground to a halt because of the dysfunctional nature of OFMDFM. He said that the UUP would support the amendment to find a way forward.

Stephen Moutray said that the conscience Bill is not about dominance but is meant to better protect those with genuine religious beliefs and should not be rejected outright by the Alliance Party.

Caitríona Ruane said that the DUP has now rolled back on equality, that the conscience Bill is about the DUP's continued attempt to discriminate against the LGBT community, and that Sinn Féin will use a petition of concern to stop the Bill.

Edwin Poots said that the Alliance Party is losing its argument against the conscience Bill and that there is too much discrimination happening against Christians. Colum Eastwood mentioned that the age discrimination Act now discriminates against people on the basis of their age. He questioned whether the DUP, because it did not seek to put down an amendment to the motion concerning the age discrimination Act, now supports age discrimination legislation not starting at age 16. Alex Maskey said that the age discrimination Act should start at birth and apply to all ages.

Jim Allister accused the Alliance Party of lots of things, including being illiberal and being so bigoted that it is not prepared to consider what the Bill might say. In our little world, we object to a lot of the things that he said. He was actually wrong when he said that we supported 50:50 PSNI recruitment. We did not. He said that we supported the Catholic teachers' certificate. We did not, so he was wrong again.

Mr Allister: Will the Member give way?

Ms Lo: No, I am sorry. I am running out of time.

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

Ms Lo: I am almost done.

John McCallister wants to see there be maturity to have the debate when the Bill comes along.

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

Ms Lo: He criticised the use of the petition of concern. Thank you, Mr Deputy Speaker.

Question put, That the amendment be made.

The Assembly divided:

Ayes 47; Noes 44.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mr Devenney, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kinahan, Mr McCallister, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McQuillan and Mr G Robinson

NOES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Dickson and Ms Lo

Question accordingly agreed to.

Main Question, as amended, put and negatived.

Adjourned at 4.56 pm.



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