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Northern Ireland Assembly

Tuesday 21 October 2014

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

Members observed two minutes' silence.

Executive Committee Business

Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014

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

*That the draft Local Government (Indemnities
for Members and Officers) (Amendment) Order
(Northern Ireland) 2014 be approved.*

The order is being made under article 33 of the Local Government (Northern Ireland) Order 2005. Article 33(5) of that order provides that a draft order must be laid down before, and approved by a resolution of, the Assembly. The Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2012 came into operation on 27 November 2012. That order provided councils with an explicit power to indemnify their members and officers in respect of personal liabilities incurred in connection with service on behalf of their councils, subject to certain restrictions. The 2012 order also enabled councils to cover the cost of any legal representation that may have been considered necessary. Councils could cover the cost themselves by way of an indemnity or insurance.

With the introduction of the mandatory code of conduct earlier this year and the mechanisms for dealing with alleged breaches of the code, the 2012 order as currently drafted would permit councils to provide an indemnity in relation to procedures in connection with the ethical standards framework, but it would not compel them to recover costs incurred should a member be found to be in breach of the code and should that decision be upheld following appeal.

The 2012 order provides, among other things, for councils to include terms in any indemnity, including any insurance secured for the

repayment of sums expended by the council or insurer in any cases in which a member or officer has been convicted of a criminal offence, if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding or conviction. The draft order will extend that requirement to cases in which a councillor has been found to have failed to comply with, or admitted that they have failed to comply with, the Northern Ireland local government code of conduct for councillors.

It is right that councils should be able to provide assistance to their members to defend any allegations made in relation to breaches of the code. However, if those members have been found to have breached the code, it is also right that any council money that is used in such cases is repaid.

I ask the Assembly to approve the draft order.

**Ms Lo (The Chairperson of the Committee
for the Environment):** The Committee first considered the proposed content of the draft Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014 at its meeting on 19 May 2014, when the Department provided a synopsis of the responses it had received to its consultation.

The Committee noted that the Belfast City Council and Derry and Strabane statutory transition committees supported the Department's proposal to require councils to include terms in any indemnity or insurance that would require the repayment of costs where a person has subsequently been found, or has admitted to being, in breach of the local government code of conduct.

The Committee also noted the Northern Ireland Local Government Association's (NILGA) suggestion that an indemnity should only be withheld where a breach of the code would lead to disqualification, rather than only censure or suspension, or that there should be a cap on the limit of expenditure. However, the Committee was in agreement with the

Department's response, which was not to include those suggestions in this subordinate legislation.

The Committee considered the SL1 proposal on 3 July 2014 and was content for the Department to proceed to make the statutory rule. At its meeting on 25 September 2014, the Committee agreed that the draft Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014 should be affirmed by the Assembly.

Mrs Cameron: As Deputy Chair of the Environment Committee, I concur with the remarks of the Minister and the Committee Chair on the draft Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014, and I will be very brief.

The order will enable any breach of the Northern Ireland local government code of conduct for councillors to be treated by way of legal provision in the same way as it already applies to a councillor who has been found guilty of a criminal offence. The motion simply allows for the extension of the restriction on legal cover to the code of conduct. I support the motion.

Mr Durkan: This order has been brought forward to protect public funds, and it puts the legislation regarding the provision of indemnities on a par with that available to councils in other jurisdictions.

I thank the Chair of the Committee and the Deputy Chair of the Committee for their support for the motion.

Question put and agreed to.

Resolved:

That the draft Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014 be approved.

Mr Deputy Speaker (Mr Dallat): We are running a little ahead of the indicative timings, so Members may take their ease for a moment.

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

Mr Kennedy (The Minister for Regional Development): I beg to move:

That the Second Stage of the Off-street Parking (Functions of District Councils) Bill [NIA Bill 40/11-16] be agreed.

It might be helpful to Members for me to give a little background to the Bill. In her speech on 31 March 2008 on the reform of public administration, the then Minister of the Environment, Minister Foster, identified 11 roads-related functions of my Department as being suitable for transfer to councils. Those functions were the subject of lengthy and detailed discussions between officials of the Department and local government representatives over a number of months. The outcome was that local government representatives declined to accept many of the functions that had been identified as being suitable for transfer.

An alternative list of five functions was subsequently submitted by local government for my predecessor's consideration. That list included the proposal that councils would become responsible for on- and off-street parking enforcement, and it was agreed to. Those functions were the subject of consultation between April and July 2010 in a Roads (Functions of District Councils) Bill. However, my predecessor subsequently withdrew the Bill from the legislative programme.

In April 2013, the Executive concluded that district councils should become responsible for the provision, ownership and management of off-street car parks, except park-and-ride and park-and-share car parks, which will remain the responsibility of my Department. Councils will also become responsible for the enforcement of parking contraventions in their off-street car parks.

The Off-street Parking (Functions of District Councils) Bill has a single clause that aims to achieve that vision of the Executive. The transfer of off-street car parks to the new councils will be put into effect through transfer schemes provided for by section 122 of the Local Government Act (Northern Ireland) 2014 and presently being prepared by my officials. Those stand outside the provisions of the Bill.

Members will have noted that the date for the Bill to come into effect as an Act of the Assembly is 1 April 2015. It is an RPA measure, and its timing is aimed to coincide with the revised funding of district councils from that date. It is also intended to ensure that councils will enjoy the revenue to be gained from the operation of those off-street car parks from that date.

Prior to consultation, my officials gave an oral briefing to the Committee for Regional Development on 4 June on the aims of the Bill. Following consultation, on 8 October, my officials gave a further briefing to the Committee, providing a brief résumé of the 17 responses received. Those were mostly from existing or shadow councils and largely sought clarification on points of detail relating to the outworkings of the proposed transfer rather than the content of the Bill. The respondents were generally content with the Bill's aims, and, in my view, nothing that was raised necessitated amendment to the Bill.

To help to ensure that the Bill will be in operation from 1 April 2015, I wrote to the Chairman of the Committee seeking his cooperation in the Committee's completing its scrutiny of this single-clause Bill within the 30 working days provided for in Standing Order 33(2). I am grateful to the Chairman and members of the Committee for helpfully agreeing to commence their consultation on the Bill in advance of its introduction in order to meet the Bill passage timetable. While the Committee has reserved the right to apply for an extension under Standing Order 33(4), I hope that its scrutiny of the Bill's single clause would not require more than those 30 working days.

That is my overview and presentation of the Second Stage. I will, of course, be listening closely to the contributions from not only the Chair and other members of the Committee but, perhaps, Assembly Members. Hopefully, we can make progress on this Bill.

10.45 am

Mr Clarke (The Chairperson of the Committee for Regional Development): I welcome the opportunity to speak on off-street car parking. The Committee is generally supportive of the Bill. However, the caveat is that there are some Committee concerns about protecting the car parking spaces in villages when this is transferred to local government. We look forward to receiving the views of the Independent Retail Trade Association on the matter.

The Committee first received a briefing on the Bill on 4 June. It must be said that there were mixed feelings and some concerns, as the Committee did not feel that the Department was providing sufficient clarification at that stage on issues such as the service level agreement, the cost to the councils and the value of the assets being transferred. Committee members raised

a number of concerns. The Department agreed to copy the Committee into the consultation responses that were received over the summer recess, and I thank officials for doing so. Those show that the current and shadow councils are supportive of the principle of the handover of the functions. However, they also show that there were a number of areas of concern that required additional clarification from the Department, clarification that I am not entirely sure has or will be provided by the time that the Bill is enacted.

As the Minister indicated, the consultation was completed on 8 August. On 17 August, the Committee received correspondence from the Minister setting out his intention to introduce the Bill and asking the Committee to complete its scrutiny in 30 days. Some members felt that there was a veiled threat in how that was framed because the correspondence did go on to suggest that they could possibly apply for accelerated passage. The Committee was generally supportive of trying to work to achieve that in the 30 days but did not want to be tied to it. The Committee wanted to make sure that the work was done properly so that it went across in a fit-for-purpose state. We assured officials on that occasion that we would do our best. However, the caveat was that whatever papers and clarification we needed from the Department would come in a timely manner. As the Minister indicated, the Committee took its responsibility seriously and, as he outlined, has started its work in opening it up for the consultation process, which shows the supportive nature of the Committee.

On 8 October, the Committee again took evidence from departmental officials. Again, the Committee raised concerns that too many items remained not clarified, such as whether the transfer of functions would be cost neutral; the value of the assets being transferred, which has reduced from £233 million in 2009 to £64 million at March 2013; and enforcement.

It is no exaggeration that the main concern of the Committee, aside from the lack of clarity and which has been relayed by individual members, is that there does not seem to be any protection of the assets. I share that concern with other members. The Committee did suggest that the Department consider an amendment. I note from the Minister's introduction today that it is not minded to put an amendment to the Bill. However, the Committee did suggest that, if the Department did do that, it would make it much easier for us to get that agreed at the outset so we could meet the 30-day deadline for the process as

opposed to having to come forward with it at a later stage.

The Committee for Regional Development is not opposed to the principles of the Bill, but, as other Members will no doubt indicate, we have concerns about ensuring that the sale of car parks is not detrimental to local economic development if the spaces are not replaced elsewhere. The Committee will explore that more fully at Committee Stage. At this stage, I indicate general support, in principle, for the Bill.

Mr Byrne: My party, the SDLP, and I welcome and support the transfer of ownership and control of public car parks to the new super-councils in April 2015. The Department for Regional Development has estimated their value to be approximately £46 million and that they will generate revenue of around £8 million per annum. The Bill will see the ownership and maintenance of over 300 car parks, free and charging, being transferred to councils. That can be dealt with efficiently and sensibly at council level and is one important step in creating strong and accountable local government. For a long time, our councils have expressed their desire to exercise some control over parking, and the SDLP welcomes the fact that the Bill will give each of the new super-councils a say. Parking has proved contentious in a number of our town centres, and it is right that the new councils will have due input into the decisions that affect parking in their area going forward. Parking plays an important role in the retail economies of our local towns and cities and for the people who use those facilities day in and day out.

Whilst the SDLP wholly supports the principle of the Bill, it raises a number of matters that require more attention. First, restrictive conditions or otherwise could be imposed on councils by DRD on future use of the car parks. Nearly all the councils and NILGA have raised that issue, and they do not want restrictive conditions being applied by DRD. I think that there were 17 or 18 respondents to the consultation, which the Minister referred to earlier.

Car parking administration and management, the charging system and maintenance and service of pay-and-display machines — again, the sensible and practical solution for that in the short term is to have some transitional arrangements that are based on the DRD protocols and practices until councils finalise future arrangements in that regard.

The next issue is fixed penalty notices and the consequent collection and processing of the fines. DRD has an administrative system or unit in situ that does that work, and over 30 people are employed between offices in Omagh, Coleraine and Belfast.

The hiring of car parking attendants and wardens, or the "red coats", again, has been administered by DRD, and with the new system kicking in in April 2015, it will not be possible for councils to fully take on that responsibility at this stage. The proposed three- or five-year service level agreement to operate car parking, being administered by DRD with councils subsequently deciding on future arrangements, seems the most practical arrangement for the immediate future.

Some council areas have modern, multistorey car parks, and others have substandard facilities. The creation and maintenance of car parks cannot be funded on parking fees alone, so the councils, in future, will have to determine how they can carry out improvement and maintenance of those car parks. The councils have rightly requested condition surveys, which I understand are in the process of being prepared by DRD engineers. Those should be followed by action to ensure that they are all up to the standards that the new councils will expect. That should, of course, include a guarantee that every one of our off-street parking facilities is fully accessible and that they provide adequate mobility parking. If not, action should be undertaken to make sure that that is the case.

I would also welcome a clause in the Bill that specifies that councils will have the power to offer free off-street parking to blue badge holders. The Bill offers an opportunity to improve drastically what can prove a serious obstacle for people with disabilities and mobility problems. Moreover, the Bill will give councils the power to tailor parking charges to their specific situations, but we must avoid causing undue confusion and uncertainty for drivers who will cross the borders between different super-councils. It must not be the case that hard-pressed families are presented with fines because of the lack of a clear and comprehensive system in place. As far as possible, the new super-councils must be encouraged to fashion some consistency. It would be regrettable if a system emerged here similar to the one operating in England, where two towns in close proximity can operate vastly different parking charges.

The SDLP wishes good luck to the Minister and the Bill at this stage. Hopefully, future

arrangements can be such that the councils will be satisfied.

Mr Deputy Speaker (Mr Dallat): I call Mr Ross Hussey.

Mr Hussey: Mr Deputy Speaker, can I have your permission to remain seated?

Mr Deputy Speaker (Mr Dallat): Absolutely.

Mr Hussey: Thank you very much. I begin by declaring, as a former councillor, that one of the issues that was continually debated in councils was car parking, and councillors continually made it very clear that one of the functions that they wanted devolved to them under the review of public administration was car parking. Whilst I was not entirely happy with the way the review of public administration eventually ended up, we are now in a situation where we are looking at the transfer of car parking to local councils, and I support the Bill as drafted.

Many will express reservations about how councils will act once the powers have been transferred, and there have been discussions about the ownership of the car parks and what councils may or may not do following the transfer of ownership. We have to realise that councils have their own authority and will decide for themselves what they can and cannot do with the assets once they have been transferred. However, I am sure that, should a car park be transferred and should a council decide to use that land for another activity, councillors will realise that they must replace it with another car park. All towns have had surveys about the number of car parking spaces they should have and maintain.

Reference has also been made to the condition of car parks, and some are better than others. I suppose that it would be fair to say that it is like buying a second-hand car. However, car parks will be transferred and will be under the control of councils.

I ask the Minister to consider providing an answer about the liability claims that have been made against DRD in relation to car parks and to provide the most recent figures available. If those cannot be made available today, he could provide them later.

Councils will make different decisions, and I accept the point made by Mr Byrne about charging structures. We see that anyway. For example, Belfast is a more expensive place for parking than Omagh, and, at certain times of the year, councils may wish to change the rates

or perhaps have free days coming up to Christmas on Saturdays or whatever. That is a luxury they will have.

I also accept the point that Mr Byrne made about disabilities. I had not thought of it until he made that point. I declare an interest as somebody with a disability. Car parks should provide free car parking spaces for blue badge holders. I strongly believe in that and feel that it should be taken into account during the deliberations.

Overall and over the past years, car parking has been one of those issues over which councils have got quite angry about what can and cannot be done. They want this opportunity to take control of the car parks, and I the Bill is one way of getting that business transferred to them. I support the Bill and look forward to seeing it progress through the House.

Mr Lyttle: I will speak on behalf of the Alliance Party and add our general support to the Off-street Parking (Functions of District Councils) Bill and, indeed, the principle of transferring the functions for car parking to our councils. I welcome the helpful responses that the councils across the region provided to the Committee for Regional Development and the general endorsement of the proposals.

The consultation responses expressed hope that the transfer of responsibility for off-street car parking to councils will provide our local government representatives with the opportunity to manage our off-street car parks in a way that supports local economic development and good community planning policy. We wish them well in that endeavour.

Some concerns and issues about the transfer of functions have been raised by Members, and those were highlighted in the consultation responses. One particular point was that all car parks that come under the legislation should be transferred as part of the Bill without any undue delay. There was also an understanding that certain car parks in Belfast city centre were not originally to be included in the handover, but I believe that there may have been recent movement in that regard. Maybe we could get clarification of that. I know that NILGA, in its consultation response, sought reassurance around the fact that lands required by councils to perform off-street parking functions would be confirmed as a matter of priority and transferred without restriction.

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

Perhaps the most pertinent issue that has been raised is about the transfer within the Bill being cost-neutral. Indeed, in a statement to the Assembly, the former Environment Minister, Alex Attwood, said:

"functions that are to transfer from central to local government should be fit for purpose, sufficiently funded and cost-neutral to the ratepayer at the point of transfer." —
[Official Report, Bound Volume 84, p109, col 1].

That is the standard for which we have to aim with the transfer of responsibility for off-street car parking from the Department for Regional Development to our local councillors. Indeed, the state of repair at point of transfer is another issue that has been raised.

11.00 am

Another issue raised by the NILGA consultation response is that the regulation-making powers will remain the responsibility of the Department, as I understand it. NILGA felt that councils should be provided with the opportunity to be consulted on and to influence any regulations that are being made, amended or revoked in future in relation to off-street car parking. I will be interested to hear the Minister's view on that.

Business bodies, in particular NIIRTA, raised the issue of the positive contribution of many of the parking approaches, for example the £1 for five hours parking tariff. I believe that that is available in around 93 car parks in around 23 towns across Northern Ireland and had been received extremely well by local people and traders. We want to ensure that those creative policies are retained going forward. Maybe the Minister can say something about that as well.

I look forward to working with my Committee colleagues to further examine the Bill at Committee Stage in the near future.

Mr Easton: The Bill, which has been introduced by the Minister for Regional Development, sets forth certain functions that are currently carried out by DRD/Transport NI in relation to off-street car parking. We will see some of these functions transferred to the new councils across Northern Ireland, as agreed by the Northern Ireland Executive. This Bill will see councils enter into service-level agreements with DRD, and these agreements will apply to car parks, equipment and associated car park signage. If councils wish to include enforcement as part of these responsibilities, it must be added to the schedule with the agreement of Transport NI.

Some duties will still be carried out by DRD and Transport NI. The service-level agreement takes effect from 1 April 2015 and remains in force until 31 October, when it can be renegotiated. Until then, DRD plus Transport NI and its agents will provide the service on behalf of the councils, and they will be responsible for engaging parking attendants and enforcing the Civil Provisions Act in relation to off-street car parking in the ownership of the councils. That will apply until this contract runs out and is either extended or goes out to open competition. Transport NI will control staff uniforms, the processing of penalty charge notices, the collection of payments for penalty charge notices and basic maintenance and cleaning of off-street car parks. It will maintain pay-and-display machines and cash collection points and manage and report service-level agreement key performance indicators. Also, it will provide an independent tariff penalty tribunal service, customer services, a clamping and removal service and permit parking schemes. It will control the processing of personal data and claims and the investigation of complaints.

The elements of the councils' responsibilities for managing and operating car parks include the setting of tariffs; reconciliation of off-street car parking income agreement enforcement days; relevant policies; service standards and procedures; enforcing the Criminal Offences Act; and maintaining, cleaning and lighting car parks.

On inspections, attendants who come across and note defects in the car parks will report them to Transport NI within 24 hours. Councils will have to be notified of the defects within one hour of this being reported. DRD and Transport NI will make good to the satisfaction of the councils any damages that may need repaired. On operational specifications, councils will agree a parking enforcement protocol plus a cancellation policy that will be implemented by DRD and Transport NI. Enforcement will be delegated to DRD and Transport NI.

On record management and data protection, DRD, Transport NI and the councils will assume joint data controls for the personal and sensitive personal data that they possess. They will ensure that each organisation will apply a level of interpretation to data that they process and have the responsibility to exercise professional judgement on that data. Each organisation will have significant decision-making tasks in relation to personal data processed. Each organisation will also apply its own technical expertise and professional judgement on how best to store the personal data in a safe and

accessible way. That can be best achieved by shared data control among all three.

Charges will be paid to DRD and Transport NI by councils under the service-level agreement to do with cash collection duties, attendants deployed, processing charges and appeals and administration charges.

I move now to the mechanics. DRD and Transport NI will also produce a monthly financial report to councils and meet quarterly to review implementation performance and services provided. Other aspects of the Bill offer resolution of disputes and third-party rights.

I generally support the Bill, but I have some questions. Hopefully, the Minister will address those. When the car parks are handed over, will they be handed over in 100% working and good condition? If not, what moneys will be transferred to the car parks to ensure that they will be up to scratch for the councils when they take over? Will DRD and Transport NI ensure that any information, such as the history of ongoing claims, will be given to the council for their information? I have slight concerns relating to when the car parks are handed over to the councils. Will the councils have the power to sell them off straight away if they want to do so? We need to look at putting something in place that will prevent them doing that. Maybe they should come back to DRD before they are allowed to do that.

I welcome the fact that the councils will be able to set the charges for off-street car parks. That could mean a big difference for struggling town centre businesses, which often find it hard to compete with out-of-town shopping centres and their free car parks. There are a few questions there, Minister, but, in general, I support the Bill.

Mr Lynch: Go raibh maith a Phríomh-LeasCheann Comhairle. We generally support the principles of the Bill. I echo the Chair's concerns and, indeed, those of other Members regarding some issues around the Bill. However, we look forward to receiving it in Committee Stage and taking evidence from stakeholders. I call on the Department to support the Committee in passing the Bill through Committee Stage. I believe that some of the concerns raised by Members can be resolved. I look forward to the Bill passing through Committee.

Mr Moutray: The transfer of car parking functions from Department for Regional Development control to local government has been one of the more vexed areas of the review

of public administration. There are two main areas of concern surrounding that proposition. One relates to the way in which the Department is conducting itself presently, and the other surrounds concerns that people have about how the new councils may conduct themselves in the future.

I do not intend to dwell on the first area other than to say that the RPA envisaged that car parking — not some car parking or non-profitable car parking — would transfer to local government control. I urge the Department to be true to the spirit of the review of public administration and ensure that all car parking functions are transferred to local government control.

Research has shown that all successful business districts afford adequate parking or park-and-ride facilities to potential users, whether they are travelling into town or city centres to work or to visit shops and spend their money in the local economy. Successful town centres provide car parking. In almost all council areas in Northern Ireland, it is the income generated through successful town and city centre rates that pays for public services such as leisure centres, park management and refuse collection. Where car parking is not sufficient to meet the demand, people simply go elsewhere. It is beyond doubt, therefore, that an ample supply of car parking is an essential ingredient in the economic growth and wealth generation of councils throughout Northern Ireland.

Having been granted control of these facilities by central government, councils would be taking a foolish, short-term view if they took any steps towards disposing of such facilities or changing their usage. Local authorities that would adopt such an approach would be guilty of inflicting a grievous injury on their own economic sustainability and prosperity into the future. Whilst there have been many positive initiatives designed to encourage people to leave their car behind and engage in public transport and alternatives such as cycling — I welcome them — there must also be a recognition that providing car-parking spaces is vital for successful towns and boroughs. I believe that all our public representatives in local government recognise that, regardless of whatever steps we take in this area. In principle, we support the Bill.

Mr Kennedy (The Minister for Regional Development): I am grateful to all Members for their contributions and comments at the Second Stage of the Bill. Some general issues and several specific points have been raised, and I

will attempt to deal with those. If anything is missed, I will review Hansard and come back in writing to Members.

I am heartened by the broad support for the measure. It has been a very long time coming, and there have been changes over the years. In respect of the latter point made by Mr Moutray, who was advocating that the full range of parking services be devolved ultimately to local government, in principle, I do not object to that. I simply think that we should review, after a suitable period, the success of this measure.

I will move on to contributions from Members. Mr Clarke, the Chairman of the Committee for Regional Development, was generally supportive, and he and the Committee will take important evidence from interested stakeholders, including NILGA. I had the opportunity to meet representatives of NILGA yesterday to examine some of the issues, and I found that helpful.

I am not a fan of accelerated passage generally. I think and hope that there is enough time to have the Bill properly scrutinised. It is the duty of all Committees of the House, particularly, in this case, the Regional Development Committee, to scrutinise the Bill and its impact. In conversation with the Chairman of the Committee, I can assure him that it was not any kind of veiled threat, simply a desire to meet the tight timetable that has been set for us not by the Department but as a consequence of RPA and the changes that are happening from April 2015. I am pleased that the Committee will work with the Department, and my officials will be available to offer insight.

I also welcome the contribution from Mr Byrne. He made an important point that there should be no restrictive conditions as the powers are transferred to the councils. My Executive colleagues and I have every confidence that the new councils will act in the public interest. The theme emerged from several contributions, including that from Mr Easton, of the opportunity that councils could take to sell the family silver, as it were. I have every confidence in colleagues in local government, having served in it for 25 years. I know that they will do the right thing, and any other suggestion is perhaps unhelpful.

11.15 am

One of the principal aims of the reform of public administration is to create stronger and more responsible local government. I think that including restrictive provisions would be contrary to that purpose and could remove a

council's ability, potentially, to progress any town centre regeneration proposal for the benefit of local citizens. Many town or city centre car parks have already been identified as key sites in the development of possible regeneration projects for commercial centres. In developing any such town and city centre regeneration proposals, the new councils would also have to be mindful of their responsibilities for ensuring adequate car parking provision.

Mr Clarke: I thank the Minister for giving way on that point. You raised an interesting point when you identified that some of those car parks in Belfast are in strategic locations for regeneration or whatever. If that is the case, Minister, why would your Department not dispose of that as an asset and realise that income as opposed to disposing of it to local government for them to realise the asset?

Mr Kennedy: I am grateful to the Member for his point. In Belfast and in other places, car parks owned and managed by the Department continue to play an important role for car parking provision. Of course, we look on an ongoing basis at proposals put to us. When regeneration or redevelopment schemes come forward, it will be the duty of councils to examine the possible benefits and the potential downsides in the loss of car parking spaces and how they could be substituted or provided elsewhere. Those are always issues that have to be considered.

On the point raised by Mr Lyttle, we have had constructive discussions with Belfast City Council. I think that only one car park — the one in the Corporation Street area — will remain not transferred because of the York Street interchange proposal. Council officials understand that and see the logic of that. We have been listening to local government.

I will complete the point about the Department creating a veto for itself by any amendment to the legislation. That would potentially run contrary to the spirit of the reform of public administration because it would leave some veto or retain decision-making in the Department. That clearly is not in the spirit of the changes that we want to see.

Mr Byrne made other points about the existing state of the car parks that are being transferred. I am very satisfied that they are in adequate condition. An example of that or something that helps to confirm that is the relatively low number of claims that were historically or are presently made against the Department for any particular personal injury or any associated claim. It is a very low number, and there are

only five live cases across all the Department's car parks. I believe that that confirms the relatively good condition of the car parks. If the new councils maintain the current condition of the car parks, the quantum of expenditure on such public liability claims would have little or no impact on future council rates.

I move to what Mr Hussey said. This is a long-sought-after power. Even in my days in local government, we were looking for additional responsibilities. The measure, in itself, is not particularly earth-shattering, but it is important. It will allow councils the flexibility to bring forward initiatives, such as five hours for a pound, which has been welcomed by so many town centres and traders, including the representatives of NIIRTA, which was referred to earlier. The issue of free car parking for blue badge holders will be a devolved issue, if you like, for councils to determine. They will also be able to determine their own decisions on other special initiatives, such as pre-Christmas initiatives.

I welcome the fact that there has been so much general support. Mr Easton gave us a fairly comprehensive review of the Bill and what it seeks to do. I believe that we have a responsibility to try to meet the deadlines that are ahead of us, and I was pleased that there was widespread political support.

Mr Lyttle quoted Alex Attwood, the then Minister of the Environment, stating that functions transferring to councils would be:

"fit for purpose, sufficiently funded and cost-neutral to the ratepayer at the point of transfer." — [Official Report, Bound Volume 84, p109, col 1].

The Executive did not agree that assets would be brought up to an improved standard prior to transfer, nor has my Department been funded to improve the condition of assets that would be provided to councils, but I believe that the assets that we are transferring are indeed fit for purpose.

I welcome the contributions of Members, look forward to watching the Committee Stage with interest and then, when it is brought back to the Floor of the Assembly, continuing to engage with Members as the Bill progresses through its various stages.

Question put and agreed to.

Resolved:

That the Second Stage of the Off-street Parking (Functions of District Councils) Bill [NIA Bill 40/11-16] be agreed.

Education Bill: Consideration Stage

Mr Principal Deputy Speaker: I call the Minister of Education, Mr John O'Dowd, to move the Consideration Stage of the Education Bill.

Moved. — [Mr O'Dowd (The Minister of Education).]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are four groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1, 2, 3, 4, 5 and 8, which deal with functions and duties of the authority and technical matters. The second debate will be on amendment Nos 6 and 7, which deal with the departmental grant aid to sectoral bodies. The third debate will be on amendment Nos 9 to 20, which deal with membership, officers and committees. The fourth debate will be on amendment Nos 21 and 22, which deal with pay policy statements and the living wage.

Valid petitions of concern have been tabled in relation to amendment Nos 1, 2, 5, 11 to 15, 21 and 22. Each will therefore require a cross-community vote.

I remind Members who intend to speak that, during the debates on the four groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 ordered to stand part of the Bill.

Clause 2 (Functions of the Authority)

Mr Principal Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3, 4, 5 and 8. These

amendments relate to functions and duties of the authority and technical matters.

Members should note that amendment Nos 1 and 5 are mutually exclusive. Valid petitions of concern have been received in relation to amendment Nos 1, 2 and 5, and, therefore, will require cross-party support.

Mr Lunn: I beg to move amendment No 1: In page 1, line 11, at end insert

"(2A) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote integrated education."

The following amendments stood on the Marshalled List:

No 2: In page 1, line 11, at end insert

"(2B) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote Irish-medium education."— [Mr Lunn.]

No 3: In page 1, line 11, at end insert

"(2C) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote shared education."— [Mr McCallister.]

No 4: In page 1, line 11, at end insert

"(2D) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote the community use of school premises."— [Mr McCallister.]

No 5: In page 1, line 11, at end insert

"(2E) It shall be the duty of the Education Authority to encourage and facilitate the development of integrated education, that is to say the education together at school of Protestant and Roman Catholic pupils."— [Mr Agnew.]

No 8: In clause 4, page 2, line 15, leave out "negative resolution" and insert "affirmative resolution".— [Mr Kinahan.]

I will say at the outset that, while this should have been a very good day for the education system, I have a feeling that we are not going to come out of it with much credit.

Amendment No 1 is a very minor adjustment to what already exists in legislation. The words "encourage and facilitate" exist in the 1989 Order and apply to the Department and the boards, so, naturally, they would have applied to the new authority and transferred from the boards. The purpose of this amendment is to introduce the word "promote". The Department has had an obligation in this respect for many years. I think that it is fair to say that, down the years, it has not covered itself in glory in the application and honouring of that obligation. We think that it is worthwhile to introduce the word "promote", which has a slightly stronger meaning and goes beyond "facilitate and encourage". According to the dictionary, promote means "to support and actively encourage", so it is not an earth-shattering amendment, and nor is amendment No 2 as, frankly, the two run in parallel. However, it already seems that it is too much for the DUP because we have petitions of concern for both these amendments.

The Drumragh judgement comes into this as well. Judge Treacy has given clear direction to reinforce this obligation once again. He has pointed out that the needs model in the area-based planning system is not really fit for purpose and does not allow for any growth in the integrated sector. However, so far, the Department has not accepted this. I will speak just about the integrated sector for now. Polls and any expression of public opinion that I have seen since I joined this place have indicated that there is a clear demand for more integration of our schoolchildren in integrated schools. Judge Treacy has defined integrated schools as schools in which Protestants and Catholics are educated together but states that a school with a Catholic maintained ethos or a controlled ethos does not really qualify as an integrated school as it has to have a non-partisan board and so on.

These two amendments are a fairly innocent attempt to move things on a wee bit, remind the Department and take the opportunity of the new set-up across the boards and the new authority. It is an opportunity to tidy up a few things. We had hoped that it would find approval across the House. Maybe I am naive. Maybe I am not old enough yet, but I did not expect this level of opposition from the DUP, given that its party leader has constantly espoused his support for integrated education. He says that it was the subject of the first speech that he ever made to a DUP gathering away back in his youth and that he has continued with it ever since. I do not know what the Ulster Unionists are going to do on this, but Mr Kinahan and some of his party colleagues are on record as being

supportive of integrated education. Where on earth is the harm in trying to give it another push on the back of the Drumragh judgement? It does not really matter because the dead hand of the DUP has descended, and the veto has been put in place. There is really no point in pursuing it, but we and other people will pursue it.

I am not going to repeat everything that I have said about integrated education in respect of the Irish medium, but the same principles apply. It has the same protection in previous legislation, and we have the same result; there is a petition of concern on that as well.

11.30 am

These two sectors deserve special attention. That has been recognised in our legislation for well over 20 years. The problem is that they have not received the special attention or impetus and promotion that they were supposed to get. I sometimes run out of things to say, but what is the objection to integrated education? What is the objection to putting our children together at an early age, with all the societal benefits that may flow from that? Yet we have this constant objection and, frankly, I wonder what some people are afraid of here.

The DUP told me yesterday that it now favours a single school system. To be frank, I am not too sure what that means. However, I have also heard it from the Ulster Unionists at times. They will have the opportunity today to explain what it means, but it seems to me to mean no more sectors. There will not be an integrated sector or an Irish-medium sector. There will also not be a Catholic maintained sector under the DUP's ambition. This is pie-in-the-sky nonsense. It is just not going to happen. If it were ever brought forward, they would suffer the same fate as we are today, because there would probably still be petitions of concern. It is totally unrealistic.

What is going on here is that the DUP just cannot abide the thought of any advancement, particularly in the Irish-medium sector. That is what it boils down to, and they are using the fact that they are applying their veto to integrated education as a smokescreen — a fig leaf — to cover their dislike for what they see as some sort of an attack on their culture or whatever. They just want nothing to do with what we will call those pesky do-gooders in the integrated sector and those pesky republican warriors in the Irish-medium sector. They want nothing to do with it. It is so backward-looking that it is pathetic.

The Irish-medium people, quite rightly, want to promote their ancient language. They want to sustain, maintain and promote it. Where on earth is the harm in that? It has been recognised in law that, if they want to have their own schools and be educated in the Irish language, they have a perfect right to do so, but, apparently, we are not going to extend this regulation in a simple way.

In amendment No 3, Mr McCallister wants to apply the same duty, including to "promote", to the concept of sharing in education, and we are not going to be as paranoiac about this as the DUP. In principle, we have no problem with the sharing concept. If done for the right reasons, it is perfectly valid. It enables schools to operate the full curriculum and the whole entitlement framework. If you have not got enough pupils in your A-level classes, you can combine with another school. That is the basic reason for it. We may have some reservations about the societal benefits of it. Certainly it would, perhaps, be more long term than full integration, but we are prepared to accept Mr McCallister's amendment.

Amendment No 4 provides for the community use of facilities. This goes back quite a long way. Mr McNarry is not here so far today, but, somewhere in the system, he still has a private Member's Bill asking for exactly that: extended use by communities of school facilities, which we think is an excellent idea. His amendment No 4 — sorry, Mr McCallister's amendment, not Mr McNarry's — states:

"It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote the community use of school premises".

That is fine.

Even the DUP did not manage to find fault with that.

Amendment No 5 from the Green Party — Stephen is here — is a limited version of what we are trying to achieve.

Mr Agnew: I thank the Member for giving way. I just want to say from the outset that we support the Alliance amendment. We accept that it goes a little further than what we have proposed. Should the Alliance amendment fall, we will support ours, but given that, I think, we are trying to achieve the same thing, I accept that the Alliance amendment offers that bit more.

Mr Lunn: I thank the Member for that support. His amendment refers to the "education together" of Protestants and Catholics in the same school. That is lifted from the 1989 Order as well as the Drumragh judgement. The Drumragh judgement makes it clear that the fact that Protestants and Catholics are being educated in the same school does not make it an integrated school. It needs to go further than that, and it needs to have a board that has the ethos of promoting integration, societal sharing and bringing children together. What on earth is wrong with that? I look forward to hearing from the DUP on this, because yet another petition of concern has been tabled against that amendment.

Amendment No 8 refers to making orders relating to the Bill subject to positive rather than negative resolution. That is an ongoing discussion and we do not really have any problem with that, so I dare say that we will support it.

I will finish on this group. The whole purpose of our being here to pass legislation, debate and try to do what is best for our children in this situation is being trampled on — it will happen again as the day goes on — by petitions of concern on relatively simple matters where people appear to have suddenly changed their tune. They will be glad to know that I am looking at an article in the 'Irish News' today about CCMS's attitude to all this. They have effectively said that they want to see an end to the integrated sector and to its promotion. What are they afraid of? This is to do with parental choice and parental demand.

Mr McCausland: Will the Member give way?

Mr Lunn: In a moment.

We are perfectly happy to support parental choice for parents who want to send their child to any school in our education system. We think that there is room for Catholic-maintained faith schools or Protestant faith schools, of which there are some. We think that there is ample room for the controlled sector, obviously, as it is huge. It deserves the support that the Bill will give it through a controlled sector body, but what a pity it is that there is such suspicion and paranoia coming from this side of the House when we discuss such matters.

I give way to Mr McCausland.

Mr McCausland: Does the Member accept that, when he says that these are relatively simple matters, they are also relatively sensitive

matters? The word "simple" when referring to the complex architecture of education in Northern Ireland is somewhat misleading. Does he also accept that many of us believe that there should not be privilege and advantage for one sector over another, which is the point that this would provide? Other sectors such as the controlled sector should be promoted. There should be equality.

Mr Lunn: I thank Mr McCausland for that. I have had this discussion with certain DUP members, and their solution appears to be that all sectors deserve the same wording and that all sectors should be promoted, encouraged and facilitated. There is a reason — it is pretty obvious to everybody else, frankly — why the Irish-medium sector and the integrated sector have had that special encouragement and protection for 25 years: they were starting from scratch. They needed support, and there has been an upsurge of support in the community for them. However, it needs the Department and this authority to step up to the mark and continue to provide that support.

When I use the word "simple", I use it with regard to including the word "promotion". I remind the House that, on 23 November 2010, the House voted to support the promotion of integrated education. The DUP did not vote against it; it implicitly supported it. What has changed? This seems to be a matter of convenience from one debate to the next. Now, it is a single education system; now, it says, "We will give integrated and Irish-medium education absolutely nothing". I look forward to hearing from DUP representatives on that because I think that it is absolutely disgraceful. I will leave it at that.

Miss M McIlveen (The Chairperson of the Committee for Education): As the House is aware, the Bill was subject to the accelerated passage procedure and thus did not have a Committee Stage. With your indulgence, Mr Principal Deputy Speaker, at the outset I want to make a few remarks on group 1 as Chairperson of the Committee for Education. I would also like to declare an interest as a member of the board of governors of Killinchee Primary School and Castle Gardens Primary School in Newtownards.

Mr Lunn: Will the Member give way? Could I ask her to move the microphone closer? Sorry.

Miss M McIlveen: You do not want to miss a thing.

Mr Lunn: I really want to hear what you are saying.

Miss M McIlveen: I want to begin by talking about amendment Nos 1, 2 and 5, which deal with the promotion of integrated and Irish-medium education. When the Committee considered these matters as part of the previous Education Bill, you may not be surprised to learn, it could not come to an agreement. Some Members strongly felt that a level playing field for the different education sectors was required. Those Members argued against the promotion of one sector over another. Others disagreed, highlighting the need for proportionate additional support for what was termed a "culturally important sector" — Irish-medium education — and for what might be described as a socially important sector — integrated education.

Whatever view may be taken about the above, Members may also wish to consider the existing obligations on the Department to facilitate and encourage Irish-medium and integrated education. Some argue that what is known as the Drumragh judgement has provided some clarity in this regard; others might point to the recently published primary school area plans, which appear to show some caution on the part of the education and library boards, reflecting perhaps something less than clarity in respect of the treatment of these sectors.

In the absence of a Committee Stage, the Committee has not taken a formal view on these matters. I will, however, say more, as we move through, as a DUP MLA.

I also want to touch briefly on amendment No 3, which refers to the promotion of shared education. As you are aware, the Committee for Education is undertaking an inquiry into this and integrated education. The Committee has just commenced evidence taking and has not undertaken significant deliberations as yet. I should point out, however, that, as part of its consideration of the previous Education Bill, the Committee did some work on shared education.

The Committee felt that it certainly supported the principle of sharing resources and improving collaboration between schools where that enhances the effective management and efficient provision of education. I think that it is fair to summarise the Committee's view at that time that shared education was about the betterment of the educational experience for pupils. In that spirit, Members were certainly supportive of its promotion. However, the Committee also felt that, in the absence of a statutory definition and greater policy clarity, it

was inappropriate to propose amendments like amendment No 3 to the previous Education Bill. Indeed, it was the need for policy clarity that prompted the Committee's current inquiry. The proponent of amendment No 3 might well argue that the policy position has developed in the 18 months since the last Bill. It might even be argued that this is an opportune moment to advance a popular grass-roots education policy like shared education. I have to say that the Committee has not taken a formal view on this at this time. Again, I will say a little more on that when I speak as an individual Member.

I turn to amendment No 4, which is about the community use of school premises. Although, again, the Committee has not taken a formal view on the need for a statutory duty in this regard, Members were certainly supportive of enhanced community participation with schools. Indeed, the Committee, only a few months ago, scrutinised and generally endorsed the Department's guidance on enhancing community access to school buildings.

11.45 am

I will now speak as a DUP MLA. As you are aware, we have tabled a number of petitions of concern, and we argue that they are essential to protect the integrity of the Bill. Education Bills have a history of being picked over by sectoral interests, and this Bill is about the replacement of five education and library boards with a single authority. This is not ESA by the back door; this Bill is finely balanced. We feel that the amendments that we have petitioned against are either unnecessary, as provisions already exist in law, or overstep and unbalance the Bill. This is about the settlement that was established under the 1986 Order, and it is not against integrated education or any other sector, as Mr Lunn said. As Mr Lunn also said, the DUP wants to see all children educated together. We see shared education as one step towards that, but we do not believe in artificially forcing that process either.

Mr Lunn: Will the Member give way?

Miss M McIlveen: The DUP objects to amendment Nos 1, 2 and 5. Quite simply, the legislation already exists with regard to integrated education in article 64 of the Education Reform (Northern Ireland) Order 1989 —

Mr Lunn: Will the Member give way?

Miss M McIlveen: If you just let me finish this point.

— and article 89 of the Education (Northern Ireland) Order 1998. Those provisions are not being removed by this Bill. The amendments are therefore unnecessary. There is little point to rehashing the provisions of other legislation. The Department already funds NICIE and CnaG to promote the interests of the integrated education and Irish-medium sectors respectively. I am sure that a further body being required to promote those interests is not needed and would, in fact, be confusing and unhelpful in an already overcrowded system.

Mr Lunn: I thank the Chair for giving way. She used the word "forcing": where is the force? Perhaps she could explain to me what leads her to think that there is any compulsion or force involved. This is merely a mild strengthening of a duty that is already there and has been there all those years. You talk about another body being introduced; no other body is being introduced. In fact, we are going from five bodies to one. We just want to put into the Bill what is effectively already there, with just a tiny tweak, and it is spooking the DUP.

Miss M McIlveen: I thank the Member for his intervention. Perhaps he would prefer that I use the phrase "artificially incentivising" rather than "forcing" in respect of that. We believe that it is unnecessary.

We are concerned to a degree about amendment No 8, which talks about using the affirmative resolution procedure. We think that that may cause unnecessary delay, given that we are looking for essential provisions to be made. The amendment would mean that any supplementary, incidental, consequential or transitional provision that was needed or was appropriate to make the legislation effective would need to be laid before the Assembly after passing through the Education Committee. That could add a number of weeks to the process, so we have a concern about that. In saying that, we are willing to work with anyone to refine that, and, certainly, if the Ulster Unionist Party is perhaps inclined to look at how it wishes to proceed with that, we will discuss it.

The DUP is more than content to support amendment Nos 3 and 4, tabled by Mr McCallister. It is stated DUP policy that we support shared education. Our party leader has led the way on shared education. As I outlined earlier, the Education Committee has not yet reached a formal view and will be looking at this further. If the Member is still inclined to proceed with his amendment, some refinement of it may be needed at Further Consideration Stage. We will reserve our position in regard to that. Since my party leader has brought the

issue to the fore, there has been a great deal of debate about the interpretation of the phrase, usually to suit specific sectoral interests. A common definition definitely needs to be finalised. While we know what we would like that to be, I would like to see it put on a statutory footing.

As a party, we are happy to support the community use of school premises, as proposed by Mr McCallister. Indeed, I recall that, a number of years ago, Mr McNarry proposed to bring forward a private Member's Bill in respect of that issue. At that time, we were happy to support him as well. The 1989 Order created an aspiration for schools to be used in that way. There is little doubt that a large number of schools have opened up their premises for such use. I certainly see that across my constituency. Schools have valuable assets that are grant-funded from the public purse. At the same time, we have councils that are being pressurised into providing buildings and facilities. That really amounts to a duplication of provision. This also assists schools by providing additional income. How it is managed will require some focus. I am pleased to note that Mr McCallister has proposed an amendment creating a standing committee for the new authority to look at that. Although that amendment will be debated later, we are content to support it.

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Like the Member who spoke previously and Mr Lunn before her, I welcome the opportunity to speak today on this. I take on board Trevor Lunn's comments about the potential that today had to be a good day for education, but it may be a missed opportunity. I do not want to say that I agree with him entirely, but I think that commentators and education sectors out there will look on the actions of the DUP here today as being yet another missed opportunity to put out the hand of friendship to different sectors and show goodwill and reciprocation —

Mr McCausland: Will the Member give way?

Mr Hazzard: Go ahead.

Mr McCausland: Does the Member agree that it is somewhat presumptuous of him to express a view and then attribute it to education sectors? There might be different views in different sectors. It is just a possibility that the Member might want to consider.

Mr Hazzard: I thank the Member for the intervention, rather pointless as it was. I said "I

think"; I was expressing my opinion. I think that people will look critically at the behaviour of the DUP today and its use of petitions of concern. I was surprised that the Chair was able to say with a straight face that they were protecting the integrity of the Bill.

As Mr Lunn pointed out, we are seeing a somewhat irrational — I think that the word was "pathetic" — objection to Irish-medium education and integrated education. The DUP says that legislation already provides for the protection and promotion of integrated and Irish-medium education, but it also does for controlled. Education and library boards and the authority have a duty to provide quality education in controlled schools. As we are going to outline today, Sinn Féin, through the Minister originally and then the ESA Bill, which had funding for a controlled body that continues to do various pieces of work, is willing to show goodwill and say, "This is something we're ready to back", but, once again, the DUP seems totally unable to do that. Where is the reciprocated goodwill?

Sinn Féin is happy to support amendment Nos 1, 5 and 2, and we will oppose amendment Nos 3, 4 and 8. I will outline the reasons. Amendment No 3 places a duty on the authority to:

"encourage, facilitate and promote shared education."

As the Minister may outline later today, we do not have a legally defined and agreed definition of "shared education", so it will be somewhat difficult. I am sure that the Member will touch on that later. It is something that we will be able to return to in time. A further amendment concerns the community use of schools. This is an example of where good intentions — we touched on this yesterday — do not necessarily make good policy. The authority will have no function in relation to many of the maintained, integrated or Irish-medium schools, so I am not sure about the extent to which it would be able to do that.

Finally, on the idea of negative resolution, I agree with the Chair: it is customary practice for the Bill to do that. It is not giving carte blanche to tinker at will with the legislation; it is just technical. I am sure that the Minister will outline later that, if subordinate legislation was to come forward, it has to come to the Committee. Any Committee member or any Member can bring a prayer of annulment against anything that comes. That is my take on it, anyway.

We will support amendment Nos 1, 5 and 2, and we will oppose amendment Nos 3, 4 and 8.

Mr Rogers: I reiterate that the wasting of £17 million of public money on the Education and Skills Authority Bill was completely unacceptable. What do we want out of education? We want a good education system for all our children. The Minister has talked frequently about a strategic direction for this Bill, and that is what we need. We need our young people to have the right skills so that we can set our economy in fast-forward mode.

There are many things that we need to fix, and we all acknowledge the problems we have, whether they are in early years, in our curriculum, in numeracy and literacy — should I call them mathematics and English? — etc. We need to ensure that the new builds that have been announced are fast-tracked and that shovels are put in the ground to ensure that our construction industry gets those opportunities.

Our teachers have suffered from an initiative overload over the years. We had the NINA and the NILA and whatever else, and just when teachers were getting into them, things were changed with computer-based assessment, which was a bit of a disaster. The whole idea of being strategic is extremely important to where we will go with our education.

There are three issues. First, our young people need to get the opportunities to realise their potential. Secondly, our parents need support: they need to be encouraged and facilitated to ensure that their children achieve. Remember that 80% of education takes place outside the school. Thirdly, our teachers need to have time to do what they joined the profession to do: teach.

I will move on to the first group of amendments. We are happy to support the amendments regarding the functions and duties of the authority and technical matters. We are committed to an education system that provides the best possible education for every student in Northern Ireland. We firmly believe in parental choice. We also recognise that the various sectors that are available to parents and pupils here are indicative of our unique educational landscape. The Bill, in its original form, neglects to give adequate attention to the integrated and Irish-medium sectors and to voluntary grammars, which constitute a significant proportion of our system. Many people in those systems have highlighted the detrimental impact of the lack of legislative obligation. Making it a duty of the new authority

to facilitate and promote them will help to make it a truly representative body.

We intend to support Mr Lunn's two amendments. We also intend to support Mr McCallister's amendments regarding shared education and the community use of schools. Like others, I urge caution on shared education, because we need to get it right. What do we mean by "shared education"? Do we mean two schools meeting once a year for a football match? Do we mean something on the level of the fantastic programme that we heard is happening in Cross and Passion College and Ballycastle High School at the Education Committee last week? Do we mean what is happening in integrated schools? I agree with other Members that there is quite a bit of work to be done.

We will support John McCallister's amendment on the community use of schools, but I urge caution. Do not put any more responsibility or pressure on our school leaders: they need support.

We will support Steven Agnew's amendment, but, like Mr Lunn, I have reservations about talking just about Catholic and Protestant because there are many people who are neither who wish to be involved in our education system.

We will also support the Ulster Unionist amendments.

Mr Kinahan: I am very grateful to be speaking. I apologise if you see me going in and out of the Chamber constantly throughout the day. If I can make a plug — it is an education plug — the Bloodhound, which is the vehicle that will try to break the world record for going at 1,000 mph next year or the year after in South Africa, is here for children to learn all about its technological aspects, which might inspire primary-school children to take up engineering and other sciences later. That is what it is there for, so I ask everyone to have a look at it so that we can push it and get more children into that world, because that is where the jobs are and where the future lies.

12.00 noon

I am very pleased that we have got here again and will, hopefully, get to an education authority that works for all of us. It is good to see it here. We wanted to see a leaner, more efficient body, and let us all try to get there.

I am going to have a slight grumble still that, if we were not doing accelerated passage, we would not have quite so many amendments and would probably not be having the petitions of concern. We would be sitting down and doing what we should be doing in this Building: talking to each other and finding the right way forward. However, we have got what we have got, and enough of a grump from me on that, but we do need to find a way to work out how we are going to get this body to work.

I hate seeing a petition of concern being used at any time. It is the wrong way to do any form of government. It is a sort of bullying to get your own way. I thought that those days were finished at school. I thought we even had legislation against bullying. Anyway, you know that this party wants a single shared education system. By that we are looking at a big shared education system with everything working in together. So it is great to know that the DUP is thinking along similar lines. I think we are, on the whole, all in here wanting to get in the same direction, but somehow, when it gets to wording, we all fall out.

What I really want to see from this Bill is a board that represents every single sector of school in proportion to the numbers of pupils they have, and that can change in the future as the changes carry on because the world will change. We know that it is an interim Bill, but not if it is an interim Bill for two or three years or one that could still be on the statute book in 10 or 20 years.

We have got to get something here that works, and yet I would like a little bit of direction from the Minister. We are told that we have a body here that is not meant to be making strategic decisions, yet, at the same time, it is going to be involved in policy, so actually it is. That goes back to my previous point that we have got to have a system that works well into the future and changes as our schools change.

I would love to be supporting amendment No 1, which is to encourage and facilitate integrated education. In one way, it already has all the support it needs, which is through the Belfast Agreement and the Acts that are in place. This amendment does not give it any more. Yes, it mentions it in the Bill and puts it there. We all need to be talking this through over the next two or three weeks before we get to the next stage. I want shared education, and shared is the bigger bubble which integrated is in, so I will be supporting John McCallister's amendment more. We have not got a definition for that, but I will touch on that in a minute.

Mr Lyttle: Will the Member give way?

Mr Kinahan: I am happy to give way, yes.

Mr Lyttle: Will the Member help us to understand a bit more what exactly he means by a single but shared education system and why he is not, therefore, able to support integrated education?

Mr Kinahan: Thank you. We had a debate on that a few months ago where we all managed to find different ways of trying to understand what shared education is. As I see it, it is a mechanism whereby we are all going towards the same aim, which is everyone learning together but accepting each other's religions and differences and working together.

At the moment, we have integrated, which is fantastic and does very well but has no religion involved in it. We have to recognise and accept people's religion. Before you say it, I recognise that within your family and church is your way of doing it, but there are so many other things. We have integrated schools with a big "I", which are integrated and fine, but we have a mass of controlled schools that are as good as integrated and mixed schools.

What I am trying to get to by pushing for a single shared system is everyone sharing as much as they can but recognising their religious differences and working together. It is so nearly the same, but shared is a bigger encompassment of it all. Until we get a proper definition, that is the only reason why I am not supporting the amendment.

Mr Lunn: Will the Member give way?

Mr Kinahan: I will happily give way.

Mr Lunn: The Member is on record from only a few weeks ago as supporting integrated education — and I forget the exact term he used — with every bone in his body, every fibre of his being or everything he has ever believed in, but it seems that, when it comes to actually voting for it, he has a problem. It is OK to speak to it but not to vote for it.

Just to touch on the point, Mr Kinahan, about there being no religion in it. Integrated schools have religious instruction. They prepare Catholic children for the sacraments, to the entire satisfaction of the Catholic bishops. Do not tell me that Protestant children are in some way left out because of that. They cater for all.

Mr Kinahan: It is more the choice between integrated with a capital "I" and integrated with a small "i". I am not saying, "This week, in the Chamber, and on this particular amendment." I want us to agree that we will get it agreed by all of us over the next few weeks so that we get something that works. Putting it in as it is today is the wrong way, until we know exactly what we are doing with shared education and a whole lot of the other amendments. It is about the order that things come in. Let us use the time that we have to get something out of it. I fully support integrated education, but it is with a small "i" and it is about trying to get everyone into a shared system, of which integrated is very much a part.

Mr Hazzard: Will the Member give way?

Mr Kinahan: Yes, if I can remember where I am each time.

Mr Hazzard: I thank the Member for giving way. I welcome that he supports integration with a small "i", but surely that calls the Member's party's support for academic selection into question. You say that you want kids from all backgrounds to be together in the classroom. Academic selection keeps them apart. If you accept integration on a religious basis, surely it is also important to support it on a socio-economic basis, whether with a small "i" or big "I".

Mr Kinahan: I challenge you on the fact that it keeps them apart. It does keep different streams apart, and we have to find a way of sharing that too, which also fits into my vision of a shared future.

I am all for academic selection and getting our voluntary schools in, but we must find a way of spreading it to everyone. It is the same argument that we have all the time. Rather than destroy the best schools and reduce them all to the lowest common denominator, let us lift every school to get every advantage that we can from sharing. That is where I am coming from. We are not that far apart. It is just when it comes to the words and the names that it falls apart.

We will oppose amendment No 1 and, for the same reasons, amendment No 2, until we get an idea of where we are going with sharing. It is the same idea. Let us sit down over the next few months and try to work it out. Do not split hairs on it, which is what you are trying to do at the moment. Let us find a way that we can work through it so that the Irish language is included just as much.

As you have just heard, I am really pleased to see amendment No 3, on shared education, being brought forward. However, we need a definition. My feeling is that we want to support it and put it through but that we should maybe not move it, which I think is what the Department is asking for, and get a definition in place so that all the Bill can be thought through so that it fits together and is not just parties having a shot at one another.

As I have said all the way through, the vision is to try to get all types of schools sharing, academically and religiously. We do have a problem in that we spend a lot of time in the Chamber talking about the sectors and forget that a whole mass of other people in Northern Ireland are part of the education system too. We need to work for everybody. I want to see an education system that gives everybody a chance to learn, so that they can go and work anywhere in the world and that Northern Ireland can become a leader in the world. People would be brought up here to recognise everybody with mutual respect and a shared future, all pulling together. Northern Ireland would then find its place in the world.

I fully accept that what is in amendment No 4 is happening at the moment and do not mind it going in. We will support it. However, I do have one concern, as I have said before. We have a mass of council buildings. The more we push to use schools, we must find some way of working with councils to make sure that, when schools start pulling everyone in, as they should, we do not end up with a mass of other buildings that are not being used and other communities losing support because of, for example, distance or transport. We have to think our way through that one. However, we are supporting amendment No 4.

Amendment No 5, from the Green Party, is just too narrow for me. Again, I want us all to sit down and find the right way forward with this. At the moment, we are all jousting over our individual ways forward for schools. The amendment has a lot of the right values, but I do not want just Catholic and Protestant; I want everybody involved: Muslim, Jew or whatever.

Mr Lunn: I thank the Member for giving way. Will he not accept that the terms of amendment No 5 are only exactly what it already says in legislation? There is no difference. I have not heard the Member, in fairness to him, speak against it. He just does not seem able to support it. It does not make any difference.

Mr Kinahan: I sometimes wonder whether the Member ever listens to anything that I say. I

just said very clearly that it only mentions Catholic and Protestant and that I want it to be broader than that. That is the only reason that I am not supporting it. It says a lot of the right things, but, again, we need to think through the wording. The point of what we are doing at the moment is to get everyone thinking and to come together and get it right for next time.

I take on board what the Chair of the Committee said about amendment No 8. We wanted to make sure that there was a system whereby nothing was brought through slyly by any Minister from any side in the future. We wanted something that would work and would make sure that we, as a democratic institution, have a chance to have our say. I am quite happy not to move the amendment today so that we can look again at how we bring it in so that there is a system of checks and balances and also speed in the system so that we can tackle things. It will be a fine balance. I go back to the point that I made at the beginning. Because of accelerated passage, everything is piling onto one Bill today, with not much chance for any of us to talk to one another and find collective ways forward.

Mr Newton: The Chair, speaking in her capacity as Chair and also as a member of the DUP, indicated what we will and will not support. When we were speaking about accelerated passage last week, I said that I felt that it was a good day for education. I still believe that this is a good day for education. Indeed, whilst there are differing views in the Chamber, I am still confident that we can find our way through those differing views and produce an education authority that will serve the pupils of Northern Ireland well in the future.

It is good to see the Chamber filled today with young people who are still in education and who are the future of Northern Ireland. It is good to see them here and interested in the debate, because it is they who will carry forward our future and who will set the barometers and the standards for society in the future. I have every confidence in the young people of Northern Ireland that they will do that responsibly.

There are those who are, to some degree, harking back to the ESA Bill, as perhaps outlined in their thinking in the amendments. I want to say a few words on each of them, because the Chair has covered them in detail from a DUP perspective.

The ethos, certainly from this side of the House, was that we were trying to get an education authority that would be good for education,

would be flexible and innovative in how it would deliver and, indeed, proactive and reactive to the changing circumstances of education provision in the Province. The ESA Bill, in its attempt to do so, did nothing but divide the House to the extent that there could not possibly have been any progress. It was my feeling, and that of my colleagues, that we had reached a stage with the education authority Bill that we were going to move forward beyond the ESA and beyond the arguments. Of course there is a time for arguments, but there is a time for debate, a time to put forward your views and a time to resolve those views for the betterment of our education system.

There certainly was a feeling with ESA that there was no agreement and no recognition that all sectors — there obviously are sectors within our education system — were not on a level playing field. There is the potential to move beyond that discussion and to get us all working on that level playing field. There are arguments around it, and you can understand that. My position is that there is a need for the controlled sector to play on a level playing field, and you can understand the role that others play.

12.15 pm

I recognise the passion that Trevor Lunn has for the integrated sector. I want to say this, and this point was raised, I think, by Mr Kinahan as well: I chose integrated education for my children. I did not choose a school that had "integrated education" in its title; it was not identified as such. My wife and I chose to send our children to Methodist College, a school that, from its foundation, has opened its doors to children and pupils from all backgrounds, both religious backgrounds and racial backgrounds. It is a fine example of how integrated education works without having the word "integrated" in the title of a school. It does not stand outside the controlled sector — it stands within it — but it opens its doors to children from all backgrounds. Indeed, there are a growing number of schools in the controlled sector that do exactly the same.

There is an amendment around shared education. The party leader has spoken on that, and the Chair has indicated how we want to take it forward. However, there is no Committee view on what shared education is or what it means. Indeed, the Committee's inquiry into shared education has just started.

Mr Kinahan also referred to what I suppose is a paragon within the circumstances of education. The principals of two schools in Ballycastle

gave evidence to the Education Committee on shared education. You could not have faulted those principals on their approach, enthusiasm, leadership and responsibilities. Indeed, one of the principals indicated that he felt that he had taken a major step forward when Ballycastle High School and Cross and Passion College had embarked on that road. One of the milestones that he measured progress by was when he saw a hockey stick sitting side by side with a hurling stick in one of his classrooms.

Mr Lunn: I thank the Member for giving way, and I am sorry to have to take him back a wee bit. He specified Methodist College as a perfect example of natural integration. I completely agree with him, and there are plenty of other examples, such as Dominican College, my old school — BRA — and St Columbanus' College. We all know them. I think that Mr McCausland also went to BRA; where did I go wrong? The point is this: why, if you are going to cite good examples of where Catholic, Protestant and other children are educated together, would you oppose an extension of that principle? That is it in simple terms. Why support one but not the other?

Mr Newton: I am not supporting one and objecting to the other as it stands. What I am saying is that, on the point of integrated education — I understand that Mr Lunn is the product of integrated education but not of the integrated sector. You can see what a fine job the truly integrated sector has done with Mr Lunn. It is evidenced there.

Mr McCausland: Will the Member give way?

Mr Newton: I am happy to give way.

Mr McCausland: Would the Member note that the same school produced Basil McCrea?

Mr Newton: Well —

Mr Lunn: Will the Member give way?

Mr Newton: I am happy to give way.

Mr Lunn: I just want to make the point that BRA was not really integrated in my day, to be honest. I was in BRA when the first Roman Catholic arrived at the school. He joined our form at junior certificate level, and it was a minor sensation because, until then, we only had, effectively, Protestants and a fairly substantial Jewish population. It has moved on, and it is good to see.

Mr Newton: I turn to amendment No 4, which is on community use. There is no doubt that there is a greater movement towards schools and community and schools and councils working together on this issue, and it is an important issue. It is an important issue, even in terms of the encouragement of the well-being of the population in the area and, indeed, the health of the local population. Indeed, it is something to be encouraged.

Specifically on amendment No 5, there are differing views on this, obviously. As we have already said, there is not a constant view of integrated education. However, it seems a little hypocritical for Mr Hazzard to indicate in favour of amendment No 5 but then indicate that he will vote against the shared education amendment. That seems —

Mr Hazzard: Thanks to the Member for giving way. On a point of clarification, I am totally in support of shared education. The fact is that we do not have an agreed and confirmed definition of what shared education is. That will be forthcoming in the months and years ahead. I just think that the amendment is not timely.

Mr Newton: I thank the Member for that clarification.

The headline in today's 'Irish News' shows the differing views:

"CCMS tells ministers to stop promoting integrated education".

There is a barrier and a hurdle to be gotten over, and, if we were to go ahead and adopt amendment No 5, it would, in fact, place the Bill in much more difficult circumstances than we all envisaged the Bill to be in when we debated it last week.

Mr Principal Deputy Speaker: I call Mr Pat Sheehan. If you need a few minutes beyond 12.30 pm to finish your remarks, I am happy with that.

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I speak in support of amendment Nos 1, 2 and 5, and I oppose amendment Nos 3, 4 and 8.

I will start with amendment No 8. We will oppose that amendment for the reasons that have already been articulated by my colleague Chris Hazzard. There is no need for me to go into them again.

On the amendment relating to shared education, there was some toing and froing across the Chamber a moment ago. It is clear that there are some excellent models of shared education. Indeed, last week, we had the principals of Ballycastle High School and Cross and Passion College at the Committee. A few Members have already mentioned that. It is an absolutely excellent model of sharing resources. Everyone at the Committee that day was very impressed by the model of sharing that is working and working very well in Ballycastle. However, both principals agreed, as did a couple of academics who were in the Committee afterwards, that, while that model works in Ballycastle, it may not work in other areas in the North, particularly in areas that were affected to a greater extent by the conflict. I am talking about interface areas such as in north Belfast, where the model that exists in Ballycastle might not necessarily work as well.

While we have examples and models of sharing, we do not have a clear legal definition. Miss McIlveen said that she supported shared education, but a common definition needs to be finalised. She would also like support for shared education to be put on a statutory footing. I cannot understand how you can put something on a statutory footing when you do not have a legal definition of it. There is a clear legal definition of integrated education but not of shared education. As my colleague Chris Hazzard said, hopefully we can come to an agreed definition of what we want shared education to be at some stage in the future.

Amendment No 4 relates to the issue of encouraging, facilitating and promoting the community use of school premises. Again, we are asking the new authority to do something that is not within its remit; it is not within its gift. According to the evidence that we have, almost 80% of schools already allow their premises to be used by communities. The fact is that many of the schools would not be under the control of the new authority. Maintained, integrated and Irish-medium schools would be outside the remit of the new authority. They could not in any way force the managing authorities of those schools to allow them —

Mr McCallister: Will the Member give way?

Mr Sheehan: Sure.

Mr McCallister: Does the Member accept that all those schools receive public money?

Mr Sheehan: Of course I do. Is there another point you want to make on that?

Mr McCallister: I am happy to elaborate. If schools are getting public money, we should, of course, call the tune on how much activity goes on in them. We need to sweat all the assets that we have. Schools should be at the hub of communities, and I want that to be promoted and invested in. We cannot afford to have schools that receive public money not being used for the good of the community.

Mr Sheehan: I have no disagreement with anything that the Member has said, but, if the authority does not have legal ownership of the schools, it cannot force the managing authorities to make them available for community use. While I agree with the sentiment that is being expressed in that amendment, I do not think that it would in any way obligate managing authorities to accept the dictate of the new authority. Simply on that basis, I oppose that amendment. I do not have any —

Mr Craig: I thank the Member for giving way. In my bitter experience of the authorities that oversee schools, it is not the real authorities — the boards of governors — that are the sticking block. I find that, when it comes to the main authorities, which, in today's sense, are the five boards, there is always an issue, so I fully agree with John on this point. There must be something in there that incentivises the new authority to encourage the sharing of these facilities, because, at present, it is often the authorities — the boards — that are the blocking points to their being used as community facilities. Only a few weeks ago, I had a major argument with the local board about the use of a football club and pitches in one of our schools. It is absolutely imperative that we have John's amendment to encourage that local use.

Mr Sheehan: Again, I do not disagree with anything the Member said, except the last bit. I do not think that the amendment would encourage the boards to follow the course of action that you refer to. I wholeheartedly agree that schools should be the hub of any community and their facilities should be available to the community, whether they are educational, sporting or whatever. The amendment on its own will not bring that about. For that reason and that reason only I oppose the amendment.

12.30 pm

I will move on to amendment Nos 1 and 2, on the issues of integrated and Irish-medium education, and amendment No 5, which is a

similar amendment on integrated education. When it comes to the DUP, I am not sure whether it supports integration or is opposed to it — the leader was out not that long ago saying that the DUP supported integration in the whole education system — so I am a bit concerned about that. They regularly talk about this level playing field; the fact is that in terms of Irish-medium education and integrated education, there is no level playing field. That is why there is a legal obligation on the Minister to encourage and facilitate both those sectors. They are not even at the starting line yet, and they need to be brought up to the starting line. That is why that obligation is there. That is why the Minister is under that obligation to encourage and facilitate. It strikes me that, given what DUP Members have said about integrated education, they support it, but why are they opposing it today? It seems to me that we get back to the same old story: they are totally opposed to anything to do with Irish-medium education.

Mr McCausland: Will the Member give way?

Mr Newton: Will the Member give way?

Mr Sheehan: Let me finish the point, and I will give way to the two of you. The point is this: in order to pretend that they do not have some sort of bigotry against Irish-medium education, they decide to oppose Irish-medium education and integrated.

Mr McCausland: Thank you for the opportunity to intervene. The key point for me is not that the new authority should not encourage or facilitate anything but that it should be done on a basis of equality. There should not be preferential treatment and a preferential responsibility put on the new authority to promote one over another, because, if there is a reference in the legislation that says that it is a duty to promote and encourage a particular section and that responsibility is not applied to others, there is a preferential position and a discriminatory position being delivered. I hope that the other Member will help with that answer.

Mr Sheehan: If Mr Newton wants to make a contribution —

Mr Newton: My comment was along the same lines, but I am grateful to the Member for giving way to my colleague.

Mr Sheehan: If we are talking about equality, I hope that the Member will also apply that criterion to membership of the board. In

respect of equality and preferential treatment, as the Member called it, we make disabled accesses for people who are disabled because they need to be treated in an equal way. Sporting organisations organise competitions in particular age groups for children so that there will be equal access or equal treatment for all children in that age group. It is not a matter of preferential treatment; it is a matter of equality. On that point, I will finish.

Mr Principal Deputy Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. When the House returns, the first item of business will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.34 pm.

On resuming —

2.00 pm

Oral Answers to Questions

Regional Development

Mr Principal Deputy Speaker: We will start with listed questions.

Park-and-ride Facilities: Lisburn

1. **Mrs Hale** asked the Minister for Regional Development to outline his plans for extending park-and-ride facilities at Sprucefield and the general Lisburn area. (AQO 6880/11-15)

Mr Kennedy (The Minister for Regional Development): I am very pleased to say that the park-and-ride site at Sprucefield has been an outstanding success, with a dedicated 20-minute service running to Belfast's Great Victoria Street bus station during peak hours at a cost of £6·10 for a return journey or £22·50 for a week.

More and more commuters are seeing the benefits of switching to public transport, which is afforded priority over other traffic on the inbound bus lanes on the M1. The existing site holds up to 320 vehicles and is currently operating close to capacity. As such, my Department intends, subject to the proposal clearing the necessary statutory procedures, to provide a new 650-space park-and-ride site with full facilities at Sprucefield to expand the existing provision in that area. In addition, Translink currently has proposals at the early feasibility stages of development to provide a park-and-ride facility on the former college of further education site at Knockmore Road, Lisburn. Delivery of that project will be subject to the necessary statutory approvals and availability of funding.

Mrs Hale: I thank the Minister for his answer. Will he assure the House that park-and-ride will not hinder further economic development at Sprucefield, Lisburn?

Mr Kennedy: I am grateful to the Member for her supplementary question. My view is that park-and-ride will complement retail and, indeed, better and easier connectivity. It has been an undoubted success at Sprucefield, and I look forward, hopefully, to bringing forward the new scheme that will increase, enhance and improve it.

Mr McAleer: Is the Minister minded to look at the possibility of extending the bus lane on the M1 hard shoulder to reduce journey times and incentivise motorists to take public transport into the city?

Mr Kennedy: I am grateful to the Member for asking that question. It is something that we are considering. Obviously, whilst there may well be benefits in terms of congestion, we would also have to ensure that there was immediate and available access for emergency vehicles etc. However, we are looking at that, and I hope to say something about it in the not-too-distant future.

Mrs Dobson: The Minister will be well aware of my lobbying on behalf of park-and-ride facilities, particularly in my constituency of Upper Bann. Will he outline what plans Translink has to progress additional sites in this and the next financial years?

Mr Kennedy: I am grateful to the Member for her question. Translink has proposals to take forward seven park-and-ride rail and bus schemes in 2014-15 and 2015-16. For rail, they include Ballymoney, Whiteabbey, Cullybackey and Moira, and for bus, they include the Ballymartin area of Belfast and, of particular attention to her — and I hope she will be pleased — we intend to develop sites at Portadown and Lurgan in the Upper Bann constituency. I have no doubt that she will be pleased with that news.

Roads Maintenance: Spend

2. **Mr McNarry** asked the Minister for Regional Development how much has been spent on roads maintenance in each of the past three years per mile of road. (AQO 6881/11-15)

Mr Kennedy: Maintaining the road network continues to be one of my Department's highest priorities. In Northern Ireland, there are 16,200 miles of publicly maintained roads, including 5,800 bridges and 295,000 illuminated assets, which include street lights. Maintenance funding comes from my Department's capital and resource budgets. Capital structural maintenance is carried out to improve the long-term condition of the network and includes activities such as resurfacing and surface dressing, whereas the resource budget is used to fund the day-to-day maintenance operations such as patching, which is part of structural maintenance, grass cutting and winter service.

It has been independently established that some £133 million at 2012 prices is required

annually to maintain the network. The current structural maintenance budget is some £65 million, leaving a shortfall of £68 million.

During the past three financial years the respective amounts spent on structural maintenance were £7,633 per mile in 2011-12, £6,929 per mile in 2012-13, and £8,291 per mile in 2013-14.

Mr McNarry: I thank the Minister for his very interesting answer. I picked up on him using the word "shortfall". Minister, your Department says that, of the average £160 road tax income received per vehicle, it spent only £118 in 2010 and upped that last year to £138. That is a shortfall of £44 million and £23 million respectively, raised by our motorists but not spent here. In light of that, will you give an undertaking to the House to obtain the transfer of excise duty and annually publish the amount raised and the amount spent on road maintenance?

Mr Kennedy: I am grateful to the Member for his supplementary question. He poses me quite an interesting challenge, which I have no difficulty in attempting, but I assume that it will mean that I will be actively engaged with DFP and Executive colleagues as we seek to make that change and see whether benefit could therefore be accrued. I have consistently argued the case for adequate finance for roads maintenance and structural issues around the Executive table. The Member, as a member of the Committee for Regional Development, will accept that. Indeed, the Committee has been pleased and has given me support for that in the past, and I hope that that will continue.

Mr Givan: The Minister will be aware — as, I am sure, all Members are — of examples where resurfacing schemes have taken place only for public and private utility companies to come in very soon after that and dig up the roads, then leave them in a condition that taxpayers often find unacceptable. What more can be done by the Department to prevent those circumstances from taking place and, when they do, what responsibility can be put on those utility companies that carry out that work to make sure that it is restored to the manner in which it was before they started the work?

Mr Kennedy: I am grateful to the Member for his question. I realise that there are occasions when that appears to happen and, indeed, does happen. We try to minimise those as much as possible by being aware of schemes being undertaken by the different utility companies. Of course, we have a hold-back period of up to

a year if we are not entirely satisfied that it is absolutely necessary to be done at that time. Of course, if there are cases where the repair work carried out by any of the utility companies, or, indeed, anyone else, is found to be unsatisfactory or substandard, we are very active in ensuring that that work is done to an acceptable level, even if it means insisting that contractors return. It is something that I am personally interested in, and I give the Member an assurance that we limit the number of cases. I think that it has improved over recent years, and it is something that we always bear in mind.

Mr Dallat: I am being very careful not to shoot the messenger, because he inherits an awful legacy of neglect in terms of road safety, but can the Minister go on accepting the crumbs from the rich man's table and depending on monitoring rounds to shore up a maintenance programme that is deteriorating by the day?

Mr Kennedy: I am grateful to the Member for the point that he makes. I would rather have a budget that is differently structured. I think that it would make more sense for that budget to be established and known at the start of a financial year. It would certainly make for better planning. It would also give us a better chance to get more benefit for the money that we spend in terms of the timing of work being carried out. I have been making that argument around the Executive table and to the Finance Minister, and I will continue to do so.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire. Could the Minister give us an estimate of how much moneys might come to road maintenance from the October monitoring round?

Mr Kennedy: The Member should know that we are bidding for significant moneys in October monitoring. On capital resource, we have bid for something like £45 million. Obviously, we could spend that money without fear or favour. Early indications are that we are not going to receive that amount. In fact, it may be that only one third of that amount is available for structural maintenance. I have to say that I am concerned about that, because I feel that the network needs to be constantly maintained. As we approach the deeper winter period in particular, I think that it is important that we get the opportunity to spend as much as possible on structural maintenance and reduce the likelihood of accidents or incidents and, indeed, the potential for claims against the Department.

Belfast Rapid Transit System

3. **Mr Humphrey** asked the Minister for Regional Development for an update on the Belfast rapid transit system. (AQO 6882/11-15)

7. **Mr McKay** asked the Minister for Regional Development for an update on the Belfast rapid transit system. (AQO 6886/11-15)

Mr Kennedy: With the Principal Deputy Speaker's permission, I would like to reply to questions 3 and 7 together, as they are on the same subject.

The implementation phase of the Belfast rapid transit project began in May of this year. Work is progressing well on the construction of a new 520-space park-and-ride facility at Dundonald. It is anticipated that this will be operational in December and be served by existing Translink services prior to Belfast rapid transit becoming operational in 2017. Work is also progressing on the sections of the Belfast rapid transit route on the Upper Newtownards Road between Sandown Road and Knock Road, and on the Falls Road between Grosvenor Road and Whiterock Road. The works have been well publicised in advance, and details of the impacts on local traffic are available on my Department's TrafficwatchNI website.

In May of this year, I committed funding to enable the procurement of the rapid transit vehicles to commence. It will take approximately three years from procurement to delivery of the proposed fleet of 38 vehicles. The new Belfast rapid transit system is scheduled to become operational in 2017, subject to the completion of the necessary statutory processes and the availability of finance.

Mr Humphrey: I thank the Minister for his answer. I am pleased about and welcome the development in east and west Belfast. Can the Minister inform the House whether he has any plans for or ideas as to when the great constituency of North Belfast will be included in the rapid transit system?

Mr Kennedy: I am grateful to the Member for his supplementary. While I am not a prophet nor the son of a prophet, I think we were able to identify the question that he might ask. The pilot network that my Department is developing will connect east Belfast, west Belfast and the Titanic Quarter, and will go through the city centre. However, my Department intends to extend the network to the north and south of the city. Of course, this is subject to the success of the pilot routes and the availability of funding. My Department is engaging with those

responsible for proposed developments on potential routes outside the current pilot network, including DSD and the University of Ulster, to ensure as far as possible that the future provision of Belfast rapid transit (BRT) to key areas is not prejudiced. So, I think that there is some good news.

2.15 pm

Mr McKay: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I start by congratulating the Minister on the successful cycling conference that the Department held last week. Cyclists often come across problems with bus lanes. Can the Minister outline what vehicles will or will not be allowed in BRT lanes and how discussions about that are progressing, as this will obviously have an impact on travel times and sustainable transport?

Mr Kennedy: I am grateful to the Member for his supplementary question and, indeed, almost blushed at his high praise for the cycling conference last week. *[Laughter.]* I pay particular tribute to the organisers of that in my Department's cycling unit. They excelled themselves. The speakers that we engaged were high quality; there was huge interest; and I thank the Member and other Members, including the Chair of the Regional Development Committee, who attended or dropped in to hear some of the benefits of cycling. The conference will be put on the website at some stage, so that others who were not there will be able to share in its success.

The Member will know that we are going forward with the model of bus — some people call it the bendy bus — that has the capacity to hold more passengers. Cyclists, of course, will be allowed into bus lanes, as they are at present. We see very much the opportunity for the rapid transit system to provide huge benefits for the city of Belfast. We also expect to have an integrated ticketing system, and, of course, it will also be incorporated into and integrated with the new Belfast bike hire scheme, which is scheduled to come into operation early next year. I am aware that the Member is a keen cyclist. Those with folding bicycles will be able to carry them onto BRT vehicles.

Mr McKinney: I assure the Minister that my question is not facetious; sometimes, Members have to call it: does he agree with me that progress on the Belfast rapid transport system is far from rapid and, given what he has outlined, is in fact going at a snail's pace?

Mr Kennedy: Whilst I am grateful to the Member for his supplementary question, I am afraid that I do not agree with him. We have pursued this scheme with considerable vigour and continue to do so. We have learnt important lessons from other major cities, including Nantes. We have engaged with stakeholders and other interested parties, including those from the residential areas that will be impacted. It is not a piece of work that you can simply impose on communities or create magically, as it were. We have adopted the right approach. I hope very much that he recognises the benefits of a rapid transit system and will be a little less cynical or perhaps even less negative about it. I am happy to ask officials to give him a full briefing to reassure him.

Mr Kinahan: As we are talking about rapid transit, I know that the Minister has visited the Bloodhound outside on the apron and wonder whether he might adopt that as the departmental car or use some of its technology for faster transit in the future. *[Laughter.]*

Mr Kennedy: I am conscious of the number of bloodhounds in the Chamber, without having to leave it. To be serious, I congratulate the Member on making the arrangements so that the Bloodhound could visit Parliament Buildings. I recommend that those who have not had the chance to at least look at it go and do so. However, as opposed to a high-speed vehicle of that nature, which is, I think, capable of travelling at 1,000 miles per hour at certain locations — not at Parliament Buildings, I hasten to add — we are about to deliver a rapid transit system for Belfast that will assist people greatly and enhance public transport.

Mr Lyttle: I welcome the introduction of improved public transport in the constituency of East Belfast. How important does the Minister think that effective bus lane enforcement will be to the success of the Belfast rapid transit system?

Mr Kennedy: I am grateful to the Member for his question. One of the key components of the Belfast rapid transit system will be using bus lanes as priority bus lanes — they should do what it says on the tin. Motorists who abuse the instructions given to them are causing difficulties and further congestion in the system in Belfast city centre. That is regrettable. As the Member knows, we are looking at a proposal to introduce enforcement fines. I hope that that will have the support not only of the Regional Development Committee and the Member but of the House generally, because I

think that, whilst carrots work in some cases, sometimes, we also need a bit of stick.

Borewell Scheme

4. **Mr Lynch** asked the Minister for Regional Development for an update on the borewell scheme. (AQO 6883/11-15)

Mr Kennedy: The rural borewells scheme, funded by my Department and administered by the Department of Agriculture and Rural Development, was launched on 6 June 2012. The principal aim of the scheme is to provide a quality water supply for existing properties that have never been served by a public water main. The first year of the scheme, launched in 2012, assisted 24 properties to obtain a quality water supply for the first time. The 2013-14 scheme assisted 38 properties. The 2014-15 scheme is scheduled to assist approximately 28 properties. I anticipate that a total of 90 householders will have received a new borewell and/or treatment by the end of the third year of the scheme and have the assurance of a quality, safe-to-drink water supply for the first time.

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer.

The scheme was welcomed at the time, Minister, particularly in rural areas where people lived far from the mains water system. I welcome the numbers that you outlined today. Will you give me a breakdown by county of the number of households that have availed themselves of the scheme?

Mr Kennedy: I am grateful to the Member for his question and for his support for the scheme. As I said, it is expected that 90 householders will have received a new borewell and/or treatment by the end of the third year. An initial assessment exercise carried out by my Department at the beginning of the project identified three areas that had large numbers of unserved properties: the glens of Antrim, the Sperrins and south Armagh. That initial assessment has largely been confirmed by the applications received by the DARD officials who operate the scheme. By the end of the third year, the geographical spread across Northern Ireland will be as follows: 36 borewells in Antrim; five in Armagh; eight in Down; six in Fermanagh; 15 in Londonderry; and 20 in Tyrone. Anyone with any mathematical prowess will know that adding those up makes 90.

Mr Byrne: I thank the Minister for his help in trying to address this issue. Does he have any idea how many households in Northern Ireland are still without a public water supply? Does he accept that technology should be developed that could enable mains water to be pumped even to highland areas in some way?

Mr Kennedy: The Member raises an interesting point. The cost involved in providing a mains water supply is always a challenge. The benefit of this scheme is that it assisted householders to get a cleaner and better supply than they had hitherto been in receipt of. Whilst I listened carefully to what the Member said, I think that there are excessive costs in many of the particularly rural locations. That has to be borne in mind. That has been one of the benefits of the borewell scheme. I hope that the Member will accept that.

Street Lights

5. **Mr McCarthy** asked the Minister for Regional Development for his assessment of the public safety implications of not repairing or replacing faulty street lights. (AQO 6884/11-15)

Mr Kennedy: As the Member will know, my Department is facing significant resource budget constraints, and I am not in a position to spend money that I do not have. Consequently, I have had to take a number of difficult decisions, including the suspension of works orders to external contractors who were responsible for the repair of approximately three quarters of the street lights that go out.

I readily acknowledge that, since street lighting is provided as a road safety measure, these cuts have the potential to lead to safety issues for road users during the hours of darkness. I assure you that, to deal with the health and safety implications, I have set priorities for dealing with street lighting faults. Priority will be given to those faults that present an electrical hazard to members of the public, and contractors will still be employed to deal with those faults.

My Department's operations and maintenance staff, who can provide around 25% of the overall resource that is required to fix street lighting faults, will endeavour to repair as many lights as possible, prioritising large groups of lights which are out and then individual lights that have failed.

Regrettably, the impact of the cuts means that, in all likelihood, a large number of street lights will be out over the winter months. I can tell the

Member and indeed the House that currently some 11,261 lights are out right across Northern Ireland. This is not the service that I would like to provide, but is the inevitable consequence of the budgetary pressures that my Department is facing.

Mr McCarthy: I thank the Minister for his answer, although I am far from being satisfied. At a recent meeting of the Committee for Regional Development, the Minister and his Department informed the Committee that where the Department provides street lighting, it has a duty to maintain it. The Minister has gone on to say that he has cancelled the contractors who maintain those lights. How can he quickly rectify the situation and gain some credibility, bearing in mind the dangers that certainly senior citizens and old people will have in darkened streets and roads?

Mr Kennedy: I am grateful the Member for his supplementary question. I am not sure about gaining credibility for me; I think that what would be more important would be to gain more money for my Department. That would be a big start, actually.

The Member has raised the legal aspect of it. The Department has received legal advice on this issue. It will continue to inspect roads and footways as per the normal inspection regime. All defects will be recorded as normal. However, due to the financial constraints, defects may not be repaired as quickly as normal, and all repairs will be prioritised on the basis of safety. My Department will continue to robustly investigate and defend public liability claims, with every case turning on its own facts. However, ultimately, it will be up to the courts to decide if the reduced standards comply with my Department's statutory duty. In short, I have to say to Mr McCarthy that if we had more money, we could deal with the situation.

Mr G Robinson: I realise and appreciate the financial constraints that the Minister is under. Can any special provision be made where pensioners' bungalows are unlit, particularly now coming into the winter months?

Mr Kennedy: I am grateful to the Member for his sympathy for the financial position that I find myself in. I have outlined how we have been forced to prioritise things as a consequence of these cuts. It is not a scenario that I enjoy, relish or want to see. I would like to see it properly resourced. I can understand the impact on elderly, rural or more vulnerable people who live in areas where a street light

provides an essential form of comfort, if you like, particularly on dark winter evenings.

2.30 pm

I repeat, again, that it is not that we are ignoring, or will ignore, lights that are out but they will simply have to be prioritised in a way that is consistent with what I have outlined.

Mr Principal Deputy Speaker: That ends the period for listed questions. We move to topical questions. Ms Maeve McLaughlin is not in her place; I call Mr Ian McCrea.

Magherafelt Bypass: Update

T2. **Mr I McCrea** asked the Minister for Regional Development for an update on the Magherafelt bypass. (AQT 1642/11-15)

Mr Kennedy: I am not sure whether that is a topical question or a typical question from the Member. *[Laughter.]* Significant advance works are under way as part of the delivery of the £40 million Magherafelt bypass. Surveys have been completed to identify potential archaeological sites. Temporary fencing has been erected and trial pit excavations have been completed to help inform the detailed design under this design-and-build contract. It is anticipated that advance archaeological investigative trenching and vegetation clearance will start in November, for completion prior to the award of the main contract. The procurement of the main contract is well under way and the tender return date is 24 November 2014. Subject to there being no challenges to the award of the contract, construction work should commence early next year.

Mr I McCrea: I thank the Minister for his answer to my typical topical question. I do not apologise for raising the issue, as he and the colleague sitting beside him know that it is an important issue for the local constituency. I am glad that the Minister has confirmed that things are moving progressively. Will he ensure that the work that is done with consultants and Roads Service officials, in respect of dealing with the local farming community, is kept up to date so that the community knows exactly what is happening and that any impact on their property is reduced? That would certainly be helpful to them.

Mr Kennedy: I am grateful to the Member for his supplementary topical question, and I thank him for it. The scheme will bring huge benefit to the Magherafelt area and indeed that

area generally. I think that the success of any scheme depends upon the cooperation extended and information given to local landowners, not only by the contractor but by the Department, in the early stages of the work. We have sought to do that and will continue to do so, and I hope very much that we can make progress and, indeed, enjoy the full cooperation of landowners and people in that area because, of course, there will be issues and challenges and there will undoubtedly be inconvenience to them. However, I think that, having waited 40 years for the scheme — as Mrs Overend continues to remind me — it is important to them that we move it forward as quickly as possible.

Gully Emptying

T3. **Mr Lunn** asked the Minister for Regional Development, at this time of year, with autumn winds, leaves falling down and floods, seemingly always in the same places, what priority he is giving to gully emptying, albeit with the financial constraints he is operating under. (AQT 1643/11-15)

Mr Kennedy: I am grateful to the Member for his question. Indeed, the emptying of gullies is a very important issue. The Department seeks to maintain something like 550,000 gullies, and that is a considerable challenge. It becomes an even greater challenge when there is not enough in my resource budget to pay external contractors to do the work that they do. The main work of gully emptying is carried out by Transport NI staff. That represents about three quarters, or 75%, of the total work, so there is potential for the other 25% to be a challenge. I have outlined to the House before how we seek to try to deal with it. Certainly, we give priority to wet spots, where there are issues of recurring flooding or where it has taken place in the past, in addition to other factors.

Mr Lunn: I thank the Minister for his answer. Five hundred and fifty thousand is a fairly frightening total, but I guess that 500,000 of them do not actually cause too much of a problem. The problem is with what you call "wet spots", and which I call hotspots. Severe damage can be caused by the simple failure to unblock a gully. I am sure that the Minister has been in houses that have flooded. A bad flood does more damage than a fire, in some cases, and takes much longer to sort out. I know that it is difficult, but is there any discretion in his budget to reallocate money from major projects that may be held up to the more simple but very useful operations that I am talking about?

Mr Kennedy: I am grateful to the Member for raising the issue. There are 550,000 gullies to be cleaned and emptied across Northern Ireland. I am not sure that the number that perhaps do not need careful or immediate attention is the number that he suggested. I sympathise with residents affected by flooding. Many homes experienced flooding late last week as a consequence of a high volume of rain; 40% of the average October rainfall fell in areas of Belfast over a period of seven hours last Thursday night. Simply, that volume is always in danger of overcoming any system. We continue to maintain to the best of our abilities. We are in the autumn season; we are coming in to the heavier winter season, with the falling of leaves. On a day like today, with strong winds, I have no doubt that even work done in advance to clean gullies over the last few days may well be nugatory, given the conditions that we have. That is the challenge that we have to deal with. We attempt to do so as efficiently as we can, but it is not helped when there are challenges to the budget. We will continue to bid for resources to deal with that. His suggestion of transferring resource to capital does not work and is not allowed under the rules.

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

Car Parks: Security Measures

T4. **Mrs McKeivitt** asked the Minister for Regional Development to advise what security measures are in operation at car parks attached to train stations, bus stations and park-and-ride facilities, given that he will be aware of the recent car thefts in the Newry area, some of which were cars parked at Newry railway station. (AQT 1644/11-15)

Mr Kennedy: I am grateful to the Member for her question. I join her in condemning those who engage in such activities. One hopes that individuals can be identified, that the PSNI can take appropriate action to put them before the courts, and that the courts can deal with them sufficiently.

There are issues of security. Of course, CCTV is deployed in many of our stations. I will look at the situation in relation to Newry station, which is sometimes more commonly known as Bessbrook station.

I undertake to look at that for the Member to see whether any additional measures can be put in place.

Mrs McKeivitt: I welcome the Minister's response. Let us hope that some of the CCTV cameras have an infrared mode so that, when the lights go out, people are able to see the crime scene.

Will the Minister consider further security measures to ensure that users of public transport feel safe to leave their vehicles and know that they will be protected?

Mr Kennedy: I am grateful to the Member for her question. Of course, we will look at that as part of the issue. I am loath to highlight the problem to a scale that it discourages people and makes them feel that they will not be safe. There is no clear evidence to indicate that that is the case at any of our locations, and we want to build on the record levels for the use of public transport that we are enjoying. Security is important and being safe is very important, and those are key priorities, not only for me but for Translink.

Public Transport: Growth

T5. **Mr Nesbitt** asked the Minister for Regional Development, given the financial pressures he is under, what measures are available to him to ensure continued growth in public transport, particularly to ease the pressure on the roads system at peak times. (AQT 1645/11-15)

Mr Kennedy: I thank the Member for his question. I remain very positive about the progress that public transport has made over the last three-plus years.

On the bus side, numbers continue to be strong, with Metro showing the sort of steady progress that reflects its growing reliability and popularity. Rail, however, has been the star performer. Rail travel last year passed through the 13 million passenger journey barrier, taking it to levels not seen since the 1960s. I compare that to when we took over DRD, when 10 million passenger journeys were being made. Despite that programme, we have not reached a ceiling in rail. Further significant progress has been made on rail this year at the midpoint, and I expect that we may get close to 14 million journeys by the end of this financial year. If we reach that new high, I will no longer be saying, "record levels since the 1960s"; I will be taking pride in saying, "record levels since the 1950s". That is a change that I look forward to.

Mr Nesbitt: I thank the Minister for his answer and congratulate him on those record performances for public transport. Focusing on the road network, what measures are available

to him within very constrained budgets to continue the growth of public transport and ease the pressures on our roads?

Mr Kennedy: I thank the Member for his warm congratulations. Despite the well-documented challenges facing my Department, I am determined to continue the progress that we have made in growing public transport in Northern Ireland.

The park-and-ride scheme is working well, and we will continue to increase the number of park-and-ride facilities, with seven new locations to come online in the next 18 months or so. You heard earlier where those will be.

I am pleased that we will be introducing some additional weekend rail services before the end of the year. That will give existing passengers greater choice and will act as an incentive to potential new passengers. We will work hard to keep any future fare increases at the level of inflation, and I will continue to press the Finance Minister on TaxSmart for rail travel, which is a measure that has the capacity to make public transport much cheaper.

Next month, we begin the £12 million refurbishment of the Enterprise service, which will greatly improve passenger service. Also, the introduction of audiovisual services on Metro buses will be positive for tourists as well as those who are blind and partially sighted.

Of course, I am pleased that Belfast rapid transit is being progressed and is still on target to be operational by 2017.

Mr Principal Deputy Speaker: I call Peter Weir for a quick question; no supplementary.

Car Parks: Development

T6. **Mr Weir** asked the Minister for Regional Development to outline the locations and value of the strategic off-street car parks that he mentioned earlier as having been identified for local or regional development. (AQT 1646/11-15)

2.45 pm

Mr Kennedy: I am grateful to the Member for his question. Indeed, I am pleased that the Second Stage of the Bill transferring powers to local government for off-street parking was successfully moved earlier.

I was not sure whether the Member wanted a list for his constituency or more generally. His

sign language is working very well. I thought that it was a film, but it is not. *[Laughter.]*

[Interruption.] And the same to you — oh, no, it wasn't that.

We will provide that information as quickly and as completely as possible.

Mr Principal Deputy Speaker: My sign tells me that the time is up. Thank you very much, Minister.

Social Development

Girdwood: Update

1. **Mr A Maginness** asked the Minister for Social Development for an update on the application for development of the Girdwood site. (AQO 6894/11-15)

Mr Storey (The Minister for Social Development): The development of Girdwood Park is well under way, with delivery of the entire plan a priority for not just my Department but right across central and local government. The infrastructure works for which my Department is responsible commenced recently, with completion due in autumn 2015. The outdoor sports pitch is expected to be delivered as part of that phase.

Construction is well under way on the Belfast City Council-led community hub, which is due to open in June 2015. Apex Housing has commenced construction of 60 housing units, which are due for completion in early 2016.

Looking at the remaining elements of the development, my Department is taking forward important preparatory work in the form of an economic appraisal to help to finalise plans for the indoor sports and mixed-use facilities, and that should be completed by March 2015. Development of the housing element along Clifton Park Avenue remains a priority and is likely to be the final phase of development.

Mr A Maginness: I take this opportunity to congratulate the Minister on his appointment, but —

Mr Storey: But? *[Laughter.]*

Mr A Maginness: — but could I also thank him for his detailed response. However, there is, as the Minister will know, a pressing housing need in north Belfast. Sixty units have been put forward by Apex Housing, but there is clearly a

need for further housing. Will the Minister review the allocation of numbers of houses in that area?

Mr Storey: I thank the Member for his congratulations. Being in the post for a number of weeks now, I well know the challenges that are confronting me.

The Girdwood project is buying in key component parts to deliver a worthwhile project. I intend to visit the facility in the not-too-distant future to see it at first hand.

Mr Maginness referred to housing need. The demand for housing across north Belfast is always the issue. Since coming to post, I have become well aware of the challenges and sensitivities around housing. I will be conscious of those sensitivities and concerns. I trust that the one thing that the Member, and other Members, will find is that I will listen to those concerns and, more importantly, hear them.

Demand for housing across north Belfast remains high, with 1,438 applicants in housing stress at March 2014. The projected need for 2014-19 is 1,236 units. To help to address the need in that locality through the housing programme, 76 units are planned in 2014-15, 86 in 2015-16 and 121 in 2016-17.

However, I have to say that, as the Member will be aware, a review of housing policy is under way. I will take a particular look at that over the next weeks and months, because I have a concern about the way in which the Housing Executive categorises homelessness and the waiting list and the way in which it presents housing need. I am more than happy to meet the Member and other Members to have that discussion.

Mr Principal Deputy Speaker: This is my first opportunity to warn the Minister about the two-minute rule. *[Laughter.]*

Ms P Bradley: I am sure that the Minister is aware of the sensitivities about the site. What steps has he taken to ensure community engagement?

Mr Storey: Principal Deputy Speaker, that is not the first time that somebody has tried to call time on me. I appreciate your reminder.

I am very conscious of the concerns and sensitivities. It follows on from the comments that I made to Mr Maginness. Community engagement continues, first and foremost through the Girdwood community forum, which

has a cross-community membership and provides a useful platform to address a range of issues. There have been community-based events to help to raise awareness, improve relationships and contribute to ideas. In response to some of the issues raised, I recently approved the issue of a community newsletter to some 18,000 homes in the area to provide clarity and certainty on government's commitment to the delivery of the entire plan. As the Member will know, if there are any particular concerns, she can relay them to me, and I will be only too happy to give them serious consideration.

Social Housing: 50:50 Policy

2. **Ms Ruane** asked the Minister for Social Development whether he will review the 50:50 allocation policy for social housing in Belfast city centre to ensure any future policy decisions will be based on addressing objective need. (AQO 6895/11-15)

Mr Storey: The Northern Ireland Housing Executive and registered housing associations allocate properties through the housing selection scheme. Applicant households are awarded points on the basis of their objective housing need. Properties are generally allocated to the person with the highest points. That is the case throughout Northern Ireland and will continue to be the case in Belfast city centre.

Ms Ruane: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Comhgairdeas leis an Aire as a phost nua. I join my colleague Alban Maginness in congratulating the Minister on his new post. I very much look forward to working with him.

I welcome the fact that the Minister has clarified that points are given on the basis of need. It is good to have that on record. Is he aware that large parts of Belfast city centre are now in dereliction? Will he let me know what his plans are to work proactively with local communities so that there is social housing to address the current waiting list?

Mr Storey: I thank the Member for her words. Obviously, the previous Minister and I have had exchanges in the past, and I have no doubt that that will continue in the future.

We need to remember a key element about the city centre, which is that we want to ensure that it is a shared space not only for recreational activity and economic prosperity but for housing. The original question referred to a

50:50 allocation policy: there is no such policy. The Member will be aware that Participation and the Practice of Rights (PPR) recently raised concerns on that issue. However, I assure the Member that the way in which we deliver housing will continue to be on the basis of need. I also remind the Member and the House that research was carried out by the University of Cambridge and the University of Ulster on a fundamental review of social housing allocation policy. That remains an area that I am considering as part of the follow-on from the report. Issues relating to the city centre and the way in which we deliver housing across Northern Ireland will be looked at on the basis of the information that we find in the report and consultation with Members.

Mr Hilditch: Minister, how is shared housing allocated?

Mr Storey: That is a valid question, and it was asked the first time that I was before the Assembly as Minister. In many respects, it goes to the heart of the way in which my Department, in conjunction with the Housing Executive, addresses the issue of housing in Northern Ireland. All social housing in Northern Ireland is allocated on the basis of need, and that ensures that the allocation of housing is compliant with Northern Ireland's equality legislation. We cannot socially engineer mixed social housing, and I would be the first to say that we should not do that in any circumstances. That is why I have tasked the Housing Executive to work with housing associations and local communities to support and encourage them to see the benefits of shared housing.

Achieving shared housing is not about forcing anything on anyone. We need to allow people to share housing because they want to, not because government says that they must. I want to see how we can provide choice for people to come together in a more natural way and not through some socially engineered plan that simply would not work. I also want to see how we can develop more social and affordable housing alongside each other so that people can have greater choice and flexibility about where they live and who they live beside.

Mr McKinney: I, too, join in congratulating the Minister, though the honeymoon must be coming to an end soon.

Mr Storey: It is over.

Mr McKinney: It is over. What is the Minister's assessment of the success or otherwise of shared housing schemes in Northern Ireland?

Mr Storey: It is all in how we measure and what we measure as success. Over the last few weeks, I have — I thank the Member for his words of congratulation — seen examples, and I plan to visit more examples of how there has been an attempt to deliver shared housing and shared provision. We still have a considerable way to go. It is all very fine setting targets and having it set out in policy papers, but I still think that there is an issue — I refer to the comments that I made in response to Mr Hilditch — of us being seen as a Government in Northern Ireland forcing a particular structure on people. We have to encourage the shared provision. Progress has been made, but not at the pace that I would like to see in terms of moving forward on the issue.

Mr McGimpsey: I, too, congratulate the Minister. In view of the disastrous situation in the Holylands, where we have seen student housing, in effect, driving out hundreds of families from a residential area, can he assure us that the Housing Executive land currently earmarked for social housing in other communities in inner south Belfast such as Sandy Row, Donegall Pass and the Village will not be permitted to go to student housing but will be retained by the Housing Executive for much-needed social housing?

Mr Storey: I thank the Member for his congratulations and share his concerns. I am well aware from correspondence that I received recently, particularly in relation to the development of the Northside project, how people have concerns around the increase in student accommodation. It is not a panacea and is not the answer to all our ills, but landlord registration is a way in which we can begin to create a sense of control over what is already there. I take the Member's point, particularly around how we ensure that land is designated and the discussions with the Housing Executive and other interested groups are held in a way that reflects the need but also reflects the community and the area in which that perceived need will be met.

EU Funding: Drawdown

3. **Mr Lynch** asked the Minister for Social Development whether his Department has met its target, as part of the Programme for Government commitments, to draw down an additional 20% of EU funding within this current mandate. (AQO 6896/11-15)

Mr Storey: The Programme for Government target is a Northern Ireland Executive target to facilitate the increased drawdown of competitive European funds by the end of March 2015, though all Departments will work collaboratively in relation to that. It is one of a number of Executive European priorities. Others include enhancing the profile of Northern Ireland in Europe, developing and maintaining a network of EU organisations and networks and influencing the development of EU policy.

My Department does not yet have a specific drawdown target because, having taken stock of its position and experience relative to competitive funds, it was not considered appropriate to put forward a target that had no sensible basis.

3.00 pm

Over recent years, my Department's focus has been on facilitating the maximum drawdown for Northern Ireland through fulfilling the role of an accountable Department for the Peace III creating shared public spaces theme. By the end of the programme in December 2015, we will have helped to deliver 18 capital projects to the value of €101 million.

Participation in EU competitive funding programmes cannot easily happen in a short time frame. The Department has had no obvious involvement in European competitive funds or networks; therefore, we have focused on building capacity. We have also raised awareness of funding opportunities with our partners in the voluntary and community sector. We are entering a new round of EU programmes and will examine those very closely for opportunities.

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Does he accept that additional funding can be drawn down from European funds to assist with tackling disadvantage?

Mr Storey: This is an area that I have a particular interest in, given my past interest in European issues. At times, there has, rightly, been criticism of the way in which we focused and delivered European money in Northern Ireland. However, look at the capital projects under the Peace III creating shared spaces programme. In fact, some are in the Member's constituency, including the collaboration between Fermanagh District Council and Monaghan County Council on the Peace Link project at Clones and the Termon project in

Tullyhommon and Pettigo. Many of those projects have contributed immensely and will continue to contribute. The Orange interpretative and education resource centres are also being funded through that process. Last Friday, I was in Londonderry at the launch of the commencement of building work on the Heroes of the Great Siege Shared History and Visitors Centre. That is another example of how that money can be used.

I take the Member's point and agree that we can do more. I have had discussions with my officials. You will be aware that the programme is being considered by the Commission. One of the pillars under which the programme will be delivered is young people and education, and I believe that there is more that we can do to ensure that we maximise the money that we receive from these funds. However, it is not only about maximising it; we must ensure that we focus and deliver it in a way that gives tangible benefit to the young people and communities in Northern Ireland.

Mr Gardiner: Previous targets have been set for domestic energy efficiency to secure match funding from Europe. Will the Minister provide an update on those projects?

Mr Storey: On the specific issue of targets, we have analysed funding calls regularly and disseminated that information through partner search to third party organisations. I do not have the information about the specific element that the Member referred to, but I assure him that I will write to him and provide an update.

Mr Douglas: I thank the Minister for his answers so far, particularly in relation to European funding. Will he outline the opportunities that he thinks exist in the next round of Peace IV funding?

Mr Storey: That follows on from the comments that I made to Mr Lynch. The main objective of the draft Peace IV programme is to promote social and economic stability in eligible regions, particularly through actions that will support good relations between communities. If ever we needed to ensure that that is the case in Northern Ireland, that is something that we need to continue to work at and strive towards.

The work that my Department leads on, regeneration and community development, can be greatly enhanced by the additional resources of somewhere in the region of €269 million that the programme brings. I will be seeking to maximise the benefits of the programme for communities that my

Department works most closely with, given the relationship that my Department has with the community and voluntary sector. My Department will also play a key role in the implementation and the continuation of shared spaces, and I made reference to that already when I mentioned the capital projects. The theme there to build on many of the projects has been delivered in the current project.

In addition, other themes can contribute to our work to address poverty and to promote inclusion. As I said, my Department will work with communities to bring forward imaginative and effective proposals under the children and young people theme, so that they can avail themselves of the opportunities for improved access to education, employment and training.

I think that this is an example of how we could do joined-up government in a very focused way. Yes, as for the opportunities, the pot of money that we have, in real terms, is not what it was from the various Peace programmes in previous years. However, all Members around the House will be able to identify, in their own local community, projects that have been put in place as a result of the focus that there has been on European funding. I am having those conversations with my officials, and I look forward to being able to bring more positive news in the not-too-distant future.

Mr D Bradley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin agus seo í mo cheist. In the event of the successful drawdown of additional funding, can the Minister ensure that match funding will be available, where appropriate?

Mr Storey: I am glad to tell the Member that I am not the Finance Minister. Obviously, the Member will be well aware that the issue of ensuring that, when you have an allocation, you get match funding can become pretty challenging in the current economic circumstances and with the Budget pressures that we will face over the next few years. However, I will do all that I can in the responsibilities that I have in my Department to ensure, as I think we have demonstrated in the past, that there is a very healthy injection of finance from the Department in relation to some of the projects that I have mentioned in the House today.

Welfare Reform: Mitigation Proposals

4. **Mr McCarthy** asked the Minister for Social Development what proposals he has developed to ensure that Northern Ireland is able to mitigate the impact of welfare reform. (AQO 6897/11-15)

Mr Storey: This is where two minutes is totally and absolutely inadequate, however we will endeavour to give the Member as full a response as we possibly can. I thank the Member for the question, which is very timely. Hopefully, we will develop that as we proceed.

A package of measures has been developed to take account of the views of the Executive subcommittee on welfare reform, the Social Development Committee and a wide range of other stakeholders, with the key objective of continuing to protect the most vulnerable. Members are already aware that the following payment flexibilities have been secured for payment of universal credit in Northern Ireland: all claimants will receive twice-monthly payments; a range of options will be available to split the single household payment; and the housing element of universal credit will be paid directly to landlords, ensuring that people remain safe in their tenancies and that social housing provision has a firm financial basis.

The Member will also be aware that, yesterday, I had the opportunity to meet Church leaders, and I thought that that was a useful and very valuable opportunity for me not only to have a discussion with them but, more importantly, for me to listen to the concerns that they brought. In my response to the Church leaders, I have set out in a letter, which is now on my Department's website and in the public domain, the elements in the package that had been agreed: the split universal credit payments; the direct payment of universal credit to landlords; social sector size criteria, which is commonly called the bedroom tax; the issue of sanctions; joint claims; medical evidence for personal independence payments; lone parent flexibility; the discretionary support scheme, and so we could go on.

The Member will have all of that information available to him, as will all Members. I believe that that is valuable and that it will help us to inform the current debate.

Mr McCarthy: I thank the Minister for a very detailed response. Like others, I welcome the new Minister to the Dispatch Box this afternoon, as I welcomed him to the best constituency in Northern Ireland, last week, when he was on a visit to Newtownards and Ballynahinch. Further to his answer, what efforts is the Minister

making to engage with the business community about the importance of an agreed way forward on this very important subject? You informed the Assembly that you engaged with the religious community yesterday.

Mr Storey: The Member makes a valid point in relation to the business community. We all have a vested interest in having a resolution to this issue. No one needs think that, somehow, they can get out of the responsibility that they have, collectively, to bring about a solution.

I thank the Member for his words of welcome. I was glad to be in his constituency, and I look forward to visiting the constituency in the future. The issue of welfare reform has become vitally important, because I believe that, over the last number of weeks and months, we have lost sight of an informed discussion. There has been a lot of rancour, and a huge amount of concern. I will in no way underestimate or try to minimise the genuine concerns that many have about the changes to welfare.

I made this point to the Church leaders yesterday: I do not want people thinking that, somehow, I just have to say a few words that will satisfy everybody that I have ticked a box and that those words will not bear any resemblance to what can be done. I believe that good work has been done. I believe that the subcommittee, the Committee for Social Development and the Northern Ireland Council for Voluntary Action (NICVA) have done good work. That is why I went to speak to the Church leaders, and I plan to speak at the NICVA conference next week. I will take the point that the Member has made in relation to engagement with the business community, and I will follow that through with those who have a voice from that very important sector.

Mr G Robinson: Will the Minister outline what impact the non-application of welfare reform will have on necessary repairs to the Housing Executive stock?

Mr Storey: I think the Member wanted to ask me about the package of measures and the concern that we have around significant changes to the welfare system in Northern Ireland. Do we believe that those measures will ensure that we will continue to keep the focus on those people in our community who have concerns and problems?

I know that issues have been raised with me about people who have a disability, people who have problems in relation to disability living allowance (DLA) and people who have

problems regarding other elements of welfare reform. I can assure the House, not just the Member, that I am listening and genuinely interested in ensuring that we do not use the poor and those who have challenges and issues as some political pawn, as was said yesterday.

Equally, I want the House to grasp a point. Many families in Northern Ireland are trapped in the benefits system and, currently, that system does not allow them the flexibility to exit the process. I believe that the removal of the 16 hours a week is an example of how people can be given an exit from dependency on a benefit and huge opportunities to get into work, become more socially mobile and make, and continue to make, an invaluable contribution, first and foremost, to their families and, secondly, to the wider community.

Mr Principal Deputy Speaker: Roy Beggs, very quickly.

Mr Beggs: Thank you, Mr Principal Deputy Speaker. The Minister mentioned mitigation. Can he detail the cost of mitigation that he foresees in the first year? How will that be funded, given the current financial difficulties that exist in the Executive?

Mr Storey: It does not matter what you propose to do, if you put in place the cost of mitigation, there will be a cost. If you look at the proposals that my party has put forward in a paper to the Secretary of State, you will see that there is a cost identified in a transitional fund around the £30 million mark. There is obviously a cost that had previously been associated with the implementation of the Northern Ireland plus. You could be talking in the region of an additional £40 million or £50 million. There is no doubt that that creates a challenge.

The Member is right. In the current economic climate, we face a challenge to find additional money, or, at least, to take money from our current resources to implement this piece of legislation. I think, however, that that is money well spent. Let us remember, and the First Minister made the point yesterday from this Dispatch Box, and I think that I need to reiterate the concern that he expressed in this House: collective failure on our part to resolve this issue can ultimately lead to the doors being closed in this institution. I know that Members will say, "Here we go again threatening", but in any of the conversations that I have had in Northern Ireland or in the rest of the United Kingdom, there is a clear expectation that failure to resolve this issue will have serious

consequences. The financial cost to Northern Ireland of the imposition of non-amended welfare reform is incalculable, as well as the impact that it would have in all the communities that we represent in this House.

Mr Principal Deputy Speaker: That ends the period for listed questions. I know that you are really looking forward to topical questions.

3.15 pm

Belfast City Centre Regeneration

T1. **Mr McAleer** asked the Minister for Social Development for an update on the development and regeneration of Lower North Street, Garfield Street and Royal Avenue in Belfast. (AQT 1651/11-15)

Mr Storey: I think that all those issues have been given priority. In relation to the transfer of those powers, there will be elements that will transfer to local councils, and many have had concerns in relation to that issue. I will give the Member a written response on that because I do not have the detail, but I hope that we will be able to get more detail to the Member later.

Mr McAleer: Go raibh maith agat. The Minister will be aware that the delay in the development is having wider negative implications for development in other parts of Belfast city centre. Can he give the House an assurance that he is proactively trying to deal with the matter?

Mr Storey: Yes, I can. As the Member can appreciate, a variety of issues has come across my desk in the past three weeks since I came into office, which, I believe, need to be given serious consideration as to the way in which my Department has interacted with other agencies and providers. There is a tendency to believe that, somehow, it can be delivered solely by one Department. I have found more and more, and I am sure that the Member will not be in any way surprised to hear, that a challenge for me on this issue and on other issues relating to housing, regeneration or development is ensuring that those partners have the same focus, the same intention and the same outcome that I have.

Welfare Reform: Northern Ireland Impact

T2. **Mrs Hale** asked the Minister for Social Development, in light of current and not so current misinformation about the impact of the

most recently introduced elements of welfare reform in Northern Ireland, what steps he is taking to fully understand the impact of welfare reform on Northern Ireland. (AQT 1652/11-15)

Mr Storey: This goes back to the point that I made about whether you call it misinformation or a lack of understanding of the import of all this. I am well aware that, for me to get a grasp of the complexities, it is vital that I listen to all the voices out there. There is a need for genuine debate about the impact of welfare reform and how it will be implemented in Northern Ireland. Since coming to office, I have met a range of groups and individuals who have an interest in welfare reform. As I said earlier, I met the Church leaders yesterday. That was an important event for me for the simple reason that they are key in the way in which they communicate information to their constituents, their congregations and their people. As I said, I also intend to go to the NICVA conference. Mr McCarthy asked a question about the business community, and I am going to the conference to ensure that we have an informed debate around the issue. I do not believe that we can just have sound bites in the media and exchanges that may all sound like very good entertainment. All Members of the House need to address the needs of the communities we represent. When I am in my constituency, I am asked about specific issues relating to welfare reform. I want to address the impact that it will have on those individual communities and families.

Mrs Hale: I thank the Minister for his comprehensive answer. He answered part of my supplementary question, which was this: what is he doing to understand the impact of welfare reform that can better inform the public debate?

Mr Storey: I had extensive discussions yesterday with the Church leaders on what more we could do in communication. We will continue that conversation about how we can improve our communication with them and the wider community.

My Department has published a series of information bulletins that analyse the impact of various elements of welfare reform on the population of Northern Ireland, and they are available on the website. I know that people get a bit sceptical when Ministers stand up and talk about everything that is on the website. However, if you visit the website and see the huge amount of information there, it would give you an understanding of at least the complexities of the issue. An analysis was

completed during 2014, and I have asked my officials to update that bulletin. My officials will also continue to engage with the voluntary and community sector and claimant representative groups to ensure that they are informed.

We are also doing research on food banks to better understand who is using them and their reason for doing so. That has become an issue. Something that is not an anomaly but is certainly something that needs to be understood is the fact that, since we have seen an increase in food banks, we have seen a 20% reduction in crisis loans. I want to try to grasp some understanding of why that is the case. It is challenging when, in all our communities, we see people who have had to have access to food banks. We ask the reason why. It is too simplistic to say that it is the impact of elements of welfare reform or the way in which welfare reform would be implemented. However, I want to return to that issue.

Mr Principal Deputy Speaker: Two minutes, Minister.

Mr Storey: Thank you, Principal Deputy Speaker.

Housing Association Grant Rates

T3. **Ms P Bradley** asked the Minister for Social Development whether he intends to increase housing association grant rates. (AQT 1653/11-15)

Mr Storey: I could very simply say "Yes" and sit down, but I will not do that. In recent months, the Northern Ireland Federation of Housing Associations has made representation about raising the costs and risks posed to delivery. My officials have been chairing discussions with the organisation to explore options, including housing associations raising rent to cover the additional cost. I have listened to the Northern Ireland Federation of Housing Associations' concerns on cost increases, and my officials wrote to the association on 15 October this year confirming my decision on the new total cost indicators and the housing association grant rates. The average grant will now move from 46% to almost 52%.

Ms P Bradley: Hopefully he will answer this question just as fast. Can the Minister say what that will mean for housing associations and, of course, the construction of new social housing?

Mr Storey: Obviously, the increase in grant provided to the association gives the financial

flexibility that it requires. It requires particular flexibility to achieve what, I think, is a challenging target of 2,000 new social homes this year and a similar number next year. Fixing grant rate up until the end of 2016 provides everyone involved with much-needed certainty for the foreseeable future. However, I say to the Member and the House that this is another area where we need to have a serious look at the way in which it is all delivered. I appreciate the work that the housing associations do. I think that there are other schemes and ways in which we could be inventive in generating the delivery of social housing.

I have a personal issue that I will have to get my head around, and that is the phrase — albeit that it is in the legislation — "using social housing" and the way in which we have a debate and discussion around housing. What do we really mean? There are definitions and ways in which people approach the issue. I will have conversations with officials tomorrow about how we move forward in a proactive way on the delivery of affordable, social, well-built houses, which, to the community that we represent, means something of worth and value.

Boiler Replacement Scheme

T4. **Mr Hilditch** asked the Minister for Social Development for up-to-date figures on the number of people in Northern Ireland who have benefited from the boiler replacement scheme. (AQT 1654/11-15)

Mr Storey: This is a good news story. I suppose that every Minister has elements of good news that they want to get out there. The difficulty is that, so many times, it is covered up by other things and does not make the headlines. Across Northern Ireland, over 15,800 homeowners have benefited. The scheme offers owner-occupiers a grant of up to £1,000 to replace inefficient boilers, is available to those who earn less than £40,000 a year and have an inefficient boiler of at least 15 years and is dependent on total gross income. Replacing an old, inefficient boiler with a new condensing boiler can, in an average three-bedroom, semi-detached house, see savings of up to £300 to £350 a year.

Mr Hilditch: I thank the Minister for that information. How much money has been allocated to the boiler scheme since it was started?

Mr Storey: Since the scheme commenced on 3 September 2012, a total of £12 million has been allocated to it by the Department, and that has been spent at a rate of £4 million a year for the three years up to 2014-15. An extra £6 million was obtained from European regional development funding, spread across the 2013-14 and 2014-15 financial years.

Omagh Town Centre Master Plan

T5. **Mr McElduff** asked the Minister for Social Development to personally investigate, albeit that he is not long in office, why his Department is declining, at this time, to offer support to Omagh District Council to assist with the review of the Omagh town centre master plan. (AQT 1655/11-15)

Mr Storey: Yes, I will indeed undertake that, but the Member also needs to ask why we have had a delay to date in the response to me and my Department on the issue of the regeneration proposals to local government, which are still being delayed. I have been waiting now for two weeks — in fact, since I came into office.

I need a response. If I do not have that response by Thursday, the powers will remain in my Department. I have no doubt that you and other Members across the Chamber will come to me with concerns about the fact that the regeneration, whether it is neighbourhood renewal, master plans or whatever, is not being delivered in a way that is in keeping with what the Member wants. However, I will come back to the Member and give him a specific answer in relation to Omagh.

3.30 pm

Mr McElduff: I will just say to the Minister that there are particular circumstances in Omagh, with the relocation of several schools to the Lisanelly education campus, which mean that several town centre sites are becoming available in a new and changing context. That is perhaps why the local authority needs DSD's support at ministerial level. I invite the Minister to reply.

Mr Storey: I am quite happy to give a commitment to give whatever help or assistance that we can. Surely the development of the master plan should have taken cognisance of the fact that there was a proposal for the Lisanelly site. I would be surprised and disappointed if that were not the case. However, I give the Member an

assurance that I will pay particular interest to the issue and give him a response.

Ms Maeve McLaughlin: On a point of order, Mr Principal Deputy Speaker. I apologise for not being in my place during topical questions.

Mr Principal Deputy Speaker: Thank you very much for coming to the Chamber to apologise personally. Of course, it would have been better if you had been here to ask your question.

Executive Committee Business

Education Bill: Consideration Stage

Clause 2 (Functions of the Authority)

Debate resumed on amendment No 1, which amendment was:

In page 1, line 11, at end insert

"(2A) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote integrated education."— [Mr Lunn.]

The following amendments stood on the Marshalled List:

Nos 2 to 5 and 8.

Mrs Overend: The future education of our children is in our hands, and legislative changes are crucial. We must not neglect our responsibility to get this right.

Last week, we discussed and debated the Minister's wish for the Bill to go through by accelerated passage. As you know, the Ulster Unionists were particularly disappointed that this procedure was approved overwhelmingly by Members. It has meant that we did not have much time to prepare and submit amendments; we really had only one day. Furthermore, we had only one day — yesterday — to analyse all the proposed amendments and decide on the best way forward. My colleague Mr Danny Kinahan, the Deputy Chair of the Education Committee, outlined our position on amendment Nos 1, 2, 3 and 5.

On the issue of the promotion of integrated education — with a capital "I" — versus shared education, there are differing views on what is

shared education. As was discussed today, there is no definition of shared education in the Department. Does that mean, however, that the Members opposite do not feel that an amendment could be drawn up within the next couple of weeks for the next stage of the Bill that complements Mr McCallister's amendment?

There are differing views on what shared education is. In my mind, it relates purely to the various stages of sharing across Northern Ireland, which I believe are no bad thing at all. Members, including me, will be able to provide examples from their constituencies of places where visits or after-school clubs are joined together or where two schools share a teacher in a specialised subject, and of other places where buildings or even classrooms are shared. To my mind, it is acceptable that different people are at different stages, but they must all be encouraged to share more. It is desirable that our children should be encouraged to respect the background and religion of others, no matter what that is. We support amendment No 3 and suggest that the Minister could surely draw up a definition of shared education quite quickly, given that, as we know, he likes to work in an accelerated fashion.

Amendment No 4 wants:

"to encourage, facilitate and promote the community use of school premises".

Those living in rural communities will especially recognise the central role that a school plays in its community. Often, a parent-teacher group organises social events on a premises, which brings everyone in the community into the school. We sometimes hear of exercise classes or history groups using school premises, and we are content that this type of community engagement should be encouraged.

Lastly, amendment No 8 is our Ulster Unionist amendment. The aim of this is to ensure that any changes to the Bill must be brought to the Assembly before it can come into force. I emphasise to those in the Chamber today the specific reason why Ulster Unionists tabled this amendment. It is because of clause 4(3) of the Bill. Members will have heard me quote this last week in the Chamber:

"The Department may by order make such supplementary, incidental, consequential or transitional provision as it considers necessary or appropriate in consequence of, or for giving full effect to, any provision made by this Act."

I do not know what such supplementary, incidental consequential or transitional provision is planned by the Education Minister. I therefore would like the democratic opportunity to debate that fully in the House.

I assure the Members that we do not want to delay the prompt progression of the Bill or any further such necessary provisions. We are more than happy to work with others in a timely manner. I provide that assurance to the Education Minister and others. It is just that we do not trust the Minister of Education. Can the other parties in this House say that they can? If they cannot, I urge them to support our amendment.

Mr Agnew: I love coming to a debate in the Assembly knowing that we are going to get good and open discussion and that people are going to consider each aspect of the debate, but I come to this debate knowing fine rightly that that is not going to happen. It is no surprise that the DUP has tabled 10 petitions of concern on amendments to this Bill.

It kind of goes back to when we had the Second Stage debate and were told, "We want to fast-track this." As I saw it then, the DUP and Sinn Féin had got together and decided, "We have created a Bill and we like it. We don't want to give you time to scrutinise it, change it and make amendments. We just want to rush it through as quickly as we possibly can, so could you please leave it alone?" So when we try to make amendments, even in the limited capacity that we have through accelerated passage, we are told, "You are not getting changes, OK? We have agreed this. Move on. Get on with it. Get out of the way".

However, I was elected to the Assembly to serve my constituents based on a manifesto, and I do not believe that my constituents and those who voted for me are getting their due respect through this use of petitions of concern and abuse of a system that was put in place to protect, I suppose, a majority from governing a minority in an oppressive way. You can call the Green Party many things, but we are not the oppressive majority — I think that that is safe to say — so I am not sure who the petition of concern is being used to protect.

The debate has left me confused as to where some parties are on education in particular. I apologise, Mr Principal Deputy Speaker, I should declare an interest as an outgoing director of NICIE. My term will soon come to an end.

I wonder where parties are, because we have heard Peter Robinson talk about integrated education in positive terms, yet we heard Nelson McCausland earlier seemingly contradict that in remarks about the preferential treatment of the integrated sector. That preferential treatment is outlined in law, and I make no apologies for it. The preferential treatment has been supported by the Assembly and, I would argue, by his party leader.

When the DUP says that it wants a single-sector education system, I am just not sure what that looks like. Is it the tired old argument that if Catholics would just stop going to Catholic schools and come to controlled schools, we would have a single system and we would not need to worry about these other sectors and we could have our single education system? Is that still what we are talking about? If it is, it shows how little progress we have made.

The Ulster Unionist Party has stated clearly its position for a single shared education system.

I have heard Mr Kinahan explain what that means to him. It may be my ignorance, but I fail to understand what that is.

Mr Kinahan: You do not want to.

Mr Agnew: Possibly. The Member says that I do not want to understand. Maybe I do have some kind of block, so I am willing to give way if he wants to intervene, although I will make my point first, if that is OK.

To me, a single system is a single sector state education system; shared education is an attempt to bring sectors together. Shared, by definition, means more than one. It takes more than one to share: you have to have somebody to share with. At the minute, we largely talk about sharing between the Catholic sector and the Protestant sector, so I do not understand what a single shared education system is. Single is one and shared is more than one, so I am confused by that argument — genuinely. I want a single education system, but that necessitates moving away from the blocks that we have currently.

I will speak directly to the amendments before the Principal Deputy Speaker tells me to do so. At the outset, when Mr Lunn spoke to the Alliance amendment to place on the new authority a duty relating to integrated education, I said that I supported it. I think that it strengthens the current legislation and clarifies what we mean, or certainly what he and I would

wish us to mean, by "to encourage and facilitate" integrated education. Essentially, we mean "to promote". Mr Lunn's tone might be somewhat different from mine, but I make no apology for saying that that means prioritising. I do not apologise for that because, from what I can gather, that was the intent of the law and is the will of the public. In my view, it is what is good for our society.

A segregated education system in a society that has faced so much division and conflict is not a good thing. So I make no apology for saying that we want to grow the number of children who are educated together — not together in one building but together in a single school with a single ethos, a single principal, a single uniform and single away days. It should not, as I said in a previous debate, be a case of one school going to Long Kesh and the other to the Maze.

I certainly believe in this, and every poll suggests that parents want greater provision of integrated education: 83% of parents in Belfast believe that integrated education is good for our society; and 72% think that integrated education should be prioritised. That is the term that was used. I know that, sometimes, polls are accused of being worded to get support, but the word "prioritise" was clear in the question: should integrated education be prioritised? Seventy-two per cent said yes, and yet 7% of children are educated in integrated schools currently.

I hear people say that the demand is not there, and I always say that it is about choice. However, with integrated education, saying that people are not choosing it is a bit like saying that people in Northern Ireland do not choose sunshine. If you want sunshine, why do you live in Northern Ireland? If you want integrated education, why do you not go to an integrated school? We hear parents say, "My child could, but they would have to get three buses and a taxi", or whatever it might be. That is the choice for some parents. They say, "My child could travel two hours to school and back each day, but I want integrated education in my area". For many people, that is not the reality. Amendment No 1 and my amendment, No 5, seek to provide that, but I have acknowledged that I think that amendment No 1 is perhaps the better of the two.

3.45 pm

I have no problem supporting amendment No 2:

"to encourage, facilitate and promote Irish-medium education".

Again, I think that the equality argument is being made, but if the best part of the 1,200 schools that we have are not integrated or Irish-medium schools, we are not starting from an equal position. I know that some people object to the term, but I have no problem supporting the positive discrimination that is outlined here.

Equally, I support amendment No 4 on the community use of schools. I think that the financial situation has led us to seek to maximise the use of public assets. I think that that is a good thing. We are moving away and should move away from the situation where schools sit empty for two months during the summer and in the evenings. In some cases, I have community groups meeting in my constituency office because they have nowhere else to go that they can afford. I think that we should use schools for the benefit of the community as a whole. I will listen to the Minister's response, but I fail to understand Sinn Féin's opposition to amendment No 4 because it is something that is departmental policy, and what this amendment would do is enshrine that in law. Policies come and go and lose favour, but legislation at least can be changed only after scrutiny through this House.

I support amendment No 8. I think that I am right in saying that Danny Kinahan said that he may not move it. Certainly, in principle, I have no problem with amendment No 8.

As much as I would like to support amendment No 3 from my good colleague in the naughty corner John McCallister, I have made my views on shared education clear. We had an opportunity. In every crisis, there was an opportunity. We had a crisis in falling enrollment numbers in schools and the segregated system's becoming unsustainable, which many argued. Credit is due to the Alliance Party for outlining the cost of division over the years. We had a clear cost. We could not continue to fund, in the segregated education system, two schools, whatever they might be, in one community. The obvious answer was to start educating children in the same school, with the same uniform and with the same principal and ethos, in an inclusive fashion and in a way that was efficient economically and also socially beneficial.

What did we do instead? We said, "No: we will not do that. We will agree this one-school idea, but we will have one building. We will keep the two uniforms, two principals, two boards of governors and two ethoses, and we will

enshrine in one enclosed area that these children are different. These children over here, in this uniform, are Protestant; these children over here, in this uniform, are Catholic. We will make sure the children know it because they will have different uniforms and school names to show it and they may play different sports. We will emphasise from day one, from the age of four when they enter school, that they are different from those kids over there. They might share the same building and the same classroom, but they will not be part of the same school because they are not the same; they are fundamentally different." If that is the progress that we have made since the Good Friday Agreement, I weep. I really, really do.

I cannot support the amendment. I suppose that anybody could intervene and tell me that I am wrong and that that is not what shared education is, but we are actually being told that we cannot support John McCallister's amendment anyway because we do not know what shared education is; we have not defined it. It is not just the case that we have not defined it in legislation.

We do not even have a working definition of it. The parties that wrote 'Together: Building a United Community' (T:BUC), have not even agreed on what shared education is. We are guaranteed that we are going to have 10 shared education campuses. What is a shared education campus? They do not know yet; they have not agreed it, but we are going to have 10 of them. Brilliant, great. I cannot wait to achieve that goal. It will be such a step forward for education in our country.

Mr Lyttle: I thank the Member for giving way and for raising concerns regarding the definition of shared education. Does he agree that it is startling that we are told that is difficult to define shared education, when Programme for Government target 72 is to:

"ensure all children have the opportunity to participate in shared education programmes by 2015"

and target 73 is to:

"substantially increase the number of schools sharing facilities by 2015"?

Mr Agnew: I absolutely agree with the Member. We agree the headlines and then work out what the story is. I do not think that that is a good way to do government. I certainly do not think that it is a good way to do education, and it

reflects another failure on the part of the Executive.

Mr McCallister: It is fair to say that this Bill is a dog's dinner, and I am not even sure that the dog would eat it, given the opportunity. This is why, last week, I warned against accelerated passage of the Bill, and that was why the Ulster Unionists and the Green Party voted against it. It is why I said to Mr Lunn that it was a mistake; and why I say to him today that he is now paying the price for not getting the Bill through a proper Committee Stage, working through it and giving the integrated sector the chance to come and present to the Committee, and working through and scrutinising amendments. This is not the way to do legislation.

Let me pick up on one of the most recent points, the intervention that Mr Lyttle made in Mr Agnew's speech. You are quite right, Mr Lyttle, that those targets are in the Programme for Government. I remind you: you are part of the Government, and it is your responsibility. You are in the Government; you are a part of it; you are part of this mess.

Here is the problem with some of the Bill and these amendments. I also warned in the debate last week that, at times, it almost felt as though the DUP and Sinn Féin were talking about two separate Bills. It seems to have come true; this Bill is of slightly doubtful parentage. That is how we have ended up in this place with 22 amendments proposed, some of which come from Executive parties — and those parties are entitled to propose amendments — but 10 of the amendments, almost half of them, are subject to petitions of concern.

Most people in the Chamber know that I have been working on a private Member's Bill on reforming this place. I have had some research done into the number of petitions of concern used. This raises the number of unionist petitions of concern, since 1998, from somewhere in the mid-40s to the mid-50s. This is a record number of petitions of concern used on one day and on one piece of legislation. Too many Members stood up last week and said that this is a relatively simple, uncontroversial Bill and that is why we should ignore the Assembly's processes, just use this place as a rubber stamp and not pay much heed to it. That is why it is such a mistake to do it in this way.

Now that I have that off my chest, I turn to some of the amendments. I will comment on some of the integrated education stuff. Let me address Mr Agnew's point about the difference between

integrated and shared education, whereby there may be two separate schools in one building and all that. Does he not accept that, even in the integrated sector, there are differences between pupils? In his contribution, Mr Lunn said that there would be no problem with Catholic pupils in an integrated school being trained up for the holy sacraments, which is right and proper; but you are having differences in that. You are making differences. Unless you move to a truly secular education system where there are no differences, that is the only way you could do it. I do not quite accept —

Mr Agnew: Will the Member give way?

Mr McCallister: Just a second.

I do not quite accept his making such a difference or saying that, somehow, shared education is such a second choice compared with integrated.

Mr Agnew: I thank the Member for giving way. I kind of accept his point. Integrated almost highlights the differences; it brings you in and says, "There are differences. Here's what they are. Let's talk about them, and let's respect them." It is part of the integrated ethos. It is not about Protestant and Catholic children accidentally ending up in the same school — I welcome that where that is happening — but it is about addressing some of those differences. It is not sticking a different uniform on those children and dividing them from the age of four.

Mr McCallister: I accept that. I readily accept, as, probably, many in the Chamber do, that, if we were starting with a blank canvas and designing our education system, the Minister may well do something very different. He may well be closer to what the First Minister has described. However, we are where we are, some 70 years into state education and with different sectors. No matter how much the Green Party or the Alliance Party wish away the Catholic Church or the Presbyterian Church, we are not going to get rid of different interests.

Mr Lyttle: Will the Member give way?

Mr McCallister: Yes.

Mr Lyttle: I appreciate that the Member is developing an argument, but he should be careful about the language that he is using. He should reflect on the fact that he just said that the Alliance Party is wishing away the Catholic Church, which is completely inaccurate language to use.

Mr McCallister: I included the Presbyterian Church. I am a Presbyterian. I was not being offensive to any one side; I was trying to distribute it all out equally in the efforts of equality.

The point is that we, in the Assembly, have an education system that has evolved over many years. It may not be exactly how we would like it to be, but we have to protect and look after the various interests and see how the system develops, how we develop the shared education ethos, how we protect parental choice, and how we build in the faith-based ethos that people want to see. I would like to see many more kids from a non-Catholic background in the Catholic sector. I want to see that flexibility and people wanting to pick a school because it is a good school.

Some commented that some integration has happened very organically. That is very welcome, and I think that we should all encourage it.

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

Mr Lyttle: I thank the Member for giving way; it gives me the opportunity to raise a point. There seems to be an argument being developed today that making a straightforward proposal for a duty to facilitate, encourage and promote integrated education is some form of social engineering and that the current system has just organically developed. Does the Member agree with the First Minister that the current education system is a form of apartheid that is fundamentally damaging to our society?

Mr McCallister: I am glad that Mr Lyttle has some idea as to what the First Minister wants out of education. I do not. One day, he is talking about there being some form of apartheid in our education system, and, the next day, they are fighting hard to keep sectoral interests alive. I warned about this in last week's debate: you cannot have both; you cannot say that you want a single education system while supporting all the other sectors. My view is closer to what the Minister is trying to do. It is about shared education. It is a more realistic option starting from where we are at the moment. That is why I have tabled the amendments.

I do not have any issue with the Alliance Party amendments. It was probably obvious to a man on a galloping horse that the Alliance Party would table those amendments. My disappointment with the Alliance Party is that it was so blasé last week about letting the Bill go

through with accelerated passage. It has suddenly been caught out because the DUP has used the petition of concern mechanism.

That is a complete abuse of the mechanism, but that is the system. I did not design it.

Mr Lunn: Will the Member give way?

Mr McCallister: Mr Lunn.

4.00 pm

Mr Lunn: I am listening to all this with interest, because we seem to be getting the blame for everything. Does the Member think that not having accelerated passage for the Bill would have opened the mind of those who have a closed mind on the issues we are talking about? If we discussed this Bill for a fortnight rather than a couple of days, it would not make any difference. They have a complete blind spot on some of the things that we and, I think, you are trying to promote.

Mr McCallister: You only need to look back to the debate all day yesterday and last night in the Chamber to see the advantage of taking our time and, as it was a private Member's Bill, working with the Minister as well as the Committee to see how you improve legislation. That is the way it should be done. Granted, in this instance, the Minister would not have had time to do that, but he would have had time to put the Bill through a Committee Stage. That way, you would have had a much better chance; you would have had the voice of the integrated sector making the case at Committee for the amendments that the Member feels so passionately about. He is bitterly disappointed that the use of the petition of concern has ended things in this way. It is very regrettable that we have got to that point.

My reason for tabling the amendments on shared education in this group and one that will be debated later is that it is not just about setting a vision; it is about the destination and building a society that is very much at ease with itself. We need a society that does not always divide into our two camps. You can have more organic integration between many of our schools, and that is something that we should want to see progressed.

I accept Members' frustration about the pace of the Minister's work on shared education. On 22 October 2013, he made a ministerial statement on advancing shared education. That was a year ago tomorrow. In fairness, the Minister probably feels some disappointment that he has

not been able to move as fast as he perhaps would have liked to.

We hear too much talk about what is in our Programme for Government. There is a complete disconnect between that Programme for Government and what we are delivering on the ground. I readily accept that point, but the parties with Ministers must look to those people and say, "Why are you still there?".

As I said, I have no great problem with the Alliance amendments on integrated education. If they are pushed to a Division, I would certainly vote on the principle that a petition of concern was not necessary. You should have come here and had the debate. I would happily have been part of that and would have voted accordingly.

With regard to my amendment No 3 on shared education, I had a conversation with the Minister, and I want to hear some assurances from him that he will bring forward new legislation to define shared education and will make sure that he can deliver that. My big concern, given the state of the Northern Ireland Executive, is whether the Minister can get that legislation out of the Executive. Can the Minister get it through Committee and into the Assembly? That is my big concern. I am minded to take his advice and not move amendment No 3 on that basis, but I will look for some comfort in his response to this debate and how quickly he thinks we can get a definition and get a Bill laid before the Assembly. That is one area where he and I agree, and we need to move much, much more quickly on that to advance.

Amendment No 4 is about the community use of school premises. Colleagues mentioned David McNarry, who brought a private Member's Bill late in the last Assembly term, if my memory is correct. It is important that communities use school premises because we have many schools. As Mr Craig said in an intervention to Mr Sheehan, there are schools out there, and why should they not be used for two months over the summer holidays or in the afternoons and evenings? A great example of that is Rathfriland High School — my old school — which has a new 3G football pitch, part-funded by Education, DCAL and Banbridge District Council. The pitch is used by the school through the day and by the community centre and wider community at night. That is the sort of thing we need to see replicated.

The assets in our school estate run to millions of pounds. Why would we not want them to be used? Why would we not want people coming

in and seeing around our schools and using them? Why do we not want to see the link made between parents being at school functions and events, getting to know the school, becoming comfortable with it and seeing what is going on, and the education of our children? That is something we should all welcome.

I understand some of Mr Sheehan's concerns, but I remind him that this is a Department that spends £1.8 billion on education and £160 million to £170 million some years on capital investment. This is one of the biggest-spending Departments in the Northern Ireland Executive. We have a huge asset base, so it is only right and proper that we use it. Mr Sheehan made a point about the authority not owning the schools in the Catholic maintained sector. I want to see us embracing the community use of school premises, and I hope that they would embrace this and a later amendment and say, "This is our opportunity to really make sure that our school becomes the hub of a community". That is why I am so supportive of amendment No 4.

I probably touched on amendment No 5 being too specific in its reference to Catholics and Protestants, which is probably slightly unneeded. I hope that Mr Kinahan moves the UUP amendment. It is a sensible change; it makes sense to do that.

The amendments in the group are very much designed by all Members to try to improve the Bill within a limited window of opportunity. I am disappointed that petitions of concern have been used in such large numbers over the amendments, but we are where we are. I thank Members who will support the amendments that I tabled, and I will support some of the others.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a LeasCheann Comhairle. As has been stated, amendment Nos 1, 2 and 5 would place a duty on the Education Authority to encourage, facilitate and promote integrated and Irish-medium education. I should make it clear that there already exists a duty on my Department to encourage and facilitate the development of Irish-medium education under article 89(1) of the Education Order 1998 and to encourage and facilitate the development of integrated education under article 64(1) of the Education Reform Order 1989. Both those duties are taken seriously by my Department.

The Department will fulfil its duty through its strategic management responsibilities for the authority and will hold it to account through the management statement and financial memorandum. Indeed, that is how the

Department meets its duty as described in current legislation in respect of the ELBs. Regardless of what happens — I know that the vote is something of a foregone conclusion, with petitions of concern tabled — the new authority will have a duty on it. My Department's duty is reflected on and part of the role of the authority.

I now turn to some of the comments made by Members in the debate. I disagree with some of Mr Lunn's comments on my Department's role regarding integrated education. I assure the House that I will live up to my responsibilities with regard to the ruling in the Drumragh judgement. However, I will not take the legal interpretation of that judgement from certain newspapers or columnists; I will take it from legal advisers. I will not go into some of the commentary from the weekend, but it was a bit off the mark. Duties are called for by some of the amendments, but, regardless of what happens today, the authority will not be able to dismiss its duties on that matter, and a number of Members referred to that.

Amendment No 3, tabled by Mr McCallister, would place a duty on the Education Authority to encourage, facilitate and promote shared education. I support the principle of the amendment and where it wishes to bring us. However, there is a certain flaw, at this stage, in tabling the amendment. I will cover some of the points. Mr McCallister will be reassured to know that I am preparing a stand-alone Bill on shared education that will address the amendment. Work has commenced on a shared education Bill that I am keen to introduce to the Assembly in this mandate. I do not believe, therefore, that this legislation is the right vehicle to bring forward that programme of work, which, I think, the vast majority of Members support. I do not think that it can be achieved by a simple clause being added to the Bill, although the clause may be relevant to the next Bill. Certainly, I am more than happy to engage with Mr McCallister on that matter in preparation for the Bill, or perhaps he will wish to table an amendment to the future Bill. If we accept today's amendment, the challenge is this: how would anyone hold the authority to account for facilitating and promoting shared education if there is no legal definition? That is the difficulty. There is a definition of shared education. My Department has a definition of shared education. That is how we brought forward the shared education campuses, contrary to Mr Agnew's suggestion —

Mr Agnew: Will the Minister give way?

Mr O'Dowd: I will give way in a moment.

That is contrary to Mr Agnew's suggestion that we simply sent out a note saying that, if anybody had any ideas for what a shared education campus should look like, they should send us a letter and we would think about it. We sent detailed criteria to all bidders and judged it against detailed criteria. In the first bid, three campuses were successful. We have reissued the bids and hope for wide interest on that. A shared education definition has also allowed us to move forward in a number of areas, including the announcement by the First Minister and deputy First Minister only a number of weeks ago of a £25 million programme for shared education, with a significant amount of that money coming from Atlantic Philanthropies. We have also made quite a significant bid to the next round of European funding to advance shared education. There is a definition, but there is no legal definition.

Mr Agnew: I thank the Minister for giving way. I previously asked a question for written answer on the definition of shared education. The answer came back — I paraphrase, because I do not have it in front of me — that there is no definition.

Mr O'Dowd: That just goes to prove that even I can get it wrong: there is a definition. There is a definition on my Department's website. It depends how you framed the question, of course, and I am more than happy to revisit it. However, be assured that the shared education campuses, the £25 million funding secured from the Executive and Atlantic Philanthropies and other shared education programmes run on a definition.

Mr McCallister: I am grateful to the Minister for giving way. He will be aware of the work done by Queen's University's centre for shared education. If the definition is so well advanced, will he not consider, if the amendment is made, bringing it forward at Further Consideration Stage?

4.15 pm

Mr O'Dowd: No, because I do not think that it is an amendment-style piece of legislation. First and foremost, it will be a short Bill, but it deserves — you have made this argument yourself today — proper scrutiny by the Assembly. There is no reason why it should go through an accelerated passage stage. It requires to be debated because there will be some contrary views on what the legal definition of shared education should be. If Mr McCallister's amendment comes forward, either

as a substantive clause in the Bill or an amendment, there will be questions about how that clause and that duty will work. It deserves the scrutiny of the Assembly, rather than a simple clause attached to a Bill that is going through under accelerated passage.

Mr Lunn: Will the Minister give way?

Mr O'Dowd: I will, yes.

Mr Lunn: Far be it from me to promote either the definition or the cause of shared education — as everybody knows, I have mixed views about it — but I wonder how helpful a firm legal definition would be. Shared education has been with us in various forms for donkey's years. It is shared classes, shared facilities, shared transport, shared campuses and shared teachers. There may not be a firm definition, but everybody has a pretty clear vision of what it means, surely.

Mr O'Dowd: Yes. I will respond to one of the points that you raised. Sharing among whom? What is a shared class? What is a shared trip? We are injecting significant amounts of public money into this programme, and we want to be assured that what we are involved in is not a joint trip, a joint class or a joint programme. We want to ensure that young people are coming together to share education and learn about each other from each other. Our community relations work in the Department has changed over a number of years as community relations work and equality and diversity work have evolved. Teachers tell me stories of how they were involved in community relations work a number of years ago. They went on a bus to a venue, and the other school went on its bus to the venue. They went into the venue and this school sat here and that school sat there, and that was community relations. We have moved beyond that, but we need to give shared education its right place in educational features, in the Education Department and in education policy. It deserves its own Bill and deserves legislative recognition, and I believe that that is where Mr McCallister's amendment belongs at this time.

I will move on to amendment No 4. Again, I fully support the principles behind the amendment — to encourage, facilitate and promote the community use of schools — but, again, how do we hold the authority to account and how does the authority hold the schools to account for not encouraging, facilitating and promoting the community use of schools? The amendment, in my opinion, does not do it. When we issued guidance earlier this year, I

think, and had a joint launch with the Minister of Culture, Arts and Leisure in terms of community use of schools for sports clubs etc, I said that, if schools did not improve the community use of their premises, we should look at legislation. At this moment in time, I believe that the guidance provides them with many of the answers to the unanswered questions that they were asking in relation to insurance and how to work with your local education and library board. I was interested to hear Mr Craig's —

Mr Craig: Will the Minister give way?

Mr O'Dowd: Just let me finish this point, and then I will bring you in.

I was interested to hear Mr Craig's point on how you ensure child safety etc. All those questions were posed and answered through our guidance. Currently, around 80% of schools are involved in community use. I would like to see that increased to 100%. I am very conscious and agree with Members that, with restricted budgets, our schools should be community facilities and community centres and should be used for a wide range of activities other than their formal role of education, but I believe that, to achieve that, if the current guidance does not work and Members want to move to legislation, it deserves more legislation than a simple clause.

I will bring in Mr Craig.

Mr Craig: I thank the Minister for giving way on that point. I think that he and I fundamentally agree on the community use of schools. I can quote several good examples of how that is done, and Laurelhill Community College is a prime such example. However, I have also met representatives of schools who refuse to do that, some of whose schools have ended up being closed because of their failure to engage with the community. On several occasions, Minister, I have also come across a board putting obstacles in the way of the community use of a school. That is why I agree with John that there should be something in the legislation that forces them to promote the community use of schools.

Mr O'Dowd: Again, I find myself not disagreeing with the Member. The question that I keep coming back to concerns an amendment. What is the meaning of:

"encourage, facilitate and promote the community use of school premises"?

How will that be used as a guarantor? I will use your example: if, in your opinion, a board or the authority is not helping a school, how will you hold them to account under that? It needs to be fleshed out. It requires further work and deserves much more than an amendment to a Bill.

Article 140 of the 1989 order places a duty on the board of governors of each individual controlled school and trustees and managers of voluntary and grant-maintained integrated schools to:

"have regard to the desirability of school premises being made available ... for use by members of the community served by the school."

Mr McCallister: Will the Minister give way?

Mr O'Dowd: Just give me one second.

The amendment does not duplicate that provision, but I think that the current provision goes much further. I accept that "desirability" is not a very strong word in legal terms, and perhaps legislation or an amendment at Further Consideration Stage could be used to amend the current order and add greater value to the intentions of the proposer of the amendment and many of those who support it.

Mr McCallister: Maybe I could correct the Minister: Mr Allister is much angrier than I have ever been.

I agree with Mr Craig. School involvement in the community and the community use of schools are very patchy across Northern Ireland. Some are much more open to it. Mr Craig rightly pointed out that, in some cases, even the board, or individuals on the board, can also be problematic. The amendment is one way of making this much more even across Northern Ireland.

Mr O'Dowd: Apologies to Mr McCallister. I read in a recent article that Mr Allister is actually quite cuddly — *[Laughter.]* — but I do not believe everything that I read in the newspapers either.

We want to achieve the same outcomes, but I question whether the amendment will achieve those outcomes. I do not think that the amendment should be moved, but, if it is moved and the House supports it, so be it. It will not do any harm to the Bill, and it certainly will not do any harm to the objectives that you set out. However, I would certainly like to return to it in

the future. If the current guidance does not achieve its goals and there is no significant increase in the level and type of community use of schools, we should return to it through a broader legislative framework.

I also alert Mr Rogers, who —

Mr Newton: I thank the Minister for giving way. There is, at this time, an ambition and plan for Elmgrove Primary School and Avoniel Primary School to move to a new build on the Avoniel site. The secret of the success of investment there will be to build a relationship with Belfast City Council so that the adjacent Avoniel playing fields and Avoniel leisure centre can form part of the plan. If we are to wait until the work necessary, as you describe it, is done, the opportunity for the real enhancement of primary education in what is a difficult area is likely to be lost.

Would it not be appropriate to allow this amendment to go through on the basis that we are working towards that aspiration?

Mr O'Dowd: I do not have the full details of the case that you are referring to, but on the broader principles, as you outlined, even now, you could achieve that goal. You do not need this amendment to achieve that goal, and there are many fine examples of current investment that is going into schools and of the previous investment that has gone into schools where we have worked with other statutory agencies, including the council.

In fairness to Belfast City Council, it came to me about two years ago and discussed with me its leisure plans moving forward. Ever since, we have been working along with Belfast City Council, back and forth, alerting it to our proposals, and it has been alerting us to its proposals, to see whether there is a way that we can work in tandem in the provision of community facilities. However, this amendment is not necessary to achieve the goals that you speak of. As you said, it is a matter for the House. If the House wishes to agree it, it does no harm to the Bill, and it maybe sends out an alert that things need to change.

Mr Rogers said that, while he was supportive of the amendment, he did not wish any further burden to be placed on school leaders. If we pass this legislation, there will be a further burden placed on school leaders. To what degree, I do not know, but, certainly, there will be another aspect. It may not be significant, and it may, in fact, be insignificant, but there will be some aspect of the authority placing extra scrutiny on schools to ensure that they are

open to community use. That may not prove to be significant or a difficulty.

I turn to amendment No 8. Again, this is an unnecessary amendment. Clause 4, which amendment No 8 wishes to amend, is a normal, regular clause, which we include in every piece of legislation that comes before this House and will be in existing legislation that governs many of the functions and roles of Departments and public bodies moving forward. There seems to be a conspiracy theory boiling in the Ulster Unionist Party that I will use this clause to bring forward all forms of legislation that I will not have to bring before the House and that I will do away with all and sundry under this devilish clause that I have dreamt up.

I wish it were that simple, but it is not. Mrs Overend says that she does not trust me. She does not have to trust me under clause 4 because, once I bring forward a negative resolution to the Committee and the Assembly is alerted that there is a negative resolution in play, any Member of the Committee can pray against it or any Member of the Assembly can pray against it. Once that happens, it has to come before the Assembly for full scrutiny. So, it is not a case of me going into a dark room somewhere under candlelight and writing out legislation, signing it off and then it becomes law. That cannot happen under clause 4. I have to come before the Committee. All the members of the Committee have to agree. All the Members of the Assembly have to agree because, once one Member objects, it has to go to affirmative resolution. So, whether Mrs Overend trusts me or not, I assume that she trusts herself. Therefore, under clause 4 as it is currently drafted, her rights and the rights of Members of this Assembly to interrogate legislation have not been diminished in any way, and it is not unique in any way to this legislation.

I think that Mr Kinahan or maybe Mrs Overend suggested that I let them know what I am going to bring forward. I have no plans to bring forward any matters at this stage. Over this last three years as Minister, I think that I brought, maybe, two negative resolutions to the Committee. Maybe it was three, but that is about it, tops. I do not expect, that, as a result of the six-clause Bill here, I will be bringing forward weekly resolutions. A number may come through over a period of years, but, as I said, under the current drafting of this clause, any Member of this House can ensure that it goes through full Assembly scrutiny.

There I leave it, Deputy Speaker. I have made my views known on the various amendments before us, and so be it.

4.30 pm

Mr Lunn: It has certainly been an interesting morning, and most of the afternoon. First, I will deal with accelerated passage. Mr McCallister has consistently opposed that procedure. In the normal way, so we would we; and I think he probably knows that. However, as the Minister has just said, this is a six-clause Bill. We were in a situation where the Minister came to the Committee and made a plea for accelerated passage. That plea was accepted by four of the five parties represented on the Committee on the basis that using the normal procedure had the potential to cause enormous difficulties down the line if we did not get the Bill through before 1 April. It was likely that that would happen; so, we accepted accelerated passage.

I have used the word "simple" before. It really is quite a simple Bill, but some of us have used the opportunity to try to amplify it slightly and to tie down a few things, particularly about representation and making it absolutely clear that the obligations currently on the Department and the board will transfer to the new authority, with the slight extra pressure of the use of the word "promote". Frankly, there is nothing here that the normal passage and discussion would have changed, except that we might have had more amendments. I do not think that it would have made any difference in the number of petitions of concern that were put down. It may be that all of our perfectly sensible and rational suggestions are going to be voted down here by the petition of concern. We will have discussions with the parties to see if we can come up with something and agree on one amendment, particularly on the representation on the authority, for Further Consideration Stage. We will see if the DUP sticks to its guns and uses its mighty wrecking ball to come in again and ruin the amendment. We will just have to see.

I heard the Minister's comment about clause 4(3). That is a regular one, is it not? I think that the Ulster Unionists are being oversensitive about that.

Mr Agnew gave us quite a lurid description of some examples of shared schooling. I completely agree with him, but I am not totally against shared education, per se. As I said to the Minister in an intervention, I wonder why we are so hung up on the legal definition, when you think that over half the schools in Fermanagh, for instance, are already sharing in a perfectly

acceptable way. We had an example at the Committee, just last week.

The arrangement at Cross and Passion College and Ballycastle High School is a fantastic example of how this can come about and how it can be developed.

I will go back to our amendments. Amendment No 1 is a pretty straightforward attempt to enshrine the use of the word "promote" into legislation. As I said a few hours ago, the Assembly voted to accept this on 23 November 2010 and nobody objected to it. The vote was 39-0, so it was not a huge turnout, but no party objected to it. So, we feel that it is reasonable to ask to bring that into legislation, and this is a convenient time to do it. It might be better if there were some way in which we could amend the 1989 Order, which would bring it through, but this is a way to do it. I remain extremely disappointed by the DUP's opposition to that amendment. I do not accept their objections or the rationale or reasons they give for those objections. The new concept that has come up, recently, from both unionist parties that we need a single school system is so unrealistic that it does not hold water.

Mr McCallister: I am grateful to Mr Lunn for giving way. Does that not show that, while the five parties are in the Executive, there is no straight Executive policy as to what the future of education might look like? The Minister is for shared education, the Alliance Party is for integrated, the Ulster Unionists and the DUP are a mix between one single system and a bit of everything. Maybe Mr Rogers can correct me, but until you work out the Government of Northern Ireland's policy to deal with education, you will get a petition of concern in respect of amendments. You need to get a policy. A Government with no policy on education is not very well placed to help our children.

Mr Lunn: Mr McCallister appears to want support from us for his amendment but continually castigates us for every action that we try to take. The Alliance Party is not purely into integration. That must be clear by now. A single school system, in theory, may have some merit. Maybe 200 years down the line, this country might come to that conclusion; frankly, I doubt it. We have no intention, unlike, I suspect, the proponents of a single school system, because their vision of a single school system does not include Catholic maintained, integrated, or Irish-medium. That is what a single school system is to my colleagues to the left.

We favour faith-based education. We favour parental choice in education, and I know that Mr

McCallister agrees. Those are the two words that matter. It is the option for a parent to send their children to the nearest good school of their choice. If we can get to the point where Protestant children feel perfectly comfortable going to a Catholic school, and some of them do, that is excellent. That is parental choice.

Mr Hazzard: I thank the Member for giving way. Will the Member then agree that such parental choice should not be described by his colleague as educational apartheid and segregation?

Mr Lunn: I recall his intervention, although maybe I was not paying enough attention. If Mr Lyttle wants to clarify that, he is perfectly welcome to intervene, to get me off the hook.

Mr Lyttle: I was referring to a comment made by the First Minister, who referred to the education system as a form of apartheid, yet my point was that the track record of delivery in trying to address that seems very scant.

Mr Lunn: Yes, the system that we have at the moment has elements of enforced separation, but it should not be enforced; it should be open to any parent and child to go to the school of their choice. I continue to say on behalf of the integrated movement that there is no barrier whatsoever, spoken or unspoken, for any child to come to an integrated school. That is what it is about.

We are 40-odd years down the line with integrated schools. I think that Brian Mawhinney set up the first one way back then. We have, I think, 1,150 schools in the Province, unless the Minister has closed any this week, 62 of which are integrated. Where is the threat? I keep looking at the unionists when I say that, but where is the threat to the CCMS? It has come out into the open this week through the press in its response to our review of these matters and stated quite unequivocally, as it did at the Committee only two weeks ago, that it wishes that the appropriate authorities would stop trying to promote integrated education. When its representative came to the Committee, he said that it would never countenance a Catholic school transforming to integrated status. He said that they exist to open Catholic schools, maintain them and close them. If the option is to allow the amalgamation of a Catholic school with a local controlled school to form an amalgamation, integration or call it what you like, they will say no. They will close that Catholic school and distribute the children around other Catholic schools. I am determined to be even-handed here.

I move to amendment No 3, which is Mr McCallister's amendment on shared education. I do not know whether he will move it or not; it is up to him. If he does, we will support it.

It is a good concept.

Amendment No 4 refers to community use. I appreciate that this has been much discussed over the last few years through Mr McNarry's private Member's Bill and, more recently, by the Department. At the end of the day, this is a desirable thing that should be happening. In any of my contact down the years with schools, whether it was in my old days, or my children's or my grandchildren's day, schools were being used by the community, and that needs to be encouraged. There is not a very strong onus in the wording of Mr McCallister's amendment. It makes the point to the new authority that it is something to be encouraged. I am sure that there are things that the boards could have been doing and probably have not been doing to explain to schools how to do it, how to get round the insurance problems, the staffing and security problems, and how to work out leases if it came to that. There are things that could be done. For my money, the amendment is valid and has a place in the Bill.

Amendment No 5 is from the Green Party. Of course, I would support it, would I not? However, it does not advance the situation as far as I can see. All that it does is to restate what is already in legislation. There is no harm in it, but I do not see the point in it. However, we will not vote against it.

With regard to amendment No 8, I must say that I have never managed to fully get my head around affirmative and negative resolution, and I fancy that I will leave this place in a few years' time still not knowing what it all means. Given the suspicion that Mrs Overend talked about towards the Minister, if the Ulster Unionists would be more comfortable with affirmative resolution — everything has to come before the House rather than being slipped through as she put it, or under candlelight as the Minister put it — that is fair enough. If that provides reassurance to people who have some doubts on those matters, why not? If that amendment is moved, we will vote for it.

That is about it from me, Mr Deputy Speaker. We have a long way to go with this yet. I fancy that we are in for more trouble over the next few hours. However, we will be moving our amendments and trying to put them to a vote.

Mr Deputy Speaker (Mr Beggs): Members should note that, as amendment Nos 1 and 5

are mutually exclusive, if amendment No 1 is made, I will not call amendment No 5. Before I put the Question, I remind Members that amendment No 1 requires cross-community support due to a valid petition of concern.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 47; Noes 46.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr McCallister, Ms Sugden.

OTHER:

Mr Agnew, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Lyttle and Mr McCarthy.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Maurice 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 Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

<i>Total Votes</i>	<i>93</i>	<i>Total Ayes</i>	<i>47</i>	<i>[50.5%]</i>
<i>Nationalist Votes</i>	<i>38</i>	<i>Nationalist Ayes</i>	<i>38</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>48</i>	<i>Unionist Ayes</i>	<i>2</i>	<i>[4.2%]</i>
<i>Other Votes</i>	<i>7</i>	<i>Other Ayes</i>	<i>7</i>	<i>[100.0%]</i>

Question accordingly negatived (cross-community vote).

Amendment No 2 proposed: In page 1, line 11, at end insert

"(2B) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote Irish-medium education."— [Mr Lunn.]

Mr Deputy Speaker (Mr Beggs): Before I put the Question on amendment No 2, I remind Members that amendment No 2 requires cross-community support due to a valid petition of concern. I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to a Division.

Question put, That amendment No 2 be made.

The Assembly divided:

Ayes 45; Noes 47.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr McCallister.

OTHER:

Mr Agnew, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Lyttle and Mr McCarthy.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Maurice 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 Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

<i>Total Votes</i>	<i>92</i>	<i>Total Ayes</i>	<i>45</i>	<i>[48.9%]</i>
<i>Nationalist Votes</i>	<i>37</i>	<i>Nationalist Ayes</i>	<i>37</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>48</i>	<i>Unionist Ayes</i>	<i>1</i>	<i>[2.1%]</i>
<i>Other Votes</i>	<i>7</i>	<i>Other Ayes</i>	<i>7</i>	<i>[100.0%]</i>

Question accordingly negatived (cross-community vote).

Amendment No 3 proposed: In page 1, line 11, at end insert

"(2C) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote shared education."— [Mr McCallister.]

Question put, That amendment No 3 be made.

Mr Deputy Speaker (Mr Beggs): In accordance with Standing Order 27(4), as no tellers were appointed by the Noes, the Ayes have it.

Question accordingly agreed to.

Amendment No 4 made: In page 1, line 11, at end insert

"(2D) It shall be a duty of the Authority, when exercising its functions, to encourage, facilitate and promote the community use of school premises."— [Mr McCallister.]

Mr Deputy Speaker (Mr Beggs): Amendment No 5 is mutually exclusive with amendment No 1, which has not been made. *Amendment No 5 proposed: In page 1, line 11, at end insert*

"(2E) It shall be the duty of the Education Authority to encourage and facilitate the development of integrated education, that is to say the education together at school of Protestant and Roman Catholic pupils."— [Mr Agnew.]

Mr Deputy Speaker (Mr Beggs): Before I put the Question, I remind Members that amendment No 5 requires cross-community support due to a valid petition of concern.

Question put, That amendment No 5 be made.

The Assembly divided:

Ayes 48; Noes 47.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, 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 P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr McCallister.

OTHER:

Mr Agnew, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Agnew and Mr Lunn.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Maurice 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 Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend,

Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

<i>Total Votes</i>	<i>95</i>	<i>Total Ayes</i>	<i>48</i>	<i>[50.5%]</i>
<i>Nationalist Votes</i>	<i>39</i>	<i>Nationalist Ayes</i>	<i>39</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>48</i>	<i>Unionist Ayes</i>	<i>1</i>	<i>[2.1%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>8</i>	<i>[100.0%]</i>

Question accordingly negatived (cross-community vote).

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker (Mr Beggs): We now come to the second group of amendments for debate, which concerns departmental grant aid to sectoral bodies. With amendment No 6, it will be convenient to debate amendment No 7. Members should note that amendment Nos 6 and 7 are mutually exclusive.

Members should resume their seats and desist from talking in the Chamber. Members. Order.

Mr O'Dowd: I beg to move amendment No 6: After clause 3 insert

"Grants to sectoral bodies

Grants to sectoral bodies

3A. The Department may, subject to such conditions as it thinks fit, pay grants to any body which is recognised by the Department as representing the interests of grant-aided schools of a particular description."

The following amendment stood on the Marshalled List:

No 7: After clause 3 insert

"Funding of Sectoral Bodies

3B. The Department may, subject to such conditions as it thinks fit, pay grants to any body which is recognised by the Department as representing the interests of controlled schools, or any body which is recognised by the Department as representing grant-aided

schools of any other particular description ".— [Miss M McIlveen.]

Amendment Nos 6 and 7 are concerned with the funding of bodies that represent the interests of grant-aided schools. Unlike the other education sectors, the controlled sector has lacked a funded body to provide it with a voice and support it. I want to address that deficiency.

I have already given a commitment to fund the establishment and running costs of that body to my Executive colleagues, the Education Committee and, during Second Stage, to Members. I also set out the functions that that body will be funded to undertake. I also agreed with Executive colleagues to explore a more robust underpinning to my commitment. That can be best delivered by making that provision within the Bill. Underpinning will also include a number of administrative measures. My Department's corporate and business plan will include a requirement for the Department to provide funding for a controlled sectoral support body, and the funding of a controlled schools sectoral support body will require a formal contractual agreement between my Department and the body. That will set out clearly the objectives against which the organisation is required to deliver.

The further amendment tabled by Miss McIlveen and Mr McCausland is therefore unnecessary. The additional wording refers to:

"as representing the interests of controlled schools".

That is superfluous. The amendment that I proposed states that funding can be provided to any body that is recognised by the Department as representing grant-aided schools of any description. That encapsulates all sectoral interest groups and avoids the potential difficulty in seeking to name all those groups.

My stated commitment to providing funding for a controlled sectoral support body negates the need for the inclusion of a specific reference to the body in legislation. In light of that, I trust that amendment No 6 will be agreed. However, if amendment No 6 falls, I will not oppose amendment No 7.

Miss M McIlveen: Throughout the various incarnations of the Education Bill that have come before the House, the DUP has consistently advocated the controlled sector being afforded the same representative rights as every other sector in education in Northern

Ireland. One of the many fundamental concerns that we had about the first Education Bill was that the controlled sector was being placed at a clear disadvantage compared with other sectors in education in Northern Ireland. My concern with the first Bill was that while the ethos of other schools was to be protected, that of controlled schools was to fall by the wayside.

The Catholic maintained sector is represented by CCMS, the Council for Catholic Maintained Schools. It describes itself as the advocate for the Catholic maintained schools sector in Northern Ireland. CCMS was established under the Education Reform (Northern Ireland) Order 1989. While its primary purpose is to provide upper-tier management for the sector, with the principal objective of raising standards, it has a much wider remit. The body, in its own words, states that it:

"has a wider role within the Northern Ireland education sector and contributes with education partners to policy on a wide range of issues such as curriculum review, selection, pre-school education, pastoral care and leadership."

It also states that it:

"supports trustees in the provision of school buildings and governors and principals in the effective management and control of schools."

The Education Reform (Northern Ireland) Order 1989 imposed a duty on the Department of Education to encourage and facilitate the development of integrated education. As a result, the Department began to grant-aid the Northern Ireland Council for Integrated Education — or NICIE, as it is known. NICIE describes itself as "an ethos body with a representational role", and it is a voice for its sector.

The Department of Education set up Comhairle na Gaelscolaíochta (CnaG) in 2000 as the representative body for Irish-medium education. Its purpose is:

"to promote, facilitate and encourage Irish-medium Education."

Schools represented by NICIE teach around 7% of the children in Northern Ireland; those represented by CnaG less than 1%; and those by CCMS around 37%. The controlled sector up to this point has had no equivalent body to promote, encourage and facilitate the

development of the controlled sector, despite educating around 41% of the children here.

I welcome the fact that the Minister outlined, during Second Stage, the role of this new body. That was agreed by the Executive on 9 September. At a time of budgetary constraints, falling enrolments in areas, area planning and a move towards shared education, it is perhaps more important than ever that the controlled sector has its own voice. The Education Authority cannot advocate for the controlled sector as it will be the one taking the decisions. A separate, funded body is required, similar to those for the Catholic-maintained, integrated and Irish-medium sectors.

This is a massive step forward for the sector; one that we, as a party, particularly welcome, and it is welcomed by those in the controlled sector. While we welcome the amendment tabled by the Minister, which means that the Department can pay grants to any body that is recognised as representing the interests of grant-aided schools, including voluntary grammars, the controlled sector wants to see as robust an underpinning as possible of its position. Therefore, we have tabled an amendment that specifically refers to the controlled sector as well as allowing for the ministerial discretion contained in the Minister's amendment. The Minister may believe that this is unnecessary, but our amendment is about giving the maximum comfort to the controlled sector. As I indicated during Second Stage, this is a natural consequence of the uncertainty that has been hanging over education for the past seven years and the controlled sector's lack of representation while others have had theirs.

Members should be mindful that what is being tabled today is a power not a duty. While this is not the controlled sector body being on an equal basis with other bodies, it goes some way to address the gap in support and advocacy. I very much hope that the Assembly, particularly those Members who talk most about equality and fairness, will recognise the need for this and support this amendment.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak on this group of amendments. It was outlined in earlier comments that there could be no doubt that this Minister has demonstrated a welcome commitment to address various gaps, for want of a better phrase, in relation to controlled sector advocacy and the role of a controlled sector body in the months and years ahead.

I specifically mention the investment that was made in research to bring together a body under the guise of the former ESA Bill and how that will now progress in the months ahead. At a recent Committee meeting, and at an earlier stage, a commitment was given that the financing of such a body would be underpinned in DE's corporate business plan.

5.30 pm

Sinn Féin welcomes the fact that those issues are being addressed. However, I agree with the Minister in that I do not feel that the DUP's amendment is necessary. Indeed, I think that its Members are being quite mischievous. We are more than happy to support the Minister's amendment. It is inclusive of all sectoral interests and actively avoids falling into the prescriptive nightmare of naming one group or another.

The DUP needs to be careful. It seems that it is OK to use one sense of logic about levelling the playing field when it comes to the controlled sector, but that same logic does not apply to the integrated or Irish-medium sectors. I am quite happy to give way if somebody wants to intervene, but it seems like hypocrisy to say that there is a historical imbalance and that we need to address certain gaps, so we need to name the controlled sector. If that is levelling the playing field, surely the extension of such logic is, equally, what we discussed this morning about the Irish-medium and integrated sectors.

I put that to the DUP and would appreciate it if somebody cleared it up. It is an imbalance that needs to be addressed. As I said, Sinn Féin is content that the Minister is continuing to engage with controlled sector representatives. That is positive and to be welcomed. We are happy to support the Minister's amendment. If that is not accepted, we will support amendment No 7.

Mr Rogers: Throughout the ESA process, I was adamant that a sectoral body for controlled schools was essential. Just as the SDLP wants proper representation and authority for all sectors, the same should be the case with funding arrangements and not selecting any one side for preferential treatment. I declare an interest as chair of Grange Primary School's board of governors.

I understand why some Members opposite interpret CCMS as creating preferential treatment for the maintained sector. However, we have to go back to the original reasons why CCMS was set up in the 1989 Order, which was to raise standards. It provided an invaluable

service to the Catholic maintained sector. However, 25 years later, we are in a different educational landscape. We will support amendment No 6. Drawing attention to a particular sector in amendment No 7 gives, rightly or wrongly, a perceived preference to that sector. While I cannot fault Members opposite for fighting their corner, I am fighting for all corners.

Mrs Overend: In this second group of amendments, I see two amendments of the same type. It just seems that the DUP has gone slightly further than the Education Minister to specify the controlled sector. Naturally, the Ulster Unionist Party supports amendment No 7.

In the House and in Committee, the Minister has said that he is setting up a sectoral body for the controlled sector, as it seems that he is unwilling to remove CCMS. Whichever way it is, it is important that all sectors are on an even keel. We have a number of concerns about the amendment. It seems that the formation of the controlled sectoral body is not enshrined in the legislation, and we are to take the Minister's word in the Chamber that that is what he wants to do. I wonder why he does not want to put that in legislation.

Other sectoral bodies supporting other types of education could be funded under the wording of this amendment, I presume, but they are not specified. I believe, therefore, that the amendment is very open-ended. Does the Minister plan to do the same for other groups, such as the voluntary or integrated sectors? I look forward to the Minister's response to that.

I also want to question the Minister about how he intends to assess the validity of any group that is applying for grant aid from the Department. Is there a chance that funding for more than one group within one sector can be successful? Those are a number of questions that need to be answered. The amendments seem open-ended, and we need clarification on those matters.

Mr Lunn: We are perfectly happy to support amendment No 6, and, if it does not pass for some reason, we are just as happy to support amendment No 7, the reason being that there is not a pick of difference between them. They both say that:

"The Department may, subject to such conditions as it thinks fit, pay grants to any body".

That is the first line of both of them. The second one happens to specify controlled schools. Frankly, so what? It is any body that the Department thinks fit. To me, it is another example of perhaps the slight lack of trust. Mrs Overend said that she is prepared to take the Minister's word on some aspect — I forget what it was — but at the same time does not —

Mrs Overend: I did not say that.

Mr Lunn: Those are your words. Frankly, I have no problem with the establishment, as I have said many times, of a controlled sector body. I think that it is high time that we had such a body to mirror the operation of CCMS, NICIE and CnaG. I am sure that this section is necessary in such a Bill, so whichever one of them goes through, I do not really mind, but I think that, normally, if there was not a level of suspicion around, it would probably be amendment No 6. It is a question of the Queen's English, but we had all this with the ESA Bill when different lines of perfectly straightforward text meant different things to different people, and it looks like we are at it again here. We will support amendment No 6 or No 7.

Mr McCausland: The system of education that we have in Northern Ireland is complex, and, over the years, we have built up a complex system of governance and an architecture of governance and support. It has been built up over 40 years and added to from time to time. We are not starting with a blank sheet.

It was pointed out by Mr Hazzard that there appears, in his view, to be some inconsistency in the position taken by the DUP, but the basis of our amendment is that, whilst CCMS and NICIE have their basis in the Education Reform (Northern Ireland) Order 1989 and therefore have a quarter of a century of history behind them, for that quarter of a century there was a gap, and he himself admitted that. It was never addressed over that period. CCMS and NICIE have their basis in the 1989 Order, and we are seeking a basis in this piece of legislation for a sectoral body for the controlled sector.

We have seen very clearly the benefits of having a sectoral body, because we have seen the operation of the other sectoral bodies over a long number of years. It is a research body, a support body and an advocacy body. It promotes the ethos of that sector and speaks up for that sector. Even today, we have seen in the 'Irish News' how CCMS is able to speak out clearly and unmistakably on behalf of the sector that it represents. It is important, therefore, that

there is a sectoral body for the controlled sector.

We have talked a little bit about equality. The fact is that we will never be able to achieve full equality in the education system because we have a situation where the trustees in the maintained sector own the very buildings and the ground, and that gives them a different situation from those in other sectors. I commend our amendment No 7 because I believe that it gives us a solid basis for what has long been needed, and that is a sectoral body for the largest sector, namely the controlled sector, which, as my colleague pointed out, represents 41% of the children in Northern Ireland.

Mr Craig: I will start off by declaring an interest as a member of the board of governors of Killowen Primary School and Laurelhill Community College, both of which are controlled sector schools.

In fairness, I am also the product of a controlled school and proud of that fact.

I look with envy at the CCMS and how it has supported its sector. I recognise and give cognisance to the fact that there are better educational outcomes in that sector than in the controlled sector. That clearly underlines the need for a sectoral body for the controlled sector.

We cannot continue with the situation of not fully supporting, in every way we can, 41% of children in Northern Ireland. Every report on the controlled sector clearly highlights the underachievement in the sector. Whether you call it a lack of trust or a lack of faith, it does not really matter. That is why we support our amendment No 7, which puts the wording "controlled sector" into the Bill. We dearly want the sectoral support body to be set up and improvements brought about in the controlled sector. I support amendment No 7.

Mr McCallister: There is probably not a huge difference between the two amendments. The one thing that I point out is that the debate clearly points to the lack of trust at the very heart of our Government between the two large parties in that Administration.

The one guide for legislation is that, if there is doubt and you have concerns about something, you are probably better off putting it in the Bill. That is why I am probably closer to supporting the DUP amendment, which is amendment No 7.

Mr O'Dowd: Thank you, a LeasCheann Comhairle. I thank Members for their contributions. I listened to the arguments put forward but remain convinced that my amendment provides the best means by which funding can be provided to a sectoral support body for the controlled sector and, if appropriate, other sectoral representative bodies.

I believe that the concerns raised by Members are taken into account in the amendment; in my written commitments to Executive colleagues at an Executive meeting; through the inclusion of a sectoral body for the controlled sector in DE's corporate plan; and, moving forward, in Hansard.

For the record, I want to make it clear that the debate on the two amendments is not about whether there will be a controlled sectoral body, because there will be a funded controlled sectoral support body in the future. My officials have engaged with members of the controlled sector on how we can move that forward and, as each stage of the Bill is progressed, those engagements will intensify. So, the current debate is not about whether there will be a controlled sectoral support body; there will be one.

To a certain extent, I understand the reassurances sought by Members opposite and by some in the controlled sector, who want the sector to be named in the Bill. They believe that, moving forward, that would give them more certainty. Mr McCallister referred to a lack of trust. No one is naive around these parts. I suspect that there is a lack of trust, but I also suspect that there is uncertainty about the future. They want the controlled sector to be named in the Bill so that, if there is a change in Administration or whatever it may be, there will always be a reference point in legislation to why and how a sectoral support body for the controlled sector will be funded. However, I believe that as the controlled sectoral body builds with financial support from my Department, makes its place known and registers its commitment to education with the controlled sector schools, it will itself ensure its certainty and its funding.

I have accepted the need for a controlled sectoral support body. I do not necessarily agree with comments that the controlled sector had no voice. It was the role of the education and library boards to give a voice to controlled schools. Whatever the strengths and weaknesses of that, I now accept the argument that the controlled sector deserves to have its

own body to give it a voice, to support it and to move it forward.

5.45 pm

A number of questions were posed during the debate about the purpose of the amendment. I think that Mrs Overend said that amendment No 6 is open-ended and that you could fund anyone under it. Technically, yes. They would certainly have to represent a sector of grant-maintained schools. If they were seeking funding from my Department, they would have to come forward with a proposal. That proposal would have to pass a business case, so it would have to represent value for money. Obviously, it would then be the decision of the Minister as to whether he would choose to fund that body moving forward. There are already provisions in legislation. Article 115 of the 1986 Order, I believe, allows me to do that anyhow, and we do use it sensibly and sparingly because, apart from the fact that we have significant budgetary pressures, I am conscious of a responsibility to deal responsibly with public funds.

We fund a number of bodies currently. For instance, we fund the integrated sector, which was referred to. It is funded through various articles. It is funded under article 64 of the 1989 Order, but it is not named, in that sense. CnaG is funded under article 89 of the 1998 Order, but, again, it is not named as one of the funded bodies. Other bodies are funded even though they are not named in legislation. There is a plethora of support organisations, particularly in the Irish-language sector, but we only fund one. We fund Comhairle na Gaelscolaíochta. I appreciate that there are fewer bodies in the integrated sector, but, again, we fund one main body to promote the work of the integrated sector. Again, it boils down to business cases and proposals coming forward that we would only require to fund one sectoral support body in the controlled sector as well. So, I do not think that it opens the floodgates for representative bodies coming forward to say that they expect funding because this amendment is passed tonight.

Some Members referred to the role of CCMS and the role that it has played in improving education, particularly in the Catholic sector. That is very true, and I pay tribute to it for the role that it has carried out in improving educational outcomes not only in the Catholic sector; its input to the broader education debate has been very valuable. It has engaged at all levels of the education sectors and, at times, made interesting interventions. I do not agree with its intervention this morning as it was

reported in newspapers. In fairness, I have not read its actual submission to the Committee. I do not agree with it as reported in the media.

Certainly, CCMS has made a significant contribution to education, both in the Catholic sector and across education, and that has come about, yes, as a result of legislation, as the Chair of the Committee pointed out. It has also come about because of the way that CCMS has developed its own organisation, the way it has engaged with its schools and the way it has gained the respect of schools in the Catholic sector moving forward. I have no doubt that the controlled sectoral support body will achieve that. It will take time to build, but I have no doubt that it will achieve those goals as well.

There are still huge challenges in the Catholic sector around educational attainment for young people. Huge challenges exist there as well, so we should not be under any illusions that it is all sorted in the Catholic sector and that everyone else is being left behind. CCMS will be the first to admit that there are huge challenges there, but its work has been vitally important in moving that on.

I have mentioned the role of NICIE in the integrated sector and CnaG. They, too, have spent this last number of years building their organisations and gaining the trust and respect of the various sectors and working with them in the promotion of their various sectors and have done very good work in doing so. It is now the turn of the controlled sector. Once again, I put on the record that, regardless of which amendment passes tonight, there will be a sectoral support body for the controlled sector.

It will be funded by the Department. The terms and conditions of what work will be carried out is reported in Hansard and in the Executive minutes. It will be in my Department's corporate plan. I have no doubt that they will move forward from strength to strength, regardless of which clauses are passed tonight.

Mr Deputy Speaker (Mr Beggs): I remind Members that amendment Nos 6 and 7 are mutually exclusive. If amendment No 6 is made, I will not call amendment No 7.

Question, That amendment No 6 be made, put and negatived.

New Clause

Mr Deputy Speaker (Mr Beggs): Amendment No 7 has already been debated and is mutually

exclusive with amendment No 6, which has not been made. *Amendment No 7 made: After clause 3 insert*

"Funding of Sectoral Bodies

3B. The Department may, subject to such conditions as it thinks fit, pay grants to any body which is recognised by the Department as representing the interests of controlled schools, or any body which is recognised by the Department as representing grant-aided schools of any other particular description".— [Miss M McIlveen.]

New clause ordered to stand part of the Bill.

Clause 4 (Amendments, repeals and other consequential provision)

Amendment No 8 made: In page 2, line 15, leave out "negative resolution" and insert "affirmative resolution".— [Mr Kinahan.]

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 and 6 ordered to stand part of the Bill.

Schedule 1 (The Education Authority)

Mr Deputy Speaker (Mr Beggs): We now come to the third group of amendments for debate, which concerns membership, officers and Committees. With amendment No 9, it will be convenient to debate amendment Nos 10 to 20. Members should note that amendment Nos 11, 12, 13, 14 and 15 are mutually exclusive amendments. In addition, amendment No 15 is consequential to amendment No 14. Members will also note that valid petitions of concern have been received in relation to amendment Nos 11 to 15.

Mr Kinahan: I beg to move amendment No 9: In page 3, line 16, after "Department" insert

"on the basis of merit through a fair and open public competition".

The following amendments stood on the Marshalled List:

No 10: In page 3, line 17, leave out "8" and insert "10".— [Mr Lunn.]

No 11: In page 3, line 19, leave out (c) and insert

"(c) 11 persons appointed by the Department ("appointed members") of whom • —

(i) 3 shall be persons appearing to the Department to represent the interests of transferors of controlled schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(ii) 2 shall be persons appearing to the Department to represent the interests of trustees of maintained schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(iii) 1 shall be a person appearing to the Department to represent the interests of integrated schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(iv) 1 shall be a person appearing to the Department to represent the interests of Irish-medium schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(v) 1 shall be a person appearing to the Department to represent the interests of grammar schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests; and

(vi) 3 shall be persons appearing to the Department, so far as practicable, to be representative of the community in Northern Ireland.".— [Mr Lunn.]

No 12: In page 3, line 19, leave out (c) and insert

"(c) 13 persons appointed by the Department ("appointed members") of whom • —

(i) 4 shall be persons appearing to the Department to represent the interests of transferors of controlled schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(ii) 3 shall be persons appearing to the Department to represent the interests of trustees of maintained schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(iii) 1 shall be a person appearing to the Department to represent the interests of

integrated schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(iv) 1 shall be a person appearing to the Department to represent the interests of Irish-medium schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests; and

(v) 4 shall be persons appearing to the Department, so far as practicable, to be representative of the community in Northern Ireland.".— [Mr Hazzard.]

No 13: In page 3, line 19, leave out (c) and insert

"(c) 12 persons appointed by the Department ("appointed members") of whom • —

(i) 4 shall be persons appearing to the Department to represent the interests of transferors of controlled schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(ii) 3 shall be persons appearing to the Department to represent the interests of trustees of maintained schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(iii) 1 shall be a person appearing to the Department to represent the interests of integrated schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests; and

(iv) 4 shall be persons appearing to the Department, so far as practicable, to be representative of the community in Northern Ireland.".— [Mr Agnew.]

No 14: In page 3, line 19, leave out "11" and insert "15".— [Mr Rogers.]

No 15: In page 3, line 30, at end insert

"(iv) 2 shall be persons appearing to the Department to represent the interests of voluntary grammar schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(v) 1 shall be a person appearing to the Department to represent the interests of Irish-medium schools, appointed after consultation

with persons or bodies appearing to the Department to represent such interests; and

(vi) 1 shall be a person appearing to the Department to represent the interests of integrated schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests."— [Mr Rogers.]

No 16: In page 3, line 30, at end insert

"(d) No less than two of the persons so appointed under paragraph 2(c)(iii) shall be appointed by reason of their being teachers serving at the time of their appointment in grant-aided schools."— [Mr Kinahan.]

No 17: In page 4, line 41, at end insert

"(9A) A nominated person shall be for a specified period of not more than 8 years and on completion of this period the nominated person shall resign and the vacancy shall be filled by applying sub-paragraphs (3) to (8).

(9B) A nominated person who has resigned after completing the eight year period can be considered for nomination by a party nominating officer after a period of 4 years has passed since the date of their resignation."— [Mr McCallister.]

No 18: In page 6, line 9, leave out sub-paragraphs (2) to (5) and insert

"(2) An interim chief executive of the Authority shall be appointed by the Department.

(3) Within one year of the date of the first meeting of the Authority, the Authority shall commence a process to appoint a permanent chief executive.

(4) Every subsequent chief executive shall be appointed by the Authority.

(5) The Authority shall not appoint a person as chief executive unless the Department approves the appointment.

(6) A person shall, so long as that person is, and for 12 months after ceasing to be, a member of the Authority, be disqualified for being an officer of the Authority."— [Miss M McIlveen.]

No 19: In page 6, line 34, at end insert

"(1A) The Authority will appoint a standing committee to encourage, facilitate and promote shared education."— [Mr McCallister.]

No 20: In page 6, line 34, at end insert

"(1B) The Authority will appoint a standing committee to encourage, facilitate and promote the community use of school premises."— [Mr McCallister.]

Mr Kinahan: I welcome the chance to put these forward. It is slightly strange when the first amendment, which is ours, is so different from the others. I welcome what we have just heard on the controlled sector body. I am pleased that we seem to be moving towards that. I also welcome the fact that we seem to be going quite quickly through things. I will do my best to be quick and concise as well.

Amendment No 9 proposes that the chairman be appointed on merit through a fair and open public competition. It is implicit that that would happen, but we would rather make it more explicit to ensure that it happens, so that whoever is appointing is not appointing a lackey. In the vision that I have for the shared future, we will get someone who will drive education forward, someone who wants to make education better for the pupils, rather than necessarily fighting the political battles that we have in here. We need to make sure that it is opened up, it is the best person for the job and it is not a closed shop. Let us start moving everything so that we get a world that works for education. We propose amendment No 9, so, obviously, I support it.

Amendment No 10, which is the Alliance amendment, wants to increase the political names on the board by two. Initially, I looked at it and thought that it seemed right because Alliance is the party that fights hardest for integrated, but do we want more politicians involved? I would love it if it were more UUP members, but it causes me discomfort because there is another side to it: it would be gerrymandering to give another to the DUP. We do not support the amendment; I do not think that we need more politicians on the board. I remember last week the Minister saying, "Let us keep this concise. Let us push it forward and get it working". We have to keep that in mind. I go back to the point that there are a lot of people missing from the board — we will get into that as the debate goes on — but we do not support amendment No 10 and will oppose it.

Amendment No 11, which is another Alliance amendment, deals with appointing the 11 remaining people on the board. The Ulster Unionist Party, as I have said before, would like to have every sector on the board. I feel that we are losing our way. We keep referring to how things were, whereas we should look at the proportions of how things exist at the moment. The voluntary grammar sector has a very large proportion — somewhere between 40% and 50%, depending on how you count it — of our pupils, and we are not putting them on the board. That very much drives our attitude to many of the amendments: if the voluntary sector is not there, we are not supporting them. It should be there with the right proportions. Equally, we want to see all sides of the community included, rather than having no sides. I would like no sides if we could get there, but it does not seem to exist, so we will go back to making sure that everybody is there instead.

We then have to think about the actual size. Are we getting too big? I suggest that we all use the next two weeks to talk to one another to find a suitable way forward to make sure that we get a board that will work and represent all sectors. We will oppose amendment No 11.

Amendment No 12 is the Sinn Féin amendment. It completely omits the voluntary sector, and therefore I cannot support it. It is essential, and part of our discussion this morning was that we needed to find a way forward of sharing our education. It is not just sharing across religions; it is sharing across types of school. Rather than one side going for one, it is getting everybody working together. We will not support amendment No 12.

I agree with the idea in amendment No 13, but it deals with only one or two sectors. Again, it leaves out the voluntary sector. As I have said, you cannot have that. We have to have a body that represents the schools as they are now and start looking forward. We spend our lives looking backwards, so we will oppose amendment No 13.

Amendment No 14 is the SDLP amendment. It comes closest to exactly what we wanted. When we were preparing our amendments, those are exactly the lines that we were going down. However, there was not enough time because of accelerated passage for us all to talk to one another, so it was better to step back and put in the few amendments that we have done and take these as they happen.

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

I am totally against the use of the petition of concern at any time. I find it really depressing that anyone can use a petition of concern. We are a democratic body. People voted for us and we were elected, and that is how we should be doing things. The petition of concern was to protect the religious side of things. It is just being used by one side to stop things. We need to get into a new world where we are going forward, as I have said. Please let us stop using petitions of concern. I almost think that you should wear a badge of dishonour; it is just not how democracy should work.

We keep referring to 1986. We are now 28 years on from the 1986 Order. Are we not moving forward? Are we not looking for new ways of doing things? Let us keep trying to do it. In all the amendments, there are elements of people just fighting for their own.

Again, I go back to my point that I want to see us sitting down over the next two weeks and trying to find a way forward that will work for everyone.

6.00 pm

I made a speech on Saturday at our conference about the need to be agile and to fit with the way that businesses and schooling must work together to respond to the world. We are so slow in here; we are not moving forward; we are always going backwards. Let us try to find a way so that we are all agile, moving quickly and responding quickly. Despite saying that, this is the amendment that I would like to support. So, we support amendment No 14.

As such, we will also support amendment No 15, which adds in two spaces for the voluntary sector, which I think is right, because there are distinctly two groups. It also adds in Irish and integrated, and that is exactly what I wanted to see happening. This is how we should be going, and I think that that is being generous to the Irish. I was asked last week whether we would be putting Irish in there, and it is absolutely right that we do. Although it is a very small percentage of our pupils, they are the other sector and they should be there. Integrated is likely to be the one that expands, and we need to find a way of putting that change in place for the future. So, probably at the next stage, we will try to put in some review clause that looks at the numbers on the board being reviewed every five to 10 years. I would like to find a way forward, so we are working on that.

Amendment No 16 is our own amendment. It asks for no less than two teachers. Something that I have been very aware of, particularly after going to one school, is this: one of the more experienced but younger teachers said that many of the older teachers did not know how to use technology, did not know how things were working and that they were not totally au fait with many of the new ideas coming from other places. We need to find a way that does not bin the past and the experience but, equally, sucks in how we can all work together. I thought that one way was to get practising teachers on the board at the same time. There will be many there who will have experience through CCMS, or transferors and others, but, in most cases, they are all people who have been and done it in the old ways. I want to get a little bit more youth into it so that we understand the technologies of where we are going in the future. That was really what was driving me there. I think that we should have serving teachers involved so that we know about the things that are going on in schools at the very time.

Through amendment No 17, John McCallister is looking to specify the period for eight years, which I think is very, very sensible. We should support it. I am tempted to call it the Obama rule with the two American periods for the president. I think that it is right to limit it. I am slightly more concerned with the second half of the amendment, where you get to having been out for four years. I think that we should be looking to find a way to make sure that the person is still interested or involved in education or has the experience. Another question may need to be asked to make sure that they have not just gone away and lost interest and got out of touch. Otherwise, we support amendment No 17.

Amendment No 18 is the DUP amendment about the interim chief executive. It talks about the chief executive being appointed by the authority after a year. I think that that is very sensible and absolutely the right way forward. Again, get the authority to appoint them so that we move on in a world where they are building it with less political deadlock.

Amendment No 19 is Mr McCallister's amendment, which would appoint a standing committee to encourage, facilitate and promote shared education. Of course I support that. It is extremely good, and I think that we should be looking at some of the other recommendations that came from the body to see whether there is a way of building on that so that we put in some of the targets, timelines and the other things to

make sure that shared education happens. We will support amendment No 19.

Amendment No 20 is the same thing. It encourages the use of school facilities and suggests a stranding committee to do so. I listened to the points made earlier. I struggle with it slightly, and I can see, as Mr Rogers said, it putting more pressure on the principals and the schools. It will vary throughout all the schools depending on whether the problems are insurance or whether too many other facilities would be better somewhere else, but it is the right way forward. As we build new schools and as we do it, it is the right thing to do. So, we will support amendment No 20.

As I said, we need to find a way forward to get all the sectors involved in a proportionate way and build so that we have something that works for the future. That means that the Ulster Unionist Party will support amendment No 9 and amendment Nos 14 to 20 but oppose amendment Nos 10 to 13.

Miss M McIlveen: As I outlined earlier, it is vital that the integrity of the 1986 order is protected. That Act set out the make-up of the boards on a 40%, 40%, 20% basis. This Bill is for the replacement of those five boards with a single authority, and it is no more than that. In those circumstances, the make-up of the authority should reflect those of the boards. It is for those reasons that we have tabled petitions of concern in respect of amendment Nos 11, 12, 13, 14 and 15. I said earlier that the Bill is not ESA by the back door, and I would certainly not like to see it being ESA by amendment either.

Amendment No 10 is one of self-interest for the Alliance Party, to gain a place on the authority. Despite the fact that, as Mr Kinahan pointed out, on party strength in the Assembly, the DUP would actually be a beneficiary of an additional place on the authority, we do not believe that we can support amendment No 10 either, particularly if we are to remain consistent in our approach to the integrity of the 1986 order.

The DUP is happy to support amendment No 9 as tabled by Mr Kinahan and Mrs Overend. We have consistently fought for and sought assurances that appointments are carried out in a thorough and fair, open process.

The DUP recognises that, with the existing time constraints, it would be impractical for the authority to be in place to make the appointment of the first chief executive. However, we do not feel that it is appropriate for the Department to appoint the first chief executive and then for them to be in place for

maybe 10 to 15 years. An authority that sets the strategic agenda will want to have a chief executive that it feels will be capable of delivering that agenda. To ensure that the authority will have confidence in its chief executive, it should have a say in who that will be in the longer term.

The appointment of a chief executive is a key role that is played in many boards and should not be denied to the Education Authority, particularly at an important juncture when so many potentially seismic changes are coming through area planning and shared education. For that reason, amendment No 18 sets out a process by which that can be achieved. The interim chief executive will be in place to steer the authority through its initial period, but within one year the authority will begin the process to appoint a permanent chief executive. That will mean that there will be stability through the process of the establishment of the authority and for a reasonable time following that to ensure delivery. I feel that that process will also ensure public confidence in the appointment process, and I commend the amendment to the Assembly.

My party and I are happy to support amendment No 16. The voice of the teacher is often lost on such boards. I know that teachers did historically have a place on some education and library boards and made a valuable contribution to the discussions. I believe that that would be similar in this instance, and I think that it is important that they are there. Practical, hands-on experience of the impact of decisions is a valuable asset on any board, and the amendment would ensure that that voice is heard.

As I indicated earlier, we will support amendment Nos 19 and 20 as tabled by Mr McCallister. Unfortunately, we do have concerns about amendment No 17 as tabled by Mr McCallister. He has enjoyed a good run today, but sometimes good things come to end. We seek some clarity on it. We do not really feel that it is appropriate to limit the nominated persons on the authority to eight years. The proposed eight-year cap would evidently not apply to any other person serving on the board, only to those nominated by parties. I need to get clarity from the Minister as to whether that would extend to the other appointments and whether that would cause some sort of disparity among those on the board. If that is the case, we feel that it would be an effective guillotine on some of the experience and expertise that there might be, particularly if, after eight years, members left in one fell swoop. However, obviously that will change with party strengths,

so, in many respects, there may be a natural change anyway.

As I am conscious of the time, I am happy to conclude on those remarks.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. I will start with amendment No 17, which Miss McIlveen has just concluded on. I find myself in almost total agreement with everything that she said. We will oppose amendment No 17.

I will go through what Sinn Féin is going to do on these amendments. We will support amendment Nos 9 and 10; we oppose amendment No 11; amendment No 12 is our amendment; we oppose amendment Nos 13, 14, 15, 16, 17, and 18; and we will support amendment Nos 19 and 20.

I will start at the end. Some may say that there is a contradiction in our position given that, earlier, we opposed amendments on shared education and encouraging schools to open their premises to the community. These two amendments place no statutory duty on the board or the Department about encouraging, facilitating and promoting shared education or the community use of school premises. We feel that setting up a committee to encourage, facilitate and promote shared education would be a help in bringing forward the shared education Bill, on which work has begun. On that basis, we will support both those amendments.

I will go through the amendments in order. Amendment No 9 is for appointments to be made on the basis of merit through a fair and open public competition. We are happy to support this amendment. I think that it is probably totally unnecessary because all appointments will be made in the way that the amendment describes, but we are happy to support it anyway.

Amendment No 10, tabled by the Alliance Party, would increase the number of political representatives on the board from eight to 10. I think that, on the basis of fairness, the Alliance Party should have a seat on the board and that it is unfair that the Alliance Party is excluded. I say that in the knowledge that the DUP would increase its representation on the board. However, in the interests of inclusivity, we will certainly support amendment No 10.

Of amendment Nos 11, 12, 13, 14 and 15, we think that our amendment is the best. It is the most inclusive. It does not include the voluntary grammar sector for a good reason. I said that I

would be open to persuasion on the inclusion of voluntary grammar schools on the board. I have not been persuaded of that. I do not think that the argument is particularly strong. The voluntary grammar sector cherishes its voluntary status. It makes no sense for that sector to be on a board that is administering funds for other sectors. In my view, that is a good reason for not including it on the board.

Mr Kinahan: Will the Member give way?

Mr Sheehan: Sure.

Mr Kinahan: Thanks very much. Do you not realise that, although the board may be talking only about money that is going to other people, it does affect that sector because it all comes out of the same pot? So many decisions made by that board will affect the voluntary grammar sector that the logic is to include it. I go back to the point that it should be given proportional representation. If it comes to something that is nothing to do with that sector, maybe it should say, "Excuse me from this meeting", and then step out, which is what we all should do when we declare an interest. There are ways to do it, and it is better to include the sector than to exclude it.

6.15 pm

Mr Sheehan: I am not so sure that a lot of what would be discussed at the board would affect them, because their dealings would not be with the board. Voluntary grammars, as I understand it, deal directly with the Department, although I stand open to correction if I am wrong on that. That is another good reason why voluntary grammars should not be included on the board.

Steven Agnew's amendment No 13 is, again, not inclusive because there is no mention of Irish medium having a seat on the board. For that reason, we will oppose that amendment.

Mr Agnew: I thank the Member for giving way, and I acknowledge his point. I recognised that, in the first group of amendments, others brought forward amendments to include the Irish-medium sector, which I supported. For that reason, I will not be moving my own amendment.

Mr Sheehan: OK. I thank the Member for that intervention.

Amendment No 16 suggests that two persons should be appointed by reason of being teachers serving in grant-aided schools at the

time of their appointment. I am not saying that teachers could not fulfil that role, but teachers are trained to teach; it does not necessarily qualify them to go on this board. A lot of people could argue that the people appointed by political parties would not necessarily be qualified either. However, I am not sure why we should specifically mention teachers, as opposed to, for example, classroom assistants, other educationalists or an accountant. The mention of teachers limits our opportunity to appoint from a broader spectrum of people with expertise in operating a board.

I have dealt with amendment No 17. Amendment No 18 is on the issue of the appointment of the interim chief executive. To some extent, I again find myself in agreement with the DUP that there is a need for stability and for the new board to have strategic direction. The Minister has already agreed that the person will be appointed in an interim role, but I think that that requires a minimum of two years, and that is not spelt out in that particular amendment.

I think that I have covered all the amendments, so I will finish on that point. Go raibh maith agat.

Mr Rogers: I will be as brief as possible as well. The SDLP has emphasised how critical it is for the authority's board to accurately reflect our unique education landscape. That landscape has changed considerably since 1989 and will no doubt change considerably more over the next 25 years.

Like others, I am concerned about the use of so many petitions of concern. Listening to the Member who has just spoken, I think we should find good reasons for inclusion rather than exclusion. I am just thinking of a couple of towns, one of which has four grammar schools and three non-grammars. Surely if you are planning future education provision there through area planning and that, everybody needs to be around the table. Think of another town that has a maintained primary school, a controlled primary school, an integrated school and an Irish-medium school. If you are thinking of future planning in that area, you really need everybody around the table.

On the amendments, very quickly, it is worth stating about amendment No 9 that all appointments are based on merit and made through open public competition. I understand that the reasoning behind amendment No 10 is to ensure that as many political parties as possible are represented on the authority. However, it is a strategic education authority.

With due respect to all my colleagues around the Chamber this evening, who knows the education system best? Our Politicians or our educators? I say that we should not make the imbalance worse.

Amendment Nos 11 to 15 are subject to a petition of concern, but I would support amendment No 11 as a second preference to ours as it gives representation to all sectors. However, it would mean a reduction in controlled sector, maintained sector and community representatives. As I heard other Members saying, there are so many aspects to be facilitated, particularly of the controlled sector and the community, that that could be problematic.

To my mind, amendments No 12 and 13 leave out at least one important sector. The level of representation proposed fails to create a relevant and fairly constituted board.

As to amendment Nos 14 and 15, rather than altering the proposed membership, we believe that four additional seats should be created on the authority: two for voluntary grammar; one for Irish-medium; and one for the integrated sector. As well as easing competition for the community representative places, it is essential that all sectors, particularly those that educate over 50% of our post-primary children, are represented. The Bill is about children. It is about creating the correct educational opportunities for our children. We must keep that in mind.

Amendment No 16 would ensure teacher representation on the authority, which could only be good. We are happy with and will support amendment No 17. Amendment No 18 proposes:

"An interim chief executive of the Authority shall be appointed by the Department."

It goes on to propose that the authority will subsequently select its own permanent chief executive. To me, that makes good sense. Finally, we support amendment Nos 19 and 20.

Mr Lunn: I will go through the amendments in much the same way. Amendment No 9 addresses the need to appoint:

"on the basis of merit through a fair and open competition".

Frankly, in what other way would the Department or the Minister be allowed to appoint? I agree with others that it makes no

difference whatsoever, so we will happily support it. Amendment No 10 is our proposal to increase political membership to 10, which is designed to bring the Alliance Party or someone whom we nominate on to the authority. I refer to the precedent of the Policing Board, which has 10 politicians representing all five Government parties. Our amendment would even give the DUP an extra member — every silver lining has a cloud. I am not sensing enormous support for that amendment, but I want you all to think about it all the same because I think that we have a right to be there. I will leave it at that.

There is a plethora of amendments similar to our amendment No 11, each giving an individual party's thoughts on how to make up a board. We tried not to increase the size of the board by too much, so it would go up from 20 to 22, and we had to adjust the transferor and maintained schools figures, each down by one. However, we think that that would provide a balance to the board.

Some people say that 22 is too many, but the SDLP's amendment goes beyond that by bringing the number up to 24 or 25. There are several points to be made here. The only board that I had any great dealings with over the years was the much-lamented, but not missed, South Eastern Education and Library Board. That was a board of 20 to cover just one educational area. I fancy that the Belfast Education and Library Board has even more. Tot up the number of people on the five boards that we have at the moment. The other day, someone gave a figure of 60 to the Committee, but I think that that was on the low side. It is more like 80 to 100. If we can get that number down to 22, 20 or 23, so what? I remind Members that this board started in Caitríona Ruane's time, when it was supposed to be the ESA board of seven members. I remember being castigated, right, left and centre, for suggesting that that was a bit too small. I see you laughing, Chris, but it was before your time. It really was just too tight for something as ambitious as ESA.

With regard to the question about the voluntary grammars, I will say this: nobody fought harder against ESA than the voluntary grammars and the Governing Bodies Association on their behalf. They also made it absolutely clear that, if ESA came about, they wanted a place on the board. That was unequivocal.

Mr Kinahan: Will the Member give way?

Mr Lunn: Yes.

Mr Kinahan: I just feel that that is slightly unfair on the voluntary grammars. They obviously wanted their position on it, and they were not included. That is why they were fighting it. I think that we need to accept that. They wanted to be part of the system. They were not fighting against everyone else but to be included.

Mr Lunn: Yes: I think I got that. I think that you are actually saying the same thing as me. If ESA or a similar-type body, such as the one that we are now discussing, were to come about, I think that, in the light of the number of pupils and the percentage of the school population that they represent, the voluntary grammars would want a place on it. It amuses me slightly that the Alliance Party is promoting the cause of the voluntary grammars to have a place on this board, but I think that it is fair.

You will notice that our amendment does not actually say "voluntary grammars", but "grammar schools". The reason for that is that there is also the section of controlled grammar schools. It is a moot point as to whether the controlled grammars have the greatest affinity with the controlled sector body or the voluntary grammars. I think that they have synergy with both. For that reason, we are quite happy just to leave it there with "grammar schools".

I really do not think that a 22-person board will rock the universe. I think that it is still within the range of what is acceptable. In a way, it does not really matter what I think, does it? We have yet another petition of concern. The same applies to amendment No 12. Who has proposed this one? It is the Sinn Féin one, which does not refer to grammars at all. There we have a difference of opinion.

All of these amendments in this respect are petitioned by our good friends over here. Maybe we need to get together between now and the next stage — at least, some of the parties — and see whether we can come up with a compromise selection that is representative and does not offend anybody. I think that it can be done. It may well be a challenge for the DUP Members over here as to whether they can run with something like that. At least, we should put it before them. Clearly, none of these amendments will pass tonight.

Amendment No 13 was Steven Agnew's. I think that he will not move it, so I will not comment on it.

The SDLP amendment would have been our next choice, frankly. It is fair enough. It includes voluntary grammars, but also Irish-medium and integrated schools, so that is OK.

Amendment No 16 is the one about teachers. I have no objection whatsoever to teachers or representatives of the teaching profession having a place on the board, but I think it ties into what we eventually decide about the make-up and size of the board. I would keep an open mind on that. I have to oppose the amendment as it stands. I am open to persuasion that there might be a place. If you are talking about two teachers, and there are only three community places, that balance is not right. If it were one teacher and four community places, and if the other bodies that we would like to see represented were already in there, then we might run with that. There is certainly no harm in having people from the chalk face feed into a board like this.

Mr Sheehan: Will the Member give way?

Mr Lunn: Yes, sure.

Mr Sheehan: I am just wondering which sector that teacher would be from.

Mr Lunn: I do not know. I will move on. *[Laughter.]* Well, I think that the point of having a teacher there is to provide a teacher's background, expertise and chalk-face experience. On that basis, I do not think that it really matters too much which sector the teacher comes from if you get the right teacher, principal or whatever.

Mr Kinahan: Will the Member give way?

Mr Lunn: Yes, go on.

Mr Kinahan: I do not want to prolong this too long. I sat and thought about this over the ESA Bill, trying to think of different ways to ensure that we had that sort of hands-on experience. I was looking at whether we should ask CCMS for one of theirs to ensure that they always had a practising teacher there or whether the controlled sector would do it. I thought, right, this time, let us just put in a broader one, and then we can try to work it, but, again, it comes back to the point that we all need to start talking to each other and find a solution to it. It is a sensible idea. How we actually fit it is difficult.

6.30 pm

Mr Lunn: I thank Mr Kinahan for that. I would not be one bit surprised if we were to see two amendments next time: one of which says that we need a teacher from the controlled sector and another that says we need a teacher from the maintained sector. However, we will see

whether we have learnt any wit in the meantime.

Amendment No 17, proposed by Mr McCallister, is about the eight-year period. We are not that keen on this because we think that it is up to parties to nominate their own people. If someone has finished their eight-year term and is doing a terrific job, maybe that party does not have an ideal replacement. It seems a bit prescriptive to say that you have to come off the authority for four years and then you can go back on. So, we do not want to support that.

We agree with amendment No 18 about the interim chief executive, the DUP will be delighted to know. However, I have a query. Pat Sheehan raised the point that, officially, an interim chief executive may have to be appointed for two years. I would like to hear what the Minister has to say about that. I would not get too hung up about whether it is one year or two; if the rule says that it must be two, or if it needs to be two to get the right person, let us go for it. If it can be done for one year, that would allow the authority to bed in and then be in a position to appoint its own chief executive.

Amendment Nos 19 and 20 relate to the standing committees to encourage shared education and the community use of school premises. I must say that I am very surprised that Mr McCallister has not suggested a standing committee to encourage integrated and Irish-medium education.

Mr McCallister: I was leaving that to you.

Mr Lunn: No, I do not approve of these measures. If you are going to set up a high-powered authority to run the whole education system across the Province, I really think that you should be able to trust it to sort out its own system of standing committees. I doubt whether the authority would come up with a proposal that it needs a standing committee to encourage, facilitate and promote the community use of school premises; I think that it might have different priorities. The authority will already have what is in the Bill previously, — I forget the wording of it; those were your words — to promote, facilitate and encourage the use of school premises for community purposes. I think that that is probably good enough.

The same argument applies to amendment No 19, about shared education.

Mr McCallister: I am grateful to Mr Lunn for giving way. There are lots of examples. The

Executive break into Executive subgroups when they want to keep a focus on something. This is a way of making sure that something happens with the amendments that we have already passed, and that there is a focus on, and a mechanism for, delivering some of those outcomes.

Mr Lunn: That is fair enough, and I am sure that the authority, as it develops, will establish subcommittees as it goes along. However, there are a lot of subjects out there that are very important. What about a standing committee on area-based planning?

Mr Kinahan: *[Interruption.]*

Mr Lunn: Yes, but there is any number of subjects. I say, just leave it up to the authority; do not tie their hands and insist they must set up particular standing committees in this way.

Amendment No 20 is the last for now. Those are our views on the situation.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I am aware that time is moving on fast, so I will try not to go over any of the ground that my colleague Pat Sheehan has already been over. He outlined our position on amendment Nos 9, 10 and 11.

Let me touch on Sinn Féin's amendment No 12, which would give representation on the board, as of right, for the integrated and Irish-medium interests. We feel that it is correct that, if transferors and trustees have a place on the board, so too should those who represent the interests of Irish-medium and integrated education. Mr Sheehan rightly outlined the pros and cons around a place for grammar schools. Indeed, putting in place something for grammars would be a replication; they can get on through the transferors anyway.

I will touch on the voluntary grammars later. I have been lobbied by Irish-medium and integrated education groups, but I have not been lobbied by voluntary grammars for a place on the board. I know that other Members may have. Obviously, it is their prerogative to bring forward amendments, but there is something about the voluntary status and the principle that they follow that separates that out.

Granting membership on the board to Irish-medium and integrated interests would provide a clear indication that the Department recognises and cherishes the statutory duty to facilitate and encourage Irish-medium and integrated education. It would also send out a

timely signal to all in our society that the Assembly cherishes every sector that educates our young people. I repeat what I have said today: some in the Chamber may believe that a fair playing field can be achieved by erecting hurdles and laying down petitions of concern; however, all that does is copper-fasten division, fear and suspicion. We should be looking to be more inclusive. We have missed an opportunity today to show support and demonstrate confidence in Irish-medium and integrated education, and even in the controlled sector. We could have walked away from here today with everybody being winners, but, unfortunately, a whole raft of petitions of concern has scuppered that possibility.

I will not dwell too much on amendment Nos 14 and 15; Mr Sheehan outlined our thoughts on those. Amendment No 16 proposes that there be two automatic places for teachers on the board. It will be difficult enough to squeeze a fair representation of society into four community places. If you automatically give two of those to teachers, it will prove to be impossible and entirely inequitable to reduce that to two. Again, as has been touched on, why two teachers? Why not two principals, caretakers or bursars? If the authority is about strategic oversight and a vision, why would you automatically include teachers? There has been talk about not overburdening principals and everything else. We hear about the pressures on teachers, and yet we are going to select two teachers to go on to that body as well. We have to bear that in mind.

In saying that, I recognise entirely that, in large sections, be it health or education, we need to take the opinions of those who work at the coalface right into the consideration room. I am not necessarily sure that that means that you have to appoint somebody to the board to do that; there are other ways of doing it. A new authority should be cognisant of the fact that the views of teachers are paramount, but that does not mean that we should automatically give them 50% of the community's representation.

As my colleague outlined, we will oppose amendment Nos 17 and 18. As has been outlined by many Members, political parties should be left to their own discretion to select their nominees. The Member who spoke previously talked quite well about experience in a particular party. As for amendment No 18, I do not see the point in establishing a board and then, within a year — the amendment does not say "at least a year"; it says "Within one year" — a process will begin to appoint a new chief executive. I would like to see an authority being

given a year to bed down and set a strategic programme of work. As far as I remember — the Minister can confirm this — it was outlined at the Committee that it was a two-year period. A two-year period would certainly be more favourable than "Within one year".

Finally, I am more than happy to support the establishment of standing committees to look at the community use of schools and shared education, although I take on board much of what Mr Lunn said about the authority being able to set its own programme of work. Go raibh maith agat.

Mr Craig: Frankly, I find it impossible to argue against amendment No 9; there is a lot of common sense in the statement. The fact that it is there is good. If it were not there, I would like to think that those principles would have been applied anyway. Therefore, we will support amendment No 9.

Mrs Overend: Will the Member give way?

Mr Craig: Yes.

Mrs Overend: I thank the Member for that comment. Does he agree that, if there is fair and open competition, there might be more of a possibility of a woman getting the job?

Mr Craig: I do not know what to say about that that will not get me into trouble, so I am just going to go silent on it.

If it is fair and open, it is possible for everyone and anyone to get that job.

Amendment Nos 10 to 15 are the ones that I find fascinating, because in them we see the wish lists for the sectors of those who tabled them. That is the difficulty I see with amendment Nos 10 to 15: they represent everybody's wish lists. We are back to a lot of the arguments that we witnessed when we were debating the ESA Bill. On balance, there is a structure in the Bill that I have accepted and all of us welcomed, and we will keep that balance and not bow down to the wishes of each Member of the House and whatever vested interest they have in some of the other sectors. That is largely where we are coming from on those amendments.

Amendment No 16 argues for the inclusion of two teachers. I am supportive of that for a very simple reason: no board of governors in Northern Ireland sits without a teacher representative on it, so teachers do participate in the management of our schools. Therefore,

logically extending that, why should they not have a place or position in the overall management of the school estate? I have absolutely no difficulty with that. Sometimes in life, those who are at the coalface and see the real issues never get an opportunity to interface at a level where they can bring about obvious changes that they can see the results of on a daily basis. Amendment No 16 makes an effort to rectify that by allowing those at the coalface to sit up with those who manage the estate and give them an opportunity to bring their common-sense approach from the coalface to that board. That is something that I strongly welcome.

Amendment No 17 and the issue of the two terms has been discussed. We will use that word "equality". If it does not apply to all members, it is fundamentally wrong. That is the only issue I have with that amendment. If it applied to all members, it would be fair enough.

Mr McCallister: Will the Member give way?

Mr Craig: I certainly will.

Mr McCallister: The Minister might well refer to this, but other members who are appointed would be subject to the public appointments process. It is in the guidance for public appointments that there is a limit of two terms. While it would not be enshrined in law for two terms, it would be if the amendment was passed for political members and it would be in the guidance for other appointed members.

Mr Craig: I thank the Member for pointing that out. I will listen with interest to see what the Minister has to say with regard to that. I am not convinced that that is the case, but we are here to be convinced. That is what the debate is all about.

Amendment No 18 is our clear attempt to bring about a fair, open and transparent process that allows the board to have its say in the appointment of the chief executive. I think it was my colleague from Lagan Valley Mr Lunn who asked whether it would be one year or two years. All we are saying in the amendment is that the process of replacing the interim chief executive should start after a period of one year. I have seen these processes, and they can last a month, three months, six months or even a year, which would give the Minister his two years. That is a matter for the board itself.

Mr Sheehan: Will the Member give way?

Mr Craig: Yes.

6.45 pm

Mr Sheehan: I seek some clarification on what you just said. You said that after a year, a process should begin. The amendment states:

"Within one year of the date of the first meeting".

"Within one year" could mean anything; it could mean nine months, six months. That is an issue.

Mr Craig: I do not think that it is an issue. We are clearly saying that the board should make that judgement call about its level of preparedness. Only the board could make that call. "Up to a year" is the actual wording. If it meets monthly, from its first meeting until its twelfth meeting, the board has the flexibility to decide whether it is ready to replace the appointed chief executive. I doubt that that will happen within the first six months. I doubt that it will happen within the first nine months, to be honest with you, because there will be so much infrastructural and organisational change within that time.

Mr Storey: I thank the Member for giving way. It might be useful if the Minister could confirm later on the modalities in relation to the issue. If we had an appointment by the Minister, would it be an accounting officer of the Department? If so, does that bring into serious question the relationship between the Department and the structure of the board, which is set up, as we have been debating all day, on the basis of the 1986 Order?

Mr Craig: I thank the Member for his intervention and wish the Minister all the best in answering that question. I look forward to hearing that answer.

The flexibility is there for the board to make its own appointment within a year or to start the process and not necessarily make the appointment within that year.

In amendment Nos 19 and 20, the Member is putting in mechanisms for action to be taken on shared education and community involvement in the school estate, both of which I strongly support. I understand his wish to see such action.

Mr Agnew: We have various amendments on the make-up of the board. As was alluded to, a lot of these discussions probably took place over the ESA Bill. I was not on the Committee, but I have no doubt that they took place.

In terms of principles, the DUP has sent out a clear message today that it does not want to see the integrated sector have any representation on this board. I have yet to hear a DUP Member justify that. Again, apologies: I should declare my interest as a director of NICIE. They have been given alternatives that they could support. Every amendment includes representation for integrated education. From listening to Mr Kinahan, although there is not a UUP proposal, it sounds like that party's proposal would be to have representation for the integrated sector. We have every party in the House, with the exception of the DUP, acknowledging that the integrated sector is an important part of our education system and should have a voice on what has been described by the Minister as the strategic body for the future of education in Northern Ireland. I fail to understand why the DUP is so opposed to this proposal and so set on the make-up of the board as it is in the Bill. Only it can answer that.

The Green Party welcomes the cross-party support for integrated education that is recognised in the amendments. I will use the excuse of the short timeline that we had to get in amendments, but I recognise the failure of our amendment to include the Irish-medium sector, and, for that reason, I will not move our amendment.

I am not opposed in principle to any of the other amendments. However, I favour the Alliance amendment in that it would change the way in which we have done things. We have a new Bill and a new authority, and we do not have to do what we did before just because it is the way we always did it. The amendment would bring in the Irish-medium and integrated sectors without increasing the size of the board and reduce by one the number of places for the transferors of controlled schools and the trustees of maintained schools. If we believe in moving away from a segregated sector — I have clearly stated that I do — this is a step. It is small step but a good step. For that reason, I will support amendment No 11 tabled by the Alliance Party, which deals with the make-up of the board.

That said, the Alliance Party also proposes to increase political representation by two to ensure that it has representation. I have heard why that is fair to the Alliance Party but not why it is good for determining the future direction of our schools. It would probably be good for the Alliance Party to be there, because, of the five parties of choice in the Executive, it has promoted integrated education most strongly. I would welcome that voice being there.

However, if we were to increase the size of the board to make sure that the Alliance Party is there, I cannot help think, "Why not increase it a little more to make sure that the Green Party is there too?". I am certainly not opposed in principle, but I am not sure that it is necessary.

It is clear from the debate that each proposal for who sits on the board is a little about power and control. Too little has been said about what is good for our education system, and I acknowledge my own fault in that. Nobody in all this has really lobbied for academic excellence, research, evidence-based decision-making and who could best provide that. I am not sure that increasing the number of political parties or sectors on the board will give us that. It is typical of Northern Ireland politics and always seems to be reflected in our education system that it is about how we can share it out, equally but separately.

That said, I support amendment No 11, followed by amendment No 12 and the SDLP proposals on the make-up of the board. I also support amendment No 9. It explicitly states what is probably assumed. I have made my views on shared education pretty clear. However, given the amendment that was passed in the first group, I am certainly not opposed to a standing committee either for shared education or for the community use of schools.

The DUP has an amendment on the interim chief executive. I was compelled, to some extent, by the Minister's argument for two years. He can correct me if I am wrong, but it seems to be, "Trust me, I'll have somebody in place within two years". This amendment is a solid proposal for starting a process within one year. I do not see a huge conflict between the two positions, so I am happy to support amendment No 18. Given my understanding of the processes, I see no problem with Sinn Féin coming back and inserting the word "two" instead of "one". If that is competent, I have no problem with it.

I turn to the issue of teachers. I support the principle. It appears that teachers would take up two of possibly four places, depending on how many amendments pass, but there are petitions of concern, so none of them will pass. I support the principle of having that, but not one of the bodies that are representative cannot appoint teachers themselves. I support the principle and think that a message has been sent out, but there should be an onus on those who are appointing people to the board, whether it be parties or the Department, to bear

in mind the principle that teachers should have a say.

Mr McCallister: I will work my way through the amendments. Again, it is a shame that, given the number of choices that we have been presented with on the make-up of boards and who should be on it in various amendments, that has not been allowed to work its way through an Assembly process where it can be debated — you argue your case, put it to a vote and see what gains support.

I will start at amendment No 9, standing in the names of Danny Kinahan and Sandra Overend. It states that the chair of the authority is to be appointed on merit in an open competition. That is an eminently sensible amendment and something that we should all want to see encouraged in any appointment. Like others, I am happy to support that.

My difficulty with amendment No 10 — not to be too hard on Mr Lunn — is that it is maybe slightly self-serving to increase the size of the board to get your party onto it. I have this thing about the sense of entitlement — it sometimes applies to being in government here — and I think that it is detrimental. I am not convinced that increasing the size simply to get an outcome or to bring someone into that is a particularly good way of doing our business. The other option would be to do better in elections, and that applies to all of us. Mr Agnew was looking for a place: I suspect that, to get you and me onto it, Mr Agnew, it might need to be increased significantly. I am not proposing that at any point, but I have a concern that an amendment like that can become a little self-serving, and that is why I am reluctant to support it.

Amendment No 11 is from the Alliance Party. My one problem with it — others have made the point — is that it is not specific about voluntary grammar, because there would be grammar representation coming through the controlled sector anyway.

The amendments in the group can probably all be counted as being mainly on the same issue. Sinn Féin's amendment No 12 adds in the integrated and Irish-medium sectors. That is a sensible amendment that I have no issue supporting. I have a note on the Green Party's amendment — why not include? — but Mr Agnew has already dealt with that point. Amendment Nos 14 and 15 are SDLP amendments that, taken together, are about appointments and add in the voluntary grammars and Irish-medium. SDLP or Sinn Féin? The SDLP one is possibly the better

amendment. Again, it is a dreadful shame that we are not debating the merits of the amendments without, effectively, the guillotine hanging over them. It is a pity that we are not doing that.

Amendment No 16 is a UUP amendment on community appointments to be teachers. Many people are happy for that to go ahead, and it is an important and sensible move.

The amendment standing in my name is more or less a term limit. My reasons for it are really to avoid the almost perpetual political favour whereby you can get appointed and, as I said in an earlier intervention to Mr Craig, that the Minister's code on public appointments recommends that.

So, why not put it in the Bill for political appointments? I know that some are reluctant to do that, but I think that they should serve for two terms and then come off of a term. Mr Lunn's argument against it would be this: what would happen if a political party had no one else suitable? It would be a fairly poor political party that qualified electorally but could not find someone else to fill that spot after eight years.

7.00 pm

I just think that it is a better way of keeping the board fresh. I did not want to be too prescriptive in the amendment, but, when the board is established, I want it to stagger elections or appointments so that you do not end up with the entire board changing at the end of an eight-year period. It is an amendment designed to keep the board fresh and stop political appointees being there forever. It is also in line with the guidance on public appointments that the Minister referred to, so it would be a sensible amendment for the House to make. I strongly hold to that, and I think that it is better for any organisation to have an element of freshness or newness at any given point. I would like to see that.

Amendment No 18 is a DUP amendment concerning the interim chief executive. As others said, it is a sensible amendment and not desperately far from where the Minister wanted to go. Mr Sheehan raised a point about whether the period would be two months, three months, six months or nine months. It would just mean that, at some point, maybe after 364 days, the process would have to get under way. Too many times, there have been difficulties or delays in getting the process started, so I think that it is sensible to put in the Bill that the process must start after a certain time and be

run for a certain time. In appointing someone at the level that I suspect the board or the authority will look for, it is more likely to be a lengthy process. Other large public authorities such as Northern Ireland Water have had difficulties in getting a chief executive. So, I think it is a sensible amendment.

I move on to my amendment Nos 19 and 20. The Assembly has before it amendments on shared education and the need for the community use of schools. I think that the committee proposed in each of my amendments is a vehicle that can start to drive that change. The Minister was reluctant to support earlier amendments, but this is a way to drive some of that. I hope that this could help to drive forward the Minister's shared education agenda and that there is much more progress when the Education Authority is established and in the years to come than there has been in years gone by. We really want to see that.

We have talked about the community use of schools and mentioned David McNarry's Bill. I think that it is about three and a half or four years since that Bill was talked about in the Assembly. Yet, as Mr Craig said, the community use of schools is very patchy across Northern Ireland. We have to change that and use those facilities. In difficult budgetary times, we want schools to be at the very centre of our communities, and the proposed committee could do that. With that, I conclude.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I do not oppose amendment No 9, which seeks to insert a requirement that the chair be appointed:

"on the basis of merit through a fair and open public competition"

However, the question that I ask its proposers is this: how else did they think that the chair would be appointed?

It is quite clear, both in the original clause and in all employment legislation and rules under the Commissioner for Public Appointments etc, that the chair could not be appointed on any basis other than on merit through a fair and open public competition. In my bid to win the trust of the Ulster Unionist Party, I am not going to oppose this amendment.

Amendment No 10 seeks to increase the political membership of the education authority from eight to 10. Again, I am supportive of this, not on the basis that it gives the DUP another member but that it gives the Alliance Party representation on the body, and I think that is

inclusive. We have striven to create an inclusive society, so it is only right and proper that the Alliance Party is given a seat on the board.

I do question some of the commentary around, "Why give more representation to political parties?". I am proud to be an elected representative. I am proud to be a member of a political party, and I do not think that we should run down politics so easily or quickly. Political parties and politicians stand before the electorate and are elected or not elected, whatever the case may be. Once you are elected, and once your political party carries a mandate, I am of the firm view that that should be respected. Those who criticise from the sidelines and those who are paid to sit in studios and criticise the actions of politicians should, in my opinion, put up or shut up and go and stand for election and see whether their ideas on how society should be run are welcomed by the people. If they are, they are more than welcome to tell me how to do my job. I think that no harm is done to the Bill — in fact, I think that the Bill is improved — by the representation of all of the Executive parties on the body.

I turn to amendment Nos 11, 12, 13, 14 and 15. I acknowledge that Mr Agnew has withdrawn amendment No 13. With regard to amendment Nos 11, 14 and 15, I have listened to the arguments that have been put forward by my colleagues on these amendments, which seek, through a range of permutations, to alter the composition of the membership. However, I cannot support them. I am strongly opposed to any reduction in the number of transferors and trustees, as they represent the majority of our schools and, as such, this needs to be reflected in the membership of the authority.

I note the concern regarding the absence of representation for grammar schools, although it is possible that the transferors may choose a representative from the controlled grammar schools as one of their board members. Indeed, any of the political parties could choose a representative of the voluntary grammars as their representative on the board. As voluntary grammar schools are funded directly by the Department and have no direct funding relationship with the education and library boards nor will they have any with the Education Authority, I do not feel that there is any requirement to have representatives of the voluntary grammar schools on the board. Should this position change, it should be open to review.

As was stated in the previous debate, I think by the former chair of the Education Committee, voluntary grammars cherish the voluntary principle more than they cherish academic selection. So, if they wish to remain voluntary, allow them to do so but do not give them a place on a board that will govern all schools other than theirs. Mr Kinahan suggested that perhaps they could step out of the meeting at that time. They would be out of the meeting all day, because the authority will not be engaged with their schools. The continued funding for the voluntary grammars will run through my Department. I have many differences with the voluntary grammar sector, but my opposition to this is not on the basis of academic selection. My opposition to this is on the basis of the voluntary principle, which they hold dear. If they hold it dear, the reaction to that is surely then that they are not sitting on the board.

I believe that four community members is the minimum number acceptable to ensure representation. To reduce community members would not provide a broad representation in terms of background, skills and experience. It will be no surprise to the House that I am prepared to accept the arguments put forward around the deficit in representation for both the integrated and Irish-medium sectors, as set out in amendment No 12.

Mrs Overend: I thank the Minister for giving way. I noticed that his colleague Mr Sheehan discussed this matter as well, and you are opposing voluntary grammar schools going onto the board.

The reason for that is that they report directly to the Department of Education. Maybe I have not picked this up. Can you clarify who the integrated sector reports directly to? Is it the Department of Education? Does it currently report to the education and library boards? Likewise, who reports to CCMS?

Mr O'Dowd: It depends on the category of the school. There are controlled integrated schools and controlled Irish-medium schools. So, it depends on the category of the school. I am not sure that the voluntary sector would be overly amused with the term "report directly to the Department", but I like the ring to it. *[Laughter.]* The Department governs their finances.

I oppose amendment No 16, which proposes to allocate no fewer than two of the four community membership positions to serving teachers. I believe that to appoint two persons

to the board of the authority by reason of their being teachers would not be in the best interests of community representation or fair recruitment on the basis of merit. If the amendment passes, the two teachers will not be representing teachers; they will be representing themselves. There are approximately 20,000 serving teachers in society. I do not know how we are going to select two teachers who will represent the wide and diverse views among the teacher population out there.

I accept that the vast majority of our teachers are dedicated to the delivery of high-quality education, but under that is a wide divergence of views on how you deliver high-quality education. How do we select two teachers who will represent the teaching profession? We cannot do so. They would be there representing themselves as individuals. I do not think that that is fair or right, particularly coming out of the community representation. What about parents in community representation? Why should they not be able to apply through this opportunity? Why should the chairs of boards of governors not have a right to a place on the authority? Why should the secretary to the board of governors of a school not have the right to be on the authority?

Mr Craig said, correctly, that there is a teacher representative on the board of governors of every school. That is correct, but that teacher can liaise with the other teachers in the school, regardless of the size of the school. They can liaise with them; they can engage with them; they know the mood of the teachers in the school, and they can reflect that back to the board of governors. Two teacher representatives on this body will not be able to represent the views of approximately 20,000 teachers.

Mr Kinahan: Thank you for giving way, Minister. I have listened to your points. Again, I go back to this point: if we had not had accelerated passage, we could have covered a lot of these points and discussed them. I want to leave the amendment in unless I can find some way; we need to find some way so that principals, vice principals and others who are hands on with the running can be involved. There are ways of doing it. Maybe we could try to sort it out amongst ourselves over the next two weeks.

Mr O'Dowd: Perhaps one thing we should be looking at is trade union representation on the board. At least, they have a mandate from their trade unions to represent the views of the boards. There are around five teachers' trade

unions. You might want to suggest to them that they send a representative from that collective body. I understand the principle behind the amendment, but, in practice, it does not work. We cannot select two people, honestly, and say that they represent the teaching profession. They will not do so; they will represent themselves. If the Member is considering not moving that amendment, I would encourage him not to.

I move now to amendment No 17. I spoke on limiting the appointment period for political nominees to eight years in relation to amendment No 10. Why single out political nominees? Mr McCallister will say that the Commissioner for Public Appointments guidance states that you should not serve for more than two terms on a body. That is right, but it is only guidance. Here, we are putting in legislation that politicians — our political representatives — cannot serve for more than eight years on a body. So, there is a distinct difference between what the guidance from the Commissioner for Public Appointments states and what we are going to pass into legislation here. So I am opposed to that on the basis that some other Members had asked why we would treat political appointments differently from other appointments.

7.15 pm

Mr McCallister: I am grateful to the Minister for giving way. The very fact that it is in guidance, and your best practice as a Department in appointing people to various boards states that eight years or two terms is the limit, and someone would effectively get marked down if they wanted to stay on longer than that. Just because it is only in guidance, why would we not want to bring that across to political appointments?

Mr O'Dowd: Why do we not bring it across to all appointments? This is not guidance; this is legislation. There is a distinct difference between guidance and legislation, although if the Member is suggesting that we bring it across to everyone, let us look at that, but we would have to look at a rotation in the board, with over a third of the board changing over every four years to keep continuity in the body. As an unashamed politician and political activist, I am not going to pick on political representations for the sake of it.

Moving on to amendment No 18, which refers to the appointment of the chief executive, again I urge Members to consider this very carefully. I am going to seek to appoint an interim chief

executive to the authority; I need the interim chief executive in place before the actual authority gets up and running. I need to select an individual who has the capability to organise the new authority, to look after a £1.8 billion budget, to be in charge of, one way or another, about 70,000 staff, and to go through the process of change management, which Mr Newton quite rightly focused on.

I have to ensure that I will be able to select an individual and ensure that individuals are prepared to come forward for that selection process. If individuals who are interested in that post are looking at a piece of legislation and saying, "In the best-case scenario, I will be in that job for just over a year. In the worst-case scenario, I could walk in, and the authority and I will not click right away, and that authority will start looking rid of me within three months." Who is going to apply for that post? I urge Members to carefully consider that we allow the interim chief executive to be in post for two years before the re-selection process begins to ensure that we can select a candidate or candidates coming forward. There is not a significant number of them who can come forward to carry out the post for an interim period of two years. The two years might even turn off many people, but I think that it is a fair compromise. I know that there are concerns across the House about the role of the Minister in appointing the first chief executive.

Mr Agnew: Will the Minister give way?

Mr O'Dowd: I will in a moment. I think that two years is a fair compromise.

Mr Agnew: I thank the Minister for giving way. I said in my contribution that I felt that he had made a compelling point for a two-year period. Will he then put that into the legislation at Further Consideration Stage to give the Assembly confidence that that will happen, rather than just an assurance?

Mr O'Dowd: Yes. I would be prepared to do that. I have listened to the views of Members across a number of debates now, and whether I agree with their reservations or concerns or not, there are reservations and concerns there. We have largely tried to work through a Bill that we can get agreement on. If Members would be more satisfied if I were to bring forward an amendment at Further Consideration Stage outlining a two-year period, I would be more than happy to do that.

Based on my concerns, I want to be able to appoint a candidate to the post who believes

that they will be in post for a time and can carry forward a significant piece of public service in the education sector for that two-year period, without looking over their shoulder as to when the authority is going to say, "Time is up."

Turning to amendment Nos 19 and 20, I support the appointment of standing committees around the community use of schools and shared education. Mr Lunn raised concerns. The Assembly can pass legislation and set up all the standing committees for the authority, but I think that that would be wrong.

So, let us draw a line under it tonight, allow the authority the responsibility to run its functions and give it due regard and respect, recognising that its membership is more than capable of establishing the standing committees and other committees that it needs in the timescales and in the order that it believes is best to deliver its programme of work. I caution Members. Yes, the principle is very good and does not do damage to the Bill, but let us not get carried away with ourselves. At the next stage, we will all bring forward a standing committee that we would like to see established.

That brings to an end my comments on this group of amendments.

Mr Kinahan: I will be as quick as I can. This has been a really healthy debate by everyone. It has shown many different ways forward and given us all much food for thought, particularly on points such as that that the Minister just made on the two years. I think that we have all gained a whole lot from this. I am not going to go through it amendment by amendment. I look forward to us all talking to each other in the next two weeks and finding suitable ways forward so that the Bill works.

I was not condemning politicians — just to answer on that point — but sometimes we do not have to be on everything. However, it was a very healthy debate, and I conclude on that.

Amendment No 9 agreed to.

Amendment No 10 proposed: In page 3, line 17, leave out "8" and insert "10".— [Mr Lunn.]

Question put, That amendment No 10 be made.

The Assembly divided:

Ayes 32; Noes 61.

AYES

Mr Boylan, Ms Boyle, Mr Brady, Mr Dickson, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Ms Lo and Mr McCarthy

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Maurice Devenney, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr I McCrea, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negatived.

Mr Deputy Speaker (Mr Dallat): I remind Members that amendment Nos 11, 12, 13, 14 and 15 are mutually exclusive amendments.

Amendment No 11 not moved.

Mr Deputy Speaker (Mr Dallat): Amendment 12 is mutually exclusive with amendment No 11, which has not been made, and with amendment Nos 13, 14, and 15. Before I put the Question, I remind Members that amendment No 12 requires cross-community support due to a valid petition of concern. I have been advised by the party Whips that in accordance with Standing Order 27(1A)(b) there is agreement that we can dispense with the three minutes and move straight to the Division. *Amendment No 12 proposed:*

In schedule 1, page 3, line 19, leave out (c) and insert

"(c) 13 persons appointed by the Department ("appointed members") of whom —

(i) 4 shall be persons appearing to the Department to represent the interests of transferors of controlled schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(ii) 3 shall be persons appearing to the Department to represent the interests of trustees of maintained schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(iii) 1 shall be a person appearing to the Department to represent the interests of integrated schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(iv) 1 shall be a person appearing to the Department to represent the interests of Irish-medium schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests; and

(v) 4 shall be persons appearing to the Department, so far as practicable, to be representative of the community in Northern Ireland."— [Mr Hazzard.]

Question put, That amendment No 12 be made.

The Assembly divided:

Ayes 27; Noes 47.

AYES

NATIONALIST:

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

UNIONIST:

Mr McCallister.

OTHER:

Mr Agnew.

Tellers for the Ayes: Mr Hazzard and Mr Sheehan.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Maurice 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 Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr Poots and Mr G Robinson.

Total Votes	74	Total Ayes	27	[36.5%]
Nationalist Votes	25	Nationalist Ayes	25	[100.0%]
Unionist Votes	48	Unionist Ayes	1	[2.1%]
Other Votes	1	Other Ayes	1	[100.0%]

Question accordingly negatived (cross-community vote).

Amendment No 13 not moved.

Amendment No 14 not moved.

Mr Deputy Speaker (Mr Dallat): I will not call amendment No 15 as it was consequential to amendment No 14, which was not moved.

Amendment No 16 not moved.

Question, That amendment No 17 be made, put and negatived.

Amendment No 18 proposed:

In schedule 1, page 6, line 9, leave out subparagraphs (2) to (5) and insert

"(2) An interim chief executive of the Authority shall be appointed by the Department.

(3) Within one year of the date of the first meeting of the Authority, the Authority shall commence a process to appoint a permanent chief executive.

(4) Every subsequent chief executive shall be appointed by the Authority.

(5) The Authority shall not appoint a person as chief executive unless the Department approves the appointment.

(6) A person shall, so long as that person is, and for 12 months after ceasing to be, a member of the Authority, be disqualified for being an officer of the Authority."— [Miss M McIlveen (The Chairperson of the Committee for Education).]

Question put, That the amendment be made.

The Assembly divided:

Ayes 59; Noes 33.

AYES

Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Maurice Devenney, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr I McCrea, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr McQuillan and Mr Poots

NOES

Mr Agnew, Mr Boylan, Ms Boyle, Mr Brady, Mr Dickson, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Hazzard and Mr Sheehan

Question accordingly agreed to.

The Report of the remainder of this day's sitting will be published on 22 October 2014.

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

8.00 pm

Amendment No 19 made: In page 6, line 34, at end insert

"(1A) The Authority will appoint a standing committee to encourage, facilitate and promote shared education."— [Mr McCallister.]

Amendment No 20 made: In page 6, line 34, at end insert

"(1B) The Authority will appoint a standing committee to encourage, facilitate and promote the community use of school premises."— [Mr McCallister.]

Mr Deputy Speaker (Mr Beggs): We now come to the fourth group of amendments for debate, which concern pay policy statements and the living wage. [Interruption.] Order, Members. Could I ask that you remain silent if you wish to leave the Chamber so that we may continue with the business? [Interruption.] Order, Members.

With amendment No 21, it will be convenient to debate amendment No 22. I remind Members that valid petitions of concern have been received in relation to amendment Nos 21 and 22. Therefore, they will require cross-community support. I call Mr Steven Agnew to move amendment No 21 and to address the other amendment in the group.

Mr Agnew: I beg to move amendment No 21: In page 9, line 10, at end insert

"Pay Policy statements

17A. The Education Authority must prepare a pay policy statement for the financial year 2015-16 and each subsequent financial year.

17B.—(1) A pay policy statement for a financial year must set out the Authority's policies for the financial year relating to • —

(a) the remuneration of its chief officers,

(b) the remuneration of its lowest-paid employees, and

(c) the relationship between • —

- (i) the remuneration of its chief officers,
- (ii) the remuneration of its employees who are not chief officers, and
- (iii) the remuneration of its lowest-paid employees.
- (2) The statement must state —
- (a) the definition of "lowest-paid employees" adopted by the Authority for the purposes of the statement, and
- (b) the Authority's reasons for adopting that definition.
- (3) The statement must include the Authority's policies relating to —
- (a) the level and elements of remuneration for each chief officer,
- (b) remuneration of chief officers on recruitment,
- (c) increases and additions to remuneration for each chief officer,
- (d) the use of performance-related pay for chief officers,
- (e) the use of bonuses for chief officers,
- (f) the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the Authority, and
- (g) the publication of and access to information relating to remuneration of chief officers.
- (4) A pay policy statement for a financial year may also set out the Authority's policies for the financial year relating to the other terms and conditions applying to the Authority's chief officers.
- 17C.—(1) A relevant Authority's pay policy statement must be approved by the Authority before it comes into force.
- (2) The first statement must be prepared and approved before the end of 31 March 2015.
- (3) Each subsequent statement must be prepared and approved before the end of the

31 March immediately preceding the financial year to which it relates.

(4) The Authority may amend its pay policy statement (including after the beginning of the financial year to which it relates).

(5) As soon as is reasonably practicable after approving or amending a pay policy statement, the Authority must publish the statement or the amended statement in such manner as it thinks fit (which must include publication on the Authority's website).

17D. The Authority must, in performing its functions (above), have regard to any guidance issued or approved by the Education Minister.

17E.—(1) This section applies to a determination that —

(a) is made by a relevant authority in a financial year beginning on or after 1 April 2015 and

(b) relates to the remuneration of or other terms and conditions applying to a chief officer of the Authority.

(2) The relevant authority must comply with its pay policy statement for the financial year in making the determination.

(3) Any power to appoint officers and employees is subject to the requirement in subsection (2).

The following amendment stood on the Marshalled List:

No 22: In schedule 2, page 10, line 3, at end insert

"Living Wage Accredited Employer

2A. The Education Authority must become a living wage accredited employer in accordance with the accreditation scheme administered by the Citizens UK Living Wage Foundation before the end of 31 March 2016."— [Mr Agnew.]

Mr Agnew: Many Members here were in the Chamber yesterday when we debated at length how best to protect vulnerable women from ending up in prostitution. Time and again, those who sought to do that cited poverty as a key factor in driving women into prostitution.

The number of people who are in in-work poverty is greater than the number of people

who are in out-of-work poverty. With amendment No 22 I seek to set a standard in the case of the new Education Authority so that no worker paid directly by the authority or by a contractor appointed by that authority will be paid less than a living wage, less than what is needed to meet reasonable costs of living.

The amendment is based on the principle of making work pay, which is a term that is often used to justify cutting our welfare system. It should be a positive phrase that says that people should have value in their work and should, through their endeavours, at least have what we would consider to be the minimum acceptable standard of living. The Education Authority that we are establishing through the Bill would become the biggest employer in Northern Ireland with 35,000 staff, 32,400 of whom would be based in schools. If we want to value our education system and those who work in it, we should recognise the work that they do by paying them a living wage.

The good news is that the education sector is one of the better sectors at paying a living wage. A study by Oxford Economics has education at the top of a list of sectors in terms of paying the living wage, but even in the education sector approximately 10% of workers do not receive the minimum wage. That is a significant figure but modest in terms of resource in correcting that wrong.

The living wage has increasingly become part of public policy. Belfast City Council has become a living wage employer. I am delighted to see the new North Down and Ards shadow council supporting the living wage. It will seek to become a living wage employer after an Alliance Party amendment that mirrored an amendment put forward by the Green Party was passed. I welcome Alliance's support in that debate for the principle of a living wage.

The principle is based largely on work carried out by the Living Wage Foundation and research funded in large part by the Joseph Rowntree Foundation. Let us look at some of the evidence around it. The Oxford Economics report looked at Northern Ireland. The living wage as calculated by the Living Wage Foundation is £7.56. If that was to be rolled out to everyone in Northern Ireland, Oxford Economics estimates, it would lead to an increase of £221 million in wages and create net 2,500 jobs.

I previously proposed an amendment to a motion looking at public procurement contracts, which is something that Oxford Economics looked into. Doing that alone would create 180

jobs. This is an argument of fairness, but it is also a strong economic argument that one of the best ways to drive our economy is to put more money in the pockets of those who are lower paid because we know that that money will largely be spent and spent in the local economy. Therefore, it would have a greater impact than, for example, a corporation tax cut to large businesses, which would have their headquarters offshore or certainly off these shores. This is something that we can do that would have an immediate and direct impact on our economy.

Amendment No 21 concerns pay policy statements. This is starting to come into public policy in Great Britain through the Localism Act. The principle is simple: we connect the pay of the highest member of staff — in the case of the Education Authority, that is likely to be the chief executive — with the lowest paid. It also introduces transparency. I have not been prescriptive because that would have been another debate and, perhaps, would have required more scrutiny. I have not set the limit, but there would be a ratio between the lowest and highest paid. If we wanted to increase the chief executive's salary, we could do so only if we brought up the pay of every lowest-paid member of staff in an organisation. That is right and fair, and, increasingly, it is what the public will demand.

Look at the conclusions of the Hutton report, which recommended the introduction of the Localism Act 2011. It describes the pay ratio as a framework to ensure:

"that senior pay in public services is fair and seen to be fair, and will preserve the ability of public services to recruit talented individuals while reassuring the public that their tax money is not being unfairly creamed off by 'fat cat' public sector executives."

Given that we are likely, going on past evidence, to recruit a chief executive on a six-figure salary, the minimum that we can expect is a living wage for those paid the lowest salary in the education sector.

We have had much debate about who gets to be on the new board. Alas, after the vote that we have just had, the Alliance Party will not be there to take its position. We have proposed £8,000 a year for the board members, and the board will meet 12 times a year. By my calculation, that is £667 a meeting. I am not sure of the exact requirements, but, if we take it that a board meeting is four hours long, which is perhaps a fair assumption, each board member

would receive £167 an hour. I ask for £7.56 an hour for the lowest-paid workers in the education sector. The request is modest, and it should be passed by the Assembly.

I mentioned the Localism Act, which went through Parliament unchallenged by MPs, some of whom sit in the Assembly. Furthermore, an early day motion has been tabled in the House of Commons signed by Gregory Campbell, Rev William McCrea and Jim Shannon of the DUP. I note that, yet again, the DUP has tabled a petition of concern against the amendment. I regret that. I fail to understand, given its hand-wringing yesterday about the plight of those in poverty, why the DUP does not want to do something to address poverty by making work in public service and education pay. What could be a more worthy public service? I further fail to understand how it can support in the House of Commons a living wage for cleaners but table a petition of concern at the very idea of a living wage for a relatively small number of education staff in Northern Ireland. I hate to be cynical, but it smells like the welfare reform debate all over again. The DUP will oppose welfare reform in the House of Commons so that it can tell people it opposed it, but, when it has the power to do something about it here, it will introduce welfare cuts.

Mr Hazzard: I thank the Member for giving way. You touch on a very important point. It is a disgrace that there is a petition of concern from the DUP. The DUP and others in the House tell us, especially in relation to welfare reform, that we should look at mitigating effects. The living wage is one such way of eradicating poverty traps in our society, and yet the DUP has attached a petition of concern to the discussion.

Mr Agnew: I totally agree. We have all these strategies and targets to reduce and eradicate poverty. However, when it comes to it, the Assembly and the Executive, largely at the insistence of the DUP, reject any efforts to address poverty through work.

They talk about bringing jobs to Northern Ireland — FDI, better quality jobs and whatever — but I am saying let us make the Executive and our public Departments responsible employers and set a standard that we hope the private sector can follow.

8.15 pm

Unlike the minimum wage, which we now have in place and which was introduced in one fell swoop, those in the living wage campaign

recognise that we can do this in stages so that there are none of the shocks that some may fear. We will see direct benefits. Each economic analysis that I have seen has always talked about net jobs, because there is an acknowledgment that there will be an impact on employers, and that is why we want to start with the public sector. Everything that we have looked at suggests a net increase in employment, a net increase in tax take and a net increase in fairness, in my opinion.

Mr Lyttle: I thank the Member for giving way and appreciate the research that he is trying to bring to the debate tonight. All of us need to recognise that the cost of living and, indeed, relative wages are an issue for the Assembly to be concerned with.

He refers to the Oxford Economics research in setting out those benefits, but will he agree and recognise that we have to be realistic and acknowledge that it also sets out potential offsets in relation to potentially reduced hours, reduced non-wage benefits and, at worst, some job losses as well? We need to take that into the balance. I acknowledge that he mentioned staged introductions and a voluntary campaign, but does he acknowledge as well that campaigning to make sure that the national minimum wage is at an appropriate standard is just as important?

Mr Agnew: I thank the Member for his intervention, and, of course, with any transition, there will always be some level of disruption. As I say, I think it is the overall effect that we look at. Whilst there will be some negatives, overall, whether it is in job creation, money spent in our economy or tax intake, in net terms we will end up better off as a society. He outlined some of the possible things — such as reduced working hours, etc — and Oxford Economics says that those are some possible outcomes. Another possible outcome could be — it will be up to the employer — reduced top-level pay to fund it. So it is about choices as well. The Oxford Economics report outlines what some of the choices could be, and some are more palatable than others.

I think that this can be a very positive proposal. As I say, I know that the Members from the Alliance Party will speak at some point on their position. I know that they oppose my amendment in this Chamber, but, as I say, I welcomed their motion in the North Down and Ards shadow council to make it a living wage employer. I hope that they will consider supporting the same principles for members of staff in the new Education Authority.

I am conscious that it has been a long two days. I can address points raised in my winding-up speech if I have not covered them, but the basic principles of the two amendments are fair and decent wages for the lowest paid, and transparency and accountability for the wages of those at the higher end of the scale.

Mr Newton: I rise to speak against amendment Nos 21 and 22 in group 4 under pay policy statements and living wage.

Let me say first of all, on amendment No 22, that nobody on this side of the House — certainly nobody in the Democratic Unionist Party — is opposed to addressing issues that will take people out of poverty. It was for that reason that there was a very strong contention that welfare reform, in particular, needed to be addressed. It was also for that reason that the then Minister, Nelson McCausland, spent considerable time addressing issues, particularly the bedroom tax, and set aside £30 million to help those most in need. We will not take any lessons from Mr Agnew on how to address issues of poverty.

One should not just dismiss his amendment out of hand. You cannot dismiss it out of hand. There is a living wage movement, and it is probably worthy of debate in the Assembly. As Mr Agnew said, debates are taking place in other places, and it is probably worthy of a debate and a motion, but it is not appropriate for this legislation. I suppose that it is, in many ways, something that the House should aspire to achieve, but not in this legislation.

Mr Agnew: Will the Member give way?

Mr Newton: Yes, I will give way.

Mr Agnew: Perhaps he was coming to this, but why not in this legislation? To some extent, this is the low-hanging fruit. The employer already pays a living wage or more to the majority of its staff. Why not start here?

Mr Newton: It is a matter of looking at it not just within one Department, section or area but across all Departments. To fail to do that would cause resentment.

Amendment No 21 is nearly as long as the Bill itself, and, when I read it, I could not get my head round what it was trying to achieve. It attacks the integrity of the 1986 Education Order. The arrangements are already there, and I will come to those. I refer to the proposed schedule 1(17B)(3), which states:

"The statement must include the Authority's policies relating to—

(a) the level and elements of remuneration for each chief officer,

(b) remuneration of chief officers on recruitment,

(c) increases and additions to remuneration for each chief officer,

(d) the use of performance-related pay for chief officers,

(e) the use of bonuses for chief officers,

(f) the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the Authority".

That is all in the 1986 Education Order. It is there and is operated via the Staff Commission as a pay policy review committee. The Staff Commission assists in pay policy implementation. The 1986 Order refers to the establishment of the Staff Commission and states:

"There shall be a body to be known as the Staff Commission for Education and Library Boards"

— in the future, it will be for the Education Authority.

The Order continues that the Staff Commission will be in place for:

"the purposes of exercising general oversight of matters connected with the recruitment, training and terms and conditions of employment of officers of boards and of making recommendations to boards on such matters."

In a different way, and not related in percentages up, down or relative to it, it is all there in the 1986 Education Order. That flows down into what are currently the various education and library boards. I picked out two examples, the North Eastern Education and Library Board and the Department's 'Guidance for Boards of Governors on the Formulation and Implementation of Salary Policy'. All of the guidance is there on the matters that you are trying to bring into this Bill. You refer to what the Department has produced, and it is there, in guidance notes on pay policy and salary policy, to address the issues that you are telling us need to be addressed in some way in this legislation. I think that it is admirable that

someone would go to this extent. It is questionable whether such a major change is required in what is really a very small piece of legislation. For those reasons, we will be voting against it.

Ms Maeve McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I think that it is important, as we reflect not only on the debate but the amendments, that we do so in the context of the Bill. I think that it is important to reflect on the fact that the context of the Bill is local government reform. I stress the word "reform". During the debate, it has been said that the timeline for agreeing and implementing the new future for education is April 2015. It has been stressed in the debate that the legislation is minimal and would deliver only structural and technical change, but it is very clear that that single Education Authority will overarch that issue of compatibility with local councils.

In the interests of time, I will be brief. I want to concentrate my remarks on support for amendment Nos 21 and 22. I agree with the proposer of those amendments that this is about setting a standard. I think that the House and, indeed, the Department can show leadership on this. The amendments require the Education Authority to prepare a pay policy statement and to become a living wage accredited employer. It is our view that the decision to implement that policy would have to be considered in the wider context of the Bill and with regard to the Executive's current pay policy. I think that that needs to be said.

Sinn Féin fully supports amendment No 22, which is on the living wage. As the proposer has alluded to, the current campaign very clearly advocates the introduction of a living wage, calculated at £7.65 an hour. If we are, ultimately, through this Bill, about setting a standard, we need to be mindful that, for the first time ever, there are more people in work who are living in poverty than those out of work. That casualisation of labour through low pay, zero-hours contracts, growing self-employment and underemployment, it has to be said, presents an ever-growing challenge to those of us who are actually concerned with the rights of working people.

As the proposer has said and as research has backed up, it is estimated that the living wage would stimulate economic growth by increasing gross wages by £221 million. It has been stated that it would lead to the creation of 2,500 jobs and deliver a £1,300 annual pay rise for 173,000 low-paid workers.

It would also lead to reduced reliance on in-work benefits such as working tax credits and housing benefit and, importantly, lead to increased productivity among workers.

8.30 pm

Mr Agnew: Will the Member give way?

Ms Maeve McLaughlin: Yes.

Mr Agnew: Does the Member agree that these are the only welfare cuts we want to see — people coming off welfare because they are getting paid better wages?

Ms Maeve McLaughlin: Absolutely. If we are serious about the eradication of poverty, it is about utilising the tools available to us. I certainly believe that the living wage is one of the tools that should be utilised. In our view, it is for the Department, alongside the Executive, to look at that collectively and work collectively to eradicate the poverty traps that have been alluded to.

One of the first steps that need to be taken is an effort to ensure that all jobs created through public procurement contracts are paid at or above the living wage. That needs to be a very clear statement of intent. We are on the public record, as are others, in calling for the living wage, and I think that that is appropriate. I listened to the DUP spokesperson, but I am not clear why it is not appropriate in this legislation. However, I welcome the fact that the DUP would consider having that debate in the Assembly. I put the challenge down to do that.

Mr Lyttle: I thank the Member for giving way. Given that the Member's party holds the ministry for education, has the Member attempted any costings on the roll-out of this proposal and, indeed, how much the proposal in relation to all public procurement contracts having a living wage attached to them would cost?

Ms Maeve McLaughlin: I thank the Member for that intervention. That is an important part of this discussion. My understanding is that some Departments are considering the models around living wages and are effectively and actively seeking those reports forthcoming. That is an important part of this debate.

Mr Hazzard: I thank the Member for giving way. I am aware that I am engaging with another party through a party colleague on this issue, but does the Member agree that, if you are

going to pay the living wage, there will, of course, be a cost? However, there is also the cost of employing chief executives on top salaries. We need to look at tackling poverty, and the living wage is the best way of doing that.

Mr Deputy Speaker (Mr Beggs): I encourage all Members to face the Chair and face the mic so that Hansard can pick up everything that they are saying.

Ms Maeve McLaughlin: Gabh mo leithscéal. I thank the Member for the intervention. As we outlined previously, the impact of the implementation of the living wage on the individual, the economy and on productivity is very clear and has been laid out by research.

If the DUP and the coalition Government in London really believe in the mantra of making work pay, the best thing they can do is to introduce the living wage, rather than having so many families who are in work being dependent on welfare payments. We have to reflect on the fact that over half of the children living in poverty in the North live in households where one or both parents are in work. I, therefore, challenge the DUP to vote as they have voted in district councils, as has been pointed out, to do something that would assist some of the most disadvantaged in our society.

I agree that all Ministers with responsibility, across the board, should ensure that everyone who works in the Civil Service, for example, is paid a living wage. Additionally, Ministers with responsibility for jobs, the economy, health and the Central Procurement Directorate should direct them to stop being obstructionist when it comes to the inclusion of social clauses in public contracts. We should stop them setting the barriers so high that they exclude local businesses from getting Executive contracts. I call on all Departments to ensure that they include a living wage condition when they put out future contracts. I support amendment Nos 21 and 22.

Mr Rogers: Continuing with that theme, I was interested in the response that my colleague Margaret Ritchie got from Iain Duncan Smith when she asked how many meetings had taken place between OFMDFM, the Finance Minister, the Social Development Minister and the Minister for welfare in England. To the best of my knowledge, there were no meetings. However, in respect of the pay policy and living wage —

Mr McCausland: Will the Member give way?

Mr Rogers: Yes.

Mr McCausland: I find it strange that the Member says that there were no meetings. Either I was imagining it or I was sitting in the same room with Iain Duncan Smith in regard to matters about welfare reform. The Member will also be aware that the bulk of negotiations regarding welfare reform took place not with Iain Duncan Smith but with David Freud because it was his speciality. He was driving that forward at a hands-on level. I do not know the exact form of the question, but it is disingenuous and misleading of the Member to present it in that way. Meetings took place; otherwise we would not have negotiated the package of measures that we negotiated for Northern Ireland. I have not seen the answer that was received or the form exactly in which the question was asked, but meetings took place with Iain Duncan Smith and David Freud. In fact, members of Mr Rogers's party met David Freud here at Stormont.

Mr Rogers: I thank the Member for his response. It would be useful to look at the reply that Margaret Ritchie got over the past three years.

Getting on to the pay policy statements and the living wage, I welcome Mr Agnew's amendments regarding the pay policy of the new authority. With the new authority set to employ over 35,000 people, it will become the largest employing body in the North. It is vital that it implement provisions to protect low-paid workers. It is disgraceful that the living wage has become another target for a petition of concern. The SDLP fully supports the living wage as one crucial measure in alleviating in-work poverty. With no existing pay schemes in place, there is an ideal opportunity to set the standard for the rest of the North's workforce. This is a really good starting point to have maximum accountability and transparency in the new authority.

Mrs Overend: At this stage, I hardly feel like debating the two amendments in the final group. The petition of concern means that neither is likely to gain the support to succeed — not that I am saying that I will support them anyway, but just the same.

Amendment No 21 calls for pay policy statements to be prepared on an annual basis. That seems like an overly cumbersome exercise that only seems to draw out the variation of remuneration of those in the Education Authority. However, maybe the Member could clarify whether the exercise goes

into the detail of variation in skill sets, qualifications and experience, or is it just the money? Moreover, from my understanding, pay policy statements are made through national agreements. Can the Minister clarify that position?

We will not support amendment No 22, which calls for the Education Authority to become a living wage accredited employer. The Ulster Unionist Party has been clear on other occasions that, instead of supporting the living wage, we should increase the minimum wage in line with inflation. We believe that a living wage is not the answer; it is too simplistic and would simply set employees and employers against one another. Instead of jumping on the populist living wage bandwagon, we in the Ulster Unionist Party believe that it would be a much better use of time advocating an increase in the UK minimum wage because the latter has increased by well below inflation and is no longer adequate. It should be increased, just as the state pension increased in line with inflation. That concludes my comments on the group.

Mr Lunn: I have listened with interest, particularly to Mr Agnew's initial proposition. I must say that I am on a bit of a learning curve. This is not an area of expertise for me, so I have more questions than answers. I am curious to know what the Departments controlled by Sinn Féin, for instance, do at the moment. There is an obvious question about departmental staff rather than the staff who will be employed by the new authority. Do they pay a living wage? I ask that question.

Mr Agnew made a point about the DUP in Westminster. I think that he accused three DUP MPs of signing a motion to pay the living wage in Westminster, yet they seem to oppose it here.

Mr Agnew: Will the Member give way?

Mr Lunn: Just a minute. Much as I enjoy embarrassing the DUP, I am not too sure that this is an embarrassment for them, because wages are considerably higher across the water. I would have thought that it would be much easier to pay the living wage at the present level there. It would be more common perhaps than it would be here. It would be easier to introduce. I will give way.

Mr Agnew: I thank the Member for giving way. I was not accusing those DUP MPs at all. Maybe I should have been clear. I was

commending them and accusing their colleagues in the Assembly of not following suit.

Mr Lunn: I will not play with words. I thought that you were pointing up the fact that the DUP had taken a different attitude at Westminster to what they appear to be taking here. Are we agreed?

Mr Agnew: Yes.

Mr Lunn: Yes. *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order. Through the Chair.

Mr Lunn: I am also quite taken by the fact that the Alliance Party appears to have supported this in North Down, especially since the senior representative from North Down, who was here a little while ago, told me to oppose this. *[Laughter.]* In fairness, a lively debate is going on in the party about the living wage, and we have not decided yet. It would not surprise me in the least if one of our new shadow councils, which seems to have been the case, has proposed, supported or adopted something like that.

I really wanted to hear from the Minister. My colleague asked whether there were any costings for this and how much it would cost. What extra wage bills would we saddle the new authority with if this were to become part of the legislation? I am very wary of it. Once again, it is the subject of a petition of concern. It is not going to be decided tonight. Maybe it is something that we will have to go back to. It is a bit like the standing committees that we discussed earlier. We have now saddled the new authority with the responsibility to have those two standing committees. I know that it is not a great comparison, but how many things do we need to load on to them, perhaps without knowing the full facts? I look forward to hearing from the Minister. We will oppose this tonight.

Mr McCallister: To be clear: I cannot bring any further clarity about what the Alliance Party's position is on the living wage, Mr Lunn having illustrated that he is not 100% sure.

This is where I slightly disagree with Mrs Overend's comments about raising the minimum wage. I would prefer it if employers who could afford to pay the living wage did so, and that would be one way round this. It is vital that we get some answers to Mr Lunn's points to the Minister about how much it would cost the new authority. Companies or businesses

that can afford to pay the living wage should do so.

I am a little concerned about amendment No 21 and the issue of how much of this you put into the public domain with regard to what the salary grades are likely to be and balancing that with the rights of the individuals who will work in the new authority. I am not convinced about the ratio and linking it from the lowest paid to the highest paid. To get someone suitable to head up an organisation of this size, the Minister may have to pay a fairly significant salary to the chief executive.

If you end up with that, where are you going to draw the line if the lowest paid are on the living wage and it had to rise above that level? I just have concerns around that.

8.45 pm

Mr Agnew: I thank the Member for giving way. The reason for the ratio is that the median of top-level salaries has been increasing by a greater proportion than the lowest pay. It is to try to stop that. As for the chief executive being employed, that is why I have left the setting of the level to the Department — so that, while we might set a level that allows them to be employed now on an appropriate salary, over time we could look at that ratio and see whether it is decreasing, because, ultimately, a decrease in inequality of pay is what we mean when we say that we are going to decrease poverty.

Mr McCallister: I am grateful to Mr Agnew. I am disappointed that there is a petition of concern. I am not unsympathetic to his amendments overall or to the thrust of what he is trying to do. If the Minister was minded to bring any of that back at Further Consideration Stage, I would want to see how much it was likely to cost and what level of burden we would be putting on the new authority at that point. It would be important to know that.

On the issues around a living wage, it has become quite obvious over the last 15 or nearly 20 years that close to 14% of our welfare spend is on tax credits, so we are effectively, at times, subsidising low pay with tax credits. That is not good for anyone. It is not good that we have working poor who are struggling to make ends meet. The rapid rise in food inflation over the past five or six years has pushed families very close to the edge. I am certainly sympathetic to the idea, and I am disappointed about the petition of concern, but for us to make a decision and really scrutinise it, I would like to

see it come back with many more facts and figures around what the cost would be and how realistic it would be to do. Is it a likely runner? The Minister may well have the answers to some of those questions in his response. Overall, I am not unsympathetic to the broad thrust of moving to that.

I will also point out that I would prefer to see the Assembly and Executive going down the route of a living wage by putting it in their Programme for Government — if, indeed, that meant anything. If it was an Executive decision that it is right that the Government of Northern Ireland should become a living-wage employer, that might be a very different set of circumstances. It might be much easier to get the resources and research done to match how it is going to be paid for over time as we move to that. As Mr Agnew rightly pointed out, it does not have to be done all at once, but you would want a plan as to how you were going to pay for that and take those steps.

I am not unsympathetic, but, on the details tonight, I will have to vote against the amendments.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. The hour is late and the debate is somewhat academic, considering the fact that a petition of concern has decided the outcome of the two amendments. However, I support the living-wage proposal in principle, and I think that it should come into practice. I do question whether it is worthwhile bringing such measures forward in a Bill, but I accept the right of a Member to do so. It has also allowed the Assembly to debate a very important measure and to outline the benefits of an introduction of a living wage. I think that it has been properly put into the context of tackling poverty and bringing in a welfare cuts agenda that we could all live with, because we would be putting people on a living wage and bringing people off benefits.

It is a shocking figure that 50% of children living in poverty come from households in which the parents are working. They are not people who are afraid to go to work. They are not people who, as one Tory Minister put it one time, lie in their houses watching 32- or 40-inch televisions or whatever it was as others pass by on their way to work. Those people are going out to work, and their children are still living in poverty.

There is an onus on the public sector — on the Government and on the Executive — to use its finances in such a way as to alleviate poverty and set an economic pathway that lifts people out of poverty and towards prosperity. The

Executive have limited funds, but, obviously, we invest significant amounts of funds into the economy. There needs to be a significant debate as to how we best use those funds to stimulate the economy. A living wage is about stimulating the economy.

On the Executive's current pay policy, Mr Lunn asked what current Sinn Féin Ministers did. We are bound by the Executive pay policy, which is aligned to that set by the British Government. At the end of the day, the British Government fund the Executive on the basis of the Barnett formula. The money that comes across in their calculations of wages is what the Executive are forced to live with. However, considering the ongoing discussions about the Budget and future economic direction and the engagement with the British Government, this is an opportune time to raise the issue of the living wage.

On current practice for the policy statement and management statement and the financial memorandum of the authority, as Mr Newton pointed out, boards publish a lot of the information sought by Mr Agnew in his amendment. However, I think that Mr Agnew's amendment on this matter certainly does no harm to the Bill. Openness and transparency in all public pay is important.

I am aware of the trade union campaign in support of the introduction of a living wage. As was stated, it is currently calculated at £7.65 an hour. In response to a recent request from trade unions, education and library boards are conducting an examination to determine how many staff are paid below the target figure. This exercise will be complete in the coming weeks. We will then discuss it with representatives of the appropriate trade unions, which will give us more information on exactly how many staff in the Department of Education are under the living wage parameters. I am more than happy to make those figures public to the House to allow that debate to take place.

I support the principle of a living wage, and I support moving towards it. I note that Mr Agnew said that this is not an overnight event. It is a programme of change and a process of bringing all those who are under the living wage up to the living wage standard. Especially in a society such as this that is so reliant on public sector funding, it is about government using public sector funding to its optimum to drive the economy and give everyone a fair chance in that economy.

Mr Agnew: As someone said, we need more time to debate and consider this matter. I will

take every opportunity to ensure that the Assembly does debate it. It is the second time that I have brought up the issue. The first time was in an amendment to a private Member's motion, and this time it is in an amendment to a Bill. Whilst, unfortunately, the petition of concern is valid and likely to ensure that this is blocked by the DUP, regardless of the will of the Assembly, I am glad that we have had the debate. I am heartened by the level of support in the Assembly for the principle of the minimum wage. I hope that those who are undecided will increasingly be swayed by the arguments, which I think are compelling in an economic and social sense.

Mr Lunn: I thank Mr Agnew for giving way. I would just like clarification. The amendment would commit the Education Authority to becoming accredited by 31 March 2016, but you talk about a phased way of bringing it in. Is it feasible to bring it in on that timescale?

Mr Agnew: In the limited time that we had to bring forward these amendments, we debated the timescale; I think it gives a year. The current minimum wage is £6.51, so we are talking about roughly a £1 per hour increase for a relatively small number of staff. The Minister acknowledges that he does not have the exact figures but will seek them out and publish them. We do not have the exact figures for the number of staff, but, across the public sector, it is estimated that about 10% of part-time staff do not get paid the minimum wage. I think that within the education sector, it is around 10% of staff. So it is a relatively small number.

When we look at the savings, the issue of cost has come up. The most inevitable question to be raised, and rightly so, was what the cost of this would be. I suppose that part of the purpose of moving to a single authority is cost savings. We always say that any cost savings should be put into front-line services. Well, front-line services mean our staff. As well as that, the research also shows that productivity is higher when staff pay and conditions are improved. Lower turnover of staff means less money spent on recruitment etc. Again I come back to the whole idea of the net cost being a benefit, if that makes sense, except in year 1. Certainly, were this to be passed this evening, I would consider supporting any amendments that looked at that timeline. However, again, what was important to me was to get the principle debated and discussed, and, if it needs to be tweaked, that can be done at Further Consideration Stage.

I will go through some of the contributions and arguments that have come up. Robin Newton's

main argument seemed to be that it was a long amendment, for which I apologise. That was the pay ratio one. I apologise that it was long. He said that it replicated, to some extent, provisions in the 1986 Order. However, the amendment goes further and adds something new, and that is the pay ratio, which is key. People are fed up with seeing the wages of those at the top continually increase, even in a time of recession and even, in many cases, in the public sector, although that has been checked to some extent. This amendment says that we are not going to check it only in hard times; we are going to check it and, if there are going to be pay rises at the top, there should be pay rises at the bottom. The benefits should be shared, and that should be a principle throughout our public sector. So it is certainly not contradictory to the 1986 Order: it builds on and enhances it, increases fairness within the pay policy and ensures transparency.

I thank Maeve McLaughlin for her comments. She reminded us that more than half of children in poverty have at least one parent who is working. I say again that I make no apologies for using a Tory slogan: "We need to make work pay". However we do not do that by cutting the welfare state; we do it by literally making work pay by paying better wages.

Seán Rogers's support was brief but welcome; I acknowledge that.

Sandra Overend talked about a populist bandwagon. Unfortunately, she is not here. I can be accused of many things in the Green Party, but had I wanted to be populist, I would have joined a different party. I take my stances on principle. This is a principle that I support and if it is populist — great. I look forward to seeing all those votes at the next election. However, as I say, I take stances that are at times popular and stances that are unpopular, but I do so based on principle — what I think is right. The clarity that she sought was on whether or not it would go into skills. As I say, the principle is about setting pay and conditions, and linking those at the top end to the bottom end.

9.00 pm

I go back to the definition of poverty. Sometimes we refer to poverty as simply having a low income, but it is about inequality. The measure of poverty is inequality: the gap in income between the lowest and highest earners. The only way that we can truly tackle poverty is through tackling inequality. Some will say that they are against poverty because bad things are bad and that they are for reducing

poverty because good things are good. However, when it comes to measures to address poverty, they run away from them because they do not fundamentally believe in tackling inequality. If so, that is fine, but I ask them to stand up and say that they support poverty because if you fail to tackle inequality, you accept poverty. I think that that is unacceptable.

Trevor Lunn raised the issue of cost, and the Minister has agreed to come back to that. I hope that, in my intervention, I addressed some of what Mr Lunn asked. I do not have the Department's figures — if the Minister does not have them, I cannot have them — but the research shows that, where this is implemented, the benefits outweigh the costs, and, on that basis, I hope that the Member will have confidence in the proposal.

I thank Mr McCallister for his contribution to the debate. He said that he would prefer my proposal on the living wage to come from the Executive, and I absolutely agree. That is why I keep putting it forward and will continue to do so until the Executive do the same. I am sure that, if the Executive did all the wonderful things that we would like them to do, he and I would probably give up politics and do something a bit more relaxing. I do not know — maybe he is an enthusiast. I do it because the Executive are not doing the things that I believe in, and I will keep pressing them to do so. In that regard, I welcome the Minister's response. I also welcome that the Minister is investigating this issue in his Department. That is important, as is his commitment to transparency and putting on public record the performance of his Department in paying a living wage. Once we have that, we can get a road map for making this a policy that will apply in his Department and be supported by him.

What I propose may seem radical, but when you take into account that both amendments represent policies supported or implemented by the Conservative Party, you see that it is not really that radical. At Westminster, the principle of a pay ratio was embedded through the Localism Act 2011, which was introduced by a Conservative-Liberal Government. I welcome that. It may seem radical in Northern Ireland because we are often a bit slower to come to these things, but it is being normalised in GB and should, I think, become normal here.

David Cameron has said that a living wage is the direction of travel — this from a party that opposed the national minimum wage. If that party can come to these ideas, I think, hope and believe that the Assembly can take those

principles on board and start to implement them through our public governance.

I realise that I did not address the issue raised by Chris Lyttle. The difference between the living wage and the minimum wage is that the living wage is based on the cost of living, which is what we deem the minimum that a family can live on. I welcome the increase in the minimum wage in line with inflation, which he supports. I certainly support that as well, but it is about changing the underpinning principle to one that states that every working family should be able to meet their basic living costs.

I will conclude —

Mr P Ramsey: *[Interruption.]*

Mr Agnew: Apologies. I will conclude by saying that if the ambition of the Assembly is to be as radical as the Conservative Party, it is setting the bar pretty low, but, in this place, it would be a welcome ambition.

Mr Deputy Speaker (Mr Beggs): Before I put the question, I remind Members that amendment No 21 requires cross-community support due to a valid petition of concern.

Question put, That amendment No 21 be made.

The Assembly divided:

Ayes 25; Noes 48.

AYES

NATIONALIST:

Mr Attwood, Mr D Bradley, Mr Byrne, Mr Eastwood, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McGlone, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr O'Dowd, Mr P Ramsey, Mr Rogers, Mr Sheehan.

UNIONIST:

Ms Sugden.

OTHER:

Mr Agnew.

Tellers for the Ayes: Mr Agnew and Mr McKinney.

NOES

UNIONIST:

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

OTHER:

Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Mr Lunn, Mr Lyttle.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Total Votes 73 Total Ayes 25 [34.2%]

Nationalist Votes 23 Nationalist Ayes 23 [100.0%]

Unionist Votes 43 Unionist Ayes 1 [2.3%]

Other Votes 7 Other Ayes 1 [14.3%]

Question accordingly negatived (cross-community vote).

Schedule 1 agreed to.

Schedule 2 (Transfer of assets, liabilities and staff of dissolved bodies)

Amendment No 22 proposed: In page 10, line 3, at end insert

"Living Wage Accredited Employer

2A. The Education Authority must become a living wage accredited employer in accordance with the accreditation scheme administered by the Citizens UK Living Wage Foundation before the end of 31 March 2016."— [Mr Agnew.]

Mr Deputy Speaker (Mr Beggs): Before I put the Question, I again remind Members that amendment No 22 requires cross-community support due to a valid petition of concern.

Question put, That amendment No 22 be made.

Mr Deputy Speaker (Mr Beggs): I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement to dispense with the three minutes and move straight to the Division.

The Assembly divided:

Ayes 25; Noes 48.

AYES

NATIONALIST:

Mr Attwood, Mr D Bradley, Mr Byrne, Mr Eastwood, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr O'Dowd, Mr P Ramsey, Mr Rogers, Mr Sheehan.

UNIONIST:

Ms Sugden.

OTHER:

Mr Agnew.

Tellers for the Ayes: Mr Agnew and Mr McKinney.

NOES

UNIONIST:

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

OTHER:

Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Mr Lunn, Mr Lyttle.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Total Votes 73 Total Ayes 25 [34.2%]

Nationalist Votes 23 Nationalist Ayes 23 [100.0%]

Unionist Votes 43 Unionist Ayes 1 [2.3%]

Other Votes 7 Other Ayes 1 [14.3%]

Question accordingly negatived (cross-community vote).

Schedule 2 agreed to.

Schedules 3 and 4 agreed to.

Long title agreed to.

Mr Deputy Speaker (Mr Beggs): That concludes the Consideration Stage of the Education Bill. The Bill stands referred to the Speaker.

Adjourned at 9.29 pm.



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