



Northern Ireland
Assembly

Official Report (Hansard)

Tuesday 24 January 2017
Volume 123, No 4

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Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)

Northern Ireland Assembly

Tuesday 24 January 2017

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

Members observed two minutes' silence.

Speaker's Business

Mr Speaker: Members, today is our last sitting ahead of the election in March. In the circumstances that this Assembly has not completed the full expected term, the normal conventions at the end of a mandate do not seem to be appropriate. However, as Speaker, the one tradition that I want to ensure is maintained at this last sitting is to place on record our thanks to the staff of the Assembly.

It is important to acknowledge that it has fallen to Assembly staff to deal with the wide range of pressures since last May. I also want us to recognise that, in these recent times, when there are increased political tensions, that has an unintended impact on the atmosphere in which the Assembly officials work. However, I want to express our thanks to all the staff working in this Building through all of that, no matter their role, for their efforts and professionalism. I know that they have an unwavering commitment to wanting to see a strong and active Assembly and that they will be ready to assist every single Member following the election, regardless of the outcome.

Let me also express thanks on behalf of all of us to those others, including staff working for Members and parties in the Building or, indeed, in their constituency offices. Their role also deserves recognition, as every Member relies upon them to fulfil their Assembly duties.

To every Member who has declared that they are not seeking to return, I want to acknowledge their public service on behalf of the House. While it brings privileges, the House also involves sacrifices, and we want to thank you all for your commitment. There may be difficult times ahead, but I wish every Member well, whether seeking re-election or not, whatever their future might bring.

Mr Nesbitt: On a point of order, Mr Speaker.

Mr Speaker: Can you just let me get through some of the procedural business, and then we will take the point of order?

Assembly Business

Public Accounts Committee

Mr Speaker: I wish to inform the House that I have received the resignation of Mr Robin Swann as Chairperson of the Public Accounts Committee with effect from 11.58 pm on Wednesday 25 January 2017.

Mr Nesbitt: On a point of order, Mr Speaker. On behalf of the Ulster Unionist Party, I want to put on record my thanks to the staff on this estate — every single one of them — for their unfailing professionalism and courtesy, and to express regret for any disruption to their professional lives that may be caused by the current political impasse. Thank you for your indulgence.

Mr Allister: On a point of order, Mr Speaker. First of all, I join in thanking the staff, as you properly did, and associate myself with those remarks.

However, on a point of order, as Members of this House we are, as I understand it, under an obligation to declare all relevant interests. As Speaker, you, too, have oversight of the Committees of this House. What are the ramifications of Ms Carla Lockhart, as a member of the Public Accounts Committee, failing to declare a family link to the renewable heat incentive (RHI) scheme at a time when that same Committee was investigating the RHI scheme?

Mr Speaker: I thank Mr Allister. That is not a matter for the Speaker to deal with; it is a matter for a Member to declare his or her interests on the appropriate register.

Mr Swann: Further to that point of order, the PAC still meets tomorrow afternoon, so there will be an opportunity to clarify that matter.

Mr Dickson: On a point of order, Mr Speaker. Just very briefly, I also wish, on behalf of the Alliance Party, to be associated with your words of thanks for the dedication of staff in this Assembly.

Assembly Commission Membership

Mr Speaker: The first item on the further revised Order Paper is a motion regarding Assembly Commission membership. As with similar motions, it will be treated as a business motion and there will be no debate.

Before we proceed to the Question, I remind Members that in accordance with Standing Order 79(3), this motion requires cross-community support.

Resolved (with cross-community support):

That, in accordance with Standing Order 79(4), Mr Robin Swann be appointed to fill a vacancy on the Assembly Commission as of 11.59 pm on 25 January 2017. — [Mrs Overend.]

Assembly Members' Pension Scheme

Mr Speaker: The next item on the further revised Order Paper is a motion to appoint a member of the board of trustees of the Assembly Members' pension scheme. It will also be treated as a business motion, so there will be no debate.

Resolved:

That Mr Roy Beggs be appointed to the board of trustees of the Assembly Members' pension scheme. — [Mr Swann.]

Private Members' Business

Cavity Insulation: NIHE Properties

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

Mr Easton: I beg to move

That this Assembly calls on the Minister for Communities to hold the Northern Ireland Housing Executive to account for its failure to address the lack of, or poor quality of, cavity insulation within many Housing Executive properties; and calls on the Housing Executive to formulate a plan of action to ensure that all its properties have adequate and proper cavity insulation.

I ask Members to indulge me for a few moments to explain why I have proposed the motion and the reason for its wording. Cavity wall insulation has been raised many times in the last few years by nearly all of us in the Chamber in some form or other, and it has been debated recently in the Assembly, lastly in November 2013. Sadly, little has changed since then.

Roy Beggs, Andy Allen, Pat Sheehan, Patsy McGlone and Steven Agnew have all expressed interest with Assembly questions, have met the industry and various residents, and have had the seriousness of the issue explained to them. I hope that I will have cross-community support for the motion.

It is acknowledged that there are UK-wide issues with regard to the deterioration of certain insulation materials, such as fibre, over time, exposure to water, and the quality of workmanship. That is a problem not only for the Housing Executive, but across the total housing stock. In the mid-1980s, the Housing Executive carried out an extensive programme of insulating cavity walls across a housing stock that was twice what it is today. In many ways, that programme was ahead of its time, but nearly 30 years have passed and many problems are now coming to light.

In November 2013, I tabled a similar motion in the Assembly on the topic. After a lively debate, the motion received all-party support. The debate covered many of the issues around

fuel poverty, the health issues from living in cold, damp homes, and the opportunity to create jobs and reduce consumer bills. Therefore, I wish to focus on what actions have occurred since the motion was passed and update Members on my views of progress to date.

Following the motion, several Members enquired about progress, including the current Minister. We were all referred to a study that had been commissioned by the Housing Executive: the South Eastern Regional College (SERC) report. We were told that the report would determine the condition of the insulation in cavities and that the Housing Executive would:

"carry out an evaluation of the results to determine whether there is substandard insulation in its properties and will develop whatever action plan is indicated with new strategies and policies."

We were further told that the project would provide an evidence base to underpin a programme of remedial work if required. It all sounds good so far.

The study was commissioned and a report duly completed. Two hundred and six properties were thoroughly investigated, and the report was completed in March 2014. It found that 39% of cavity walls were in severe and critical need, 26% were unsatisfactory with grave needs, 11% were in significant need, 14% had specific needs, and only 9% were fit for purpose.

The report was then suppressed by the Housing Executive and published only after questions in the Assembly. It was finally released with two important provisos and its publication included a letter from the then director of regional services for the Housing Executive. It stated that:

"As a result of the findings contained in the report, a much larger survey is being commissioned as part of the stock condition survey of Northern Ireland Housing Executive properties commencing in the autumn of 2014. This will inform the future strategy and programmes required to address the issues in the report."

The letter refers to the report as "small", yet the 206 sample houses had all been included in the 2011 house condition survey (HCS) and were noted as being in good condition. The HCS provided robust data to inform on fuel poverty, energy efficiency, quality of housing stock and

state of repair. It is quoted extensively throughout government, yet the sample that was used in it was only 0.18%. In comparison, the SERC sample was 0.31%, which is nearly double the size. It also appears that we were misinformed as to the purpose of the study, as it has now become a small-scale exploratory research study aimed at providing an initial indication.

The director of regional services added:

"As a result of the findings contained in this report, a much larger survey is being commissioned as part of a stock condition survey".

So, the SERC report was condemned to the dustbin, but at least a bigger survey would be done. The larger survey is commonly known as the Savills report and, thanks to questions from other parties, we now know that it cost £4 million.

It was a holistic, detailed, formidable body of work. Over 22,000 houses were examined for thermal efficiency and other issues, and over 22,000 lofts were examined.

10.45 am

Mr Beggs: Will the Member give way?

Mr Easton: Not at the moment.

Amazingly, not one single cavity wall was inspected or borescoped. So a much bigger, more expensive study was completed. Yet, for some reason, the Housing Executive chose to ignore the findings of the SERC report and not to investigate further.

In reply to questions about cavity wall insulation over the last year or longer, the Housing Executive has now put forward a consistent response regarding the issue, namely, that it intends to investigate further through its external cyclical maintenance (ECM) schemes, to carry out samples with borescopes when deciding a programme of works and to deal with individual houses on a response basis. The ECM programme that the Housing Executive has referred to includes roofs, walls, fences etc. It is my understanding that the specifications for this work have already required inspections of walls, but I am glad to hear that the Housing Executive is now saying that it is committed to carrying out these inspections.

This answer is a reasonable approach, which has some merit, until you dig in further and ask

what is actually happening. In October of last year, Roy Beggs asked how many cavity walls had been surveyed under the ECM programme. He was told that:

"as this intrusive inspection approach has only commenced recently, the Housing Executive is unable to provide the information requested."

Would the Member like in now?

Mr Beggs: I find it quite astonishing that the answer could not be given. What I also find quite astonishing is that, having known from the report on the smaller sample that there were major defects in cavity wall insulation, Savills was not required to carry out any further investigation or commissioned to ensure that would happen.

Mr Easton: I totally agree with the Member: it should have included that.

So, it appears that they still have not started this yet. Likewise, the claim to deal with individual houses on a response basis seems hollow. The SERC report identified 135 houses across other constituencies that had serious deficiencies with their wall installation. In answer to questions from the Minister, the Housing Executive has stated that two houses have had remedial work carried out over the last three-and-a-half years. Not very responsive by any definition.

In 2005, I asked, via the Minister, how many claims have been made against the Housing Executive for substantial cavity wall insulation problems. I was told that the information was not available under that classification but was included under dampness and that over 200 claims have been dealt with. The Housing Executive often use the term "lifestyle issues" to explain damp on walls. In many cases, it is much more likely to be a lack of, or poor, cavity wall insulation. As such, in December 2006 I asked another question through the Minister. This time I asked how many cases of damp had been reported to the Housing Executive over the last four years. The answer horrified me: 25,000 cases.

In my constituency I see this repeated time and time again, but I am totally frustrated by the approach of the Housing Executive. I have been involved in trying to resolve a complaint for a tenant in the last few months, and it highlighted the approach adopted by the Housing Executive. The usual excuses were lifestyle choices, condensation and not using

heating properly and airing the house. The real reason was that there was no cavity wall insulation in the property. I will read out an excerpt from a letter written by a lady after the Housing Executive had fixed her problem. She told me:

"Until you live in a house with insulation problems, you will never know how much stress and worry I had. I am trying to keep a nice home, only for it to be eaten up by black, dangerous mould. I have had to constantly strip back wallpaper, wash walls with antifungal and redecorate."

She then went on to say, once the Housing Executive had actually bothered to resolve the situation:

"I feel like a weight has been lifted off me, as I will no longer have to worry about the mould making us sick and will no longer have to redecorate."

In closing, I understand that the Housing Executive has financial restraints and must prioritise its budget, but having a warm home, free from damp, is at the top of everybody's wish list. From my experience and that of my constituents, the plan is not apparent, and very little progress appears to have been made on the motion agreed in the Assembly over three years ago. That is why I believe that the Minister needs to ensure that this is remedied, progress monitored and the Housing Executive held to account. A plan has to be developed and not a quick fix; it may take a decade. We need a plan, and it needs to be delivered.

Mr F McCann: I understand that a lot of this stuff is based on Savills, but, if my memory serves me right, back in 2007 or 2008, Savills came in again and was heavily critical of the Housing Executive for what it called over-maintaining homes. It brought them up to the decent homes standard-plus. After that, there was a reduction in the level of maintenance that it carried out in homes. The issue has its genesis back in 2008. I always thought that that was a foolish decision that was made at the same time. We cannot over-maintain our houses; the better they are, the better for the tenants who live there.

Cavity insulation, and all insulation, is crucial to maintaining the fabric of any home and the well-being of those who live there. Although I support the motion, I am sorry that it does not include the thousands of people who own their home but, because of their financial

circumstances, cannot afford to insulate or upgrade it.

I understand that, some years ago, when the SDLP had the Ministry, it removed a number of grant options that allowed grants for people to renovate and upgrade their properties, which would have included heating, new windows and the upgrade of the fabric of their homes. That ill-thought-out decision by the SDLP Minister at that time has ensured that people, some of whom are the most vulnerable in our community at present, see their homes continuing to deteriorate. It is quite likely that they will be the slums of the future, thus costing more to put right in the end.

In recent times, people living in relatively new homes are suffering the consequences of poor insulation. I think of people who live in Lagmore, where contractors did not adequately insulate the homes. There is an onus on the Housing Executive, which had those homes constructed, to pursue those who made the mess. If that is not possible, there is a duty on the housing provider to put right that problem.

Insulation is non-existent in many tower blocks. People in the flats are living in freezing and damp conditions. The only advice that they are given, as you said, is to leave their windows open. Several months ago, the Minister for Communities visited Divis Tower. He saw the flats for himself. They are well-kept by the tenants, but the complaints are the same: the lack of insulation makes them a cold house to live in. It is a place where tenants sit wearing heavy coats while watching TV. Of course, those are not the only flats that suffer those problems; I am sure that many in the House see the same conditions in their own areas. The Minister looked at those conditions and spoke to tenants. I thank him for his visit. I believe that he had a great deal of sympathy for the plight of tenants.

The Housing Executive board, which met several weeks later, had on its agenda for that meeting a decision on the strategy for the future of all tower blocks, which included options that would see the demolition of those that it wanted rid of. Also included was investment in those blocks of flats that needed immediate investment. I understand that Divis Tower was included. What did the board do? It fudged the matter by putting any decision back a number of months. Tenants in tower blocks were waiting on good news at Christmas. Instead, they got a slap in the face.

The board is looking at removing all tower blocks over a period of time because it says

that they are not financially viable and so should be demolished. It has missed the fact that we are dealing with people and their living conditions, not a strategy. Any demolition could take over 25 years to unfold. It would take that length of time before they get to Divis Tower. It did not look at the chronic problems faced by tenants. It did not discuss how tenants felt or whether it would be in a position to house people from Divis or any other tower block. In fact, people are happy living in Divis —

Mr Sheehan: I thank the Member for giving way. Does he agree with me that residents in Divis flats have had problems from the day and hour that that tower block was built?

Mr F McCann: Yes.

Mr Speaker: The Member has an extra minute.

Mr F McCann: There were a number of attempts in the past; the repairs carried out at that time did nothing to remedy the problems that exist. It is poor heating, no insulation and a serious problem with dampness.

If people looked into the flats and decided they were surplus to requirements, where would they put the tenants? West Belfast has the longest waiting list in the North, with over 4,000 people looking to be housed. What would they do with the tenants in the other blocks who wished to remain in their locality, which is often the case? Have they properties to move them to? The decision taken by the Housing Executive board to not proceed with investment in Divis Tower has condemned tenants to live in a never-ending nightmare. The replacement of windows and heating systems along with proper insulation could transform those flats and the life of those who live there.

Ms Gildernew: Will the Member give way?

Mr F McCann: Yes, certainly.

Ms Gildernew: Does the Member agree with me that, while the situation in the tower blocks is dire, many homes in rural areas are solid wall with no cavity wall insulation — indeed, no insulation at all — and that something needs to be done to rectify that, especially given that COPD, asthma and other respiratory conditions can result from it?

Mr F McCann: Yes, I certainly agree with that.

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

Mr F McCann: The Housing Executive sits today with roughly 88,000 houses in its stock. Many of those are 20 years old, and some are far older. The point is well made by the Member; often, when we speak about housing, we forget about the serious problems in rural areas.

Mr Allen: I take this opportunity to thank the Members responsible for bringing this important motion before the House, and I thank the Minister for coming today to listen to the concerns of Members from across the House.

If we look at the Department for Communities's statutory minimum fitness standard for housing, we see it outlines that one of the criteria is that a home should be:

"free from dampness prejudicial to the health of the occupants".

It further states:

"Under the fitness standard a dwelling is fit for human habitation unless, in the opinion of the relevant authority, it fails to meet one or more of the above requirements."

Further on, under the heading, "Reasonable degree of thermal comfort", it states:

"Associations should take the opportunity to improve the energy efficiency and install insulation that meets current NI Building Regulations standards. Providing a reasonable degree of thermal comfort requires efficient heating and effective insulation."

The Northern Ireland energy strategy, which was updated on 18 January 2017, states that one of its goals is:

"To achieve substantial progress towards a 34% improvement in the energy efficiency of the housing stock in Northern Ireland over a ten year period."

There is no doubt that energy efficiency is the best way to tackle fuel poverty.

We are told in the Programme for Government that there is a major desire to tackle fuel poverty, and one of the key ways of doing that is to address the lack or poor quality of cavity wall insulation in Housing Executive homes. At the time many of the homes we are talking about were built, often the highest industry standard was used, but, as the years have progressed, those standards have improved

and the materials used then have become not fit for purpose.

We have, on many occasions in the House, discussed the need for new social housing; indeed, we point to the 40,000-plus people on the social housing waiting list and demand that the Minister does more. Although the House is coming down and the Minister leaves office on 1 March, I welcome that he committed to building 9,600 new social starts and to funding 3,750 co-ownership homes. It is important we build new homes and invest in new homes for people, but it is also vital that we invest in our current stock to bring it up to a standard where they are fit for purpose and habitation.

Mr Speaker, I have attended many constituents' homes —

Mr F McCann: I am glad you raised the point about the 9,600 houses, which are essential to try to deal with the long waiting list, but we need to be adventurous in what we look at in housing and houses that are being built. Recently, I saw an item on TV about a number of factories opening in England that make pre-packed houses that have the highest energy standards, are well built and put together and could provide an alternative at half the price of a normal house.

Mr Speaker: The Member has an extra minute.

Mr Allen: Thank you, Mr Speaker. I thank the Member for his intervention. Whilst I realise the Minister said that building 9,600 homes is an ambitious target, I would like to see it go beyond that. Indeed, if we look at the housing growth indicators in the regional development strategy, we see it points to 6,000-plus units per year being needed to address the housing shortage. I believe the 9,600 target is ambitious, and I commend the Minister for setting it, but I do not think it goes far enough. I believe we need to challenge ourselves to set those targets higher.

11.00 am

As I was saying before the Member's intervention, we hear often in the House about the need to improve our current housing stock to ensure that it is fit for habitation. Indeed, I have attended many constituents' homes and have seen pictures of homes of a shocking standard.

Is the Member looking to come in there? No? Sorry, my poor eyesight means that I could not tell whether you wanted in.

Quite often, constituents are being informed by Housing Executive staff, who are often operating under severe financial constraints, but that is not an excuse. We cannot afford to take our eye off the ball and allow constituents to live in houses that are not up to the fitness standard. I have seen walls and ceilings that are completely covered in black moss, and, as Mr Easton rightly pointed out, people are often told that that is down to lifestyle choices, the lack of heating, too much heating, a lack of ventilation or condensation developing. In many cases, it is a result of the lack of cavity wall insulation. It is important to recognise that having poor housing was often not the intention. No one set out to provide poor housing, and no one set out to provide housing with a lack of cavity wall insulation or housing made with poor materials that would deteriorate over years. Housing was provided to the best standards of the time, but we have progressed, moved on and advanced. It is important that we adapt and overcome the difficulties in front of us.

There is no denying that, over the next 20 years, as stated in the Savills report, the Housing Executive will face severe financial constraints in maintaining and bringing its level of housing stock up to a fit-for-purpose standard. It is important that we as Members do all that we can to challenge the Minister, and it is also important that we constructively add to the debate and the argument and that we support the Minister on Statutory Committees and in the House through coming up with alternative ideas and options that can be taken forward to maintain our housing stock.

In finishing, I share with the House a recent constituent enquiry that I came across. It concerns the affordable warmth —

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

Mr Allen: Will the Minister give a commitment to meet me to discuss an issue that I have discovered with the affordable warmth grant scheme, where a constituent on low income is being penalised because —

Mr Speaker: The Member's time is up.

Ms Mallon: I support the motion. My view on the critical importance of housing and the intrinsic role that it plays in successfully tackling disadvantage, driving economic growth and job creation and creating a better environment and a healthier, more equal shared society is well-documented, and I have articulated it several times in the House. It is also well known that I

believe that there are five human rights. People have the right to food, to healthcare, to education, to work and to a home, and access to a secure, affordable and good-quality home is the anchor. It is the glue that holds other aspects of an individual's and a family's life together.

We know the extent of the problem that the motion is trying to address. We see it every day in our constituency. In North Belfast, the vast bulk of my constituency work is housing-related. I do that almost daily, and I see daily the intrinsic connection between health and housing, which is perhaps most starkly laid bare in the motion before us and the issues that we are debating today. The extent of the problem, and its prevalence in social housing and in the private-rented and homeowner sectors, has been well-documented by other Members, so I do not intend to repeat the statistics. Like many Members, I could paint the walls of the Chamber with photographs of the homes of my constituents that are black with mould and damp, where, in little children's bedrooms, the corners are completely black, where parents are spending a fortune trying to clean the walls and decorate over the mould, and where their children are suffering a series of respiratory conditions as a result.

Like many Members, I can share my story of the bureaucratic battle that we have on a daily basis. When a constituent comes to us for help, we contact the environmental health team in the respective council area and then engage in a protracted debate with the Housing Executive over what is at the root of the problem. The case continuously put forward by the Housing Executive is that it is, in fact, a ventilation or condensation issue and that the solution lies in simply opening the window.

I want to make it clear that I am not using this opportunity to level universal criticism at the Housing Executive or at the many good people who work and deal with me and with many of us in the Chamber. I believe, though, that there is reluctance to accept the real reason for this issue, which is one of resources. They simply do not have the resources to deal with the problem and therefore there is a reluctance to acknowledge it in the first instance. As a result, the cost is paid by the individuals and families who live in these homes. They pay that cost through their health and when they try to clean and redecorate, and they pay it through fuel and through the warmth that is lost from their homes. The cost to these families is unacceptable.

It brings me on to my second point on the issue of fuel poverty, and a number of Members have touched on this. We have the highest rates of fuel poverty on these islands and we urgently need a more effective and coordinated fuel poverty strategy that properly deals with the issue; it should be a critical strand of it. It will not only try to address our fuel poverty crisis but will create employment opportunities and opportunities in the construction sector that could benefit our economy across the North.

I am very frustrated that, on the final day of the Assembly, we are debating an issue that impacts on so many homes across Northern Ireland. I am really frustrated that we have a housing crisis. I am really frustrated that we are not able to move forward on reform of the common selection scheme.

Mrs Palmer: I thank the Member for giving way. Does she agree that competing priorities and the lack of funding to address the issue of cavity wall insulation are factors? The cost to the public purse would be around £140 million, which does not seem to be money that is readily available in the current circumstances.

Mr Speaker: The Member has an extra minute.

Ms Mallon: I agree with the Member. It is regrettable that it seems that money can be found quite easily by this Executive for other things and maybe not so easily when it comes to issues that impact on homes and are detrimental to children's health.

We have a housing crisis and we need to stop tinkering around the edges. We need to actually deal with the problems, we need to be creative and we need to be courageous. We do not need to be stuck in political paralysis. A price is being paid by our constituents who are living in homes that just are not fit for purpose.

Mr Dickson: I welcome the opportunity to speak on the motion today and I thank Mr Easton for raising the matter. For the last number of years — quite rightly so — the impact on the poor and the people who live in Housing Executive houses has been manifest and is being clearly demonstrated by others in the debate this morning.

Housing has been and remains a sector that moves from one crisis to another in Northern Ireland. Over the last number of months, we have debated the need for improvement in the housing selection scheme, the recent reclassification of housing associations by the Office for National Statistics and the need to

protect the vulnerable from unscrupulous landlords in the private sector. Today, we return to the issue of the lack of, or poor quality, cavity wall insulation in Housing Executive properties. On the surface, this might seem to be a fairly innocuous issue, but when you look at Northern Ireland's context of having — as others have said — the highest rate of fuel poverty in the United Kingdom, at 42%, and rising excesses of winter deaths at 11%, we see the positive role that effective insulation can play in protecting the vulnerable in our population.

Over 30 years ago, I was elected to Carrickfergus Borough Council on the back of many local campaigns. I can proudly state that I was a tenant of two Housing Executive properties in my early married life. I know exactly, at first hand, what it was like — probably over 40 years ago — to live in Housing Executive properties that suffered from that type of damp.

I also saw kids chase the plastic beads down the street many years ago when the first cavity wall insulation schemes were introduced. This is an issue that I have known about for virtually every single day of my political career, both as a councillor and as an MLA. People have come to me, and I understand at first hand the serious problems of health and of the damage that the failure to be able to live in a decent, warm home can create for many people in our communities.

This issue, as I have said, is nothing new. Many properties that were built between the 1940s and the early 1990s are no longer fit for purpose because people struggle to heat them. The statistics reinforce this —

Mrs Palmer: I thank the Member for giving way. Will the Member agree with me that, in trying to address the fuel poverty situation for our families in their homes, a project was put before the Department from the Housing Executive to fit photovoltaic panelling, which would have allowed our homes to have been heated at a lesser cost, and that would have gone a long way towards eradicating fuel poverty, but, unfortunately, the Department kicked it out?

Mr Speaker: The Member has an extra minute.

Mr Dickson: I thank the Member. What she has raised is an important issue. There are many creative and innovative ways in which we can deal with the problems around fuel poverty and the serious issue that the lack of cavity wall

insulation or failed cavity wall insulation, as is quite often the problem today, causes for many.

This is not just about bashing the Housing Executive here today, because I am a staunch supporter of the Northern Ireland Housing Executive. I believe that it has done an amazing job with its hands tied behind its back by many politicians, some of whom are represented in this Chamber today. As stated in the motion, it is not just appropriate to hold the Housing Executive to account. This issue is well known to previous Social Development Ministers — Lord Morrow, Nelson McCausland and the Minister today. I wish the DUP was as consistent in its approach to heating homes as it is to heating sheds.

It is important to remember that the Housing Executive carries out a vital role in dealing with properties on behalf of tenants. Recent figures have stated that the Housing Executive requires somewhere in the region of £6.7 billion over the next 30 years to address maintenance issues and raise its properties to an acceptable standard. Moreover, the reclassification of housing associations has added more debt on the Housing Executive and placed it in an unhelpful situation.

I am clearly someone who supports the work of the Housing Executive, and I believe that where we have headed over many recent years has been away from support for the Housing Executive. I value the work that housing associations have done, but what should be core to providing safe, good-quality public housing in Northern Ireland should be the Northern Ireland Housing Executive. I do not agree that it should be prevented from building more homes in Northern Ireland. That may sound controversial, but I believe that the Northern Ireland Housing Executive should be given the opportunity to build more homes. Today, we need to see environmental health officers, building control officers, the Housing Executive and the Department coming together to help us build homes fit not just for the future but for today.

Mr Beggs: I support the motion as far as it goes. It highlights the failure to date to address the defects and poor quality of cavity wall insulation, but there is a need to go further. The Department for Social Development and its Minister and, indeed, the Department for Communities and the draft Programme for Government have a key role in enabling the Housing Executive, through resourcing, to address the failings. What did previous Social Development Ministers McCausland and Storey, and the current Minister with

responsibility, Paul Givan MLA, do about it? Very little, it seems.

Fuel poverty is identified when more than 10% of a household's income is spent providing heat for the home. Northern Ireland has one of the highest rates throughout the United Kingdom, at some 42%.

11.15 am

Fuel poverty is influenced by household income, the cost of energy and the domestic energy efficiency of the home. The only one of those issues directly under the responsibility of the Minister and the Housing Executive is energy efficiency. There is a responsibility to address that issue when there are difficulties.

Walls form the largest surface area of any home and have the greatest potential to radiate or lose heat from the house. To date, the major defects in cavity wall insulation have not been addressed. Since the publication in March 2014 of the cavity wall inspection report produced by the South Eastern Regional College in conjunction with the Northern Ireland Housing Executive, it has been known authoritatively that there are major defects with cavity wall insulation in Northern Ireland Housing Executive homes and indeed many private sector homes that may originally have been Housing Executive homes. The issue of cavity wall insulation was not examined in detail by the housing conditions survey. In answer to Assembly question AQW 9010/16-21, the Minister acknowledged that, despite the millions of pounds' worth of work spent on the Savills housing survey, the current quality of cavity wall insulation was unknown.

The cavity wall inspection report advised that some 206 homes throughout Northern Ireland that had previously been surveyed in housing condition surveys in 2009 and 2011 were examined in detail using physical investigative methods. Holes were drilled and borescope cameras inserted to see exactly what was inside the walls. What were the results? Thirty-nine per cent had severe and critical needs; 26% were unsatisfactory with grave needs; and 11% had significant needs. Major problems were identified.

The report also highlighted that BuildDesk software analysis of blown-fibre insulation questioned its use in Northern Ireland. This is a private sector analysis of methods of insulation provision in homes. We have a damp, wet climate in Northern Ireland, and it is widely known that blown fibre can present difficulties in such climates. Unfortunately, a very high

proportion of Northern Ireland Housing Executive homes has blown fibre that was installed in the 1980s; it may be as high as 60% or 70%. We have a very high risk of difficulties in those areas.

It is also widely known that, originally, poor techniques were used in installing such fibre and that there were voids and poor quality control. Add to that the damp that can occur and, instead of the insulation's providing a warm home, it acts as a thermal bridge and conducts the heat from the homes of many of those who are suffering from fuel poverty to the outside world, so they end up living in cold, damp homes. Indeed, I have visited the homes of constituents in Carrickfergus where damp has been highlighted as a problem. Constituents have assured me that they regularly keep their windows open for circulation —

Mr Speaker: Will the Member conclude his remarks?

Mr Beggs: — but officers and landlords frequently blame tenants' lifestyles for the damp, whereas the real cause may be damp blown-fibre insulation. That is why we need a detailed survey. We need to use modern technology, thermal imaging and borescopes —

Mr Speaker: The Member's time is up.

Mr Beggs: — to deal with this problem.

Mr Speaker: I call Mrs Kellie Armstrong.

Mr Beggs: We need funding from the Department to deal with it, which regrettably is not what has happened to date.

Ms Armstrong: I will not speak too long on this because many people before me have confirmed what we already know: that, unfortunately, Housing Executive homes that are of quite an age are in such poor repair that we are letting down our community. Poor insulation causes health issues; it creates social stigma and leaves people angry and alone, often coming to us politicians as a last-chance option.

I was fortunate to go along to a beautiful development in Comber where I saw at first hand the type of energy-efficient home that I would love our community to live in. The energy-efficient solutions that were put into those homes meant that those people would be able to heat them for as little as £5 a month. How much money do the people living in

Housing Executive homes with cavity wall insulation problems pay per month to try to heat their homes? It is definitely not £5.

Housing Executive stock has homes that are substandard. There is mould and poor insulation. As many have said here, I have been in homes, across my constituency, where wee white insulation balls blow through the wall vents into the homes. They are not insulating the homes, they are being chased around floors with brushes and vacuum cleaners and being hoovered up out of the way.

Maintenance is not good enough. I completely appreciate that the Housing Executive maintenance teams are under terrible pressures, but that does not forgive the attitude of poor customer service. That is what we tend to forget: the people who live in these homes are customers. It is perceived that they have no choice and they will simply put up with mould, draughty homes, disgusting condensation and children living in bedrooms that you would not put animals in. The attitudes shown to some of my customers leave them sitting in my office in tears and leave them wondering whether they are going to heat the house or eat. Many of the people we hear about who are forced to choose whether to eat or heat live in the Housing Executive homes that we are talking about today.

Perhaps today the Minister could be very clear on what plans he has actually taken forward to make sure that the Housing Executive maintenance has enough money and actually have a good enough plan to stop this happening across our countryside?

Mr E McCann: Will the Member give way?

Ms Armstrong: I will.

Mr E McCann: Every single Member so far has mentioned the financial constraints on the Housing Executive. Does the Member agree with me that there are ways out of this problem of a lack of resources to deal with cavity wall insulation, damp and mould, which affects houses in every constituency? One obvious way forward, which is not being explored, is to give the Housing Executive the power to borrow money on the markets — it has never been cheaper to borrow — and also to stop the madness of lowering corporation tax and give the money, probably £300 million, according to some estimates, to the Housing Executive to finance a crash programme of building social housing. Can we also stop the gradual, surreptitious privatisation of the Housing

Executive and its stock, which is changing the housing market for the worse?

Mr Speaker: I remind the Member that it should be a brief intervention. The Member has an extra minute.

Ms Armstrong: Thank you very much, Mr Speaker. I thank the Member for bringing this up. My very next point is about this. Fresh Start had £500 million set aside for integrated education, shared education and shared housing. How much of that money has been spent on shared housing? Our people do need these new homes with better insulation, better heating options and which are more energy efficient. How much was spent? Of course, the Minister does not believe that shared housing is important.

I support the motion before the House today, and I thank Mr Easton for bringing it forward. It is unfortunate that it comes on a day when the Chamber is empty, because I am sure every single politician in this Building worth their salt actually has Housing Executive tenants who are complaining.

Mr Beggs: Will the Member give way?

Ms Armstrong: I will.

Mr Beggs: Is the Member aware that virtually the same motion came forward almost four years ago, and what has happened since then?

Ms Armstrong: Absolutely nothing, as I can see from my tenants, because their complaints have been going on for, not four years, not five years but maybe ten years. It is very disappointing to find it back in front of this House with an almost empty Chamber today.

I do support the motion. I acknowledge the difficulties facing the Northern Ireland Housing Executive and I call on it to formulate a plan of action to address the issues so this Assembly can get to work on making it a reality. I hope that, after the election, we will actually have someone who will take it forward.

Mr Carroll: As people have already said, this is a very important issue. Everybody knows that people are living in homes that are not warm enough. We know that people have to pay a fortune on their gas and electricity bills just to heat their homes. We know that people think twice about turning the heating on. Fra McCann mentioned people putting on coats and extra jumpers indoors because they are watching the meter. They are literally watching

their meter. Tragically, we know that people have died in their homes because they are unable to heat them. This is the reality in 2017.

We also know that 35% of heat in a home is lost if there is no cavity wall insulation installed in the house. If you put £200 of oil in an oil tank, you lose £70 right away because there is no cavity wall insulation.

That needs to be publicised and emphasised more, because it is a colossal waste of money and it is hitting people, who cannot afford it, in the pocket. Contrast that with taxpayers' money going to funnel heat into empty sheds with seven or eight heaters on full blast. It seems to me that there is one rule if you have connections in Stormont and another for everybody else.

This is a very serious issue. We have to ensure that people have heating and are warm and comfortable in their homes. We also have to ensure that people are not robbed blind by spiralling energy costs because their homes do not have cavity wall insulation. I sincerely hope that that is the intention of the motion, and it is not, as Mr McCann alluded to, an underhand attempt to further undermine the Housing Executive. In the past, we have witnessed attempts to undermine the Housing Executive to try to delegitimise it and break it up with stock transfers of housing from the Housing Executive to private associations. Definitely not on our watch.

I really hope that this motion is about providing support to tenants, and to get the Housing Executive to do what is expected of it as a public body and provide cavity wall insulation to tenants who badly need it.

As well as that, we have to state that the Housing Executive should be allowed to borrow money and should have the capacity to bring all its homes up to standard. Over the next 30 years, it needs around £5 billion to do that. It should be allowed to do that and all the barriers that currently exist and prevent it from doing so should be removed. It is a clear point; it is an investment in housing for the future and also will ensure that present housing is adequate for tenants.

Obviously, the motion is about Housing Executive tenants, and there should be no delay in ensuring that cavity wall insulation is implemented for Housing Executive tenants. However, it would be remiss of me not to mention tenants in private housing associations. They have been referred to already. People living in housing association

properties also struggle to afford to heat their homes. They have to pay higher rents on average, compared with those in Housing Executive accommodation. Provision for cavity wall insulation should be extended to people in private housing associations as well.

Mr Dickson: Will the Member give way?

Mr Carroll: I will.

Mr Dickson: The Member and others around the Chamber have made a number of references to cavity wall insulation. This perhaps takes the debate in a further direction. Who should install that cavity wall insulation? Does the Member agree with me that this is an ideal opportunity both to return to and to continue to allow social enterprise organisations to take the lead when it comes to the delivery of cavity wall insulation?

Mr Speaker: The Member has an extra minute.

Mr Carroll: It could; but it could also use the expertise of the Housing Executive to do that.

It should also be mentioned that, last week, in my constituency, in the Riverdale area, the tenants of Victoria Housing held a meeting organised by a resident to hold the housing association to account. For decades, minimal maintenance work and upgrade was done. In most cases, the tenants themselves were forced to pay for work to be done on the properties, on top of rent increases year-on-year. Despite the organisation claiming to be a charity, the tenants were forced to pay through the teeth for rent, and they included pensioners and young families. The lesson there — the reason I mention it — is that they have shown what to do. If you are not getting maintenance done, or work is not being done by the House Executive or the housing associations, you have to get yourselves organised and fight and campaign until demands are met.

I also pay tribute to residents of Conars Court in Derry. Having been denied essential health and safety installation work for years, they organised and held an occupation of the office of the housing association. They demanded to meet the chief executive. Initially, he refused to meet them, but the residents said that they would not leave until he met them. Eventually, the chief executive came down, and the work on residents' properties has since been completed.

Mr Speaker: Will the Member conclude his remarks?

Mr Carroll: That shows that occupations and sit-ins work, and we need more of them.

11.30 am

Mr Givan (The Minister for Communities): I welcome the motion, and I thank my colleague Mr Easton for bringing it forward. It gives me the opportunity to discuss not just cavity wall insulation but the long overdue investment in Housing Executive stock.

Defective cavity wall insulation is not a problem limited to social housing; it can affect all tenures. The issue is complex, and a full understanding of the issues is only beginning to emerge. Addressing it may require substantial funding. I make the point up front that the Housing Executive has a substantial maintenance and investment backlog. Before taking remedial action, it will have to consider cavity wall insulation in the context of all the other priorities identified by the stock condition survey, which was part of the DSD/Housing Executive joint asset commission. All these other priorities, including rewiring, kitchens, roofs and bathrooms, need to be addressed as part of the Housing Executive's asset management strategy. The Housing Executive has an investment requirement over the next 30 years of around £6.7 billion. That cannot be covered by rents alone, and the Housing Executive, therefore, has an investment backlog that is large and getting larger. Indeed, the Housing Executive ideally needs to double the amount it is investing in its stock for the next 10 years to get back on track. So, when Members are talking about everything they ideally want the Housing Executive to do, it is worth bearing in mind the responsibility of the Assembly to enable it to meet that investment requirement.

The stock condition survey involved a comprehensive survey of over 25% of the Housing Executive stock, which is around 22,500 properties. It has given the Housing Executive a holistic understanding of its long-term investment needs. As I said, that stands at £6.7 billion over the next 30 years. The survey allows the Housing Executive to plan and prioritise investment over the long term. Again, I would not be so brave as to tell the Housing Executive to ignore its professional advice and thorough and comprehensive survey data and to instead take an entirely different approach to investment planning. The planning of investment is an operational matter for the Housing Executive, and, as housing Minister, it is not my place to ask it to push one scheme or type of work ahead of another.

Mr E McCann: Will the Minister give way?

Mr Givan: I will, yes.

Mr E McCann: Given what the Minister just said, does he agree that all the problems in housebuilding and maintenance would be eased and ameliorated if the Housing Executive were given the right power to borrow money on the market to fund the work we all know needs to be done urgently? Does he agree that should be done? If he does not agree, why not?

Mr Givan: The point is well made about the resources required to meet the demands the Housing Executive presents. That is a decision that, ultimately, the Assembly takes when budgets are allocated by the Executive and subsequently voted through in the House. That is something that, obviously, Members need to always be cognisant of whenever these decisions are made. The Housing Executive has the legal power to build, but, of course, we know that, because it cannot borrow on the markets, that is not a financially attractive option, given that housing associations are able to do that. For the Housing Executive to be put into the same position as housing associations, a change to the Housing Executive would be required, and that is something that, ultimately, Members will need to consider in the future. They will need to consider what framework they want the Housing Executive to sit within. It also ties into the reclassification issue the Assembly is having to deal with. That is an issue that is going to have to be grappled with, and, ultimately, Members will need to take decisions about where they believe the Housing Executive should sit and the type of functions it should be delivering upon. That is a decision now and an issue that will need to be grappled with by the next Assembly, obviously. But the Member raises very valid points.

Mr Attwood: I thank the Minister for giving way. When I was housing Minister in 2010-11, I conducted a fundamental review of the Housing Executive. It was based upon a number of principles, including protecting the institution of the Housing Executive, its legacy and name. One of the intentions behind that fundamental review was to prepare the ground to enable the Housing Executive to borrow from the market. That review concluded in March 2011. It was shared with the then Finance Minister in March 2011. It is now approaching March 2017. Given the preparatory work that was done, which is guarded against the DUP doing damage to the Housing Executive, can you explain why the issue Mr McCann raised

repeatedly today about borrowing against Housing Executive assets not been resolved?

Mr Givan: I do not know the detail of what went on in 2011, but let me make it clear that no one is interested in damaging the Housing Executive. I have the greatest admiration for the work that I see done day in, day out by the Housing Executive. I have responded to Members when they have raised issues about the way in which points are allocated. There was a motion to do with intimidation points. A review was announced of how we can go about seeking to ensure that we have a selection scheme that is fit for purpose.

As for the question about 2011, I am not in a position to give the answer. What I can say is that, since I have come into post, I have recognised the challenge for the Housing Executive. Ultimately, the challenge is that we have to provide the homes that our people need and find the best way to go about doing that. The Assembly will have to grapple with that in the next mandate.

As I said, the Housing Executive has a substantial stock investment backlog to deal with, and there are many other investment requirements. Some of those may be a higher priority than replacing cavity wall insulation, for example, and, on foot of that, I will make one key point. It must be remembered that the Housing Executive owns around 10,000 properties of non-traditional construction with solid walls. It also owns perhaps another 5,000 other solid wall properties, such as rural cottages and older terraced properties. The thermal performance of those properties is poor, and the vast majority have not benefited from any improvements to their wall insulation at all. The insulation of those properties is the worst in the Housing Executive portfolio, and they are an obvious priority when it comes to improving the stock.

On the topic of cavity wall insulation, the Housing Executive has acknowledged that some of the cavity fill carried out in the 1980s and 1990s could now be improved on. Some of the insulation has degraded through time, some of it was badly installed, and some of it might have been put into unsuitable cavities. No surveying of Housing Executive stock has been carried out that properly determines how that affects different types of stock. Different types of cavity filled in different ways with different materials at different times will have aged differently. The first step that the Housing Executive will take is to understand how much of a problem there is.

Going forward, the Housing Executive proposes to commission an independent, comprehensive research project based on a survey of 1,000 cavity wall insulated properties. That will determine the impact that degraded or inconsistent cavity wall insulation presents for thermal efficiency and potential health issues.

Mr Beggs: Will the Minister give way?

Mr Givan: Yes.

Mr Beggs: The Minister talks about remedial action and how to improve things. I have a pensioner constituent — an ex-serviceman, as it happens — who complained about his cold house. The Housing Executive acknowledged prior to September that there was no cavity wall insulation in it, so why is he having to wait right through the winter until after April before his home is insulated as part of a scheme? Where such a problem is identified, the work should be carried out much more expeditiously.

Mr Givan: If the Member wants to give me the details, I will be happy to follow up on that to provide him with an answer that he can then provide to his constituent. Again, maintenance is an operational decision taken by the Housing Executive, but I am more than happy to follow that up for the Member.

Mr Beggs: I have already written to the Minister on the issue.

Mr Givan: We will get a response to you.

The research will also consider the suitability of properties for cavity wall insulation on the basis of location and construction type. The data will help to develop a robust methodology to deal with the problem in the long term. In the meantime, I am sure, we will all know of cases where cavity wall insulation has failed and the issues are urgent. Cavity wall insulation can fail to such an extent that it causes problems for the householder, such as damp or mould, and, in some cases, could affect their health. The Housing Executive has undertaken to address such problems immediately and without delay. Over 200 houses have had their cavity wall insulation replaced this way over the past two years. It will be done either through response maintenance or, if relevant and sensible, through ongoing planned maintenance schemes over the next few years.

The Housing Executive is committed to addressing both the energy efficiency of its properties and fuel poverty affecting its tenants. The Housing Executive will carry out a survey

of the cavity wall insulation in its stock and use that to develop a longer-term strategy to address any systematic issues found in its stock. In the meantime, serious issues that emerge will be dealt with through response or planned maintenance. Any major programme to remove and reinstall cavity wall insulation broadly across the Housing Executive's stock would require substantial investment. It would have to be considered against other investment requirements, including the 15,000 homes without any wall insulation whatever.

Mr Attwood: I thank the Minister for giving way again. Do you acknowledge that, if we ever get to the point where the Housing Executive can borrow against its stock, the fact that there are now issues and that borrowing from the European Investment Bank will become problematic because of the Brexit decision will impede the Housing Executive's capacity in future to borrow at cheap rates to do the work that you have just referred to?

Mr Givan: That is certainly an issue that I have raised directly with London in respect of the negotiations that will take place around Brexit about any impact on potential investment through the European Investment Bank. That has been raised.

Mr Stalford: I appreciate the Minister giving way briefly. He will be aware that the way in which the European Investment Bank is constructed allows it to invest not only in European Union countries but in countries that are on the periphery of the European Union. Once Brexit happens, the United Kingdom will be on the periphery of the European Union but still eligible for funding from the European Investment Bank.

Mr Attwood: Will the Minister give way again?

Mr Givan: No. I am sure that the Brexit debate will be played out over the next six weeks. In fairness, I have been pretty generous to everyone who has asked me to give way.

I thank Members for the contributions they have made. During the period in which I have been the Minister responsible for housing, I have met a number of MLAs. Fra McCann brought me to Divis tower — somewhere that I did not ever necessarily anticipate getting to visit. I have to say that the people there are the salt of the earth, and I could see at first hand the situation that they have to live in. I met Nichola Mallon, and she brought a family to see me to talk about their serious housing need. I have engaged with other MLAs on housing issues,

issues on which we can all find common ground.

Yes, we will debate and, at times, disagree on the best way to meet those needs, but we all, ultimately, want to achieve the same objective, which is to provide housing that people want to live in. There is excellent housing in Northern Ireland provided by our housing associations and the Housing Executive. It is maintained to an excellent standard, but there are people who are in houses that are, frankly, deplorable. I have been in them, and I have witnessed at first hand the mould on the walls and the consequences of that for the individuals' mental health and physical health.

Mr Storey: Will the Minister give way?

Mr Givan: In all these things, it is vital that we collectively recognise the issues. I hope that, in the next Assembly, we will identify all the things on which we have common ground. Yes, there will be things that we will disagree with and differ on. We need to work through them and tackle those obstacles whenever they arise. When it comes to housing, however, it is about meeting the need that exists and providing the best possible standards that the people expect us, as politicians, to provide.

Mervyn asked me to give way; I will do that and then I will finish.

Mr Storey: I thank the Minister for giving way. As a former Minister for housing, I concur with his comments on the issue. Comments have been made today about lost opportunities. As the Assembly comes to an end, let us face reality: it is most likely that we will not be back in this institution in the way that it was formed and the way that it is. Let us all bear the responsibility for what has happened over the last number of weeks. There was one lost opportunity — the Members on the opposite Benches know about it — when I endeavoured to ensure that we found a solution to housing. If there is one thing that we need to sort in Northern Ireland it is to give our people good homes. I concur with the Minister's comments, and I look forward to a day when the people of Northern Ireland, across the piece, will share the benefit of good homes.

11.45 am

Mr Speaker: I remind the Member that interventions should be short. Can I check that the Minister has now finished?

Mr Givan: Yes.

Mr Speaker: The Minister has finished.

Mr Lyons: Some in the Chamber have alluded to the reasoning behind having this debate being to have a go at, or in some way discredit, the Housing Executive. That is certainly not the intention behind this motion. As a constituency representative, I am in contact with the Housing Executive daily, and I very much appreciate the work that it does and how responsive it is when we raise issues or queries.

Mr Allen: Will the Member give way?

Mr Lyons: I will give way.

Mr Allen: Will the Member not agree, then, that they should perhaps have reflected on the wording of the motion, because it certainly comes across as pointing to a failure on the Housing Executive's part?

Mr Lyons: No, I do not. I think that I can praise and appreciate the work of the Housing Executive while, as a public representative, wanting to hold them to account and highlight where there are problems. That is our job as public representatives in this place. Yes, it is to support the work of our public services wherever they may be, but we also have a duty to hold them to account in the same way as we have a duty to hold our Ministers to account, but I want to make it clear that this is not an attack on the Housing Executive.

I thank the proposer of the motion, Mr Easton. He has certainly been consistent and persistent on this issue. He and I have met different people in relation to this. We have met previous Social Development Ministers including, most recently, Lord Morrow when he was in post. This is an issue that Mr Easton and indeed all Members clearly care about. The tone of today's debate has been largely positive, because there has been agreement amongst Members and we understand that there is an issue here that needs to be dealt with and that party politics should be pushed to the side.

The South Eastern Regional College report was clear. Over two thirds of Housing Executive properties that it surveyed have either critical or severe needs, and only 9% are fit for purpose. We all have personal experience of going into constituents' houses and seeing the problems that there are with damp and cold. We all have constituents who tell us that they never really feel the warmth in their homes. That should be of concern to all of us.

To go back to Mr Allen's point, I want to hold the Housing Executive to account when it repeatedly tells my constituents that the reason that their homes are damp or that they have problems is because of lifestyle issues and that they do not air out their homes. Another reason why some of my constituents find it so hard to heat their homes is because they have to keep windows open in order to get rid of the smell of damp. This is an issue that needs to be addressed. We should be saying to the Housing Executive, "Action needs to be taken here". I do not think that anybody is under any illusions as regards the scale and cost of the work that needs to be carried out, but that does not mean that we should not press on this issue and seek to ensure that it is addressed.

There are a number of reasons why we need to tackle the issue of cavity wall insulation, or the lack thereof. The first is the fuel poverty that is experienced in this country. I know that it is an old figure, but 42% of people in Northern Ireland are classified as being in fuel poverty, which is far higher than in the rest of the UK. It is estimated that almost 290,000 people here are living in fuel poverty. If we can take some action to address that by improving insulation in homes, surely we should be doing it.

As other Members have already said, this can also cut costs in the long term. If our homes are properly insulated, people will have to spend less money on heating and will have more money to spend on other things. Of course, keeping people warm also prevents health problems. I have seen children in my own constituency who are suffering as a result of the conditions in which they are living. We need an assessment of Housing Executive properties and of the ways in which that can be tackled.

The Energy Saving Trust said that:

"Cavity wall insulation is the single most cost-effective, low risk energy efficiency measure available for the existing housing stock, after loft insulation."

Here we have a real ability to help our constituents. Indeed, in addition to that, it has been estimated by the Energy Saving Trust that the cost of these insulation measures can be paid back in as short a time as two or three years, so it is an area in which we should, of course, take action.

I do not want to spend time going over all the points that Members raised, one of the reasons being that they were repeated again and again. I think, however, that, time and time again, we

realised the scale of the problem and that action needs to be taken.

Nichola Mallon and Andy Allen raised the issue of housing being a human right. Not only should we provide and make sure that people have homes but the homes that we provide should be of the right standard, as Mr Allen outlined.

Mr Dickson's contribution was largely positive. He lowered the tone slightly at one point, but we will move beyond that. He showed his age by telling us how long he has been married and how long ago he was elected to Carrickfergus Borough Council. He raised the point that cavity wall insulation has consistently been an issue over many years.

I thank the Minister for —

Mr Dickson: Will the Member give way?

Mr Lyons: I give way to Mr Dickson.

Mr Dickson: I take it as a compliment that the Member acknowledged the length of time that I have been a locally elected representative. Does he agree with me that it is a terrible shame that we have had to wait — indeed, continue to wait — that length of time to see any genuine action? That is the sad reality of what we are talking about today: very little action and a great deal of annoyance caused to people whose property suffers in this way.

Mr Lyons: Well of course that is why we tabled the motion and that is why we are calling for action to be taken. I agree with the Member that we would love this to have been addressed a long time ago. He had the same issue 40 years ago when he was first elected, and it continues to be an issue today.

I thank the Minister for his comments. He brought to the debate, as Ministers need to do, a realism about the financial constraints, and we recognise the constraints that he is working under. However, we have already mentioned the opportunity to create long-term savings by investing in this way, and that is not —

Mr Allen: Will the Member give way?

Mr Lyons: Just one second. That is not limited to the Housing Executive; it extends to other savings that can be made across public services, including, of course, health. I welcome the fact that the Minister said that we need a longer-term strategy, and, in response to that, planned maintenance. If substantial

investment is required, it is incumbent upon us to make sure that it can be found so that our people can live in homes that are fit for them and not detrimental to their health.

Mr Attwood: Will the Member give way?

Mr Lyons: I just want to say one more thing before I finish. Mr Storey has already mentioned that we are in the last hours of this Assembly and will soon —

Mrs Palmer: Will the Member give way?

Mr Lyons: No. I want to finish my point. We will soon vacate this place as we head to an election and do not know what will come next. I have been in the House for about 17 or 18 months, and we have had numerous debates in that time. However, a debate such as this one today shows, in my opinion, the importance of having devolved government and not direct rule. As locally elected Assembly Members, we can come into this place, raise our concerns and impress upon the Minister the issues that our constituents bring to us. If we do not have a devolved Government in this place, we will be worse off for that. I welcome the fact —

Mr Speaker: Will the Member bring his remarks to a close?

Mr Lyons: — that we have been able to bring the motion to the House and am pleased with the response. I hope that all Members will support it.

Question put and agreed to.

Resolved:

That this Assembly calls on the Minister for Communities to hold the Northern Ireland Housing Executive to account for its failure to address the lack of, or poor quality of, cavity insulation within many Housing Executive properties; and calls on the Housing Executive to formulate a plan of action to ensure that all its properties have adequate and proper cavity insulation.

Review of Bail Policy in Cases of Terrorism and Murder

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech.

All other Members who are called to speak will have five minutes.

Members, before I call Mr Beattie to move the motion, I am sure that you are all aware that there are active legal proceedings in relation to a man suspected of involvement in the murder of prison officer David Black who has failed to answer bail. I do not want to inhibit the discussion on the operation of bail policy in cases of terrorism and murder, which is a matter of public interest, but, in accordance with my responsibilities under Standing Order 73, I caution Members to be particularly careful that they say nothing in their contributions in today's debate that might in future prejudice the outcome of proceedings relating to Mr Black's murder. Members who deliberately flout the sub judice rule will be asked to resume their seats.

Members should also recognise that anything they say that contributes to a substantial risk of serious prejudice to these criminal proceedings may be a contempt of court at common law, to which privilege in the House affords no defence.

Mr Beattie: I beg to move

That this Assembly notes the recent failures in the criminal justice system to ensure that a man suspected of involvement in the murder of prison officer David Black abided by bail conditions; expresses concern at the granting of bail in this case, the low level of sureties required and the length of time taken by the PSNI to realise that this individual had absconded; believes that terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed; calls on the Minister of Justice to ensure that steps are taken to see that the suspect is returned to custody; and further calls on the Minister of Justice to take urgent steps to review bail policy in Northern Ireland, with particular regard to cases involving murder and terrorism.

I will attempt to keep in lane, keep my lurgy inside and not cough over the Justice Minister, who might want to stay back.

Northern Ireland has been scourged by terrorism for far too long. Yes, it has diminished since 1998, and we had a good debate on the Belfast Agreement yesterday, but it is still here. It is beginning to feel like part of the fabric of this country, and that is extremely sad. We have, of course, tried to minimise the effects of terrorism and have changed the words: we use

the terms "paramilitary activity" or "dissidents", but it is terrorism and they are terrorists. They terrorise all our communities, and west Belfast has suffered far more than most. They force their will on others through threats of violence, and they shoot, maim and kill our elderly, our children — anybody in society. It is the worst of crimes because it undermines the state. It attempts to promote a cause — any cause — through terror. It must be stopped, and it must be seen to be stopped. Therefore, we must have robust structures for dealing with those linked to terrorism or, indeed, those charged with terrorist offences, including strict bail conditions or stopping bail if we believe somebody is involved in terrorism. We need our independent and impartial justice system to have a look at its processes.

12.00 noon

Recently, we have seen a case of a suspect from Lurgan — a suspect — who was possibly involved in a terrorist offence, being given leave this year to go on holiday to Spain. A suspect in the murder of prison officer Black — I fully accept what you said, Mr Speaker — due to face court this year has had his bail conditions varied and his electronic tag removed. He previously had to report seven days a week but that has been reduced to just five days a week. Last year, he was given leave to change his bail so that he could go on a three-day spa holiday. That same individual has now not been seen since 18 November, and I will touch on that slightly later. Can you imagine how the Black family feels at this moment in time? Completely let down by the justice system. I will put this in unashamedly and I mentioned it yesterday. I will do it because it is important to me. You have to contrast those two examples that I have just given you with that of a 75-year-old veteran who has been investigated twice already. He has now been charged and, at 75, has been classed as a flight risk and has not been allowed to vary his bail conditions. You can see that there is a perception to many that our impartial justice system needs rebalanced.

The Chief Constable is under pressure on many fronts. He and his force are doing a sterling and fantastic job, but they are concerned about the imposition of bail conditions. The Chief Constable said so yesterday. Their job is to gather evidence and present the evidence, and it is for the justice system to take the lead thereafter. If the justice system allows bail, it is up to the PSNI to impose those bail conditions. The PSNI has questions to answer. Why did it take them so long to realise that a suspect in a murder who was on bail had done a runner and that they had not seen him since 18 November?

They did not realise until 23 December. It is embarrassing to say the least, and the PSNI needs to look at its structures.

Our justice system must realise as well that, if it disregards what the PSNI is saying to it, it undermines the duty of the state to protect those living in it. What do I mean by that? If the PSNI opposes a terrorist suspect going on bail and the justice system says, "Nah, not listening to you. We are sending him on bail", then it is undermining the PSNI and undermining the state.

Detective Chief Superintendent Murray said only this month:

"In terms of the ability of police to keep track of offenders according to bail conditions it can be very, very difficult."

Mr Allister: Will the Member give way?

Mr Beattie: Yes.

Mr Allister: I understand entirely the point that is being made about the courts' attitude to bail undermining the PSNI, but is there also not, sadly, in the instant case, an indication that the PSNI undermined itself by not checking for over a month why someone who was meant to be signing five days a week had not signed and where they were? Is there not a big burden on the PSNI, when there are bail terms, to make sure that they are imposed?

Mr Beattie: I thank the Member for his intervention. You are absolutely right, and I said as much. The police have questions to answer because it is an embarrassing failure for the PSNI not to have noticed that that individual had absconded and that they had not seen him for over five weeks. You are absolutely right. I do not think that any of us should shirk from pointing the finger at the police and saying, "You must have a look at your structures". I am certainly in favour of that.

The motion asks that we address the safeguarding of our society. The moment we have a suspect in a terrorist case — we talked about terrorism at the very start — and release him on bail without strict bail conditions, we are putting society at risk. Suspect terrorists should remain in custody when the evidence supports the allegation or for as long as possible to allow the justice proceedings to be completed. For me, that makes absolute sense. If the evidence is there, keep him in jail and let justice run its course.

For those who say the speed of justice is far too slow in Northern Ireland, that is a completely different issue, and I ask the Justice Minister to look at and address that speed. But that does not counter the fact that we are releasing out into the country somebody who is potentially dangerous. If he was a danger to children — if he was a paedophile — we would not think twice about not releasing him back into society. We would hold him until justice had dealt with him. I have to say that I view them as virtually one and the same.

We must review bail conditions in cases of murder or terrorist offences. Bail must be an exception. They must give the reason why they are going to give them bail. I ask everybody to think about how we need more stick than carrot sometimes here in Northern Ireland.

Mrs Hale: I thank the Member for giving way. Would the Member agree with me that the burden of proof should be on the judicial system to say why it would forgo the PSNI and intelligence to let these people go free on bail?

Mr Beattie: I thank the Member for her intervention. You are absolutely right, and you probably put that far better than I could have. I totally agree with you.

We stood here yesterday and condemned the attack on a police officer in north Belfast. We all condemned the attack and stood united, and I was happy to stand with everybody in the House to condemn that. Those responsible, if caught, should not get bail. If you believe that is the case, you must support the motion.

Mr K Buchanan: I support the motion. David Black, a member of my constituency, left his home, like we all did this morning, on 1 November and drove to his work. I worked with David many times in the voluntary sector back in the late 1990s. He was a true gentleman, father and public servant.

There are concerns among many in our community, especially in mid-Ulster, about the criminal justice system, in particular the case of the man accused of involvement in the murder of David Black. That was a brutal ambush, planned and carried out by terrorists and cowards who targeted and shot a family man who had for over 30 years served Her Majesty's Government in the Prison Service. Many believe bail should never have been an option for someone accused of such a serious offence.

Following the recent disclosure of the breach of bail conditions by the individual charged with

offences in connection with the murder of Mr Black, I and my Policing Board colleague Nelson McCausland sought a meeting with the Chief Constable back on 13 January. Mr McCausland and I met the Chief Constable, Assistant Chief Constable Stephen Martin and Detective Chief Superintendent Raymond Murray, head of the serious crime branch, and we were able to ask direct questions about this issue. This was the second time the bail conditions for the man accused of this offence had been questioned. In August last year, his bail conditions were relaxed to allow him to reside in a luxury hotel from 7 August until Tuesday 9 August.

During that time, he was photographed with a convicted republican terrorist at a city centre parade. It has been reported that McLaughlin volunteered as a steward at a dissident republican march in Coalisland on Easter Sunday. Kyle Black, son of David Black, said in August 2016 that he wished his father still had his basic human right of living, never mind being able to go away on a luxury weekend break. On too many occasions, the human rights of the accused are considered. We must keep in mind the human right —

Mr Humphrey: I am grateful to the Member for giving way. Given the point that was made about the attempted murder of the policemen in north Belfast, who, I am pleased to say, is making good progress, will the Member agree with me that stories such as the one that he has outlined to the House completely undermine public confidence in the judicial system? Frankly, that confidence is eroded daily when people hear that convicted criminals are treated in such a way by this state.

Mr Speaker: The Member has an extra minute.

Mr K Buchanan: I thank the Member for his intervention. I agree 100% with that. The criminal justice system does not give confidence to the community. When people are involved in an attack, such as the one the other night in north Belfast, justice has to be served, and that signal has to be sent out.

David Black lost his human rights that November. They were taken away by a coward who drove up alongside the man on his way to his work. That is not the only case in which bail conditions have been breached by those charged with serious terrorist offences. The person who has been charged with the murder of Adrian Ismay has breached his bail conditions no fewer than five times. Five times. Those cases must be reviewed, and we need

assurances from the judiciary that those failings will be investigated and addressed.

It must be stated that the police are forced to deal with the bail conditions granted by the judiciary. It must not be forgotten that suspects across the rest of the United Kingdom who are accused of such serious crimes would not be granted bail. The granting of bail would simply not be considered in equivalent cases in Great Britain, but, despite repeated breaches, that is still happening in Northern Ireland. Although we recognise the difficulties that the police face, questions remain about why action was not taken more quickly when it became clear that Mr McLaughlin had not reported to a police station. I was pleased to hear that efforts had been made to track down that individual, and particularly that there had been cooperation with other police forces across Europe. It is important that the issue is being investigated by the Police Ombudsman.

Mr Butler: I thank the Member for giving way. Will he agree with me that, when you look at that instance and the continued segregation of dissident republicans, the judicial system is potentially weighted in favour of that section of the community?

Mr K Buchanan: I agree with the Member. That section of the community seems to get more lenient trials and sentences. There is absolutely no doubt about that.

The fact that the Chief Constable stated that the Police Ombudsman had started an investigation without a complaint being made underlines the seriousness of the case. Although the investigation will not impact on the root cause of the problem — whether bail is granted — it will identify any failures in how the police have handled the case. The Member who spoke previously referred to the five- to six-week delay in the police investigating the breach of bail conditions.

Having raised serious concerns regarding bail conditions with the Justice Minister in September, I have also written to the Lord Chief Justice on the issue. In her response to my correspondence on 12 October 2016, the Minister of Justice stressed that the judiciary is independent of government and that the monitoring of bail conditions is the matter for the PSNI, which, again, has complete operational autonomy for the day-to-day running of individual cases and operational decisions. I will continue to press the police and the judiciary about their actions. The public and, in particular, the families of those who have suffered at the hands of terrorists —

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

Mr K Buchanan: — deserve to know that proper action is being taken to bring those who are responsible for such serious crimes to justice. The police and judiciary should keep them where they belong until they stand trial, and, if they are convicted, they should serve a time that is relevant to the crime.

Mr Kearney: Beidh Sinn Féin ag caint in éadán an rúin seo inniu. Sinn Féin opposes the motion. It is now just shy of seven years since we had the transfer of policing and justice powers to the North. That is an ongoing work in progress to ensure that our justice system is democratically reformed, is made transparent, acts in the interests of all sections of society and, most importantly, is predicated on a human rights framework. Unfortunately —

Mr Butler: Will the Member give way?

Mr Kearney: I have only started. Unfortunately, the motion from the UUP pushes back on that work. We are not opposed to a review of bail policy, but we are opposed on human rights grounds to the proposed blanket ban that emerges from the motion for anyone charged with scheduled offences or the offence of murder.

12.15 pm

I want to set out briefly the context or basis of bail law. What must be paramount in all our minds and in the House is that for all citizens there is a presumption of innocence until proven guilty. Bail law in this place is governed by article 5 of the European Convention on Human Rights, which protects the right of liberty and security of the person. No one should be deprived of their liberty in an arbitrary fashion, and a blanket ban throws up that connotation. Every individual application for bail should be judged on its own merits and should not be subject to any type of blanket ban. A prisoner on remand should be tried within a reasonable period and every prisoner on remand has a qualified right to release pending a trial.

The difficulty is that many prisoners have experienced inordinate and unacceptable delays while on remand in custody awaiting trial. This has been highlighted by numerous judicial figures and civil liberties organisations here in Ireland and abroad in recent years. It has created the perception of a form of legalised internment by remand or — under another description — by some form of

administrative detention. The difficulty with that perception is that it directly and explicitly undermines the profile of our justice system in the North.

It is rather ironic that the motion has been tabled by the UUP, the very party that introduced internment without trial in 1971.

Mr Butler: Thank you for giving way. At the start, you mentioned our seven-year journey. I am 44 years old. I have been on a journey in this country for 44 years. We have seen no peace and no real stability in this country for 44 years. Can you tell me, as spokesman for your party, how long this journey will take? I do not find seven years acceptable, never mind 44 years.

Mr Speaker: The Member has an extra minute.

Mr Kearney: Thanks for the intervention. The key, Robbie, is that we build the peace and we build the peace together and collectively by restoring public confidence in these institutions, working together to ensure that we entrench democratic reform on the journey of change that we are all on and ensuring that every citizen in this society enjoys justice before the law and that the rights of all citizens are protected under the law and with due regard to human rights.

The logic of the UUP position, if considered, and I go back to what Doug said in his opening remarks in relation to the —

Mr Wells: On a point of order, I understand that the honourable Member for South Antrim is new to this Chamber, but could he please refrain from referring to Members as "Doug" or "Robbie"? He should address them either by their proper title — the Member for whatever constituency — or their full name.

Mr Speaker: I agree with the Member who raised the point of order. We should refer to Members by their position or their proper title.

Mr Kearney: Thanks for that unhelpful intervention from the Member on the other side of the House.

The point I was making was that the logic of the UUP position is that bail should not have been granted to the British army veteran charged in connection with the fatal shooting of John Pat Cunningham in Benburb in 1974. That is the difficulty when we begin to take an arbitrary or piecemeal approach to these issues.

There are, of course, conditions and circumstances in which bail can and should be denied, but the court must be satisfied that there were and are reasonable grounds for continued detention before a denial of bail can be justified. There are potential grounds for the denial of bail, such as a danger that the defendant might fail to attend for trial, interfere with evidence or interfere with witnesses, and so on. Let the court decide the terms of bail with judicial impartiality and not through direct political interference.

The police, who have responsibility for the monitoring and governance of bail conditions, have been rightly criticised in relation to the case mentioned in the motion today. The difficulty with police monitoring of bail conditions extends way beyond this case and relates to their failure in their duty of care to monitor defendants on bail, ranging from alleged death drivers to those charged with murder. That is a real source of anger in working-class communities that suffer the worst antisocial behaviour.

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

Mr Kearney: In conclusion, the motion has been badly framed. It undermines the core assumptions underpinning bail law. If its corollary is followed, its effect would be to hollow out —

Mr Speaker: The Member's time is up.

Mr Kearney: — the human rights framework of our justice system.

Mr Speaker: I remind Members who wish to use examples in their contribution that sub judice rules apply to active criminal proceedings in which there has been an arrest.

Mr Attwood: Mr Speaker, on the very last point that you raised, I do not intend to cross any lines in respect of due process and the rule of law at any time, including in relation to the ongoing proceedings arising from the murder of David Black. I say that for all the reasons of principle but also reasons of humanity. Like other Members in the Chamber, I attended the home of the Black family and the funeral of that prison officer. When you travel down the M1 heading south and west, you pass the place where that murder took place. Given that experience, I certainly will not cross lines in respect of the rule of law and due process, so as to maximise the opportunities for a

successful prosecution in that case for anybody who may be involved.

There is a danger — we have heard it in one or two comments that have been made in the debate — that, whatever the criticisms may be of the police and the criminal justice system in this case and others, we do extravagant damage to policing and criminal justice. In earlier interventions, there was an exchange that included the phrase that the case completely undermines confidence in the administration of justice. In a separate exchange in the debate earlier, there was a claim that the criminal justice system is weighted in favour of one community over another when it comes to sentencing and bail policy. Those are extravagant claims that are not justified based on the evidence. Whilst this case is a bad one and a hard one, and whilst there may be others like it, we should not draw conclusions about the character of the police —

Mr Humphrey: Will the Member give way?

Mr Attwood: I will shortly.

— and criminal justice systems in the way that some of the extravagant language has suggested today.

Mr Humphrey: I thank the Member for giving way. I made the assertion to the House that some of the decisions in terms of bail being relaxed undermine confidence. I stand by that comment. My colleague from Mid Ulster pointed out that there are criminals released on bail who have that bail relaxed so that they can stay in luxury hotels or attend and help to organise dissident rallies, or indeed speak at those rallies and inflame people who attend them. Surely that is proof that that sort of thing can happen. I was not making any assertions or sweeping statements across the community about one community being given preference over another, but clearly such actions undermine confidence. When people come through your constituency doors or contact your office, you see that that undermines confidence.

Mr Speaker: The Member has an extra minute.

Mr Attwood: Thank you, Mr Speaker. Yes, there will be cases, in all our experience and in all our communities, that undermine confidence. However, to assert, on the far side of that, that that completely undermines confidence and that the criminal justice system code sees one section of the community getting more lenient trials than the other — that is not based on fact, and we must base our assessments on fact. I

agree that there is upset and exasperation around this case, but I do not agree with the extravagance of some people.

In my view, the most enduring change since the Good Friday Agreement has been what was achieved in relation to policing and criminal justice. The policing change has slowed down since 2007 — the big great work of policing reform was done between 2002 and 2007 — and I want to see more radical reform when it comes to the criminal justice system, but I do not take away from what has been achieved in both regards.

I certainly do not take away from the contribution being made by the judiciary in Northern Ireland to framing a society that upholds the right principles and applies human rights standards across the board without fear or favour.

There are two issues with bail. One is police bail, which nobody has commented on so far. There is a sense that, when somebody is apprehended, they are given police bail too quickly. You can go into parts of west Belfast where the experience of the police and police bail in certain cases has led to a sense in the community that the state does not work on behalf of them or to their benefit. The police have to tighten their processes on police bail in appropriate cases.

I am sure that the judiciary can hear this debate, and I am sure that they have heard the criticism. I have no doubt that the Lord Chief Justice will act on legitimate public concern, but that is what we should allow to happen: a response to legitimate public concern. However, we should not invert the rule of law and bail procedure, as per the part of the motion that says:

"terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed".

That means that a suspect in custody for a lesser offence —

Mr Speaker: The Member's time is up.

Mr Attwood: — will not be granted bail. That is disproportionate.

Mr Lunn: I support the motion, even though we have some minor issues with the wording. For instance, it calls on the Minister of Justice to:

"ensure that steps are taken to see that the suspect is returned to custody".

That places an onus on the Minister that she will not be able to fulfil. I do not know what steps the sponsors of the motion have in mind beyond the obvious.

The motion also states:

"terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed".

There has to be a measure of discretion allowed to the judiciary to allow cases not to be put back ad infinitum without the threat that the accused may have to be released from custody if the case is not brought forward. I am not going to defend Mr McLaughlin in any way, but I note that his original bail was set in May 2014. I cannot help thinking that, if he had been remanded in custody, we would be having a different debate. I would query keeping someone in custody pending trial for almost three years. He has obviously breached generous bail conditions, which allowed him to take holidays, and it seems to have taken the PSNI far too long to realise that he had disappeared. As we speak, he is still at large. So, with the caveat that I mentioned, the question is this: "Why should a terrorist murder suspect have been given bail in the first place?". What message does it send to the family — in this case, the family of David Black — that someone accused of complicity in the murder of their loved one should be allowed to move freely, to take holidays, to put up minimal surety, to have their tag removed, to have their conditions of reporting to the police varied in their favour and then to abscond? What message does that send to a family?

This is not the first time, as others have mentioned. In the case of the murder of Adrian Ismay, the suspect — Christopher Robinson — did not have his bail revoked despite numerous breaches. In my opinion, there were two breaches, but Mr Buchanan said that there were five. It was only finally revoked because he put something inappropriate on social media.

As somebody else said, this would not be tolerated across the water. People over there do not understand why a terrorist suspect over here would ever be released on bail; it just would not happen in the rest of the UK. We are talking about different types of terrorist, but it just would not happen there.

Going back to the recent case of Damien McLaughlin, he apparently disappeared on 18 November, and it was not noticed, it appears, until 23 December — five weeks later. A further two weeks elapsed before it was brought to the attention of the court. How many times was he supposed to check in during that period? All that reinforces the thrust of the motion, which is that terrorist suspects should not be granted bail initially and a full review of bail policy — something that, I understand, the Minister has said she has instigated — should be thorough and meaningful.

12.30 pm

I look forward to the Ulster Unionist Member winding up the motion and the Minister's response, and I think the main objective of the motion, subject to the caveats that I have expressed, is to err on the side of caution in terrorist-related situations. The motion is well made and is worthy of support. I hear the comments from Sinn Féin about human rights and the European Convention and so on. In the real world, frankly, it makes no sense to release terrorist suspects into the community, but I express the cautionary note that, frankly, you cannot keep them there for ever if the case is not coming forward. In this case, we go back to the fact that, if Damien McLaughlin were on remand in custody now, we would be having a different debate. Three years to bring a case to court is too long, and that goes back to the slowness of justice that Mr Beattie mentioned.

Ms Armstrong: I thank the Member for giving way. Does the Member agree that it is disappointing that we have come to this stage in the Assembly? Obviously, we are where we are, and the Minister is still in post until 2 March. Does he agree that this review needs to be done as soon as possible to give those family members and victims confidence that the review will actually go forward?

Mr Speaker: The Member has an extra minute.

Mr Lunn: I will leave it to the Minister to give us an update on the progress of whatever review she has instigated, but I agree with the point. There is a question of reassurance here for victims, survivors and bereaved family members, and I do not think that our history on this has been one of dealing with it well. We have to err on the side of caution but with proper safeguards. We will support the motion.

Mr Douglas: I rise as a member of the Justice Committee to speak in the debate, and I thank Douglas Beattie and his colleagues for bringing

the motion to the House. I am here to support the motion.

I was first elected to the Assembly in 2011, and, during this time, it has been a roller-coaster experience for me with the good, the bad and the ugly. Unfortunately, there have been too many times when it was the bad and, at other times, the ugly. One of the most traumatic and saddest experiences that I experienced was visiting the home of Adrian Ismay, the prison officer who died after a cowardly booby-trap bomb attack last March — I think that it was 4 March. He died later of his injuries — I think it was on 15 March. It was claimed by the so-called Real IRA, and, as my colleague mentioned, the accused has broken bail conditions on five occasions.

There has been talk in the debate about human rights. I support human rights, but what about the human rights of the families who hear that someone who has been accused across the board in a number of incidents of murder or attempted murder has been dealt with leniently by the court in setting their bail conditions. There have been serious incidents linked mainly to dissident republicans during my time as a Member of the Assembly. Concerns have been raised across the community that bail is often granted despite police objections. The police have objected on a number of occasions.

Mrs Hale: I thank the Member for giving way. Will the Member agree with me that those who operate outside the law and feel that they are above the law should feel the full force of the law?

Mr Speaker: The Member has an extra minute.

Mr Douglas: Thank you, Mr Speaker. I certainly agree with my colleague about the full rigour of the law. The Assembly should be tough on crime and tough on the reasons behind crime.

After the cowardly gun attack in north Belfast last weekend in which a community officer suffered gunshot wounds to his arm, the Chief Constable, George Hamilton, said:

"the criminal justice system needs to be linked up".

He raised the whole issue of bail policy and concerns; this is the Chief Constable, as well as us today. He went on to say:

"Our job is to gather the evidence, to present that evidence to the prosecutor for

the prosecutor to take that through the courts and for the courts to decide on things like bail and sentencing and so on."

Certainly, in the midst of his comments, there is a frustration. That frustration has been there for many years, not just recently. I agree with the Chief Constable. My experience, during my time as an MLA, is that often the courts will go ahead and grant bail to people who have ended up in court on serious charges despite police objections. That happens even in my area of east Belfast.

Someone quoted Gandhi the other day — I think that it was Mike Nesbitt or somebody. I want to quote the Apostle Paul, who said:

"Abstain from all appearance of evil".

Avoid the appearance of wrongdoing. There is a sense out there that what is happening, over the last number of years, is wrong. The courts are too lenient and even the PPS is too lenient. William Humphrey said earlier that it undermines the criminal justice system. I agree with William.

In closing, I want to say that I have been here for five and a bit years and this is my last debate; I am stepping down from the Assembly. I want to thank the Justice Minister for being here. I want to thank you, Mr Speaker, and your officials. I also want to thank the cleaners, the Committee staff, the people in the canteen and the security men. I would like to see, in the future, a debate on how good the staff across the Assembly are. They do not get the recognition that they deserve.

Some Members: Hear, hear.

Lord Morrow: We, as a party, will be supporting the motion before the House today. I welcome this debate; it is very right and timely that it should happen. Damien McLaughlin is charged with aiding and abetting Mr Black's murder, having a car for use in terrorism, preparing a terrorist act and belonging to a proscribed organisation, namely the IRA. However, it seems that this is still not serious enough for him to be denied bail. I have spoken and lobbied vociferously on this issue and raised serious concerns in the past over persons charged with serious offences and their bail terms. The absconding defendant has been a sharp wake-up call to all agencies involved in the judicial system.

The Minister is aware that I have submitted a number of questions, perhaps more than any

other MLA, on this particular issue. I have also written to the Chief Constable to ask the following questions: on what date was a bail breach first noted; why was a bench warrant not sought immediately when a bail breach was realised; what attempts were made to speak with the defendant's legal team to ascertain if they knew of his whereabouts; why was action not taken to have the matter made known to the first available court sitting, as opposed to waiting until the next scheduled court hearing pending trial; why was a statement not released earlier to the media and indeed at the first opportunity upon a bail breach being known and unsuccessful efforts made to locate the defendant; which agencies were advised of the position and on what dates; and, in addition, on what dates were ports, airports and the Garda Síochána alerted to this case. To date, I have received an acknowledgement, but I have received no details to any of those questions.

In reference to the list of court appearances, the defendant was first charged on 20 December 2012 — imagine, we are going back to 2012 when he was initially remanded in custody. Just think about the date: 20 December 2012. That is over four years ago, pushing on to the fifth year. The previous Minister contended that significant moves were under way towards speeding up justice, but that does not fit in this and many other cases that I have taken an interest in.

Due to the inordinate length of time the case was taking, by May 2014 McLaughlin had successfully applied for release at the High Court citing human rights legislation on the grounds that he had been held in custody for too long. The judge in question was required to consider bail favourably and, indeed, did so. On 18 December 2014, the defendant successfully applied for a trial variation. Three months later, on 30 March 2015, a further variation was granted. All in all, the judge clearly looked at the defendant's appearing to be conforming with bail terms, and each variation relaxed the very safeguards designed to protect the due process.

Then, it appears that carelessness set in, and compliance was exploited. None of us, including the victim's family, who are the most important people here and who have been treated absolutely shamefully, have been given any cogent explanation.

Two factors, in my view, contributed greatly to this. The first is the ridiculous length of time getting to trial, often delayed in part by the utilisation of preliminary investigations at the behest of the defence. This is not the first time

I have raised those. They are something I have been lobbying long to be abolished as this is the only part of the United Kingdom I am aware of that continues to use them. The second factor is that bail under human rights legislation appears to be granted.

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

Lord Morrow: There is not much regard given to the Black family's rights. Furthermore, when I challenged Sinn Féin on where it stood on the issue, what was its response?

Mr Speaker: The Member's time is up.

Lord Morrow: It said, "That is a police matter; we do not comment on those things". Not half, it does not.

Mrs Overend: On this, the last day the Assembly will meet in this place, I thank my colleague Mr Doug Beattie for proposing this important motion. I express my deep concern and share the anger of many people from my constituency of Mid Ulster at the management of the bail conditions for the man who was charged with offences linked to the terrorist murder of my constituent prison officer David Black.

I was shocked to learn through media reports that the accused in this case has not been seen by the police since November. It is absolutely disgraceful that this man was allowed to disappear while on bail. Indeed, as we previously heard, this is a man who already made headlines when the authorities previously allowed him to attend a spa break in Fermanagh.

The facts of the case have been rehearsed. It emerged that, having failed to sign in with police on 18 November, it was not until 23 December when police called at his bail address that they found the flat had been cleared out, and, in fact, evidence suggested he had been gone a few weeks by that stage. The accused was supposed to check in at a police station five times a week, yet he had not been seen by police in seven weeks.

Over time, judges cut the number of days per week the accused had to sign in with the police from seven to five and ordered that his electronic tag be removed. It goes without saying that he must be returned to custody immediately. Unfortunately, those responsible for this inexcusable situation have

demonstrated a total lack of respect towards the family of the late David Black.

I am regularly in contact with the Black family, and I know they feel, as Kyle Black said publicly:

"Let down, hurt and betrayed by the justice system."

My thoughts are with the Black family, who have been put into the public eye once again due to the failings of the judicial system, the very system in which David served so faithfully.

The appalling failings in this case have understandably caused much anger across mid-Ulster, an area that has suffered more than most at the hands of terrorism. Faith in the justice system has been damaged, particularly amongst victims.

Unfortunately, this case is not the only example of a man charged in connection with a terrorist murder being allowed to breach his bail conditions. Christopher Robinson, the man charged with the murder of prison officer Adrian Ismay, was granted bail in May 2016 but was subsequently rearrested a number of times for allegedly failing to comply with terms set by the court.

Again, that should not have been allowed to happen. Our thoughts must also be with the Ismay family because of the hurt that has been caused to them by those failures.

12.45 pm

To allow this type of situation to occur once could be seen as being careless. For it to happen twice in the same year is clear evidence of a culture that needs to change and of a policy that needs to change. Bail is seemingly too easily given out and not stringently enough managed. There does not seem to be any understanding of the sensitivities of cases involving murder and terrorism. There needs to be a strong deterrent to breaching bail conditions. The public should not be put in danger as a result of the lax supervision of suspects. The rights of the accused appear to take precedence over the rights of the families of the victims in these cases. Of course, that causes people to question just whose side the justice system is on.

There is an argument that suspects have an entitlement to bail due to the length of time that they spend on remand. However, the answer

to that must be to speed up the process of administering justice and not to grant bail in such cases. It is my firm belief that terrorist suspects should remain in custody for as long as is necessary to allow judicial proceedings to be completed.

I find myself astounded at the events that have been referred to today. Terrorist suspects and anyone who is involved in a murder case should not be granted bail unless there are exceptional circumstances. Recent events have had a very negative effect on trust and confidence in both the police and the criminal justice system. The system is not working and needs to be changed. I refer to today's 'News Letter' article about bail policy concern, in which the Chief Constable, in reference to the dissident threat —

Mr Speaker: The Member must conclude her remarks.

Mrs Overend: Members will be able to read that for themselves. I join my colleagues in calling for the Justice Minister to reflect on the failings that have clearly been identified and to review policy urgently —

Mr Speaker: The Member's time is up.

Mrs Overend: — through a joined-up approach.

Mr Frew: I support the motion on what is a very serious matter and one of concern out there for the public. It is one of those really burning issues in the community at present. People want to know why things have gone wrong and are broken.

I have been the Chairperson of the Committee for Justice since the election. I must say that I have learnt a lot in that time. Having previously been on the Committee, I feel that I have learnt more as Chair and from meeting more people in one-to-one situations. I have the utmost respect for the Justice Minister in that time, Claire Sugden, and also for the Lord Chief Justice, the judiciary, and all its organisations and functions. However, we are public representatives. We speak on behalf of the public. At present, this is a massive issue in our communities. There is absolutely no doubt about that.

I hear what Members have said. I do not believe that our debating the issue will damage in any way the criminal justice system or confidence in policing. It would do an injustice to those bodies if we did not debate a matter

that is very topical out there. We have to try to fix this. As politicians, we surely have a role to play in trying to fix the system. It is not good enough to say that we should not talk about it because those people are independent of political interference. That is correct. It is something that I will uphold as long as I am a politician, but we also set law in the House and ask the judiciary to implement that law. It is only right that we look at policies around bail. It is quite satisfactory that we do that. I am sure that the Lord Chief Justice would welcome that and any other investigation, inquiries or prospective laws that we bring to the House. That is our function.

I must say that it really annoys me when republicans and nationalists talk with forked tongue about moving on a journey, making it right and having maximum confidence in the police. They say all those good things to entice unionists into thinking that a united Ireland would be some sort of utopia — a great place in which to live — when we all realise that it would not.

Then, the very next day, they will stand side by side with hardliners with placards outside Knock HQ demanding the release of a prisoner. People who have been charged need to be very carefully managed. It is true to say that people are concerned about the low level of surety required for bail and the length of time taken for the PSNI to realise that someone has absconded.

The question I put to Sinn Féin is this: why have you been quiet on this issue? What if Mr McLaughlin has disappeared — "disappeared", does that not concern Sinn Féin? We have had a past history of disappearance. I am putting that out there.

Mr Douglas: Will the Member give way?

Mr Frew: Yes.

Mr Douglas: Does the Member agree with me that the issues debated today and yesterday are major issues that are going to be left to the side? There is an onus on all the MLAs who will be coming back here to sit down, crack a few heads and get this resolved. We are going into a black hole and I doubt whether we will ever come back again to the Assembly.

Mr Frew: I agree with my colleague Sammy Douglas on that point. We are not coming back here any time soon. We have seen a massive sea change in the attitude and demeanour of Sinn Féin Members even in the last couple of

weeks, even in the corridors and even in the canteen. We have seen it. We are not coming back here any time soon. Do you know something? I do not want to come back to a place where one party can walk away and hold the institutions of this country to ransom. We are not coming back to that. Let me tell you that now.

What happens when a terrorist absconds? They go on the run. Is it not sexy for a terrorist to be on the run? Throughout the years, have we not seen how folklore has developed when terrorists go on the run? I do not see anything sexy about lying in a cattle shed on a concrete slab or in the attic of a sympathiser's house. To me, that is not at all sexy; but it is how these people think. Then, in a couple of years' time, we will realise that they are in Colombia, America or Cork, and then they will be lauded in a public meeting in west Belfast or Dublin, and people will cheer and fists will be raised in pumps. I do not want to live in that sort of society.

Mr Speaker: Will the Member conclude his remarks?

Mr Frew: That is not the sort of society I want my children to live in. I ask Sinn Féin and the republican movement to wise up.

Mr E McCann: Mr Frew has just referred to people campaigning with placards demanding the release of this one and that one. He characterised it as standing side by side with extremists. It is not standing side by side with extremists to call for the release of anybody — certainly not.

I hereby repeat my call for the release of Tony Taylor. Tony Taylor is a republican from Derry who was released under the Good Friday Agreement but was arrested again early last year. He is presently in Maghaberry prison. He was arrested because the then Secretary of State, Theresa Villiers, signed a document saying that she believed that he was involved in activities which made it proper and acceptable to send him back to prison. When asked what these activities were — "I am not telling you."; "Who gave you to believe that he was involved in these activities?"; "The security services"; "Did they give you the information?"; "Yes, they did"; "Will you tell us?"; "No, we will not tell you".

What am I to say — what is anybody to say — to Lorraine Taylor, Tony Taylor's wife? She does not know how long he is going to be in as it is open-ended. Will it be a year, two years or

three years? His wife and family have not been told why.

Mr Speaker, this cannot be right. It cannot be right that citizens are detained by the state without them, or anyone else, being given a reason why. Due process has to mean something. Let us look back to the occasion in our recent history, in the last half-century, when the denial of liberty to citizens without charge or trial resulted in a booster shot to violence in Northern Ireland such as we have had from no other particular incident.

I refer, of course, to internment in 1971. Occasionally, here and outside, we refer to the major atrocities that have taken place. I include, just for the sake of the record and in case anybody suggests I would think otherwise, Enniskillen, Teebane and the dreadful, unjustified and unjustifiable atrocity in Birmingham in December 1974, when innocent people were blown to bits. When we talk about atrocities visited on citizens, I am not being exclusive about it; I am saying that our horror at such things, our empathy with the grief of those left behind, must not spill over into saying that any measure is acceptable to deal with this sort of thing and stop it. Actually, it does not stop this sort of thing.

The main conclusion that we could draw from the introduction of internment without trial all those years ago is that it did not stop any deaths or terrorism, however you define it. On the contrary, it gave a boost to it. Think of the atrocities that I mentioned before. What I have in mind is Ballymurphy, which happened on 10 and 11 August 1971, in the immediate aftermath of internment. Think of Bloody Sunday. The Bloody Sunday march was a march against internment and for due process. People had placards saying, "We want somebody to be charged and tried before being put in jail. We cannot have it on the basis of a Government in Stormont, Westminster or anywhere else saying, 'We think this is a dangerous person and they should be put into prison'."

I am struck by the fact that none of those who have spoken in favour of this motion have even admitted that this might be a difficulty. When you say that those responsible, if they are caught, should not be given bail, how do you know that those are the people responsible if they have not been taken to court and the evidence produced against them? I am sorry that nobody supporting the motion has admitted that there is a grave difficulty involved, not from a left-wing or republican point of view, but simply from that of ordinary, common or garden

justice. There is a problem here. We can argue about what the solution to the problem is, but it simply was not acknowledged. That says something ominous about the attitudes we have towards people —

Mr Carroll: Will the Member give way?

Mr E McCann: Yes.

Mr Carroll: The Member is concerned that the tone of the debate suggests that the justice system is balanced against one community. Does he agree that this ignores the reality that stop-and-search happens predominantly in what are perceived to be nationalist communities, particularly in north and west Belfast?

Mr E McCann: That certainly is the perception, and of course —

Mr Speaker: The Member has an extra minute.

Mr E McCann: Thank you very much. When there is such a perception, and it is based on material reality, that is a real problem for law and order in any society.

Yesterday, we voted for the motion in relation to the attempted killing on the Crumlin Road. We did that because we are against the strategy of "armed struggle", as republicans call it. We are not against it since the Good Friday Agreement; we say that it was always wrong and futile and was never going to deliver anything commensurate with the investment of pain — pain inflicted as well as endured. It was never going to deliver a return commensurate with that. We were against it from day one, and we are still against it. The remarks that I make today in standing up for civil liberties and —

Mr Speaker: The Member will conclude his remarks.

Mr E McCann: — bail conditions do not associate me with armed struggle or anything else, but with the basic principles of justice.

Mr Speaker: Before Mr Jim Allister speaks, I have to inform him that he has four minutes.

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

Mr Allister: There patently is a systemic problem in the administration of bail, and I think that there are proper criticisms to be made arising from the case that most recently evidenced that problem, the McLaughlin case.

However, we have to recognise where the source of this problem is. The source is the European Convention on Human Rights. Under article 5, the European convention creates a presumption in favour of bail. The prosecution has then to displace that presumption by proving that one of five matters is a good reason to deny bail — that is, that the accused may abscond, reoffend, interfere with witnesses etc. It is that tilting of the balance in favour of the person accused and against the police that has created the situation that has evolved. Our judges have to work with that.

1.00 pm

I have a criticism of our judges. Judges in Northern Ireland are more timid and more generous in their attitude to the European Convention and, therefore, more generous in their granting of bail, I perceive, when contrasted with those elsewhere in the United Kingdom. The Justice Minister could do a useful piece of work by having a study conducted to compare and contrast the attitude to bail, which operates under the same European Convention, in Northern Ireland as opposed to GB. The journalist Ben Lowry has done some good, insightful work on this that indicates that there is a problem. The Justice Minister could have a good piece of work done on that.

We have to go to the source to recognise that, not for the first time, the European Convention on Human Rights has got its balance wrong. If the United Kingdom Government reviewed the Human Rights Act, that would be one fruitful area in which they could and should review its operation.

Mr Douglas: Will the Member give way?

Mr Allister: I am told that I have no extra time, so, not on this occasion. Sorry about that.

Yes, we need to scrutinise carefully what our judges are doing, as I think that they are too generous in their interpretation. We also have to ensure that when bail is granted it is properly policed. One of the most scandalous things about the subject case is the indifferent attitude to the policing of that bail and how that person was able to be out of the jurisdiction, we presume, for a month before anyone realised. What was the point in asking him to sign, five days a week, if no one was following up on the fact that he had not signed? That is a scandalous dereliction of duty.

The other contributor to too much free bail —

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

Mr Allister: — is the delays in criminal trials, which accentuate the burden on the judiciary to give bail.

Ms Sugden (The Minister of Justice): I welcome today's motion and debate. I thank the Ulster Unionist Party for bringing it to the House. Generally, I understand, appreciate and, certainly, sympathise with the ethos of the debate, but there are a number of aspects that make it difficult for me to support it. That said, coming from the premise of the victims, which is something that I have always championed as Justice Minister, I am sympathetic to the motion.

The motion is concerned with bail issues, which is an important aspect of the justice system, but it is also important that the Assembly send crystal-clear messages to our justice family and to the community that it serves. Whilst this might seem out of context, Mr Deputy Speaker, I ask you to allow me to reiterate some of the points that I made yesterday. Spraying a garage forecourt with automatic fire is sickening; shooting at young officers in a public place is nothing short of repulsive; putting the public at risk, and a community in fear, is not in the furtherance of a political cause — it is an act of wanton aggression.

I want to send two very clear messages to our justice colleagues and to our community. To our justice colleagues, I say this: we support you in your work; we welcome what you do to keep us safe, and we are grateful and indebted. To our police officers who are keeping people safe, to our prison officers who are working hard to rehabilitate offenders, and to our probation officers, court staff and everyone in the justice sector I say this: thank you. The Assembly, I hope, wants you to know that you have our support. To the officer injured on Sunday night, to his colleague who was with him, to the first responders and to the officers investigating this crime, again, we send our heartfelt best wishes and, indeed, thanks for the work that you do to protect our community from harm.

Mr Douglas: Will the Minister give way?

Ms Sugden: Yes.

Mr Douglas: Minister, you alluded to north Belfast. Have you looked at the statements by the Chief Constable, who has questioned the

linkages that may be undermining the whole criminal justice system in situations like that?

Also, I want to pay tribute to you. I think that you have been a great Minister. You have had all this dumped on your young shoulders, and I think that you have done an excellent job. Thank you very much.

Ms Sugden: I thank the Member for his intervention and his kind wishes; he is going to have me welling up.

I have very much acknowledged what the Chief Constable has said about the events that happened in north Belfast on Sunday. I have never shied away from the fact that the criminal justice system needs to be looked at. We need to reevaluate what we need to do to better serve the public in Northern Ireland. I will get on to some of the areas that I, as Justice Minister, was keen to try to progress, albeit I have been limited in the time that I have, but we can see what happens in the next mandate. Certainly, I appreciate the Member's comments.

I just want to tie up my comments about Sunday. I thank the community as well for the support that it expressed for the officer, his family and his colleagues. We need to send out a united message in the Assembly and across Northern Ireland that we reject those who want to take us back to the past. They need to realise that it is over. It is over, and no one wants the activity that they are trying to bring forward. I am sickened not only by the injuries inflicted on the officer but by what might have happened in a public place, with citizens going about their business, in a garage, on a main road. It is beyond any rational explanation. There is no possible logical narrative that justifies what happened on Sunday night.

I will return to the detail of the motion because it raises some important issues that absolutely resonate with the current situation and what has happened in the past couple of days, which is why I saw fit to relay my concerns about that. The motion has been tabled following the disappearance of an individual who was on bail and was charged with a serious offence. The public is concerned about the case, and rightly so. The Assembly is concerned and so am I as Justice Minister. I have therefore written to the Lord Chief Justice, the Director of Public Prosecutions and the Chief Constable about the issue.

As I said, we are right to be concerned. This case is connected to the murder of prison officer David Black, a public servant murdered in the line of duty. His family, friends and

community have lost their loved one; the Prison Service has lost a colleague. I welcome the fact that today's debate has given us an opportunity to extend again our heartfelt sympathies to the family of David Black not only for their loss but for the ongoing hurt that they feel and, indeed, for the hurt that they will feel because we are debating this and talking about their loved one today.

The only person charged in connection with David Black's dreadful murder can now not be found. He was due to be tried in accordance with his rights, but, as of today, the justice system cannot produce him for trial. There are reviews under way. The PSNI and the Police Ombudsman are looking into the issues, and I welcome that because that is, indeed, necessary.

There will, I am sure, be lessons to be learned — I almost hate using that phrase because I think that we need more than that. There are broader issues for the justice system to reflect on, too. It is entirely right to ask whether it is focusing on delivering for victims and, indeed, defendants, communities and citizens. It is legitimate to reflect on whether it has the right structures and priorities and a meaningful connection with the people whom it serves, and I was, indeed, giving that much thought.

I had already announced a review of the courts, which I referred to as Courts 2020. I had made progress on areas of responsibility under the Executive's Fresh Start action plan, and I had made tackling domestic violence and abuse my top priority. This motion focuses on bail, however, and it is my strong view that improvement to the operation of the bail system cannot be made without wider systemic improvements to the criminal justice system as a whole. That is why my Department's work under the speeding up justice programme, which touches on bail-related issues, is so vital.

Speeding up justice is delivered alongside justice partners. It incorporates legislative reform, as well as operational improvements consisting of administrative and procedural reforms. Those reforms are crucial, and the Justice Act (Northern Ireland) 2015 is integral to delivering them across a number of priority areas to help speed up justice. We are now, thankfully, finalising plans to implement those major provisions.

Changes initiated by the introduction of sections 88 and 93 of the Act, which deal with early guilty pleas and PPS summons respectively, have already come into operation and have been effective since 1 April 2016. The PPS

summons changes, in particular, will help to streamline procedures and reduce the time taken to issue and serve summonses, contributing to the overall measure to speed up justice.

Work is also ongoing to finalise regulations to enable the provisions on statutory case management, with implementation scheduled to be in place by September 2017. The regulations will impose duties on the prosecution, the defence and the court in the management of criminal cases with a view to ensuring that cases are progressed in the most effective way possible, whilst maintaining a focus on the paramount need to secure justice. Subsequent regulations will impose a general duty on anyone involved in criminal proceedings to reach a just outcome as swiftly as possible. This approach couples a statutory change in working practice with a requirement to work towards speedy and just outcomes. I believe that this will have a positive impact on the whole justice system including bail, which can be affected by case delays.

In my programme since becoming Justice Minister, I had a focus on people: on women and on young people in the justice system; on the harm and vulnerabilities that we see in the justice system, whether that be offenders, victims, or indeed justice practitioners; on mental health issues; on older people and their fear of crime; and on those who live in our rural communities. This has been my focus, and I had planned to speak in more detail about these issues today. I had started to think about the performance of the overall system in the context of today's citizens' expectations. I had started to think about confidence and about harnessing the invaluable efforts that are made by all those who work so hard in law enforcement and in the justice system every day. I wanted to make a deeper connection with the problems faced by citizens through the Programme for Government, and I wanted to start a process whereby outcomes and confidence would be central and valued above processes, practices and structures through my problem-solving justice initiatives, but these are issues, regrettably, for another day.

I would also like to say something for the record about the bail regime and it is important to outline how it currently works. It is, indeed, as Mr Allister described it. The operation of the bail framework is underpinned primarily by article 5 of the European Convention on Human Rights — the right to liberty and security. Article 5 requires that a person charged with an offence must be released pending trial unless there are relevant and sufficient reasons to

justify continued detention. The starting point for all pretrial remand decisions is the presumption of innocence. This is a fundamental tenet of and protection in the law and it is consistent with the principle of the right to a fair trial.

Bail can only be refused if one or more of five broad conditions have been met. I am quite happy to outline these conditions. They include the risk that the accused will fail to appear for trial if they are released on bail; that the accused will interfere with the course of justice while on bail; that they will commit further offences while on bail; that they would be at risk of harm against which they would be inadequately protected if released on bail; or that they pose a risk to the preservation of public order if the accused is released on bail. Mr Allister is entirely right that one of those five conditions has to be satisfied in order to refuse bail — that would be at the time of their first being granted bail or not. The grounds for refusal do not include that the accused has been charged with a serious offence, although, naturally, the seriousness of the offence may be a factor in determining whether one of the five grounds for refusing bail exists.

Mr Allister: Will the Minister give way?

Ms Sugden: Sure.

Mr Allister: Is one of the concerns in the implementation of that regime that it appears, as time goes on and someone is longer in custody, that the courts become easier satisfied on the granting of bail? They may have refused it on the basis that the person might interfere with witnesses or not turn up, and then suddenly, a year down the line, they release that very person whom, hitherto, they had made those findings against because they had been longer in custody. Is it not a concern that it seems to dilute the requirements as time goes on?

Ms Sugden: I thank the Member for his intervention. I am concerned that the longer people are in custody, the more difficult it is to satisfy certain conditions. Indeed, there are issues around remand, which Mr McCann alluded to. Essentially, we need to speed up justice, but we also have to look at how bail conditions are applied. I am quite happy to take up Mr Allister's suggestion of doing a comparative model to see whether there are differences between what is happening in Northern Ireland and what is happening in GB.

I have been clear that it is not my role as Justice Minister to comment on the availability or conditions of bail in the specific case that has prompted this debate. These are, essentially, matters for the courts. Every application for bail is unique and depends on the relevant factors relating to the individual circumstances of the offence and of the accused.

That is why it is right that it is for the independent and impartial judiciary to make decisions on the granting of bail.

1.15 pm

I do, however, recognise that there is a perception that bail may be more readily available in Northern Ireland than in other jurisdictions in the United Kingdom, which is why I am quite happy to take forward Mr Allister's suggestion on doing a comparative model so that we can be fully informed should this issue be raised in the next Assembly. The panel recommended a review to determine the facts and, if required, bring forward measures to improve the situation. As I said to the Assembly before, that review is under way. It will establish facts about bail decisions in Northern Ireland. It is an important review. I do not want to speculate on or pre-empt its outcome, but I hope we will find a conclusion to it in the coming weeks. It is vital that Northern Ireland has an effective framework for bail that appropriately balances the needs of defendants, victims and the wider public. I have asked my officials to do all they can to complete this work as soon as possible, as I said, in the coming weeks. Where concerns or areas for improvement are identified, a second phase of work will be taken forward to address them.

As I said, I welcome today's debate on the substantive issues raised in the motion, but I also recognise and welcome that the Assembly has been concerned with other matters too. We are concerned about our justice colleagues and the community they serve. That is the vital message we should send out. When the next Assembly resumes — hopefully, that will be sooner rather than later — I encourage all Members to focus on the issues that matter to people on the ground. This motion has captured the interest of the public because it concerns their safety and the safety of their loved ones. I think that is what we should be putting our focus on today, so it has been my pleasure to respond to the debate.

Mr Beggs: There is widespread concern about our criminal justice system in Northern Ireland,

the bail conditions and some of the sentences that have been given to those who have been involved in violent and terrorist activity. It is important that everybody appreciates that because, if we are to retain public confidence in our justice system, they must have a feeling that it is fair, proportionate and doing everything reasonable to protect them. Whether it is violent dissident republicans or the south-east Antrim UDA, which is involved in a feud within my constituency, we need the same standards of justice to be delivered to everybody. We are not asking it to be picked out for one group or another, but the public need to be protected.

The Fresh Start Agreement set up a three-person panel to report on the disbandment of paramilitary groups in Northern Ireland. That panel produced a report dated May 2016, some seven months ago. There are two relevant paragraphs within it I want to highlight, as they have not been mentioned to date. Paragraph 4.19 states:

"the Department of Justice, the Courts Service and the Public Prosecution Service should implement the case management improvements throughout Northern Ireland, particularly in respect of those offences linked to terrorism or organised crime groups (Recommendation A12)."

That is an issue that has been mentioned by my colleague Sandra Overend and by Lord Morrow, Trevor Lunn and even the Minister, but what has been the progress on it?

There is another paragraph relevant to bail conditions. Paragraph 4.52 advises:

"The UK Government, the Executive and law enforcement agencies, working with their partners in Ireland, should ensure that tackling organised criminal activity is an integral part of their efforts to deal with Northern Ireland related terrorism".

We need to ensure we are working consistently.

I acknowledge that some of the issues have been highlighted, but it appears we are going forward very, very slowly. I know the wheels of justice can be slow, but the wheels of the review of justice seem to be even slower. Because of that and my disappointment at the lack of progress, I put down a number of Assembly questions for written answer. I have to say that the answers, which came in just this month, were even more disappointing. When I asked the Minister what meetings have been held in connection with when to offer bail or give guidance, she advised:

"I have not had meetings about offering bail or guidance for setting bail conditions in specific cases."

I was not asking about specific cases; I was just asking for general conditions. We were also advised:

"A workshop is arranged for 15 February 2017."

Remember, however, that the report came out in May 2016. We are moving far too slowly.

I also asked a question about differences in bail conditions, which is another issue that Members highlighted in the debate. The Minister's response states:

"Bail law in Northern Ireland is a mix of common law and statute, whilst other jurisdictions have in place consolidated bail legislation."

Northern Ireland therefore lacks a single bail Act. The Minister's response also states:

"England and Wales however, have a reverse presumption, that is that bail will ordinarily not be granted in some where a defendant has been charged with an offence of murder, attempted murder, manslaughter, rape or a serious sexual offence, if he or she has a previous conviction for the same offence; or where a defendant has been charged with an indictable offence".

We all seem to be operating under the European Court. However, the legislation deemed to be satisfying it in England and Wales deals severely with those involved in violence in order to try to protect the public — not so in Northern Ireland. We need that to change.

I turn now to the comments of Members who addressed today's debate. I thank Doug Beattie for tabling the motion. He pointed out that terrorism continues and that we need to be consistent in our message that we are against it. He highlighted the case of David Black, which was very poignant, given the violent attack on police officers in north Belfast just this week. We need to think about how we deal with those who, hopefully, will be charged with that murder and brought to court through the criminal justice system. Will we treat that case with the seriousness that it deserves? I agree with the Member that we need to question why bail is given in such situations. Where bail is given, there is a clear need for very strict bail

conditions and for them to be rigorously implemented.

Doug Beattie contrasted the offer of bail conditions to someone accused of the murder of prison officer David Black with not allowing a 75-year-old veteran to vary his bail conditions to go on holiday. You would not think that there was a high risk of a 75-year-old veteran absconding to another jurisdiction. The public are concerned at the inconsistency in our criminal justice system, and a single bail Act might help the situation.

In connection with the same case, a major review of the role of the police was needed. I welcome the fact that it has happened, and we will wish to hear a more definite outcome, to ensure that, when someone breaches his bail conditions on 18 November, it will not take until 23 December for that to be spotted. If someone is required to sign in at a police station and fails to do so, on that same day, it should be reported as a breach of a bail condition.

Keith Buchanan highlighted the case of someone charged in connection with the murder of Adrian Ismay. He breached his bail conditions five times before bail was revoked.

Mr Nesbitt: I thank the Member for giving way. I am sure that everybody will agree that the signatories to the 1998 agreement brought forward an amazingly inclusive political process, and, 19 years on, the attempted murder of police officers this week proves that there are those who will never accept inclusion and choose to exclude themselves. I hope that the Member will agree that that proves that the public deserve maximum protection. They demand actions, not words, that ensure that we give primacy to the human right to life, above those who try to deny it. If that means tightening up bail, so be it. It was the choice of those who committed the criminal acts.

Mr Beggs: I thank the Member for his intervention, which moves me on nicely to the next contributor to the debate, Declan Kearney. He said that you could not tighten up bail conditions because of the Human Rights Act. Let us remember that human rights are balanced: rights and responsibilities. We must protect the rights of the ordinary citizens who will be exposed to risks from the release of those accused of being involved in terrorist activities, particularly if they are released on very flimsy bail conditions that they ignore.

Alex Attwood visited the family of prison officer Black and shared his sympathy with them. He

highlighted the fact that damage is being done to the criminal justice system but pointed out that it has to be balanced.

Trevor Lunn indicated his support for the motion, for which I thank him. He also highlighted the excessively long time that it is taking to bring this case to court, which is a valid concern. Our Court Service and our justice system must get that sorted out, because it may have contributed to this case. As I said, this was highlighted in May last year, and what has happened? Very little, it would appear. We need to move forward and make sure that we do not get into a situation where those accused of serious offences are granted bail.

Lord Morrow highlighted the unusually long time taken before cases come forward, which, again, is very valid.

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

Mr Beggs: I thank my colleague Sandra Overend for sharing the concerns of the Black family and her constituents at the release and how that has brought the case to the fore again. I also thank Members whom I have not managed to mention for their contributions.

Question put.

The Assembly divided:

Ayes 51; Noes 33.

AYES

Mr Aiken, Mr Allen, Mr Allister, Mr Anderson, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Beggs, Ms P Bradley, Ms Bradshaw, Mr K Buchanan, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mrs Little Pengelly, Ms Lockhart, Mr Lunn, Mr Lyons, Mr Lyttle, Miss McIlveen, Mr McKee, Mr McQuillan, Lord Morrow, Mr Nesbitt, Mrs Overend, Mrs Palmer, Mr Poots, Mr Robinson, Mr Ross, Mr Smith, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Beattie and Mrs Overend

NOES

Mr Agnew, Ms Archibald, Mr Attwood, Ms Bailey, Mr Boylan, Ms Boyle, Mr Carroll, Ms Dillon, Mr Durkan, Ms Fearon, Ms Flynn, Ms Gildernew, Ms Hanna, Mr Kearney, Mr Kelly, Mr Lynch, Mr McAleer, Mr E McCann, Mr F McCann, Mr McCartney, Mr McGrath, Mr McGuigan, Mr McMullan, Mr McNulty, Ms Mallon, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Seeley.

Tellers for the Noes: Mr Kearney and Mr McAleer.

The following Member voted in both Lobbies and is therefore not counted in the result: Ms Sugden

Question accordingly agreed to.

Resolved:

That this Assembly notes the recent failures in the criminal justice system to ensure that a man suspected of involvement in the murder of prison officer David Black abided by bail conditions; expresses concern at the granting of bail in this case, the low level of sureties required and the length of time taken by the PSNI to realise that this individual had absconded; believes that terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed; calls on the Minister of Justice to ensure that steps are taken to see that the suspect is returned to custody; and further calls on the Minister of Justice to take urgent steps to review bail policy in Northern Ireland, with particular regard to cases involving murder and terrorism.

Ministerial Code: Independent Investigation of Alleged Breaches

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

Mr Agnew: I beg to move

That this Assembly acknowledges that it is in the public interest for there to be openness, transparency and accountability in relation to the Northern Ireland Executive; recognises the important role that the Northern Ireland Assembly Commissioner for Standards plays in providing independent investigation of alleged

breaches of the Assembly's Code of Conduct by Back-Bench Members; further recognises that the current lack of independent scrutiny of Executive Ministers benefits neither the public nor the Ministers themselves; and calls on the Executive Office to bring forward urgently legislation to expand the role of the Northern Ireland Assembly Commissioner for Standards to allow him to investigate alleged breaches of the ministerial code of conduct.

We need an independent, open and transparent process for investigating Ministers. I have always failed to understand the opposition to that from some in the House. Given recent events, if the Assembly was to oppose it again today, there would be public anger. We have institutions that are at the point of collapse because we have had, by necessity, trial by media of the former First Minister. It was by necessity because there was no formal process for the allegations against the then First Minister to be heard. This will be the last decision made by this Assembly. I call on Members not to waste the opportunity to send a clear signal on the standards of accountability that we expect of the next Executive.

MLAs are rightly expected to adhere to the Assembly code of conduct: the Green Party asks no more and no less of Ministers. If an MLA is alleged to have breached the code, a member of the public can write to the standards commissioner and have their complaint investigated in an independent manner. The result of any investigation is published and can, if required, lead to a debate in the Assembly so that all the issues can be aired. The process is open, transparent and just. No such process exists for Ministers. If a member of the public wishes to complain about a Minister, the only avenue open to them is to write to the party leader. As we have seen on many occasions in Northern Ireland politics, leaders protect their Ministers; indeed, when the complaint is about the leader, the leader protects herself.

In 2014-15, the majority of the complaints received by the Commissioner for Standards were against Ministers. They were deemed inadmissible because his current powers do not allow him to investigate alleged breaches of the ministerial code of conduct or alleged breaches in which an MLA is deemed to be acting solely in their role as Minister. I am pleased that the commissioner has confirmed to me his support for an expansion of his role so that he can investigate alleged breaches of the ministerial code of conduct.

1.45 pm

I would argue that it serves neither the Minister nor the public well that we do not have such a process. An individual who seeks to complain will be left frustrated if they feel that their concerns are ignored by those in office, who are supposed to act on their behalf. Having written to a party leader, an individual may feel that that leader is acting in the interests of their party colleague rather than in the interests of good governance.

Equally, Ministers who face allegations will most likely hear them debated through the press in what I have referred to as "trial by media". The press have a job — holding Ministers to account — and have shown that they are well capable of doing it. Nonetheless, the recent RHI debacle has highlighted the need for a better process. Whilst we may disagree on the various issues — indeed, we had a six-hour debate about them yesterday — I do not think that any of us would disagree that there has to be a more dignified way of managing such complaints. The processes, in my view, are currently lacking.

For another example, I go back to 2011, when I accused the then Enterprise, Trade and Investment Minister, Arlene Foster, of breaching the code by failing to declare that her husband owned land in an area that she licensed for fracking. Interestingly, she argued that it was not her who licensed the land; it was her Department. To this day, I maintain that she was in breach of 1.5 (ix) of the code of conduct, which provides that any Minister must:

"declare any personal or business interests which may conflict with their responsibilities."

Arlene Foster, of course, denied that the code was breached. We have never concluded the issue because there was no process through which to do so.

I raised this issue through questions for oral answer a number of times since May. On each occasion, by chance it was the deputy First Minister who answered, and he seemed to have some sympathy with the proposal. I took the opportunity that he offered to meet with him to discuss the matter, and he confirmed that it was a meeting with the joint office. Again, the deputy First Minister seemed sympathetic to my proposals. One of his concerns was that I seemed to be the only one pushing for this; whilst he could see the argument, he did not feel that there was enough of a drive to support the proposal. He also asked, quite legitimately, what sanctions would be in place should a

Minister be found to have breached the code of conduct.

As I mentioned, the Commissioner for Standards supports this. When we debated it back in October, in relation to an amendment that I tabled to a motion, all the non-Executive parties supported it. I put that to the deputy First Minister in writing. There are a number of options available for sanctions similar to those for breaches of the Members' code of conduct. A Minister could be required to apologise. They could be censured by the Assembly, suspended or, in the most extreme cases, expelled from their role as Minister.

Unfortunately, due to the illness and now retirement of the deputy First Minister, we did not get to conclude our conversations, and I wait to hear whether Sinn Féin will support my proposal today. Equally, while I was told that my meeting was with Mr McGuinness in his capacity as deputy First Minister and with the consent of the First Minister, I do not yet know the views of the DUP and whether they have changed since October, when it and Sinn Féin opposed this proposal.

I maintain that we need an open, transparent and accountable Government. As I said, this is the last decision of this Assembly. Let us not waste it. Let us begin the process of restoring some confidence in politics in the eyes of our public.

Mr McGuigan: I thank the Members for bringing the motion forward. I have no difficulty supporting it and the sentiments within it. Sinn Féin is in favour of openness, transparency, the accountability of the Assembly and the accountability of the Executive and Ministers. Ministers, as with other Members, should be required to act to the highest possible standards. We need adequate procedures to make sure that is the case. Ministers must also act in the public interest. The ministerial code of conduct states, among other things, that Ministers must:

"observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds ... operate in a way conducive to promoting good community relations and equality of treatment ... not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests".

Obviously, it says more than that, but I chose to read those paragraphs out because I think the

public will be surprised to hear that is how all Ministers are supposed to behave and make decisions, given all that has happened over the last couple of months with regard to some DUP Ministers.

I am stating the obvious when I say that public confidence in these institutions has diminished in recent times. The key reason for that is that the public do not agree that certain DUP Ministers and certain decisions they have taken have abided by the sentiments that I just read out. Leaving aside Red Sky and the National Asset Management Agency (NAMA), purely because of time constraints —

Mr Attwood: Will the Member give way?

Mr McGuigan: Yes.

Mr Attwood: I welcome that you have responded to Mr Agnew's question about whether you will support his proposal. How do you reconcile what you are saying now and your commitment to the motion with the way you voted less than 18 months ago, when the exact same proposal came before the Assembly and Sinn Féin and the DUP opposed it? Will you explain why you have changed your mind — I anticipate why — and why you opposed this very proposal less than 18 months ago?

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

Mr McGuigan: I note that the proposer said he had ongoing discussions with the deputy First Minister, from my party, who said in the Chamber that we were open to the discussion of this motion no less than a few months ago. I will come to the more important reasons and the revelations that have been made recently.

Leaving aside Red Sky and NAMA, recent decisions by, in particular, the Minister for Communities, Paul Givan, on the allocation of funds to marching bands, the community halls fund and the removal of funding to Líofo were nothing short of disgraceful and indefensible. They showed a total lack of balance, transparency and attempt to promote good community relations or equality of treatment.

Mr Stalford: Will the Member give way?

Mr McGuigan: Go ahead.

Mr Stalford: The Member criticises funding for community halls and the lack of balance. Does

he include in that the halls attached to, for example, the Ancient Order of Hibernians?

Mr McGuigan: The Member knows as well as I do that, if he looked through the list of those that received money from the halls fund, he would see it was obviously imbalanced towards one section of the community in a great way over and above the other section.

As I said, those decisions were disgraceful and indefensible. They show a lack of balance and transparency and of any attempt to promote good community relations or equality of treatment. I could not tell you how many people have stopped me in the street prior to and after Christmas to ask how Paul Givan and the DUP could get away with the decisions they are making. Any one of those issues was serious enough, but the three coming in close succession displayed for everyone to see that he has no concern for the ministerial code of conduct. They are examples of a blatant sectarian distribution of funds by the DUP. Indeed, the nature and tone of his letter withdrawing the Líofo funding on the day before Christmas Eve was bad-mannered in the extreme and unbecoming of anyone taking on the role of Minister in this institution.

Add to that the recent revelations about the renewable heating incentive (RHI) scheme, which was set up and designed by a DUP Minister and overseen by DUP Ministers. There are allegations that DUP advisers delayed the closure of the scheme, which has the potential to cost the ratepayers and taxpayers of the North up to £500 million. Those allegations, which continue to grow daily, are further examples of the need to ensure that Ministers, in conducting their business and making their decisions, are held to account by proper procedures.

I welcome the inquiry to be set up by Máirtín Ó Muilleoir to deal with the issues around the RHI scandal and get to the bottom of it. That scandal is a clear and obvious example of why the work of Ministers needs to meet the highest standard. There has been arrogance, stubbornness and disrespect to Members, the general public and public finances recently from DUP Ministers. That is not how Ministers should conduct their business.

Mr Deputy Speaker (Mr McGlone): I ask Members to take their ease while we prepare for Question Time, after which the next Member called to speak will be Pam Cameron. Pam, I apologise, because I should have called you

first. That was a bit of a slip on my part, but you will maybe forgive me for that this time.

The debate stood suspended.

2.00 pm

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

Oral Answers to Questions

Communities

Councillors' Code: Review

1. **Mrs Overend** asked the Minister for Communities for an update on the consultation on the review working group report on the 'Review of the Northern Ireland Local Government Code of Conduct for Councillors'. (AQO 960/16-21)

Mr Givan (The Minister for Communities): A revised Northern Ireland local government code of conduct for councillors was issued for consultation on 21 December 2016, together with the report of the code of conduct review working group. The consultation will run until 28 February 2017, and a synopsis of the responses to the consultation, along with any response from my Department, will be forwarded to the Committee for Communities for consideration prior to publication. Any amendment to the current code of conduct for councillors will require the approval of the Assembly before it may come into operation. Just for the record, I declare that my dad is a councillor.

Mrs Overend: I thank the Minister. Does he agree that a revised code of conduct for councillors must draw a distinction between strict regulations for councillors involved in quasi-judicial decisions, such as members of planning committees, and areas where councillors must have more freedom to represent the concerns of their electorate?

Mr Givan: I do, and the consultation reflects that, but, clearly, where there are quasi-judicial decisions to be taken, for example around planning or to do with licensing, it is important that the code of conduct as it currently applies will continue to be that way. Obviously, local government reflective of all of the political parties raised issues around other aspects of council activities and councillors and committees and decision-making processes and felt that the current code of conduct

presented challenges around that. This is a two-pronged approach: one very clearly having the quasi-judicial aspect and then the consultation that reflects the changes to do with the other aspects of the council.

Mr Ford: Building on Mrs Overend's supplementary question, there certainly have been questions raised in the past, including when the Assembly passed the Local Government Act, about the transparency of political donations, particularly in the context of planning decisions. Will the Minister agree that it is time that large donations were made public?

Mr Givan: Obviously, our party has been very clear on that. Donations will be made public when the Northern Ireland Office decides that it will release them, so that decision is in the hands of the Secretary of State. When the time is right to do that, there should be no one hiding from making that information available to the public.

Mr Irwin: Why was part 3, which is on the principles, reviewed?

Mr Givan: The principles in the current councillors' code mirror those that were set out in the previous MLA code, which was in force when the councillors' code was being drafted. When the councillors' code was brought before the Assembly for consideration, the MLA code was being reviewed, and, during the Assembly debate on the motion to approve the councillors' code, the then Minister of the Environment indicated that, following the outcome of the ongoing review of the MLA code, consideration would be given to whether any changes to the councillors' code would be needed. The review working group considered the changes to the principles in the revised MLA code. The principles in the proposed councillors' code, which is being consulted on, mirror those in the revised MLA code. The proposed councillors' code also frames the principles as aspirational and not enforceable on their own, which is in line with the MLA code.

Housing Executive: Transfer of Ownership

2. **Mr E McCann** asked the Minister for Communities, pursuant to AQW 4374/16-21, to outline his Department's scrutiny of discussions by the Strategic Investment Board and the Northern Ireland Housing Executive in relation to the transfer of ownership of Housing Executive buildings. (AQO 961/16-21)

Mr Givan: The Member has raised this issue before in a question for written answer. As I advised him in my earlier reply to that question, the only discussions that the Housing Executive has had with the Strategic Investment Board about the transfer of ownership of buildings have been in connection with the Department of Finance's reform of property management programme. The Strategic Investment Board is supporting the Department of Finance with the delivery of the reform of property management programme. This programme has been established to improve the management and reduce the cost of the central government office estate. Changes might include exiting leases, developing more efficient office accommodation and transferring ownership of property to the control of the Department of Finance. The Housing Executive has kept my Department informed of the discussions that have been held.

Mr E McCann: As the Minister noted, I have raised this question a number of times in my stint here. The question that I am asking here goes to the heart of the matters which I have raised in questions and letters that I have sent to various people involved. When I read the minutes of the meetings of the Strategic Investment Board (SIB), I read discussions about the Housing Executive stock and whether it should be transferred in bundles of 1,000 or 2,000. What I am asking the Minister is very simple: at what point and in what form is there democratic scrutiny of the process by which Housing Executive stock is being transferred?

Mr Givan: Mr McCann is very ably showing where democratic accountability is by raising these questions. With regard to discussions between the Housing Executive and the Strategic Investment Board around the transfer of residential properties, there have not been those discussions with the SIB when it comes to the Housing Executive. It has been in the context that I outlined in my original answer.

In respect of housing transfer stock, yes, the Housing Executive has undertaken to transfer 2,000 of its homes to housing associations, and that is to deliver £100 million of investment. The small-scale voluntary stock transfer programme is not part of the DOF reform of property management programme, and no residential properties owned by the Housing Executive will transfer to housing associations without the agreement of any tenants.

Mrs Palmer: Will the Minister outline what discussions he has had with senior members of staff of the Northern Ireland Housing Executive

on the future of the Northern Ireland Housing Executive, and where that is?

Mr Givan: Discussions that I have had will have been purely with the chief executive. However, that has been very limited because, obviously, it was a matter for the Executive first of all to look at in terms of whatever future changes, or not, there will be with the Housing Executive. There had been no agreement reached on what would happen to the Housing Executive. Once the Executive, through Committee consultation and scrutiny and the Assembly, identified a clear pathway for the Housing Executive, then, obviously, we would need to engage with the Housing Executive as to what shape that would take, or whether there would be any change at all. There have not been discussions of that nature with the Housing Executive at that level.

Mr Durkan: I think I heard some semblance of an assurance there, but I would like to draw a bit more from the Minister. What assurance will the Minister give to Northern Ireland Housing Executive tenants in, for example, the Rossville Street area of my constituency that ownership of their homes will not be transferred to a housing association against their wishes?

Mr Givan: That allows me to elaborate a little bit on what Mr McCann said about the democratic accountability. Any transfer of stock from the Housing Executive to a housing association requires the agreement of tenants. A ballot takes place. It would be the same, for example, if the Housing Executive, at any point in the future, decide that it would become a housing association or — the other option that needs to be looked at in terms of what other people have put forward — that Housing Executive stock could go to other housing associations. There has been some thinking around that aspect. For example, if the Housing Executive — to free it up or to allow it to borrow to build houses — was to become some kind of housing association model, and there are various ways to do that, the tenants would have to vote for that. That would include every single tenant that currently exists for the Housing Executive. If they did not agree to it, it could not happen.

Mr Deputy Speaker (Mr Kennedy): Mr Gerry Mullan is not in his place. I call Mr McNulty.

Housing: Barnett Funding

4. **Mr McNulty** asked the Minister for Communities for his assessment on whether the £176.4 million in Barnett consequentials received from Westminster's home building

fund should be ring-fenced for social housing. (AQO 963/16-21)

Mr Givan: I am acutely aware of the issues in relation to housing need and high demand for social housing in Northern Ireland. That is why, in the Programme for Government, I am committing to building 9,600 new social homes here by 2021. As the Member may know, new social housing is delivered with substantial government grants to housing associations. In the current financial year, my Department has made £106 million of capital funding available to deliver a target of 1,600 new social homes. My officials will continue to liaise with the Department of Finance to secure the necessary capital funding for the rest of the Programme for Government period through the normal budgetary process. The home building fund to which this funding has been allocated in England does not directly apply in Northern Ireland. The UK Government's home building fund is loan funding for private sector organisations to build homes for rent or sale. Barnett consequentials are not ring-fenced when they are made available to Northern Ireland. The Executive are responsible for deciding how best to allocate the available capital budget, including any additional funding through Barnett consequentials that are based on local needs and priorities.

Mr McNulty: I thank the Minister for his answer. Has he made a commitment to use the funds to build over and above the 9,600 houses that he has agreed to build in this mandate?

Mr Givan: Where Barnett consequentials flow, as I have indicated, it will be for the Executive to decide how the money should be spent. In the past, where there have been Barnett consequentials as a result of housing changes in England that the Executive have got money from, that money has been used to go into housing. Ultimately, however, it is at the discretion of the Executive — whoever makes up an Executive after the election — to decide how Barnett consequential moneys are spent.

Ms Lockhart: Has the Department previously received money for housing through the Barnett consequentials, and, if so, how has the money been allocated?

Mr Givan: Some examples of Barnett consequentials derived from Get Britain Building and other housing-related funding announcements in GB. That money has been allocated to support housing associations to provide new, affordable homes through the co-ownership scheme and two new pilot schemes:

the affordable home loans fund pilot and the rent-to-own scheme. Collectively, the schemes are targeted at providing nearly 3,500 additional affordable homes across Northern Ireland.

Mr Dickson: Minister, what other funds have you explored to support social housing in Northern Ireland, in addition to potential Barnett consequential? During your time as Minister, what efforts have you made to secure funds either for the Housing Executive by allowing it to go to the market and borrow or by looking to housing associations to develop schemes like living over the shop (LOTS)?

Mr Givan: The LOTS scheme, for example, was successful and could have been brought back in, and I commissioned work in the Department to look at a revised LOTS-type scheme that we could have brought in. Since I have been in office, we have announced significant investment from the European Investment Bank and the Bank of Ireland. Again, there has been a clear demonstration that, under my tenure, ambitious goals have been set for new social homes to be built, evidenced in the Programme for Government — 9,600. This year, moneys are being spent and houses are being built, and, under my watch, I have been pushing very hard at that.

Social Sector Size Criteria: Mitigation

5. **Ms Mallon** asked the Minister for Communities to outline the mitigation measures he will put in place by 20 February to protect tenants from the social sector size criteria. (AQO 964/16-21)

6. **Ms Bradshaw** asked the Minister for Communities to outline how he plans to ensure that mitigation schemes for the social sector size criteria are implemented for the 2017-18 financial year. (AQO 965/16-21)

Mr Givan: With your permission, Mr Deputy Speaker, I will take questions 5 and 6 together. The social sector size criteria are due to be introduced in Northern Ireland on 20 February. My officials have been preparing the necessary systems and processes to ensure that no claimant in Northern Ireland suffers any negative financial impact as a consequence to the changes in how housing benefit is calculated.

Urgent measures have been taken to ensure that the Department has the legal powers to mitigate the impact of the social sector size

criteria. The necessary legislation was approved by the Assembly on 16 January to give the Department powers to make accurate and timely payments to the estimated 34,000 housing benefit claimants who may be impacted by the introduction of the social sector size criteria. The legislation sets out in detail all the measures that my Department will be taking to mitigate the social sector size criteria.

Claimants who are eligible for a welfare supplementary payment will be paid four weeks in arrears, and the first payments will be made in the current financial year.

Ms Mallon: I thank the Minister for his answers. I recognise the fact that this will be his final appearance in Question Time in this mandate and put on record my thanks for his help in some constituency matters in respect of housing.

Given that Fresh Start was launched with much fanfare on 17 November 2015 and the mitigation package in respect of the protections against the bedroom tax was heralded as one of the critical successful elements of that, why then has the bringing forward of the regulations to protect people been left so late? In fact, it was left to just a few weeks before the introduction of the bedroom tax itself.

2.15 pm

Mr Deputy Speaker (Mr Kennedy): I think we have the question. Can we have the answer?

Mr Givan: Let me thank the Member for her kind words in respect of my tenure as Minister. I know that she has been a very strong advocate for her constituents and has brought cases to me consistently in respect of their housing needs. I am sure that that will be recognised.

Obviously, the mitigation measures did not just include the social sector size criteria, or bedroom tax. We have had to introduce a whole range of mitigation measures to the introduction of welfare reform into Northern Ireland, bedroom tax being one of them. All the plans to have them introduced were being run through according to a proper time frame. In the normal course of the business of politics, there was no risk whatsoever of our not having the legislation in place to mitigate that. Ultimately, when we explored all the options, that is why I was able to lay it down through the urgent route, directly into the Assembly, to get it done. Nobody could have legislated for the actions that Sinn Féin took to pull down the

Executive. Of course, I am relieved that we were able to find a way, and Members supported me in that approach, to mitigate that so that the most vulnerable people are not impacted by what has happened to this institution.

Ms Bradshaw: Thank you, Minister. The issue that is front of us is very reminiscent of that which is facing the Health Minister on waiting lists in that a lot of the responses to these crises are, as Nichola mentioned, very late in the day. Are you satisfied that, in the eight months that you have been the Communities Minister, you have influenced the 9,600 builds, as you outlined, so that they will be future-proofed against this sort of thing happening again, there will be different housing types across different tenures for the future and people will have the right sized houses to suit their needs?

Mr Givan: I set a very clear direction of travel. The foundations have been laid in respect of the commitment to build social housing, which would have been, over the course of the mandate, five years, a very challenging target to reach. Of course, housing is a real challenge for people with regard to building what we need; not just social housing but, of course, in the private sector. A course of work was being looked at in respect of how we would free up the Housing Executive to allow it to do the things that it does best and also allow access to the private markets. Obviously, that will have to sit in abeyance, and the next Executive and Assembly will have pick up where we are in respect of that.

As regards meeting the challenges around the pressures on supply, again, I had been undertaking a course of work with the private sector which I was going to chair — a stakeholder group to identify all the issues around that. It is not just to do with the actual building of houses, it is about identifying the availability of land, navigating in some communities where they do not want to have houses built and how you go through all that process linking in to community planning. There are certainly pieces of work there that I am confident a future Minister will be able to pick up and develop, but that will ultimately be a matter for the next Executive and Assembly to deal with.

Mr Dunne: Can the Minister outline how welfare supplementary payments are to be calculated?

Mr Givan: Welfare supplementary payments under the bedroom tax are calculated to offset the financial disadvantage that the claimant incurs as a result of the application of size criteria to their housing benefit entitlement. The amount of welfare supplementary payment that a claimant receives will be dependent on the claimant's housing benefit entitlement and their degree of under-occupation. Housing benefit claimants who are affected by the bedroom tax will see a reduction in their housing benefit component calculated by a reduction of 14% of the total eligible rent for under-occupancy by one bedroom and 25% of the total eligible rent for under-occupancy by two or more bedrooms.

Community Halls Programme

7. **Mr Poots** asked the Minister for Communities to outline the demand and uptake for the community halls programme. (AQO 966/16-21)

Mr Givan: The community halls capital grant pilot programme was launched on 19 October 2016 and closed on 23rd November 2016 with 860 applications being received. Following a robust, transparent and accountable assessment, up to 90 projects were selected for financial assistance in 2016-17. Providing this assistance to these applicants will result in expenditure of £1.9 million in the 2016-17 financial year.

Mr Poots: I thank the Minister for his reply and for his hard work over the last eight months. Was this scheme only for Orange halls to apply to? I notice some of the media are putting it out there as some sort of sectarian scheme. Was it available to all of the community? Maybe the Minister could tell us some of the organisations that benefited from this scheme.

Mr Givan: The answer very clearly is absolutely not. The programme was open to all types of facilities with a hall that is used by the local community. Applications were received from church halls, GAA clubs, Masonic halls, community groups and many others. This funding cannot be used to purchase sporting infrastructure, such as nets or pitches, but sports clubs have applied for money to improve the fabric of their halls to benefit the local community. The scheme was very much open to everybody to apply. Criteria were used to determine which applicants were successful.

Mr McGrath: I ask the Minister this question without any malice. Can he understand how, because of the way a number of funding schemes in his Department have rolled out,

there is a perception from some in our community that the decisions are sectarian?

Mr Givan: It is in the very point that the Member raises — it is a perception when it is not actually grounded in fact. When I was out in the community, people were saying, "We have a need". Applications were put into a pilot scheme that I recognised as very important for those groups. When we look at the way in which the funding for community halls was allocated, we see that we have the GAA benefiting, the Ancient Order of Hibernians benefiting, and parochial halls within the Catholic Church benefiting. So, any suggestion whatsoever that this in any way had a sectarian agenda is completely false. I, as Minister, had no role whatsoever in assessing any of the applications. I only became aware of the successful applicants after they had been made aware of it.

Mr Allister: Can the Minister give any explanation as to how it was that St Saviour's Church in Connor, in my constituency, received a letter advising them that they had been successful under the community halls scheme, which brought them great joy, only to be followed by a telephone call from the Department to say it was a mistake? Can that matter be most thoroughly investigated before church representatives and I meet his departmental officials tomorrow?

Mr Givan: That is the first that I have been made aware of the situation that the Member has brought to my attention, and of course I would expect how anyone can be informed of a successful application only to have it then subsequently withdrawn to be thoroughly investigated. Obviously, I want to find out the reasons for that.

Mr Humphrey: The Minister's answer indicates very clearly that this was a scheme that reached across the community and the country. I am sure that he will be disappointed by the remarks made by the leader of the SDLP in describing this as a sectarian scheme. I congratulate the Minister for finding the extra money that allowed some halls in my constituency to get some funding. Given the amount of interest and the potential funding required to meet the demand that there clearly was from applications across Northern Ireland, would the Minister recommend to his successor — if a new Executive is ever established in Northern Ireland, with a new Government — that such a scheme be put in place?

Mr Deputy Speaker (Mr Kennedy): I have counted at least four questions, and the Minister is entitled to answer only one.

Mr Givan: The fact that we had 860 applications — it was heavily oversubscribed; we were able to support up to 90 — is a demonstration of the need that exists. When we look at the organisations that were successful, we see that we have 17 churches. Then you have 27 community organisations to which you could not ascribe any particular affiliation, for example, Kilcooley Women's Centre. Then there are other successful organisations such as sports clubs and a Scouts club.

To me, that demonstrates that these are facilities that our community very much values, particularly in rural areas, where, often, the availability of halls is limited. It is churches, Orange halls and other community-based organisations that have these facilities and want to make them available to everyone to use. I think that is something to be encouraged. I hope that, in the future, the scheme can be taken forward in the inclusive way I was able to develop it.

Review of Arm's-length Bodies

8. **Mr Middleton** asked the Minister for Communities for an update on his Department's review of arm's-length bodies (ALBs). (AQO 967/16-21)

Mr Givan: I am keen to see the review of my Department's arm's-length bodies progressed quickly so that the delivery of services to the citizens of Northern Ireland can be as efficient and effective as possible. Consequently, I have put in place a small central team to take forward the first stage, focusing on two key themes: exploring the scope to rationalise and consolidate the numbers and functions of our various ALBs; and examining the opportunity to extend the use of shared-services arrangements across the various bodies. I have written to my Executive colleagues, the chairpersons and chief executives of each arm's-length body, as well as the relevant trade unions, to advise them of the review and of my intentions going forward.

My officials have arranged meetings with the chairpersons and chief executives of the bodies to initiate early engagement and consultation, and they will also be meeting with trade union representatives. A public consultation on the identified options for delivery is planned for the summer.

Mr Middleton: I thank the Minister for his answer. Will he outline whether the current political situation will have much of an impact on this proposal that he wants to carry out? Will he give some indication of a time frame for when such a consultation can be completed?

Mr Givan: Obviously, the work I have commissioned has started and will continue. Ultimately, it will be up to the next Executive and Assembly to deal with the outworkings of that review when the findings come through. Consider that this Department alone has 21 arm's-length bodies, and that does not include the Northern Ireland Housing Executive, which has not been part of the review. Collectively, there is a combined annual budget of the order of £78 million. I think it is only prudent that this review is carried out to ensure the services we are, ultimately, delivering to the public are being delivered in the most efficient and effective way possible. That is the spirit in which this review has commenced. Obviously, I hope it is something that can be developed in the future.

Mr Butler: I thank the Minister for his answers and welcome the chance to ask him a question in the final meeting of this mandate. Will the Minister give an update on the future plans for Sport NI, given the recent disruption and controversies that have affected the organisation?

Mr Givan: There were a significant number of recommendations for Sport NI, and this Department had a team that was helping to provide support for the administration and the way in which the organisation is run. I am very pleased that my permanent secretary and deputy permanent secretary have been able to give me assurance that that work has enabled Sport NI to develop in a way that means it can start pooling the additional support the Department has been putting into Sport NI. I think that is a demonstration that this is an organisation that has turned a corner and, ultimately, will deliver what we all want, and that is to the benefit of people who engage in sport and in those sporting organisations.

Women in Sport

9. **Ms P Bradley** asked the Minister for Communities what plans his Department has to increase the participation of women in sports. (AQO 968/16-21)

Mr Givan: This is an exciting year for women's sport, with the finals of the Women's Rugby World Cup and the finals of the UEFA Women's Under-19 European Championship, which are

both being held this summer. Increasing female participation in sport and physical activity in Northern Ireland is a key priority for my Department, and those tournaments can be used as a catalyst to drive that participation. One of the key targets of 'Sport Matters: The Northern Ireland Strategy for Sport and Physical Recreation 2009-2019' is to increase female participation rates. While much work has already taken place to address that, including work by Sport NI, councils, sports governing bodies and organisations, I have been able to commit a further investment of £370,000 in the 2016-17 financial year to fund initiatives aimed at increasing female participation in sport. Some £250,000 of that money has been provided to Sport NI to work with the Female Sports Forum and a range of other organisations to increase sporting opportunities for women and girls across the Province as part of the Female Sports Forum strategy document 'Women & Girls: Active, Fit and Sporty'.

2.30 pm

A total of £120,000 has been provided to Ulster Rugby, the Irish Football Association and the Ulster Council of the GAA, with each organisation receiving £40,000 to take forward activities that aim to encourage increased participation by women and girls in sporting activities and to help build capacity in areas such as administration, officiating and coaching. All that funding is in addition to the initiatives already being taken forward through such Sport NI programmes as Active Communities, Everybody Active 2020, Active Awards and Active Clubs, all of which have specific targets for female participation. Those initiatives will all contribute to increasing female participation rates in sport and physical activity.

Mr Deputy Speaker (Mr Kennedy): Unfortunately, Ms Bradley, the Minister has talked you out of a supplementary question. I can see disappointment etched all over your face. We now move to topical questions. Mr McCrossan is not in his place.

Jobs and Benefits Office: Cookstown

T2. **Mr McGlone** asked the Minister for Communities for an update on his proposals for the jobs and benefits and social security offices in Cookstown. (AQT 687/16-21)

Mr Givan: Members will know that there was a consultation on four offices. No

recommendations on its outworkings have been brought to me at this stage.

Mr McGlone: I thank the Minister for his answer. Is he minded to close or retain those services and facilities in the Cookstown area? They serve a big rural area.

Mr Givan: In the time that I have held this position, I have always looked to see whether there are ways in which we can try to keep our offices open. When jobs were under threat in Armagh, Omagh and Ballymena, I sought to find ways in which we could keep those offices open and ways in which staff would be able to be as close to home as possible. On the four offices in Cookstown that were being consulted on, that is not something that has come to me at this stage, but I am always very reluctant to take decisions that would mean the withdrawal of staff from locations. However, I make the point that, as services change — as they are changing through universal credit and the changes that come through that — a reconfiguration across Northern Ireland is required on how those services are delivered. That is something that the next Executive are going to have to grapple with.

Portrush Regeneration Programme

T3. **Mr Robinson** asked the Minister for Communities for an update on the Portrush regeneration programme in the East Londonderry constituency. (AQT 688/16-21)

Mr Givan: I went to meet the people in Portrush golf club about this project very early on. They sought a meeting with me, and I met them. They outlined their vision to capitalise on the Open coming to Northern Ireland. It is a hugely prestigious golf tournament, with huge economic potential for Northern Ireland, and they set out how that could benefit the Causeway Coast and Glens Borough Council area. I saw very much the opportunity that exists. That is why I continued to pursue the issue with Executive colleagues and through the Executive. I was pleased that, just before Christmas, we were able to get Executive agreement to establish a very high level working group, the inaugural meeting of which I chaired, to drive forward the regeneration project for Portrush. As part of that, I was able to launch a £3 million urban development grant scheme that is specific to Portrush. It is envisaged that the scheme will help to unlock the vacant and underused properties in Portrush and provide long-term regeneration for the town. Applications to the Department for the scheme are due by 22 February. In

addition, my Department had previously committed £500,000 to take forward the design and economic appraisal work for two key projects in the town; namely, the public realm scheme and the train station development. Designs for both those projects are under way.

Mr Robinson: I thank the Minister for his answer, and I congratulate him on championing the scheme. How did the process take on board the views of the locals?

Mr Givan: Causeway Coast and Glens Borough Council has set up a quarterly public consultation forum for people to come along and make their voice heard. The last meeting of the forum was at the start of January, and the next one is planned for the start of April. Obviously, it is critical that you get input from local people on how the town is developed. The Executive have agreed in principle to an investment of £17 million for Portrush in advance of the Open taking place. This is a real opportunity to capitalise on that event and present all that is good about Northern Ireland. We really have a jewel in the crown when it comes to the golfing potential that exists here and the landscapes that we have. The Open coming to Portrush is too important to miss, and I am pleased that there is now a clear pathway to ensure that we maximise the potential that will come from it.

Mr Deputy Speaker (Mr Kennedy): I call Rosemary Barton. The Member wishes us to move on.

Regeneration Powers: Local Councils

T5. **Mr Aiken** asked the Minister for Communities what discussions he has had with the Northern Ireland Local Government Association (NILGA) and the local councils about his decision not to devolve regeneration powers to the councils. (AQT 690/16-21)

Mr Givan: That is an issue that was raised some time ago. A decision was taken about the regeneration powers with local government, and that has been communicated to local government. It is important that we maximise the opportunities that exist with the powers that reside in my Department and the way in which councils work to work collaboratively. I have made the point that Northern Ireland is a small place, and the public do not differentiate between local government and central government; they ultimately want to see action. There is no reason why central government and

local government cannot act collaboratively to maximise that action. I outlined in a previous answer that Portrush is a prime example of central government working with the local authority to deliver something that will be very special for that part of Northern Ireland.

Mr Aiken: I thank the Minister very much for his words. Since we are heading into a long period of suspension, potentially, and given the current instability and uncertainty about the future of the institutions, does the Minister agree with me that this makes his decision not to devolve the regeneration powers promised to councils under the review of public administration even more absurd?

Mr Givan: No, I do not. I am certainly not one who takes the pessimistic view. I believe that devolution is good for Northern Ireland, and I think that all politicians should go into the election with the mindset of wanting to make this place work, because that is, ultimately, what the people want. Yes, there are difficulties and there are challenges — that is, I think, an understatement — but, nevertheless, I think that it is what the people will expect of us. Therefore, I always take this view: better to be hopeful than negative. We should go into the election with the mindset of getting this place up and running on the other side of the election, and then we can continue to deliver on the issues that affect all our people, irrespective of what community they come from. If we take that approach, that will ultimately be what wins through on the other side of the election. Then we can tackle the big issues and get on with delivering.

Small Capital Grants Scheme

Mrs Little Pengelly: Minister, you will be aware of the very good work that many thousands of small community organisations do across Northern Ireland. I know that you have been very supportive of those and have been out to see many of them. Those organisations have a significant number of volunteers, and they apply for small grants, for example. I am aware that your Department has a small capital grants scheme at the moment.

T6. Mrs Little Pengelly asked the Minister for Communities whether there is any intention to have a further release of successful applicants from the small capital grants scheme this week. (AQT 691/16-21)

Mr Givan: I know from being out with community groups, as the Member indicated, that raising the capital needed for very small

pieces of equipment presents a real challenge to a lot of the smaller organisations. A scheme was announced, and applications were made to it. I hope to be in a position in the next 24 hours to authorise the letters of offer to be sent out to the organisations that have been successful in the scheme.

Mrs Little Pengelly: I thank the Minister for that response. He will be aware of some very good organisations, not least in my constituency, such as the Annadale and Haywood association and the Ballynafeigh community organisation. Across South Belfast, we have many great organisations. Some of those organisations applied to your Department's capital grant scheme, but, unfortunately, some were not able to do that within the timescale. Are there plans in the Department to reopen the scheme to applications next year? It was a successful and much sought-after scheme.

Mr Givan: The number of applications demonstrates the enthusiasm that exists. That is a scheme that any Minister would want to take forward, given its success and the demand for it. A £300,000 budget was identified for the small-scale capital equipment scheme, and we hope to announce the successful applicants, who, again, will be representative across the community. Let me put it on the record once more: I was not involved in the assessment of it, and I do not know who the successful applicants are. I will be advised of that when the groups are advised of it.

Subregional Stadia Programme

T7. Mrs Overend asked the Minister for Communities for an update on the subregional stadia programme. (AQT 692/16-21)

Mr Givan: The consultation analysis of that issue was completed recently. Were it not for the circumstances that we now face, that is something that I would have been keen to move on. I am talking to officials about that to see whether there is any potential to push the programme forward in the days that remain for me to do that. Obviously, however, given what has happened, that has created challenges.

Mrs Overend: I thank the Minister for that. I wonder whether he is optimistic that he will deliver that programme in the days that remain, given the fact that clubs have been waiting since last March, when the consultation process ended. An announcement was promised before Christmas. How confident is he that there will be something for local clubs?

Mr Givan: The £36 million is ring-fenced money, and the Executive have already taken that decision. The money is there and is certainly not lost. We want to see an announcement about the way in which it will be allocated to allow people to make applications for it. I am currently engaging with my officials on that.

Tower Block Strategy

T8. **Ms Bunting** asked the Minister for Communities for an update on the Northern Ireland Housing Executive's tower block strategy. (AQT 693/16-21)

Mr Givan: The tower block strategy was touched on in the debate earlier. The way in which the Northern Ireland Housing Executive manages the properties within its remit is entirely a matter for it. The Northern Ireland Housing Executive board has requested that its officers develop a comprehensive action plan for each tower block based on the options appraisal. It is intended to have the action plans submitted to the Northern Ireland Housing Executive board by the late summer of this year. However, I recognise that this is an issue for tenants in tower blocks, and it is one that they have been very exercised about. Obviously, the Housing Executive is dealing with that, and I hope that it will be able to expedite the matter so that people know what the plans are for the tower blocks.

Ms Bunting: I thank the Minister for his answer. Given the poor condition of the tower blocks, I welcome the fact that the plans will be in place by late summer, as the Minister said. When does he anticipate action starting to get remedial works under way in the blocks?

Mr Givan: Remedial work for tenants should be being carried out where the need is presented. The Housing Executive has advised me that, as part of its overarching asset management strategy for all its homes, it undertook to include a dedicated strategy that determined an option appraisal for all 32 tower blocks that need to be developed. That has been completed, and the initial position was presented to the board for consideration at its meeting in November. This set out the significant investment requirements for the tower blocks and the associated high management costs, which would not represent good value for money.

At the meeting, the board agreed that the Housing Executive's long-term strategy should be to decommission all the tower blocks. The board also agreed that action, as appropriate,

would be taken to maintain all tower blocks to an acceptable standard until such time as they are decommissioned. The Housing Executive board requested officers to develop a comprehensive action plan for each tower based on the options appraisal and to engage with tenants, communities, and local political representatives to identify future solutions.

2.45 pm

Public Realm Scheme: Lisburn

T9. **Mr Lunn** asked the Minister for Communities whether he knows of an anticipated start date for the public realm scheme in Lisburn and to give an assurance that the disastrous experience of the last public realm scheme will not be repeated. (AQT 694/16-21)

Mr Givan: As the Member will know, it is the local council that ultimately tenders and manages the project, as it was with that scheme, and it has now been demonstrated that that was the right thing to do. Like the Member, I was frustrated with the way in which it was developed and the problems that that created. This scheme is the linkage scheme to connect into all the work that has been carried out. It is a £3.7 million scheme into which the council is putting a significant investment. It will ultimately manage the outworkings of that project, but, of course, local businesses will want to know how it will be implemented. The works are planned for the end of this year, but there will be engagement with local businesses on how it will be taken forward.

Mr Deputy Speaker (Mr Kennedy): Unfortunately, there is no further time for a supplementary. There will be a rush to the local press, I think. Time is up.

Economy

RHI: Mitigation Measures

1. **Mr Dickson** asked the Minister for the Economy for an update on his plans for mitigation measures for the non-domestic renewable heat incentive scheme. (AQO 974/16-21)

RHI: Recovery Plan

4. **Ms Mallon** asked the Minister for the Economy to outline his recovery plan to reduce

the £490 million renewable heat incentive scheme overspend to zero. (AQO 977/16-21)

Mr Hamilton (The Minister for the Economy):

Mr Deputy Speaker, with your permission, I will group the answers to questions 1 and 4.

The Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 were approved by the Assembly yesterday. When I brought the regulations before the Assembly, I stated that they were the first steps towards reducing the burden on the Northern Ireland Budget. I also outlined additional action that I was taking on inspection, audit and enforcement. My officials are progressing work to tender for 100% site inspections. The inspection process, coupled with vigorous investigation and enforcement action, will bear down on future costs. The changes in the scheme will have effect for only one year. We can, and will, make any necessary reasonable corrections when a long-term solution is developed for implementation from 1 April 2018. In putting forward a long-term solution, we will consult and listen to the views of installation owners and other stakeholders.

Mr Dickson: Minister, one of the assurances that you gave the House yesterday was on the robustness of your scheme. Yet, this afternoon, we learn that some 300 boiler owners have managed to block and thwart your promise to the House and to the citizens of Northern Ireland to deliver the names of boiler owners. In those circumstances, Minister, will you publish the names of the others who are not blocked by this injunction?

Mr Hamilton: I thank the Member for his question. However, he is conflating two issues. I wrote to his party leader, and indeed to all Assembly party leaders, before making the announcement that I did last week about wanting to publish the details of the businesses in receipt of the non-domestic RHI scheme. It was my intention to do that tomorrow. Unfortunately, as the Member says, an injunction has been placed on those who are members of the renewable heat association. I have only just received the news. I have not seen the full judgement yet, and, as the Member and House would expect, I will wish to consider it in full before making any decision. The Member's party leader wrote to me wishing to have the fullest transparency on the names, and that is still my objective. That is what I sought to do by making the announcement that I did last week.

We had to run through a process, which the Department undertook in pretty quick time, given the volume of work. I signalled my intention to publish the names, consistent with the process as laid out in section 10 of the Data Protection Act. I deeply regret the injunction that has been sought and awarded this afternoon because that, in and of itself, prevents full transparency. I will take the time to consider what can now be done in the circumstances.

Mr McNulty: Minister, there are other ways of making public information that would allow us to identify details of usage in the RHI scheme. Is he willing to make public geographic information on where the scheme is being most abused?

Mr Hamilton: As I said in response to Mr Dickson, we will, given the judgement today, have to reflect on how we can provide the fullest possible transparency. That is what I want to achieve, and, listening to the Member, I think that that is what he wishes to see as well. He said that there are other ways in which information can be made public, and I agree that there is a range of ways in which it could be presented. It would not necessarily be the fullest transparency that not only Members but those outside the House wish to see and which is needed to instil the public confidence that is, unfortunately, lacking at the minute. I wanted it to happen, and we went down the road of a process to allow it to happen. We signalled our intention to do that, but, unfortunately, an injunction was sought and awarded today. In light of the judgement made this afternoon, I will look at the range of options that I will have to continue to pursue that goal of transparency.

Mr Chambers: Minister, the permanent secretary addressed the Economy Committee yesterday. He told the Committee that the formation of the mitigation plan, which formed part of the statutory rule that passed through the House yesterday, started on 30 December. He told us that it was a SpAd from another Department who came forward with the idea, but he refused to name that SpAd. I wonder, Minister, can you share that information with the House today?

Mr Hamilton: The Member asks the question almost as though it is a bad thing that a special adviser from any Department has a good idea. If the Member had come to me with a good idea, I might have listened to it and taken it forward, but of course he did not. The idea was developed over time before being submitted in regulations to the House last week and passed

last night. We should focus not on the origins or genesis of the idea but on the fact that it is legally robust, and, now that the regulations have been passed, it will allow a significant reduction in the budgetary shortfall on the RHI scheme. It reduces the shortfall from an estimated £30 million next year to between £2 million and £2.5 million, and that is before we bear down further on the costs through audit, inspection and enforcement.

Mr Lyons: I thank the Minister for his answers so far and for his commitment that his Department will carry out 100% site inspections. Is he able to inform the House when that process will begin?

Mr Hamilton: I signalled the intention to do this a few weeks ago. The Member and the House will know that inspections of all installations would have taken place over the 20-year lifetime of the RHI scheme. Given the circumstances that we find ourselves in, particularly with accusations of fraud and abuse, I do not think that we can leave it that long before inspecting. We need to accelerate that process, which will require resource, and a tender is being drafted. The scale of inspection means that the tender must go Europe-wide, but, even though there is a legal process to go through in that regard, I expect the tender to be awarded in the coming months and the inspections to start in the not-too-distant future. I think that it is incredibly important that we do that. It is part of instilling public confidence, which is lacking.

Also critical, as I said previously, is the further bearing down on the cost of the RHI scheme to the Northern Ireland Budget. I think that a combination of more behavioural change and bearing down on cost through inspection, audits and, importantly, enforcement can reduce next year's estimated shortfall of between £2 million and £2.5 million to closer to zero.

Mr Allister: An interim injunction is generally granted as an ex parte application: that is, without the respondent being present or heard. Was that the situation today, or was the Department heard? If it was an interim injunction on that basis, it lasts only until there is a full hearing. When is that full hearing?

Mr Hamilton: I do not know the answer to the Member's second question, but I will come back to him. In relation to the first question, the Department was there and represented. Representations were made to the court on behalf of the Department.

Air Connectivity

2. **Mrs Cameron** asked the Minister for the Economy to outline the action he is taking to improve air connectivity. (AQO 975/16-21)

Mr Hamilton: It is important that we continue to build our air connectivity so that it is as easy as possible for people all over the world to access Northern Ireland for business and tourism purposes. I am, therefore, encouraged by the latest air passenger statistics, which show that 7.89 million air passengers passed through Northern Ireland's airports in the year to September 2016. That represents a 9.2% increase in passengers on the previous year, and passenger numbers are at their highest since the pre-recession peak of 8.27 million in 2008. The statistics give a clear indication that growth is returning to the Northern Ireland air travel market.

We have also had a number of positive announcements of new air routes in recent times, including a new Icelandair service to Reykjavik from Belfast City Airport from June this year, as well as the establishment of a Ryanair hub at Belfast International Airport. It was deeply regrettable, however, that, earlier this month, we saw the departure from Belfast International Airport of United Airline's last direct flight to Newark. Along with the International Airport, the Executive had agreed a package of financial support last summer that was aimed at maintaining this important business and tourism route. I continue to work closely with the International Airport to explore other possible air routes to North America, and I remain hopeful that there will be some positive developments in the coming months.

In September last year, the Executive announced a £7 million package for the north-west to assist development and growth around City of Derry Airport, which includes up to £2.5 million route development support to assist the airport to launch new routes. My officials are in discussion with representatives from City of Derry Airport and Derry City and Strabane District Council on the mechanism to provide route development support.

I have also announced my intention to establish a new air routes task force that will help to identify key routes that Northern Ireland's airports should be targeting as well as identifying possible policy interventions and initiatives to attract new airlines.

Mrs Cameron: I thank the Minister for his answer. Will he update the Assembly on the

efforts that are being made to attract new airlines to start routes between Belfast International Airport and North America?

Mr Hamilton: As I said, it is deeply disappointing that United Airlines made its last flight from Belfast International Airport earlier this month. I am on record in the House and elsewhere in stating my belief in the importance of having more direct routes to North America for business and tourism reasons. It is deeply regrettable that the United package did not work out and that it withdrew its flight.

Interestingly, something positive came out of that negative story — I am sure that the International Airport could testify to this — in the interest many airlines showed in coming to Northern Ireland, catalysed in part by the fact that they saw a Government here at Stormont who were prepared to roll up their sleeves, get involved and offer support when it was appropriate to do so. That has given rise to a number of leads and significant interest from a number of airlines. In the last few weeks, I have been able to sign off and agree a recommendation from officials to offer support to an airline that proposes to offer two direct flights from Belfast International Airport to destinations in the United States of America. That is working its way through the airline's approval process, and I hope that we will see positive news in the not too distant future. As long as I am in post, I will continue to work with the airlines, and particularly with the International Airport and the other airports in Northern Ireland, to try to improve not just our routes to North America but our connectivity on a much broader front.

Mr Ford: Given the way in which Belfast International Airport is in direct competition with Dublin for overseas routes, can the Minister indicate whether he has had any conversations with his colleague the Minister for Infrastructure on the development of public transport links and better roads in the Aldergrove area?

3.00 pm

Mr Hamilton: I have not had any direct discussions with the Minister for Infrastructure about that, although I support the improvement of infrastructure to the airport. I think accessibility is key to improving connectivity, and I know there are long-standing issues. I saw Mr Girvan in the House earlier, and colleagues from South Antrim brought a motion not too long to the House ago calling for the reopening of the railway line and some connectivity into the terminal at Belfast

International Airport. I know there are proposals to improve road access in that area, too. I think that is critically important to improving connectivity, and business passengers in particular, but also tourists, look for that to have good connectivity between the airport and where they are ultimately going. I think the International Airport has performed, as, indeed, has the City Airport in Belfast, incredibly well in difficult circumstances.

The Member mentioned the competition they have from Dublin Airport. It is a very unfair competition in my view, and I think the playing field is very much slanted towards Dublin. We have to accept that Dublin is a very different proposition and a very different city with a very different airport of a very different scale, but it has huge support because of the nature of its ownership. Through its Government, there is a lot of public support, which I think, ultimately, leads to a fairly uneven and unfair position in competition between Belfast and all the Northern Ireland airports and Dublin. I had hoped to be able to work towards rectifying that, accepting the realities of the situation, and we were, I think, on the way to doing that. Unfortunately now, the efforts I will be able to make in post will be limited, given the circumstances we find ourselves in.

Mr Aiken: Thank you very much indeed, Minister, for your comments so far. You will be aware of the comments today by Ryanair about the cost of the new runway at Dublin Airport. Bearing in mind that it has been funded through the state, would the Minister care to refer Dublin Airport Authority to the EU competition authority, particularly for its seeming use of state funds to build infrastructure in an unfair manner?

Mr Hamilton: That is an interesting idea the Member has. I suppose he is due a good idea. *[Laughter.]*

Mr Aiken: Come on, Simon, you are better than that.

Mr Hamilton: That was fairly low.

I will reflect on the comments he made, and it might be my last act in office if I was to take the Member up on his recommendation. He is, in his own particular style, making the point I was making in response to Mr Ford, which is that there are many different ways in which that competition really is not a competition. As I said before, we have to accept that Northern Ireland's airports cannot compete directly, and a lot of the routes Dublin is able to secure are

probably not going to come to any Northern Ireland airports, but there are routes that could be coming here and many routes where a significant volume of the passengers come from Northern Ireland but are going on flights out of Dublin Airport. There are lots of different reasons for that, which we have discussed many times in the House, but I think the Member makes a very good point about the fact that the playing field is not always an even one between our airports here in Northern Ireland and those in Dublin.

Tourism

3. **Mr Anderson** asked the Minister for the Economy what action is being taken to promote the tourism potential of Northern Ireland's centenary in 2021. (AQO 976/16-21)

Mr Hamilton: Northern Ireland's centenary in 2021 will be a momentous occasion. Marking the first 100 years of Northern Ireland will be a landmark event and something we will be proud to celebrate. In recent years, we have demonstrated our prowess in showcasing Northern Ireland on the world stage, with events such as the Giro d'Italia, the MTV Music Awards, the World Police and Fire Games and the G8 summit. We have become known around the world for our great ambassadors, whether they be sporting personalities, such as Rory McIlroy, Graeme McDowell and Darren Clarke, musicians like Van Morrison and Phil Coulter, or our football team and its fans, who did so much to promote Northern Ireland's reputation during the 2016 European Championships. The Year of Food and Drink 2016 was also a great success, highlighting how far our restaurants and, indeed, our chefs have come over recent years.

As we move closer to Northern Ireland's centenary, we do so against a backdrop of increasing tourism industry growth. That growth has seen record visitor levels to Northern Ireland over the last number of years. The most recent statistics indicate further growth in Northern Ireland's tourism industry. As well as local significance, the centenary will have an international significance for the many people living overseas who retain a strong connection with Northern Ireland. The centenary will provide a further opportunity to reflect on Northern Ireland's success.

My Department will play a key role in celebrating the centenary, and Tourism NI and Tourism Ireland will have their part to play in ensuring that the event is promoted to the fullest extent.

Mr Anderson: I thank the Minister for that response. Northern Ireland has a great industrial history. How can the success of its industry be promoted as part of the centenary celebrations?

Mr Hamilton: I am not sure whether this is the Member's last contribution in the Chamber, but it is certainly one of his last. Of course, he announced last week that he will not be standing for election on 2 March. I beg your indulgence, Mr Deputy Speaker, to put on record my appreciation for the service that Sydney has put in down through the years.

Some Members: Hear, hear.

Mr Hamilton: I have known Sydney for a long time. My father worked with him for a time. I think that they were employed in the same place. I knew Sydney way back to the days when both of us were agitating in the Ulster Unionist Party —

Mr Dunne: Shame on you.

Mr Hamilton: — before we saw the light. *[Laughter.]*

Some Members: Hear, hear.

Mr Deputy Speaker (Mr Kennedy): I can well remember those days, too. *[Laughter.]*

Mr Hamilton: The Member is absolutely right that any celebration of Northern Ireland's 100th birthday should reflect on its great strengths and on what makes Northern Ireland a great place to live, work, visit and invest in. That is part of our industrial history as well. Sometimes we forget this, but we have a wonderful, rich and vibrant industrial heritage in this part of the world.

We should be immensely proud, if we are not already, particularly of the engineering prowess of people from this part of the world, and the entrepreneurial spirit that is very much evident in the Member's Upper Bann constituency.

We have to look to the future as well. I want to see us reflect on not only our past glories but the potential of the Northern Ireland economy and Northern Ireland industry. One thing that I will be instructing officials to take forward as part of our celebrations of 2021 borrows from a theme that was there in 1971 for our 50th anniversary — the Member might remember those celebrations — which was an expo in Belfast. There is a great opportunity to do

something like that not just to celebrate our rich industrial heritage but to look to the potential of business, the economy and industry in Northern Ireland.

Mr McKee: Will the Minister agree that the tourism potential of Northern Ireland's centenary in 2021 will be easier to realise if we have a proper cross-community Government that will work for the common good of all the people of Northern Ireland? Does he realise that that is not possible under a DUP/Sinn Féin Executive Office?

Mr Hamilton: Well done to the Member on reading out his election material for the next month. I will not descend to the Member's level, although I take the point around having a Government. That is critically important.

Never mind 2021 and Northern Ireland's centenary, as important as that is. If Northern Ireland is to move forward, it needs a strong and stable Government here at Stormont. We find ourselves in difficult circumstances, but I know in my job, perhaps better than most Ministers, the importance of having an Administration here at Stormont to attract investment, and, as the Member highlights, to attract tourists to come here, who also want to see stability.

I hope that we can get through our present difficulties and form a Government not too far on the other side of the election of 2 March and that we continue to build on the progress. Substantial progress has been made over the past 10 years. Whether the Member and his party like it or not, huge progress has been made. Northern Ireland is an infinitely better place today than it was 10, 20 and 30 years ago. We need to continue to build on that progress and keep Northern Ireland moving in the right direction.

Broadband

5. **Mr Robinson** asked the Minister for the Economy how he will ensure that broadband providers do not mislead consumers when offering their products and services. (AQO 978/16-21)

Mr Hamilton: Misleading advertising of broadband speeds by Internet service providers has been an area of concern for me. It is less than acceptable that residential and business customers cannot get accurate information on the broadband speed that they will receive when entering into contracts with service providers.

I wrote to the Advertising Standards Authority in August 2016 to offer my full support to the call by the Local Government Association for changes to the advertising rules for broadband suppliers. That is particularly relevant to Northern Ireland, as we are a largely rural community. Therefore, I welcome the news that the Advertising Standards Authority has taken the decision to reform or change the rules on advertising broadband speeds to offer better clarity.

Mr Robinson: I thank the Minister for his answer. What does his Department plan to do to improve broadband speeds across Northern Ireland, particularly in rural areas such as those in my East Londonderry constituency?

Mr Hamilton: I thank the Member for his question. I know that it is an issue that exercises him and, indeed, his constituents. He has written to me and contacted me on several occasions about poor broadband speeds in part of his East Londonderry constituency.

As I have done many times in relation to different parts of Northern Ireland — I will do so later this evening — I accept that the speeds that some businesses and residential customers get are not acceptable. They are slower and are not as reliable as they ought to be. The Executive have put considerable investment into broadband speeds over the last number of years. Some £16 million has been put in, which has helped to unlock private sector investment from BT and others.

We have had success before in being the first region in Europe to have 100% broadband capability, and we need to get back to the days when we had a broadband infrastructure that was among the best in Europe. A commitment contained in the draft industrial strategy that has been published today is to get back to the days when Northern Ireland had an enviable broadband infrastructure.

My Department has also been working on a comprehensive and ambitious plan to look at rolling fibre out to premises across Northern Ireland, whether in urban settings or in rural areas. It was an ambitious plan that I had hoped to bring forward through the Budget process and get commitment for. Unfortunately, as we know, that has been hampered by the circumstances in which we find ourselves and that is not something that I believe we will be able to take forward in the next little while. It is an idea that is developing and growing in the Department. I hope that we will be able to take it forward on the other side of the election.

Ms Armstrong: I thank the Minister for his answers so far; I really mean that. As a fellow MLA for the Strangford constituency, he will understand that our concern regarding broadband is that although suppliers may say that there is very good coverage, the speeds are quite pathetic in some areas. What measurements have been taken by the Department to discover where those difficulties are? We need to ensure that there is access to schools, where science, technology, engineering and mathematics (STEM) subjects have been limited. Businesses, rural businesses in particular, are finding that speeds are making it difficult —

Mr Deputy Speaker (Mr Kennedy): I think that we have the question.

Ms Armstrong: Thank you.

Mr Hamilton: I thank the Member for her question. We do not have figures on a constituency basis but the north Down and Ards area includes most of the Member's and my constituency. On a global level, speeds in that area are not that bad. Some 98% of premises are able to get two megabits per second or more; 96% are able to get five megabits per second or more; 93% are able to get 10 megabits per second and 83% are able to get 30 megabits per second. That is one of the best in Northern Ireland. Clearly, there are still those who are getting intermittent or not strong speeds and speeds that are simply not acceptable.

There is a range of different alternatives. I have emphasised to the Member and the House before, that, whilst I accept that those are not good enough — that is why we have been developing the plan — there are alternative technologies in place that can present opportunities for those who just cannot get acceptable speeds. There is support from my Department to do that and I have said to Members before that they should contact the Department about that. Fibre is the gold standard, but it is not possible to get it in all locations. I think that sometimes people think that if they cannot get that they cannot get anything. That is not always the case. There are satellite and wireless technologies that can provide a decent speed. It is not necessarily the speed that people want, but it is at least a decent speed.

The Member asked about analysis. Some analysis has been done. I will write to her with precise numbers but I think that in the range of about 30,000 premises across Northern Ireland,

the majority of which are in rural areas, cannot get speeds of two megabits per second or more. That is not acceptable. I want to bear down on that and see it improved and that is why we were developing the plan. As I said to Mr Robinson, I hope that, in spite of the current political difficulties, we will still be able to take that plan forward in the not too distant future.

3.15 pm

Economic Strategy

6. **Mr Swann** asked the Minister for the Economy to outline the timescale for the launch of the new Northern Ireland economic strategy. (AQO 979/16-21)

Mr Hamilton: Members will be aware that a new economic strategy was being developed to align with the Executive's draft Programme for Government. The strategy, which sets out an ambitious, long-term vision to transform Northern Ireland into a globally competitive economy that works for everyone, was nearing the point at which it could be released for public consultation. We now face a critically important period for the Northern Ireland economy. Now more than ever, there needs to be a strong strategic framework for growth in place. I can therefore confirm to the House that I have released today, through my Department, the draft industrial strategy for public consultation. The consultation will run for 12 weeks, and I encourage all interested parties to engage in the consultation process.

Mr Swann: I thank the Minister for releasing that strategy today. Will it take into consideration the strong recommendations made by the Ulster Unionist Party for a manufacturing strategy, especially following the high job losses in my constituency of North Antrim?

Mr Hamilton: I am well aware of the manufacturing job losses in the Member's constituency. I know that they have had a devastating impact on the local community and are still working their way through the local economy. The Member, if he downloads a copy of the draft industrial strategy and reads it overnight — it is good bedtime reading for him — will see that there is a significant emphasis on the manufacturing sector in Northern Ireland. I do not dismiss for a second the impact that the sort of job losses we have seen in Ballymena has on individuals, families and local communities, but the manufacturing sector has still performed strongly across the board in Northern Ireland nonetheless. In 2015, there

were around 80,000 jobs in the sector, and that is the best since 2008. Sales were up by 1.7% in 2014. In 2015, exports by the sector were up by £350 million, and output has also been performing strongly. I am immensely proud, despite the difficulties globally and locally, of the success of manufacturers across Northern Ireland, including Wrightbus, in the Member's constituency, which has the honour of being able to say that it constructs one in three of all London's famous red buses. It is that sort of prowess in manufacturing that you will see emphasised, underlined, highlighted and, importantly, supported in the new draft industrial strategy published today.

Mr Deputy Speaker (Mr Kennedy): That completes listed questions. We now move to topical questions.

Tourism Strategy

T1. **Mr Attwood** asked the Minister for the Economy, given his references to the industrial strategy and record visitor numbers, for an update on the status of the tourism strategy. (AQT 696/16-21)

Mr Hamilton: The tourism strategy has been working its way through my Department. Like the industrial strategy, it has been nearing the point where it could be published for some time. Obviously, in the circumstances in which we find ourselves, it is impossible to get Executive agreement, so it would not be an Executive strategy. I intend to discuss with officials what might be possible. In fact, there has been communication with Tourism NI to see whether we can bring it forward with officials in the Department, because it is important, no matter what is happening politically, that we continue not only to give a clear signal on the direction of travel for the economy through an industrial strategy but to improve our tourism, which has been performing incredibly well in recent times.

Mr Attwood: I thank the Minister for his answer. Is it not more accurate to say that the previous Executive failed to agree a tourism strategy, as have this Executive? We have come out of the Year of Food and Drink; we are four months from the Irish Open in Portstewart; and we are two years from the British Open in Portrush. Is this not evidence of failure? Do you recognise that the 2021 anniversary — 100 years since the creation of Northern Ireland — should also acknowledge the many who regret the partition of Ireland, as well as the many who celebrate the creation of Northern Ireland?

Mr Deputy Speaker (Mr Kennedy): There are a number of questions for the Minister.

Mr Hamilton: Quite a few. I regret that, because of circumstances, the tourism strategy will not be agreed by the Executive. Sinn Féin's walking away from the Executive has made that impossible. It has also obviously walked away from proceedings today; I am disappointed that my Question Time was not even enough to draw them back into the Chamber this afternoon. That is deeply disappointing.

I will look at how we can bring forward the tourism strategy in the circumstances in which we find ourselves. Let us not fall into the position, or belief, that the absence of a tourism strategy will inhibit tourism. It would help in setting clear targets and in focusing on key goals, but tourism in Northern Ireland has been a success story. Indeed, figures recently published by the Northern Ireland Statistics and Research Agency (NISRA) for the year ending September 2016 show that visitor spend in Northern Ireland is now at £821 million, 74% of which comes from external visitors, at just over £600 million. That is a 10% increase in overall spend year on year.

We now have 4.6 million visitors coming to Northern Ireland annually. Importantly, external visitors are up by 8% to 2.5 million, the highest on record. There is also a 10% increase in bed spaces sold. As I mentioned in response to Mrs Cameron's question, we have seen that reflected in air passenger flows going up at Belfast International and Belfast City airports.

I do not consider tourism in Northern Ireland to be a failure. I regret that the Executive have not been able to agree a tourism strategy, because of the circumstances that we are in, but tourism continues to go from strength to strength. I believe that, with some of the events that the Member mentioned, it will continue to do so.

Brexit: Supreme Court Ruling

T2. **Mrs Overend** asked the Minister for the Economy to comment on the Supreme Court's Brexit ruling. (AQT 697/16-21)

Mr Hamilton: I have been following other court proceedings today, as the Member might be aware, so I have not had a chance to fully look at and study the judgement that has been made by the Supreme Court.

Mrs Overend: Bearing the Supreme Court decision in mind and given the lack of any

agreed Brexit position by the outgoing Northern Ireland Executive, does the Minister have any idea as to how the Northern Ireland economy will be put on the agenda in London?

Mr Hamilton: The Member makes a valid point. Here is an issue in terms of Brexit and Northern Ireland's position in seeking to get the best deal for Northern Ireland, which is clearly hampered by the situation that we are now in, with Sinn Féin walking away from the Executive. It is a critical time in respect of the triggering of article 50, however, and when that will be done by the Prime Minister. It is incredibly important that Northern Ireland's voice still be heard. Unfortunately, given the circumstances that we are in, that will become incredibly difficult as a result of what Sinn Féin has done in pulling out of the Executive.

The Northern Ireland Executive have, over the last number of months since the referendum result in June, bombarded Whitehall with information about the Northern Ireland economy. We have engaged at Secretary of State level with various Departments and, crucially, with David Davis and his Department, the Department responsible for Brexit. It is clear from that engagement that that message — the need for the particular circumstances that Northern Ireland faces and the clear circumstances created by our history and geography — is getting through, and we hear that verbalised by very clear support for Northern Ireland's position from the Prime Minister.

Before Christmas, I was able to engage with the Prime Minister of Malta, who is now the president of the European Council. It was significant that he acknowledged the particular circumstances that Northern Ireland faces and pointed out that, in respect of the position in Brussels, it was one of the key priorities for Brussels to deal with the situation in Northern Ireland. I think that that bodes well for a positive outcome for Northern Ireland from the upcoming negotiations.

RHI Scheme Recipients

T3. **Ms Hanna** asked the Minister for the Economy what contingency or plan B, which would allow for transparency, his Department had in place in the event of a ruling against publishing the RHI names. (AQT 698/16-21)

Mr Hamilton: As I said earlier to others, including the Member's colleague, the ruling has just been made in the last hour. I have not seen it yet and will wish to study it carefully, as

the Member would expect, before deciding what we do. I reiterate that I want to have the fullest possible transparency on the details of recipients of the non-domestic RHI scheme. It is with that in mind that I will look at the ruling and come forward with a decision as quickly as possible.

Ms Hanna: My question was about a contingency or plan B, as the challenge was entirely foreseeable. Has the Minister given any thought to publishing an anonymised list? Such a list could contain some geographical detail, the date, the output and the payment, so that we can get a sense of the levels of applicants that are credible and not credible.

Mr Hamilton: I thank the Member for her question, which was asked in the appropriate spirit. The whole purpose of doing this was to seek to instil better public confidence. The Member said that it was foreseeable that it was going to be challenged, and I suppose it was. From what I have heard about the judgement, it states that it not permissible to publish the names of members of the Renewable Heat Association, which is slightly left field. However, I am happy to look at other options and will do so.

It is interesting that the Member said that something short of the full disclosure that the court is preventing may help to instil public confidence. That is what I want to do, that is what my objective is, and I will look at the option that the Member has proposed, along with others, in the hope of achieving maximum transparency whilst keeping to the aim of instilling public confidence in the scheme.

RHI Scheme Recipients

T4. **Mr Lyttle** asked the Minister for the Economy, given that, in relation to the publication of details of the RHI recipients, he has said that he is subject to limitations and has challenges to overcome, to state whether it is his ultimate ambition to publish the names and addresses of all participants and the details of when they applied, and, if so, when he expects to do so. (AQT 699/16-21)

Mr Hamilton: I am not sure if the Member has appreciated or picked up the point I have been making. I appreciate that he, too, may not have seen the full judgement and will want to take a look at it. That is my publicly stated position, and it is a position that I stated in writing to recipients of the scheme. As I believed that there was a clear public interest in having maximum transparency, it was my intention to

publish business details and geographical information as well as other information. I still hope to be able to do that, but obviously I will have to reflect on the judgement that has been made.

Mr Lyttle: I thank the Minister for his answer. There has been some reference to the application form for the RHI scheme making limitations on the information that can be made available. Can he elaborate on his assessment of the limitations of the application form?

Mr Hamilton: As you would expect, we have been seeking to publish details of the recipients of the non-domestic RHI scheme, consistent with a range of legal obligations. At all stages, I have sought to abide by the legal advice that I have received. Whilst I have heard many say that the privacy policy allowed for the publication of business details and some limited information, significantly some of the legal advice that I received said that anything — even a business name — that could relate back to who the individuals associated were — obviously, nobody gave permission for their names to be published — could contravene the Data Protection Act. That is why the process, which was done in fairly short order, had to be undertaken to put all of the objections received against a public interest test.

I emphasise again to the Member and the House that I still hope to be in a position to publish details at some date in the future. I will look at suggestions that other Members have made about releasing somewhat limited data. Anything done will always be done on the basis of trying to have maximum transparency and instil public confidence.

Mr Deputy Speaker (Mr Kennedy): I remind the Minister about the two-minute rule.

Brexit: Special Status for Northern Ireland

T5. **Ms Mallon** asked the Minister for the Economy, given the hard Brexit stance being taken by the Conservative Prime Minister, to state whether he accepts that the case must be made for special status for Northern Ireland and whether he accepts that, to date, his party has got it wrong and needs to urgently reassess its position on Brexit. (AQT 700/16-21)

Mr Hamilton: The Member, unfortunately, has once again proven how her party has not accepted the result and the verdict of the British people. I welcome the clarity that the Prime

Minister has brought to our negotiating position. I think that there was some doubt for some time as to what she was going to do or what she was going to seek, and it is now very clear what her objectives are.

3.30 pm

I will repeat what I said in response to Mrs Overend. I think that Northern Ireland, hampered as it is by the circumstances that we find ourselves in, will and should continue to seek a deal that reflects the particular circumstances of Northern Ireland. Northern Ireland and where it is located has a particular history and a particular geography that must be reflected, I believe, in any ultimate deal. It is regrettable that, for a while at least, the Northern Ireland voice will not be heard as clearly as it should be at a critical time in those negotiations. It is unfortunate that that is the case. As I said before, Northern Ireland's voice has been heard loudly and clearly, and Northern Ireland's interests have been heard loudly and clearly over the last number of months. I think that it is well understood by the Prime Minister and her team what those particular circumstances are and what the unique history and geography of this part of the world are. I hope that that will be reflected in any ultimate deal, and I also think that that is being viewed very sympathetically in Brussels.

Ms Mallon: Given that the now former First Minister, given the current political context, Arlene Foster, has previously outlined the need for the free movement of labour, how is this compatible with the position articulated by the Prime Minister, Theresa May?

Mr Hamilton: The Prime Minister has outlined her objectives in respect of negotiations. The former First Minister and, indeed, others in the House have emphasised the need to have the common travel area remain in place. It is welcome that one of the 10 points that the Prime Minister pointed out last week was to maintain the common travel area, which has existed since the 1920s, between the United Kingdom and the Republic of Ireland.

There is still much to do and many miles to travel on the road to the UK exiting the European Union. I am confident that, with the work that has been done to date, Northern Ireland's voice, the particular circumstances of Northern Ireland and the unique history and geography of this part of the world have been heard loudly and clearly in London. I hope that, in spite of the circumstances that we find ourselves in at this critical time that mean that

our voice will not be heard perhaps as clearly as it should be, those representations that have been made to date will still be heard and be listened to and will be reflected in the upcoming negotiations.

Question for Urgent Oral Answer

Health

Spinal Muscular Atrophy Type 1: Treatment

Mr Deputy Speaker (Mr Kennedy): Ms Nichola Mallon has given notice of a question for urgent oral answer to the Minister of Health. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary.

Ms Mallon asked the Minister of Health whether all children in Northern Ireland with spinal muscular atrophy (SMA) type 1 will be included in the potentially life-changing nusinersen drug trial.

Mrs O'Neill (The Minister of Health): This is a very sensitive issue, as these families are dealing with very difficult diagnoses of SMA and their children have very complex needs. I understand the concerns of those families involved and their request to have their children enrolled in the extended access programme of nusinersen, the potentially life-changing drug, to treat spinal muscular atrophy, and I am fully sympathetic to their concerns.

Clinicians in the Belfast Health and Social Care Trust made a clinical decision to use the extended access programme to provide this drug in an individual case to treat SMA. On this basis, the extension of this programme is a decision for the clinicians in the Belfast Trust. Like the Member, I am aware of the concerns of parents of children with SMA about the communication. My Department has raised these concerns with the trust, which in turn has assured me that urgent action will be taken to make contact with the families involved. I understand that direct contact will be made this Thursday with the families, offering a face-to-face meeting with the clinical team in the children's hospital.

Ms Mallon: I thank the Minister for her response. The Minister will know that I have

raised this issue. I wrote to her twice before Christmas asking her to meet a family to discuss specifically access to the drugs. We have only four children in Northern Ireland who have this rare condition, one of whom is getting access to the drugs trial and three of whom are yet to get any decision on access to it.

Can any assurance can be given that, if those three children — Caoilte Fitzsimmons, Mia Warren and Noah Collins — meet the suitability tests, they will face the very real prospect of getting access to what is a life-saving and life-changing drug, given that the Health Department does not have to pay for it but simply provide the theatre space and medical staff to administer it?

Mrs O'Neill: I thank the Member for her question. Again, a member of my team has met all the families involved to discuss their individual circumstances. Obviously, everybody's condition will have different circumstances. This is a clinical decision; it is not for me to make a decision on who should get what drug or who can get access to the trial. I want to make sure that these families, who are dealing with very complex and challenging conditions, are given absolutely every support and every lifeline possible, because that is what we are talking about.

I think there has been a breakdown in communication. We need to rectify that problem, and I have asked the trust to do that. I am glad the families will be engaged with and offered a face-to-face meeting on Thursday so that they can get the full facts and details. It is important we do not raise expectations, because you and I are not medically qualified to decide which child should have the drug or access to the trial. If clinicians decide that is the case, that is who should make the decision.

I think it is important that, because this is so sensitive, we do not raise expectations with families. I am glad the families will now have an opportunity to talk to clinicians about their individual circumstances with the medically trained people who are qualified to make the decision and give them access to the trial, if that is what is suitable for their child.

Mr Allen: I take this opportunity to thank the Member for North Belfast for bringing this very important matter to the Floor and the Minister for coming here today. Minister, I have also written to you on this matter, and, indeed, I am aware that your officials have been to see one of the families who engaged with me. From my engagement with the clinicians, it is my

understanding that it is, indeed, resources and infrastructure that are a barrier to the other three families being offered this procedure. If that is the case, will you have engagement with the health trust to ensure resources and infrastructure are in place to offer this procedure to the other three families?

Mrs O'Neill: I thank the Member for his question. Again, I make the point that it is, ultimately, for clinicians to decide who gets access and to decide on the allocation of resources to provide this drug. We know there are a lot of additional needs involved in being able to provide the drug. Let us be very clear: it is not a money issue, in that sense; this is a drug that is not yet licensed for use in the North. As I said before, it has been made available to one child as part of a special programme. It is definitely not a question of there being a lack of funding to supply the drug. Decisions on the use of the clinical resources in hospitals are, quite properly, for clinicians to make.

Needless to say, these are families in very difficult circumstances and the children have very challenging needs. I am sure it is very difficult for all the families involved, so we need to be very sensitive to the issue. I can give an assurance that all those families will be properly engaged with, and if there is a route for them to get into this trial and it is beneficial medically for their child, the clinician will have to arrive at that decision in conjunction with the family.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Member for her answers thus far. It is clear in this case that there has been a breakdown in the relationship between the parents and the trust. Will the Minister tell us what is being done to rectify that problem?

Mrs O'Neill: That is something we can all agree on, and the concerns of parents about communication are valid. We will rectify that, and, as I said, all families will be engaged with directly by the trust and, in turn, by the clinicians on their own child and particular circumstances. They will be given the fullest information possible to allow them to make a decision on the future health support for their child.

Ms Bradshaw: Minister, your response seemed very hopeful, and I hope the clinicians will come through with the best solutions for the families. It strikes me, as you said, that it is not really about resources; it is about getting people in the system. As this is your last session in this mandate, when are you going to launch the

waiting list strategy you said would come out this month?

Mrs O'Neill: I said I would publish it before the end of the month, and I am still on course to do that. We are finalising all the details, but I will take the opportunity to publish it, as I said I would. It is part of the wider transformation programme that I have already set out and that we need to see brought through, because we have to transform the health service. We have all well rehearsed the arguments for why we need to do that. Part of the transformation programme has to be to tackle waiting lists to build public confidence. I am on course to publish the plan.

Mrs Dobson: I thank Nichola Mallon for tabling this important question today. I understand that, through correspondence with my colleague Andy Allen, and he articulated this earlier, limited resources and challenges are being cited as the reason. Those are not acceptable reasons for young children to be denied access to a drugs trial. Elections aside, Minister, what guarantee will you give that those children will not continue to be neglected in the weeks and months ahead?

Mrs O'Neill: I was very happy with the tone of the questions so far, because we have to be very sensitive to this issue, so it is unfortunate that you are trying to use it to electioneer. These are four families who are in a very difficult situation as a result of their children's diagnoses, which can be life-threatening for some of them. We therefore have to be very sensitive to the needs of these families.

Regarding the drug and getting into the clinical trial, as I said, the drug is not yet licensed. We do not want to build false hope that the clinical trial will benefit all those children, because we do not know. You are not qualified to make that assessment and neither am I, but I am very clear about that. These are clinicians' decisions to take, and that is how they should be taken. What is most important here is that the families be engaged with, that the communication issue be addressed and that they get all the information and the fullest of support that the health service can provide them with at this time.

Mr Durkan: The Minister is quite right: it would be ultracrepidarian of her and us to say what patients get what treatment. Those decisions should be made by the experts. I think that we heard a bit of an assurance there. Will the Minister reiterate that this decision and other

decisions around patients' treatment are made on a clinical basis and not a financial one?

Mrs O'Neill: Yes, I can absolutely confirm that. I am not a clinician, I am not medically qualified and I would never want to make a decision on what child gets access to any life-saving drug or clinical trial. It has to be based on medical considerations, and I would never interfere in that.

Mr Deputy Speaker (Mr Kennedy): That concludes that item of business. I ask the House to take its ease before we move on to the next business.

(Mr Speaker [Mr Newton] in the Chair)

Ministerial Statement

Public Inquiry on the Renewable Heat Incentive Scheme

Mr Speaker: I have received notice from the Minister of Finance that he wishes to make a statement.

Mr Ó Muilleoir (The Minister of Finance): On my way in, my dear friend Chris Lyttle from East Belfast asked whether this will be an hour-long statement, and I said that I could do a summary at the top of the statement, which is that the type of inquiry that I would like to see — I think that it is an inquiry that he and members of the public would like to see — is a no-hiding-place public inquiry into the RHI scandal that asks, in public session, hopefully on TV, "What did you know and when did you know it?" Additionally, it would be an inquiry that follows the money, and, after all that, it would hold to account, no matter how high or low a position someone holds, anyone responsible for wrongdoing. The inquiry and its conduct will be a matter for the chair. I will move now to the formal statement.

3.45 pm

Ar an 19 Eanáir, d'fhógair mé go bhfuil sé i gceist agam fiosrúchán poiblí a thionscnamh ar an scéim neamhtheaghlach in-athnuaite dreasachta teasa (SDT) — inniu, tagaim os comhair an Tionóil le sonraí an fhiosrúcháin sin a dhearbhu, lena n-áirítear ballraíocht an fhiosrúcháin agus a théarmaí tagartha. Mar sin féin, sula dtugaim faoi seo, tá sé tábhachtach go bhfanaimid dírithe ar na cúinsí a thug chun an phointe seo muid agus a chiallaíonn anois gur fiosrúchán poiblí an t-aon bhealach inchreidte chun tosaigh.

On 19 January, I announced my intention to institute a public inquiry into the non-domestic renewable heat incentive scheme. Today, I come to the Assembly to confirm the details of the inquiry. Before doing so, it is important that we remain focused on the circumstances that have brought us to this point and which now make a public inquiry the only credible way forward.

The non-domestic renewable heat incentive (RHI) scheme was introduced in November 2012 to support the then Executive's Programme for Government commitment to renewable energy. It was conceived with laudable ambitions, and optimism, to achieve 10% of our energy consumption from renewable sources by 2020. We must focus on why the botched RHI scheme went wrong and the circumstances surrounding it rather than the environmental principles underpinning it, which remain right and proper.

It is important to acknowledge that although this inquiry will examine allegations of wrongdoing, many people did act appropriately in relation to the RHI scheme. In particular, I would like to recognise the work of my officials who, working with the Comptroller and Auditor General, have diligently and fulsomely applied the principles of financial governance and probity as set out in the 'Managing Public Money' requirements. It was my officials who unearthed this financial calamity and formally notified the Comptroller and Auditor General, who then reported to the Public Accounts Committee. It is worth noting that that happened under the tenure of Minister Mervyn Storey on 19 January 2016. My officials have thus played a crucial role in bringing transparency and scrutiny to this scandal. Additionally, given the position of my Department at the nexus of government, I am ideally placed to initiate this inquiry.

The case for an independent investigation into the RHI scheme is clear-cut. In his June 2016 report, the Comptroller and Auditor General concluded that:

"This scheme has had serious systemic weaknesses from the start";

weaknesses that have resulted in overcompensation, abuse and significant financial risk to our Budget and the public services it supports.

According to the Comptroller and Auditor General, the RHI scheme has the potential to cost the public purse up to £490 million over 20 years. That is money that, as Finance Minister, I would much rather see being directed towards

vital public services; strengthening the health and social care system, building an infrastructure that is fit for the 21st century, and educating and training people.

In recent weeks, we have had a drip feed of serious allegations of corruption, mismanagement, incompetence and political interference surrounding the scheme. Members know my preference — it is on public record — for a time-bound, independent, judged investigation under new legislation. That was underpinned by two key requirements to ensure that the public could have confidence that it would get to the truth and that this would come out for all to see.

First, it is absolutely vital that any investigation has the powers to compel witnesses and evidence. Secondly, the investigation needs to be free from ministerial control or interference. The need for agreement on new legislation and the pending dissolution of the Assembly meant that it was not possible to pursue that preferred approach. But there cannot be obstacles placed in the way of truth. That would be wholly unacceptable to the public.

In that context, the only way in which to respond to the public interest now is for me to launch an inquiry, to be held under the Inquiries Act 2005, reflecting the scale of public concern on the matter. I am pleased, therefore, to inform Members on the shape that that inquiry will take.

I now have in place an independent inquiry chair, distinguished retired Lord Justice of Appeal, Sir Patrick Coghlin, who was nominated to chair the inquiry by the Lord Chief Justice. I am very pleased that Sir Patrick Coghlin has agreed to lead this inquiry. I know that he will be unflinching in his pursuit of the truth and scrupulous in his analysis of the evidence. I have agreed with Sir Patrick Coghlin that he will be supported by two panel members to get to the truth of this affair. If the panel considers it appropriate, assessors may be appointed to assist them. These individuals, to be appointed, will have relevant expertise and be from outside the North.

I turn to the terms of reference for the inquiry, which I have made as broad as possible in order to give latitude to the inquiry chair in his work. It sets the framework under which the inquiry will investigate, inquire into and report on the RHI scheme. This includes its design, governance, implementation and operation, as well as measures to control the cost of the scheme from its conception in 2011 to the conclusion of the inquiry. While the areas it will

investigate will be wide-ranging, it will necessarily include key areas in which there has been huge public interest, including the development and roll-out of the RHI scheme by the then Department of Enterprise, Trade and Investment; the signing off of the scheme by the then Department of Finance and Personnel; the issue of cost controls and tariffs; the delay in implementing cost control measures before November 2015, which led to the spike of autumn 2015; and the closure of the scheme in February 2016.

I want to thank the Assembly parties who met me yesterday for their input to the terms of reference, which has, along with Sir Patrick Coghlin's expert opinion, helped to shape a robust and balanced framework for the inquiry. I have laid a copy of the terms of reference in the Assembly Library. These will only be amended at the request of the chair. I repeat, the terms of reference will only be amended at the request of the chair. That is a power that I have under the Inquiries Act which I will not be using.

The inquiry team will begin its work on 1 February 2017 and will report as expeditiously as possible. Openness and transparency will be key touchstones for Sir Patrick Coghlin and his team. Earlier, I pointed to two key requirements, and the investigation will have the power to compel witnesses and evidence. Rest assured, every stone will be turned. There will be no dark corners where the light will not be shone.

There are shortcomings in the Inquiries Act around the potential for political or ministerial interference. Therefore, I wish to reassure the public by setting out the steps that I think must be taken to ensure absolute openness and transparency. The arrangements I have detailed in this statement are intended to ensure this. It is also important to stress the following: having been established, the inquiry will now progress entirely in the hands of the chairman. Sir Patrick Coghlin will, within the terms of reference I have set out, have absolute control over the scope and execution of the inquiry. The chair has indicated that it would not be appropriate to issue an interim report. Likewise, the chair informs me of his obligation to deliver the report to the Finance Minister. I call on all Members from all parties to join me in pledging that any future Finance Minister will immediately publish the report as received.

The inquiry will be impartial and objective. It will be tasked with getting to the truth of the RHI scheme. I will not interfere in its work. It will be entirely independent. There is an urgent need

to get to the facts of the RHI scheme, to identify negligence, incompetence, alleged corruption and abuse, and to hold those responsible to account.

Tá mé feasach go dtéann an cheist RHI thar chúrsaí airgeadais chuig ceisteanna rialachais agus ionracais. Trí aimsiú na fírinne faoin scannal RHI, creidim go rachaidh an fhoireann fiosrúcháin seo, faoi stiúir Sir Patrick Coghlin oirirc, i ngleic leis na saincheisteanna sin agus dá bhrí sin, rachaidh sé bealach éigin le hatógáil a dhéanamh ar mhuintín scriosta an phobail sna hinstitiúidí.

Mr Speaker, I am aware that the RHI issue goes way beyond financial matters to questions of governance and probity. By getting to the truth of the RHI scandal, this inquiry team, led by the distinguished Sir Patrick Coghlin, will, I believe, address those wider issues and, therefore, go some way to rebuilding the shattered public confidence in these institutions.

Mr Smith: I welcome this public inquiry and thank the Minister for his consultation on the process. Unfortunately, this is yet another failure of this dysfunctional Executive — that the Northern Ireland electorate will go to the polls without an output from this inquiry, due to the failure to set up an inquiry well over a month ago when we first called for it.

Why has the Minister not insisted on a preliminary report so that the Northern Ireland electorate can go to the polls with some relevant information on the scandal? Why has he not confirmed a timeline for publication and outlined a process for the independent appointment of the two panel members referred to in the report?

Mr Ó Muilleoir: Thank you, Mr Smith. I know that there is an election coming and it is, at times, difficult to appease the Ulster Unionists. I have a recent memory of the Ulster Unionist Party wanting a public inquiry into the RHI scandal: you now have one. Do not prejudge the actions of Sir Patrick Coghlin. He will act in an impartial and objective manner. He will be scrupulous in getting to the truth and unflinching in making sure that he is not deflected from that purpose.

It is my view that the best way forward is for the Minister to butt out. The chair has said that he does not think it appropriate to deliver an interim report. We should respect that. If Mr Smith believes that the Minister should start interfering with the impartial work of Sir Patrick Coghlin on day one — actually, day one is 1

February, so we are talking about minute one — he has another think coming. I trust Sir Patrick Coghlin and have confidence in him to deliver to any future Assembly a report with recommendations and observations that will satisfy the public thirst and hunger to get to the bottom — the truth — of the RHI scandal. I suggest to the Member that he should have the same confidence in Sir Patrick Coghlin.

Mrs Little Pengelly: I thank the Minister for his statement. In one sense, it is a little unusual, in that it is not clearly within the Finance brief, but is an operation of the ministerial powers in relation to this. I very much welcome that.

The DUP has, for some time, made it clear that we want an independent and robust inquiry capable of getting to the truth, regardless of what form that inquiry takes. There are some concerns, as the Minister will be aware, in relation to an inquiry under the Inquiries Act 2005 in relation to the potential for excessive legal costs and the potential for a lengthy inquiry. I am somewhat disappointed to hear that there is no intention to publish an interim report. I know that people want to see the truth about this. I know that those who feel unfairly vilified want the truth to come out as soon as possible. What discussions has the Minister had with the chair about the legal costs associated with the inquiry and about a time frame to ensure that the findings can be brought forward as soon as possible?

Mr Ó Muilleoir: I thank the Chair of the Finance Committee for her question and for calling into my office earlier, where we had a short discussion about the statement and the terms of reference.

I return to my earlier point. The Member contradicts herself: if she wants me to go back to Sir Patrick Coghlin and demand an interim report, she is green-lighting interference in the RHI inquiry. I am absolutely steadfast in refusing to go down that route. That said, I take the Member's other points. She is right: under a different type of inquiry — it is interesting that the Irish word for inquiry is *fiosrúchán* and the Irish for investigation is *fiosrúchán* — we might have had the opportunity to look at costs and time. I know that that is something that she tackled with regard to the historical abuse inquiry. They are flaws in the Inquiries Act 2005. That said, Sir Patrick Coghlin knows from his engagement with my officials and from the terms of reference that the public will have an eye to the costs and he is encouraged to be cognisant of them.

I think that Sir Patrick Coghlin will also be aware of the fact that people would like to reach some conclusions. We have just finished the historical abuse inquiry, which was a massive, wide-ranging inquiry, involving many continents and hundreds, if not thousands, of people. The RHI issue is fairly specific, and much of the relevant material is available to this Government, never mind to anyone else. We can, I think, be hopeful that the number of witnesses called will be circumspect, but, of course, it is a matter for the chair. I share the hopes of the Member that we will expeditiously get a report. That said, these are matters for the chair. If pressed, I would think it appropriate for us to have a report six months after the inquiry starts, but that, in my view, is a matter for the chair.

4.00 pm

Mr Speaker: Before I call Mr Conor Murphy, I must advise that we have a very long list of Members wishing to ask a question. We are limited in the time that the Minister is here. I ask Members to keep questions short, sharp and focused.

Mr Murphy: Gabhaim buíochas leis an Aire. It appears, Minister, that everyone here was clamouring for a public independent inquiry but now wants to stamp their conditions on such an inquiry. The Minister clearly identifies that public confidence in this institution has been shattered as a result of the behaviour of successive DUP Ministers in relation to the issue. Is he certain that the inquiry that he has proposed — one in which he appears to be handing over all control to the judge and thereby taking the political out of it — will go some way to restoring public confidence in this institution?

Mr Ó Muilleoir: Gabhaim buíochas leis an Chomhalta as a cheist. I believe that, contrary to what Mr Smith said and Mrs Little Pengelly suggested, the idea of divorcing ourselves from the chair is the right way forward. Anyone who believes that the public would have more confidence in the inquiry if I were to continue to interfere in the terms of reference, say that a future Finance Minister should not publish the report or interfere in the disclosure of documents and that that is the right way forward in helping restore public confidence has, for sure, not been watching TV since 'Spotlight' went out last December. I think the public will welcome the fact that not only have I accepted the Lord Chief Justice's nomination of Sir Patrick Coghlin but I am going the extra mile and putting into the terms of reference — I am

not obliged to do this, but I think public confidence demands it — a series of commitments and pledges. Who knows if there will be a future Finance Minister? Hopefully, there will. Who knows what party that Finance Minister will be affiliated to? But I trust and believe — I am not hearing it just yet — that every party will give the pledge that I am giving that there will be no ministerial interference in the inquiry. I am taking that for granted, despite the questions so far.

You cannot have your cake and eat it: either you want the Minister to interfere, which would absolutely undermine public confidence in the route that I have chosen, or you want to restore public confidence and get to the truth of RHI. The way to do that is for the Minister to step back and to give a pledge to serve the public interest.

Ms Hanna: I thank the Minister for his answers so far and for the announcement of the inquiry. In common with other Opposition parties, we have been calling for a long number of weeks for an inquiry under the 2005 Act. I am glad of the acknowledgement of that. Better late than never, although it is a regret that people are going to the polls without at least some of the facts being in the public domain, free of spin. I also acknowledge that you have taken on board some of the feedback that we submitted yesterday on the terms of reference.

In the background, Minister, you state that it was your officials who unearthed this financial calamity. Are you satisfied that your officials and, latterly, you have done enough to uncover this, address it and rectify it in the time that you have been in the post?

Mr Ó Muilleoir: I thank the Member for her question. I also thank her party for making suggestions yesterday that were discussed as part of the conversations around the terms of reference between Sir Patrick Coghlin, my officials and me. I also welcome the fact that there is a clear welcome from the SDLP for the route that I have chosen. It is absolutely essential, now that we are on the path of seeking the truth of RHI, having set up an inquiry and got a distinguished justice to lead it, that we make sure in the time ahead that every party supports that and does not interfere in the work of the inquiry.

In relation to the question asked, I want to speak in particular of the seven months that I have been in the Department of Finance. I have been deeply impressed by the commitment, diligence and alertness of my

officials to the RHI scandal. I mentioned previously alerting the Comptroller and Auditor General. I want to again put on record my praise for him, which I mentioned — I became the first Minister since devolution to meet the Comptroller and Auditor General last week — and for his work in this regard.

It is important to explain this to the Member because there was a misunderstanding, I think, of the role of the Finance Department and the Finance Minister in regard to all other Departments. It is a long time since Mark Durkan was Finance Minister so perhaps the institutional memory of that is gone. The Department of Finance does not hold responsibility for total financial management of all expenditure, and I know that other Ministers are very glad of that. The Department of Finance does not hold responsibility for total financial management of all expenditure. Its critical role is to ensure that all Departments comply with the highest standards of accountability and governance as set out in the 'Managing Public Money' protocols. When those standards are breached, the Department of Finance has a duty to inform the Comptroller and Auditor General, as it did in the RHI case, which resulted in the irregular spend.

Dr Farry: Speaking for a party that has a longer pedigree in advocating a public inquiry than both the DUP and Sinn Féin, I nonetheless welcome this announcement, despite the torturous path that we have had and, indeed, the missed opportunities. Does the Minister believe that 1(b) of the terms of reference is sufficiently robust and comprehensive to cover, in essence, the interface between government and political parties, namely the DUP, in particular, given that a lot of the narrative around this controversy over the past number of weeks has involved characterisations that probably go beyond what you would associate with the normal process of government? It is important that we capture the actions of individuals beyond their strict roles as Ministers and advisers, be it a party political role or a party consultation role, in the actions being taken.

Mr Ó Muilleoir: I thank Dr Farry for his question. I note in the debate yesterday that he talked about a "leap of faith" in the RHI solution in terms of the finances. There is, of course, a leap of faith in this, but I think that he shares with me the confidence in Sir Patrick Coghlin.

As for 1(b), I hope that the terms of reference are as wide-ranging and as broad as possible. Do not forget that if, in the coming days or, indeed, the coming weeks, you discover or

someone else in the public discovers that there is an omission, the way forward is for Sir Patrick Coghlin to bring that forward and ask for an amendment to the terms of reference. The pledge that I am giving is, I suppose, a double pledge: any requests from the chair will be acceded and agreed to; and I will not come back with terms of reference to interfere in his conduct of the inquiry. So, if Dr Farry believes that perhaps there is an area that needs even broader remit, he is welcome to raise that matter with the chair of the inquiry.

I stress again that, when we set about this, we said, "How do you find out the truth of the RHI scheme? How do you get to the dark corners? How do you make sure that no one can avoid the consequences of behaviour that was wrong? How are we going to hold people to account?". The answer was, "Let's make sure it's broad enough to cover all eventualities". There is, however, the safety catch that, if in the time ahead, we find that we have omitted something, and if Sir Patrick Coghlin asks for that, I am giving a pledge to accede to any requests from him. Of course, I ask that any future Finance Minister be equally agreeable.

Mr Poots: I welcome the fact that we will have an independent means of getting to the truth. Given the maelstrom of information and misinformation that has been in the public arena, I would like to get to that truth as quickly as possible. Therefore, I would have preferred a different kind of inquiry, but nonetheless. Was there a discussion with the panel chair about how long it will take to conduct this inquiry? Will there be an early findings paper produced based on the initial findings? If so, how quickly can that be received, because I think that the public deserve answers quickly?

Mr Ó Muilleoir: I thank the Member for his question. Let me just bring you up to date with some of the issues in the discussions with Sir Patrick Coghlin. The inquiry, as you will see, Mr Poots, begins on 1 February; I presume that is for gathering papers. It is Sir Patrick Coghlin's opinion and conviction that there should not be inquiry hearings before the election. I think Members understand why he has come to that conclusion, and that is his decision.

It is also for Sir Patrick Coghlin to decide how long the inquiry will take. I think he has to follow the evidence, but he is aware of my opinion, which I repeated here today, that the public would like, expeditiously, to get to the truth and to a final report. I think he will take cognisance of that. But again, I do not think it is our role to tell him — certainly, we cannot tell

him under the Inquiries Act 2005 — that it has to be time-limited. I still have the feeling that a six-month inquiry on this specific issue should be able to deliver for us, but it is a matter for the chair.

I will repeat what I said earlier, Mr Poots; I am not sure whether you were here. The chair is very strongly of the opinion that there should not be an interim report. He will not make any report until he has all the facts gathered. That is his determination on these matters and what he has stated, so he will not produce an interim report, much as many of us would like to see that. I respect his judgement, as with all these matters in that case.

Ms Archibald: I thank the Minister for his statement. He outlined that there are several dimensions to the inquiry, which are obviously necessary to get a full understanding. Will the inquiry examine the full circumstances surrounding the closure of the scheme in February 2016?

Mr Ó Muilleoir: Go raibh maith agat as an cheist sin. I think it must. I followed the Public Accounts Committee under my colleague Mr Swann, and I read the devastating October hearing when Ofgem appeared. It was clear not only from that Committee meeting but from the many Committee meetings and the great work the PAC has done on this that the spike is the focus. Obviously, there are many issues from its inception to its closure, but it seems to me beyond a shadow of a doubt that the spike is where we got hurt. As the Comptroller and Auditor General said, the cost of the spike to our public purse is estimated at £24 million for 20 years. It is correct that the inquiry will, I am sure, devote much of its resources to that period.

I want to mention one other thing, since I have brought up the PAC and Mr Swann is here. That issue is Ofgem. Members will note that Ofgem is also mentioned in the terms of reference. I want to quote Mr Swann when he finished the PAC meeting with Ofgem. He said:

"my impression of Ofgem has plummeted today, and my confidence in it as an organisation has definitely been shaken by what I hear about how you have managed the scheme to date. The answers that I heard today have made me question my belief in your competence as an organisation."

Ofgem will also be scrutinised under the terms of this inquiry.

Mr Wells: Like many other Members, I welcome this announcement, but I think out there amongst the public there will be several questions. First, can the Minister give us a ballpark estimate about the cost of the inquiry? Secondly, can he give us an indication of where it will be physically held?

Mr Ó Muilleoir: I thank Mr Wells for his question. As you know, Mr Wells, I would prefer to go down a different route where we might have some more impact or influence on costs. We do not have that here. All I can say is that Sir Patrick Coghlin understands it is the wish of all of us that the costs of the inquiry do not add to public disquiet over RHI. He is cognisant that the terms of reference encourage him to be cautious about costs.

We do not know where it will be held. I have a desire to see the inquiry held in public session on TV, and, in that regard, I know of a building with committee rooms that have TV coverage so that sessions can be broadcast. At this stage, the conversation about where the inquiry would be held is continuing.

4.15 pm

Mr Nesbitt: For the avoidance of doubt, we are not advocating any ministerial interference from this point on. We are simply questioning what is and is not in this document to date. To be fair, in supporting a 2005 Act inquiry and, from what I read, incorporating all our recommendations following our discussion yesterday on the draft terms of reference, you and your party have come a long way on to our ground, and that is to be acknowledged. If we are now parking this politically, giving it over to the judge and trying to move on politically, I think that it is appropriate to ask a political question. The Minister said that he was ideally placed to bring forward and commission this inquiry. Be that as it may, he was ideally placed to bring forward a Budget. What does the fact that you are bringing forward this and not a Budget tell the public about the ability of you and your colleagues in government to deliver a fresh start?

Mr Speaker: The response is for you, Minister.

Mr Ó Muilleoir: I am going to respond by saying this. Philip Smith is sitting closer to you than he is to me. He said that I should tell the chair to produce an interim report. Where I am from, that is interference. That is the red line that I will not cross. I understand that, with the echo in here, you perhaps did not hear Mr Smith implore me to interfere in the work of the

public inquiry, but again, Mr Nesbitt, I say that that is a red line that I will not cross. I pledge that I will not interfere in the inquiry. I have still not heard the same pledge from the Ulster Unionist Party. Once today, your spokesperson on the issue and on the economy has asked me to interfere in the public inquiry. I have rebutted him. I suggest that perhaps you do the same. I do not want to say that I will not give an inch and that there will be no surrender on the issue, but I will not be interfering with this public inquiry. I suggest that you get on to that page as soon as possible.

Mr Smith: On a point of order, Mr Speaker.

Mr Speaker: Point of order, Mr Smith.

Mr Smith: Thank you, Mr Speaker. Can I just ask —

Mr Speaker: Sorry, we will take your point of order at the conclusion of questions on the Minister's statement.

Mr McCartney: Gabhaim buíochas leis an Aire as a ráiteas. I have heard the Minister's pledge this afternoon, but how can he ensure that there will be no political interference?

Mr Ó Muilleoir: Gabhaim buíochas leis an Chomhalta as Doire as a cheist. I can certainly assure the Member of that for the five or six weeks, or however long it is, until the election, because I will be Minister until that date. I get the sense that everyone else, with the exception of the Ulster Unionist Party, believes that there should not be any interference in the time ahead and that the pledges that I have made will be delivered on by any future Finance Minister.

Let us go through some of the ways in which, under the 2005 Act, the Minister could interfere, tamper or mess with the inquiry. In the next six weeks, it is possible for me, as Minister, to amend the terms of reference, appoint members of the panel and restrict public access to the inquiry. I can prevent publication of evidence placed before it. I can prevent publication of the inquiry's report, and I can suspend or terminate the inquiry. You can understand, Mr Speaker, why some people have doubts about the efficacy of the 2005 Act. To address those commitments, I have appointed a judicial figure, who was selected by the Lord Chief Justice, to chair the inquiry. I will appoint, as necessary, additional inquiry panel members as agreed by the inquiry chairperson. It is his choice absolutely. If the chair asks for assessors, I will appoint those also. I will

amend the terms of reference only on request from Sir Patrick Coghlin. I will not exercise the power to restrict public access to the inquiry under section 19 of the Act. It would be invidious for any Minister to do that. If public interest or other issues arise under section 19(3) of the Act, the procedure for seeking a restriction order through the inquiry chairperson will apply. As we go forward, I am ceding all power in this matter to Sir Patrick Coghlin.

Ms P Bradley: I thank the Minister for his statement. I welcome his strong words about independence. The purpose, scope and terms of reference are to restore public confidence in this Government. Following on from the previous question, is the Minister now going to refrain from any further public comment on the issue, barring comment on issues where he has to amend?

Mr Ó Muilleoir: I thank Ms Bradley for her question. The wonderful thing is that when the chair carries out his independent review, the rest of us can say whatever we want, but we cannot interfere with the public inquiry. I think that the Member and I are keen for the public inquiry to be set up, because we know that, on the streets and roads that we work in, and in the communities that we mobilise and are active in, there is outrage over the cost of RHI.

When people in the Duncairn Centre for Culture and Arts on the Antrim Road, the Mater Hospital, the Ballybeen autism resource centre in east Belfast, the great youth clubs or Sure Start clubs see the scale of the money involved — £85,000 a day — we understand why there is a lack of confidence in the institutions and why there is outrage. I hope that today we have taken a strong step in saying to the public that we understand that they have been hurt by this. This has economic consequences for ordinary people, and we are taking an important step today to start building confidence again by appointing an independent person of great probity who has given his life to the law. We believe that Sir Patrick Coghlin will be impartial and objective, and will, I trust, deliver a report to us that gives us the answers that the public want.

Mr McGlone: Gabhaim buíochas leis an Aire. Molaim an tAire as gabháil i bhfách leis an fhiosrúchán phoiblí seo; molaim é as an neamhspleáchas intinne a thaispeáin sé, fiú in éadan thoil a pháirtí féin. I genuinely welcome the Minister's decision and the independence of mind and spirit he has shown, against even the wish of his party at this time. His statement refers to his officials unearthing the "financial

calamity". Will he please indicate when those officials unearthed this information and to whom they provided it, including any other Departments?

Mr Ó Muilleoir: Go raibh céad maith agat as an cheist sin, a Phatsy. Is mór an trua nár stop tú ag "Molaim an tAire"; bheadh sin i bhfad níbh fhéarr. I thought for a minute that the distinguished Member was going to stop at, "I praise the Minister", which would have been the perfect response to my statement.

The issue is that, very importantly, when the spend was found, in January 2016, to be clearly out of kilter with the business case that had been submitted for RHI, my officials — at that time, Mr Storey was the Minister who had stewardship of the Department of Finance, so they were his officials — informed the Comptroller and Auditor General, Kieran Donnelly, who, as the Member will know, is ruthless when it comes to spend that is deemed irregular. That led to the report in June 2016. I know that the Member has studied that report. That, I think, was the most important piece in this jigsaw, which is not yet complete. I believe that the Comptroller and Auditor General served the public interest by issuing that report in June, and that triggered the PAC inquiry. That reporting by the officials, as is appropriate and as they are obliged to do, to the Comptroller and Auditor General in January 2016 was important in uncovering what was happening with RHI and led us to this position today. We are trying to get to the truth of what happened through this public inquiry.

Mr Speaker: Members, we are halfway through our time slot, and a considerable number of Members still wish to ask a question. I would like to get everyone in, and that means that Members have to keep their questions sharp and focused. Indeed, if the Minister can, without taking away from his explanation, do the same, we will make better progress.

Mr Girvan: Minister, I, too, welcome the inquiry. In doing so, I would like to know what is meant by a paragraph in your statement that you would have liked, and your personal preference was for, a time-bound inquiry. We have no indication of how long that could be. Unlike some people sitting in here, I have absolutely no confidence that the judicial system works expeditiously in trying to get something though as quickly as it can.

From what I can see, they tend to drag it out for extra money. I am not calling them into question. Why is there no limit on the spend on

the inquiry? Given the evidence that is already out there, there should not be the amount of money to put forward —

Mr Speaker: I ask the Member to —

Mr Girvan: It will come out of the public purse and our block grant.

Mr Ó Muilleoir: I thank Mr Girvan and sympathise with him, but the Inquiries Act does not allow me to demand a time-bound inquiry. In my view, the public would be content if it was a six-month inquiry, but neither you nor I will interfere with the chair, Sir Patrick Coghlin, as he sets about his work. I trust that he will be cognisant of time and cost issues, but we also need to back off.

Ms Ní Chuilín: The Minister mentioned the Public Accounts Committee's highly critical view of Ofgem's administration of the RHI scheme. Will the inquiry, in all the details and everything else, examine Ofgem's role in this and the administration of Ofgem vis-à-vis the former Department of Enterprise, Trade and Investment, now the Department for the Economy? Will the inquiry investigate and examine its role in managing Ofgem's management of the RHI scheme?

Mr Ó Muilleoir: Ba mhaith liom buíochas a thabhairt don Chomhalta as an cheist sin. I think that any inquiry will ask what went wrong, where it went wrong, who was accountable and what happened. In that context, I am totally convinced that the decision to involve Ofgem in the RHI scheme was a major mistake. Ofgem has failed. It was a badly created and badly put together scheme that had no proper cost controls, but the influence and presence of Ofgem in the middle of that added to what was already a mess. I hope that the inquiry — Ofgem is mentioned by name in the terms of reference — will not miss and hit the wall when it comes to looking at Ofgem's role in the entire matter. My answers are supposed to be short, so I will not mention that I am dismayed that Ofgem is to be part of the interim solution, but that is for another day.

Mr Dickson: Thank you, Minister, for meeting Mr Ford and me yesterday, as you have met others, to apprise us of the scheme. I am delighted that you have brought the inquiry forward, particularly as your party seems to have flip-flopped on the issue more times than a beachside shop in Portrush. Can we be assured that the terms of reference provide no hiding place for anyone and that all witnesses who will be required in front of the inquiry will be

brought there, whether or not they are in this jurisdiction?

Mr Ó Muilleoir: I thank Mr Dickson and Mr Ford for coming to meet me early in the morning. I was hoping to see Naomi Long, but she was on a very important radio show yesterday morning, so she could not make time for the Finance Minister. She has her priorities right — that is for sure. I think that we have managed, as have almost all the parties, to embrace the points that Ms Long put in a letter on Friday, I believe, about some of the terms of reference that you would like to see for the inquiry. As an overarching point and as the Member would expect, I think that we can commit to and have confidence in the chair to make sure that there is no hiding place. We will find out what went wrong and who was responsible. I trust that he agrees with me that, whoever was responsible, that person will be held to account and there will be consequences, no matter who they are.

Mr Chambers: Minister, Gavin Robinson MP was on the radio this morning, and he claimed that the DUP had come along to your party in the middle of December with a mitigation plan for the RHI scheme. Can you confirm whether that was the case?

Mr Ó Muilleoir: I did not hear the report and did not catch the name of the individual, but, if the Member wants to come back to me on that issue, we can discuss it with him. You are aware that there was a meeting on 14 December — it was in the media — between Simon Hamilton and me in Netherleigh. It was reported on 14 news channels, so that may be part of it, but, if the Member wishes to write and give me the name of the person — I did not catch who he is or where he was — I am happy to do that. For the record, the Finance Minister and the Economy Minister met on, I think, 14 December on the issue of RHI.

4.30 pm

Mr Clarke: Like others, I welcome the announcement today about a public inquiry. I take some comfort from Claire Hanna's suggestion that it will be free from spin. However, I note that the Minister said, even on previous occasions, that his top officials were involved in looking at the business case, and I presume that they have been involved with the terms of reference and assisting the Minister to this point. Is there not a direct conflict for the Minister's permanent secretary, given that he was the permanent secretary at DETI when the scheme was set up? If so, should he not step

aside, given that the Minister and many of his party Members asked Arlene Foster to stand aside?

Mr Ó Muilleoir: I thank Mr Clarke for that question. I know that Mr Clarke was at the PAC hearing that Robin Swann had the wonderful occasion to chair. I would have paid money to attend that because it was certainly a difficult session for the PAC. Let me tell you, Mr Clarke, the steps that I took to ensure that we have an objective approach from my Department in this regard. The deputy permanent secretary, Mr Colin Sullivan, was asked to lead on the issue and to be the interface on all matters relating to the inquiry, including with the judiciary. I am confident that those in my Department who have been involved thus far have not been involved in the RHI issues.

Someone asked where the civil servants would come from, so let me add that it is very important that the secretarial and administrative staff for the inquiry be independent. The word "independent" is, I believe, in the terms of reference. It is certainly accepted and will be essential that the staff who work to Sir Patrick Coghlin in making sure of the smooth administration of the inquiry are independent of any influence and were not involved in any way in RHI. I will leave it like that.

Mr Speaker: Members, we are making progress in getting all Members in, so I encourage short questions if possible.

Mr Middleton: The Minister has emphasised on a number of occasions the importance of the business case for the regulations. Can he indicate whether a business case has been completed to ensure the right approach and, if not, when it will be in place?

Mr Ó Muilleoir: I did not catch the Member. He asked about a business case. Which business case?

Mr Middleton: For the inquiry.

Mr Speaker: The business case for the inquiry.

Mr Ó Muilleoir: My apologies. I beg your pardon, Mr Middleton. Yesterday, we were discussing different business cases, and I became confused.

Where we are at the minute is that my senior official dealing with this, whom I mentioned earlier, is now working with Sir Patrick Coghlin to talk about the issue that Mr Wells brought up

— the venue — and to talk about the number of staff that he might need as well. Then we will be able to put a business case together and say, "Look, we think that it will be in Stormont" — that would obviously reduce costs as opposed to the Europa Hotel — "and we think that there will be four staff rather than eight staff". When we know those matters — I hope that it is a matter of days rather than weeks — we will be able to put a business case together so that we will have, if not certainty, at least a fair idea of the costs, which is a tough one, and the time. Therefore, the business case should stand up and give us some certainty about the costs of the inquiry in the time ahead.

Mr McNulty: Minister, we know that 80% of the boilers in the North are fuelled by wood pellets as opposed to 80% of the boilers in the UK being fuelled by woodchip. Can the Minister give us confidence that its terms of reference enable the inquiry to consider why the scheme in the North has been set up in such a way as to favour utilising the globally traded commodity of wood pellets produced by one company in the North called Balcas, which is a £100 million annual revenue company in Fermanagh in the First Minister's constituency? Maybe the Minister can give us confidence that the inquiry will give us clarity on that issue.

Mr Ó Muilleoir: I will say to the Member what I said to everyone else: I would have confidence in Sir Patrick Coghlin and his ability to get to the truth and investigate all relevant matters.

Mr Kennedy: I thank the Minister for his statement. Would he accept Sir Patrick Coghlin's recommendations in respect of the two panel members and endorse and confirm his choices?

Mr Ó Muilleoir: Yes.

Mr Ford: I was going to ask the question that Mr Kennedy asked. There is a real issue about ensuring that Sir Patrick has the appropriate expertise — financial and engineering — to assist him as assessors in the inquiry. If the Minister could confirm that it will not be simply a matter of bringing somebody in for an hour or two but that he gets the full professional advice that he needs throughout, that would be helpful.

Mr Ó Muilleoir: I believe that Sir Patrick Coghlin is aware that there may be some politicians retiring and they may like a job on the panel, but, in his view, of the two panel members, one should be an expert in this whole area of renewable energy and energy, and the other should be an expert in government

accounts. You may rest assured that it will not be just two people dragged off the street. It will be two experts in the relevant fields, and that is his intention as well.

Ms S Bradley: Likewise, I was just seeking clarification about the two panel members and the assessors if required. Who will be responsible for appointing those people? I accept that it has been recognised that there is an obligation that the report must be delivered to a Finance Minister. Has the current Finance Minister explored the possibility of the report being delivered to the public simultaneously, because we must face the sad fact that there may not be a Finance Minister?

Mr Ó Muilleoir: I thank Mrs Bradley for her question. That was a conundrum that we discussed with Sir Patrick Coghlin. First of all, yes, it will be his decision to nominate the panel members, and that will be done. In relation to the delivery of the report, you are absolutely right. I suggested that it should be released to the public, but Sir Patrick Coghlin pointed out that, under the Act, he is obliged to deliver it to the Minister.

So, I have made a pledge on my behalf — and I am here for only another five or six weeks — that any Finance Minister from the party that I belong to will release the report in full, as received, to the public immediately. I would ask that everyone else here endorses that approach. So the conundrum you raise was tackled. It is not the way I would have preferred. I would have preferred that the terms of reference stated that the report would be issued to the public, but as Sir Patrick Coghlin pointed out, he is not allowed to do that under the terms of the Act.

Ms Bailey: Can the Minister confirm whether the inquiry will, if necessary, have access to and be able to investigate any potential links, if they are found, between party donors and the RHI scheme? Furthermore, will the inquiry be able to compel documents from the Electoral Commission if need be?

Mr Ó Muilleoir: The Member brings up an important question. It is not only about the compellability of witnesses, that those who Sir Patrick Coghlin asks to attend have to attend, but the compellability of evidence. If there is information out there that Sir Patrick Coghlin needs in order to get to the truth of what happened, he can compel that evidence to be produced. So the answer is yes, and it is my understanding that there is no information, certainly in this jurisdiction — there may be

issues outside this jurisdiction — that he should not, or will not, be able to access.

Mr Allister: Would the Minister anticipate that this inquiry will operate on the basis of the chair appointing counsel to the inquiry, who will then cross-examine all witnesses? Further, will there be provision and criteria for legal representation by those appearing before the inquiry, and will Sir Patrick set that? Finally, if I can, does the Minister have any concerns that a permanent injunction that bans the naming of recipients could impact adversely on the inquiry?

Mr Ó Muilleoir: To start at the end, Mr Allister, I am confident that the names of the beneficiaries of the RHI scheme will be released to the public. Clearly, that will not happen today, but I believe that it will happen. I believe that Sir Patrick Coghlin will have access to those names as well.

Issues of counsel and representation are matters that are being discussed and considered by Sir Patrick Coghlin. I look forward to his conclusions on those matters. Whatever stance he takes is the stance that we will take and support in the time ahead. I hope that we will have some clarity about that. I think that the start date for the inquiry is 1 February. That will be an opportunity for Sir Patrick to answer some of those questions.

Mr Maskey: First, I thank the Minister for making an absolute pledge of non-interference by him as the Minister of Finance. I note that he has asked others to do likewise. I may have missed it — I apologise if I have — but I have not heard any other party, as yet, saying that, if one of its members becomes the Minister of Finance in a future Executive, they will adopt the same position of non-interference in any way whatsoever. I have not heard that and, if possible, I would like to hear that.

Yesterday, the Assembly considered a plan from the Economy Minister to save a figure of somewhere in the region of £30 million — it was certainly less than that — out of the total of £490 million. Will the inquiry be able to examine the efforts of the Department to contain the overall costs?

Mr Ó Muilleoir: I thank the Member for his question and his comments on my impartial approach to the inquiry and commitment of non-interference in it. I believe that all the facts relating to the RHI scheme will come out. Those of us who want to get to the truth and get answers about RHI are content that the full

picture will emerge. I am absolutely content and steadfast on the fact that, since my appointment, I have pursued the issue in a diligent and vigorous fashion. I regret that we did not reach the position we are in now in July 2016 after the Comptroller and Auditor General's report. The report was issued in June, and July was a great opportunity for the Department for the Economy to come forward with a solution. In October, key meetings took place between officials and there was again hope that the Department for the Economy would come forward with a quick scheme, but, of course, that did not happen at that time either.

You can rest assured and we can all take confidence in the ability and the determination of the chair to get a full picture. That picture will include recommendations and will spell out clearly, and in a way that cannot be disputed, what went wrong, who was responsible and who should be held to account.

Mr Swann: I start by reassuring Mr Maskey that, if the Ulster Unionist Party gets Finance, we will not interfere with the publication of the inquiry.

I have a point of clarification for the Minister. It was not, in fact, the Comptroller and Auditor General who triggered the PAC inquiry; the Public Accounts Committee triggered its inquiry on the back of the recommendations in the Comptroller and Auditor General's report.

The Minister referred to the work that the Public Accounts Committee has done and whether that will be made accessible to the inquiry. As Chair of the Committee, I will ask the Committee tomorrow to give assurances that all the documentation that we have, whether confidential or restricted, is forwarded to the inquiry as a matter of expedience. While I am on my feet, I want to pay tribute to the staff of the PAC — Lucia, Elaine, Karen and Darren — for the work that they have done since we started the inquiry. They have done sterling work since we started the inquiry in June.

I want to bring the Minister back to point 16 of the inquiry's terms of reference, which deals with the support that will be given to the panel. It states:

"the Panel will have access to external support and advice, including individuals with appropriate knowledge."

I seek assurance that proper due diligence will be carried out on those individuals to ensure that they have no connection to or any influence

on the concept, design or up-to-date auditing of the scheme.

4.45 pm

Mr Ó Muilleoir: Absolutely. I echo the comments of Mr Swann about the Public Accounts Committee. I know that copious documents have now been collected and much evidence presented. I presume that will be fed in as soon as possible to the inquiry. I particularly welcome — it was a long time coming — the pledge by the Ulster Unionist Party that it will not interfere in the inquiry. That is not only, of course, for some future Alice in Wonderland scenario where the UUP holds the Department of Finance portfolio but now. We all need to pledge now that we will not, for example, interfere with the chair and insist to him, "You have to produce an interim report". We all insist now that we respect the impartiality and objectivity of the inquiry.

Mr Attwood: I concur with the comments of Mr Swann about interference with the inquiry, but I add that there has been a quite transparent attempt by Mr Maskey to create a fog around the fact that this week his party is enthusiastic about a public inquiry and last week was absent without leave from this Chamber on that very issue. Everybody sees through the fog. Given the Minister's proper commitment not to interfere with the conduct of the inquiry, does he agree that under no circumstances under the flawed provisions of the Inquiries Act will there be any reliance in any shape or form on national security, the economic interests of Britain or the economic interests of Northern Ireland to suppress any detail in this welcome inquiry?

Mr Ó Muilleoir: If the Member is calling into question the commitment of Sir Patrick Coghlin to get to the truth, compel witnesses and compel evidence, we part company. My colleagues and I have been asking for some time for the rigorous fíosrúchán — inquiry, investigation, probe — into these matters. In fact, the interesting thing today is that the shortcomings some people highlighted are now being discussed. Putting that to the side, they are, to some degree, in the past. I think we all want to keep costs under control, but we know that is not necessarily within the remit of the Minister under the Inquiries Act. We would all like it to be time-bound, but, of course, we cannot insist on that either. I know Mr Swann said that they would not interfere only with the publication of the report, but I think even he is saying it is his view that no Finance Minister should interfere with the holding of documents,

access to the inquiry and so on. I have confidence that we are at the start of a journey that will result in delivering to the public what it is hungry for, which is the truth of what happened in the RHI scheme.

Mr Speaker: I thank Members and, indeed, the Minister for their efforts to ensure that all Members who indicated they wanted to ask a question were able to have the opportunity to put their question to the Minister.

That concludes questions to the Minister.

Mr Ford: On a point of order, Mr Speaker. In his question to the Minister on that statement, Mr Paul Girvan suggested that some judges spin out cases inappropriately in their own financial interests. When I was Minister of Justice, I certainly heard such allegations made against a small number of solicitors and barristers, but I believe it is an entirely inappropriate suggestion to make about any judge. I believe the statement by Mr Girvan has called into question the integrity of Sir Patrick Coghlin and other senior judges in this jurisdiction. I also believe it would be appropriate on this, the last day of the Assembly mandate, that you invite Mr Girvan back to the Chamber and give him the opportunity to withdraw his remarks.

Mr Speaker: Thank you, Mr Ford. I think it is for Mr Girvan to consider his remarks, but I hope that, particularly in the situation we are in at this moment in time, the judiciary enjoys the confidence of all Members and, indeed, that that will remain the case in the days, weeks and months ahead.

Mr Nesbitt: Further to that point of order, Mr Speaker, I want it on record that the Ulster Unionist Party deeply regrets what Mr Girvan said and in no way wishes to be associated with anything that could be construed as an attack on the integrity of Sir Patrick.

Mr Speaker: You have placed your concerns on the record, Mr Nesbitt.

Mr Smith: On a point of order, Mr Speaker. The Minister, during his remarks, banded around the word "interference" like confetti. Can I clarify that we were here to discuss the terms of reference, or are they deemed to be "interference" as well?

Mr Speaker: You have placed your concerns on the record, Mr Smith.

Private Members' Business

Ministerial Code: Independent Investigation of Alleged Breaches

Debate resumed on motion:

That this Assembly acknowledges that it is in the public interest for there to be openness, transparency and accountability in relation to the Northern Ireland Executive; recognises the important role that the Northern Ireland Assembly Commissioner for Standards plays in providing independent investigation of alleged breaches of the Assembly's Code of Conduct by Back-Bench Members; further recognises that the current lack of independent scrutiny of Executive Ministers benefits neither the public nor the Ministers themselves; and calls on the Executive Office to bring forward urgently legislation to expand the role of the Northern Ireland Assembly Commissioner for Standards to allow him to investigate alleged breaches of the ministerial code of conduct. — [Mr Agnew.]

Mrs Cameron: I welcome the opportunity to contribute to the debate. However, given the context in which we are speaking, the motion is, at best, little more than mischief-making.

We have been returned to this House by our constituents, who have put their belief in us to uphold our professional standards and to act in their best interests in the decisions that we make. I agree that, by entrusting us with that responsibility, the very least that our voters can expect is a system that is transparent, open and accountable. In signing the Roll of Membership, I committed to the principles of the Assembly's code of conduct and have been faithful to working selflessly, with integrity, objectivity and accountability, in an open and honest manner, while providing leadership in my constituency.

The Northern Ireland Assembly Commissioner for Standards provides an invaluable service to the House by providing regulation and monitoring of the conduct of all of us. The scope of the commissioner's remit is to ensure that serious breaches of the code are fully investigated and that the integrity of the House is upheld. I repeat my initial remarks: the motion is simply mischief-making.

I fully support the notion that there must be a system in place to investigate serious breaches, but the commissioner is not here to act as the schoolmaster presiding over disobedient pupils. To suggest that we require yet another layer of

bureaucracy is completely at odds with the principles of streamlining and cutting red tape, which we have sought to achieve during this mandate and the previous one. During these times of austerity, when we need to ensure that we are getting the best possible value for money when using public funds, the idea that we should rush through legislation to add even more layers of bureaucracy is absurd. I am an advocate of transparency and openness in our government, as suggested in the motion, but the expansion of the commissioner's role and remit would place a barrier in the way of providing that.

This Assembly has deemed the Assembly's code of conduct to be fit for purpose, and it has been satisfied that the mechanisms are in place under the Northern Ireland Act 1998 to deal correctly with any breaches. I have said this on several occasions on varying matters, and I find myself saying it again today: bad legislation is worse than no legislation. Even if we were not standing on the edge of another election, the call to bring forward urgent legislation lacks any consideration for the process involved or the implications that it may have. The commissioner's role is clear, defined and wholly adequate. Any attempts to widen that role not only undermine the office of the commissioner but undermine the personal standards and accountability with which Members must uphold their own office. If changes are to be sought, they must only be carried out following thorough scrutiny and process. They should not be sought as an attempt to create issues where none exist. We would need to give further consideration to changes such as those outlined in the motion before making them. We must ensure that persons are not found guilty on issues before we even have the matter investigated.

Mr Beattie: I apologise to Mr Agnew for stepping out when he proposed the motion. I had a bit of a cough.

I support the motion. I support not just the words of the motion but the words of its proposer. We need transparency in government at all levels. I will keep my remarks reasonably brief, because I support the motion, but, as a member of the Standards and Privileges Committee, I have continually said that I believe in more standards and less privilege. All that we require is enough privilege to ensure that we can do our job effectively.

We must be held to account. Every one of us must be held to account, so we need more standards. It is clear that Ministers are bound by the Nolan principles. Do not worry, I am not

going to ask anybody what the Nolan principles are. I had to write them down just to remind myself. Sometimes, those principles have to be tested.

If the Assembly commissioner can investigate Members of the Assembly, it seems only reasonable that a similar investigation process should be in place to hold Ministers to account. There are certainly concerns about existing mechanisms to enforce the ministerial code, and we have seen Freedom of Information Act requests ignored; late ministerial statements so that they cannot be scrutinised before they are delivered on the Floor; Members' questions for written answer not answered or not answered on time; and, of course, the issue in regard to RHI and other scandals prior to my coming to the Assembly.

Given the state of politics in Northern Ireland today, given how people view us at the minute, and in light of scandal after scandal, surely we should all be supporting measures to improve the credibility of our Ministers. What harm would it do to permit the Assembly Commissioner for Standards to investigate alleged breaches of the ministerial code of conduct? It cannot but help. It must help.

Mr Agnew: I thank the Member for giving way. He asked why anyone would oppose this, and we have just heard Mrs Cameron say that it would be more bureaucratic. Does he think that it would be more bureaucratic than a public inquiry or more bureaucratic than, say, a Committee investigation into Red Sky?

Mr Beattie: I have got to agree, and I think that any sensible-minded person has got to agree. If you do not want the light of scrutiny shone into the corners of the work that you do, you have clearly got something to hide. I certainly have nothing to hide, and I do not think that any of us in public office should be hiding anything that we do.

I will finish by asking how this Executive, which have been damned in the eyes of the public, can argue against scrutiny and transparency? It is a simple process to have the commissioner look at all aspects of the Assembly, including Ministers, and it can do nothing but help us in the eyes of a public who do not view us in a good light at this time. I absolutely support the motion.

Mr Attwood: I thank Mr Agnew and the Greens for tabling the motion, which is consistent with the approach that they have adopted. I will come back to that shortly. I agree completely

with what Mr Agnew said in his opening remarks. He said that there needed to be an independent open process to investigate ministerial conduct —

Mr Speaker: Mr Attwood, could I ask you to bring your —

Mr Attwood: Sorry, apologies.

I agree completely with Mr Agnew who said, in his opening remarks, that there was a need for an independent open process to investigate ministerial conduct, not least given recent events, and that there will be public anger if the motion is not passed. All of that is consistent with the amendments that Mr Agnew and Claire Sugden moved to John McCallister's Opposition Bill not very long ago.

I am completely at sea to understand Sinn Féin and the DUP's positions today compared to a short time ago, because, when this very matter arose in the Opposition Bill, Sinn Féin and the DUP opposed the then proposal of Steven Agnew to create an independent mechanism for the investigation of complaints against Ministers. They were so opposed to that proposal that neither the DUP nor Sinn Féin even spoke on the amendment in the debate. There had clearly been a cosy arrangement agreed beforehand that both would oppose the principle — at that stage, it was only a principle — that said that procedures be established for the submission of complaints of breaches of the ministerial code and for the investigation of those complaints. So, less than 18 months ago, the DUP and Sinn Féin opposed that proposal.

The curious thing, of course, is the comments of Mr McKay. He accepted a point from me and then said, "Well, actually, since that time the then deputy First Minister has been looking at the matter." Is it not curious that 18 months ago, despite NAMA, despite Red Sky, despite ransom strips — and, for all we know, people might have even known about RHI then — Sinn Féin, despite all that evidence, still gave the DUP a soft landing. Is it not the point of this motion — the last motion of this mandate — that 18 months ago, on issues of accountability about Ministers, around Red Sky, ransom strips and NAMA, Sinn Féin gave the DUP a soft landing? When its own constituency told them that was not acceptable, Sinn Féin, in order to catch up, rushed to an election. That is the consequence of its failure 18 months ago.

Mrs Palmer: I thank the Member for giving way. I share your concerns around the issue of

the motion that came before the House in the name of Jim Allister and the fact that Sinn Féin, at the time, did not support it. The U-turn today is because it now impacts on their communities and it is a selfish and an arrogant statement that I have made today in pointing the finger at Sinn Féin for not taking the responsibility 18 months ago.

Mr Speaker: The Member has an extra minute.

Mr Attwood: Whatever it is, it is a flip-flop. It is trying to cover your tracks. It is having said to people that everything was all right when things were not all right. People saw through it. That is why Sinn Féin is today supporting something that it did not support less than 18 months ago and why, on the other hand, it has rushed to an election.

If there is anything worse than that, it is the speech of Pam Cameron, who said during her contribution — in the week that is in it, in the months that are in it, can you believe that this is the approach of the DUP? Why should we have this model: "to create issues where none exist"? She said it is better to have no legislation than bad legislation. Will Pam Cameron explain to people where she sees that we are trying to create issues where none exist? What world have you been living in for the last two or three months?

That is why Mr Agnew is right to say that there will be anger. There will be anger at the DUP on the day that a public inquiry is established into RHI, belatedly endorsed by Sinn Féin because it had no place else to turn. The DUP says, "Why create issues where none exist?". In a pincer movement, Sinn Féin tries to cover its tracks by saying, "Let us have support for what Steven Agnew, Claire Sugden, the SDLP and the Ulster Unionists all voted for less than 18 months ago." Some people talk straight and some people have not been talking straight. In a short space of time, people will have to make a judgement about whether the future is about those who talk straight and those who do not.

Mr Speaker: The Member will conclude his remarks.

Mr Girvan: On a point of order, Mr Speaker. I appreciate that my comments on the ministerial statement that was made prior to this motion have created some stir. I wish to withdraw some of the comments in relation my calling into question the judiciary on how they will expedite this inquiry. I welcome the inquiry, and I withdraw some of the comments associated with how they might wish to

elongate it or not expedite it as quickly as it could have been.

Mr Ford: Further to that point of order, Mr Speaker, I welcome the fact that Mr Girvan was big enough to come to the Assembly and apologise. It is a real pity that Members in this place speak on such serious matters without thinking of what they are saying in the first place.

Mr Speaker: I call Mr David Ford. *[Laughter.]*

Mr Ford: It is an irony that the last debate of this extremely short mandate turns out to be about the fundamental issues which have plagued the Assembly, not just for the last few weeks but for a considerable period of time, around openness, accountability and transparency of operations.

I congratulate Steven Agnew on somehow managing to come out of the lucky dip at this precise point to highlight an issue that, in fairness to him, he and his party have been highlighting for some time. Although I would like to claim a small share of the credit of the work that the Alliance Party has done, alongside the Green Party, on things such as the transparency of funding of political parties where there is still a major block in this Assembly for many others.

When I listened to the start of the debate, I welcomed the comments that Mr McGuigan made, but, as Alex Attwood said so forcibly, even when he intervened and asked what had changed, there was an inability on the part of the Sinn Féin representative to explain anything other than to say that there is an election in six weeks' time so we had better get on the right side of this and dump it all on the DUP. However, that party's behaviour has been in parallel with the DUP on many occasions.

I applaud my constituency colleague Pam Cameron for her ability to defend the indefensible party line consistently and show her loyalty, but I am not sure, from what I have seen so far, that it will go down very well on the doorsteps of South Antrim. There is an inability in all that we face at the moment to recognise the public disgust at the behaviour of certain people in this place and, most particularly, in the Executive. If we do not have openness and transparency about public dealings, we see a decrease in trust, and if that trust continues to decrease because there are no accountability mechanisms at work, it is not just a matter of concern; it turns to complete cynicism. That is, frankly, what we are witnessing amongst a very

large number of our people. Sadly, we have seen all too many examples, and they have not all been confined to the DUP. We do not need to recite the litany of Red Sky to NAMA to the strategic investment fund to RHI. It just goes on and on.

No doubt, what we saw from in/out Ministers not so long ago and the failure of the outgoing First Minister to accept her role when she was Minister in DETI to deal with the issue has further added to that. Yesterday, we in this House were asked to sign off on RHI regulations that have not been subject to proper scrutiny on a simple basis of trust, but that trust can exist only if there is accountability for the way that Ministers carry out their duties, not just that there is accountability for MLAs as Back-Benchers, but that there is accountability for Ministers.

The appointment of the Executive communications director, or whatever David Gordon is known as, is a classic example. Basic HR procedures were ignored. Less than the full truth emerged and facts were eventually slowly dragged out from the bunker, sorry, from Stormont Castle. It is a classic example of why people have lost trust in the way that this place operates; it is a classic example of why the ministerial code needs to be enforced at least as rigorously as we enforce procedures against Members.

There may be a temptation for coalitions like the current one to do deals that show a lack of openness, but when we see how Committees are treated, for example, over budget procedures, completely undoing the way in which they were set out in the Good Friday Agreement, it seems that we have an action at the moment of two parties unwilling to move on at all.

We do not just need a way of investigating matters; we need to ensure that we have robust procedures when investigations are carried out. The fact that, in this place, uniquely amongst legislatures on these islands, the Public Accounts Committee can be chaired by a member of an Executive party, and members of the PAC will use their efforts to defend Ministers of their parties, is a disgrace and would not be tolerated anywhere else.

Mr Wells: Will the Member give way?

Mr Ford: Certainly.

Mr Wells: I had the benefit of sitting on the Justice Committee for two years. Is the

Member telling me that, on no occasion in those 24 months, did a Member of his party not use the opportunity at that Committee to ask planted questions designed to protect him as Minister?

Mr Speaker: The Member has an extra minute.

Mr Ford: All I can say is that I remember officials coming back into the Department and saying, "You wouldn't have been very pleased with what Trevor or Stewart said at the Committee yesterday, Minister". So, I do not think that that has been the case for my party, but when you get a party with three or four Members on a Committee of 11 working to defend their Minister, there are real questions as to how this operates when we discuss issues such as PAC and not policy decisions and when what the Minister has been doing is discussed in departmental Committees. Of course, fundamentally, we have seen the way in which the petition of concern has been deployed by a single party to protect a Minister in some difficulties. The notion that it would be acceptable to do that anywhere is just unacceptable. Why is it that behaviour that would see Ministers sacked in any other legislature on these islands seems to be a recipe to keep people in place, or possibly promote them, here?

I congratulate Steven Agnew for the work that he has been doing and on splitting up the Executive — although that is not terribly hard to do these days.

Mr Speaker: The Member must conclude his remarks.

Mr Ford: It will be interesting to see where the Minister of Justice sits today. I welcome the fact that, at last, we have some openness around this discussion.

Mr Stalford: A lot of issues have been raised by Members from various parties. Over recent days and months, we have heard people talking about the need for reform of these institutions and the need to change the way in which things operate. It is clear to most observers that, whatever the outcome of the election, those of us who are fortunate enough to be returned are likely to be elected to some sort of talks process. Part of that talks process will entail reform of the institutions and changing how things operate. I absolutely want to be part of those discussions and debates.

Recent events and, fundamentally, the architecture of the institutions that were created

in 1998 demonstrate the need for fundamental reform and a move towards a more Westminster-style of doing things. I would absolutely welcome that. I would welcome participation in such a process and would hope that all parties feel the same. I am happy that we should look at the scrutiny of Ministers and all those who are elected to this place in terms of how they function and operate.

As a new Member, I was elected seven months ago along with other new Members who come from a background in local government. I had the opportunity to see how, in local government, there is an immediacy of delivery; you can turn things around really quickly for your constituents and get things done. Sometimes, the system here is very difficult to navigate and can become clogged up. If, as part of the reform of the institutions, people want to put forward new ideas for how people function and exercise their power, I would be prepared to give those ideas a fair wind. I, personally, have nothing to hide from openness and transparency. I would hope that anyone who is fortunate enough to be elected here to represent the people can say the same.

I believe in scrutiny and transparency. I believe that Ministers should be held accountable for how they conduct themselves in office and out of office. I listened to the comments from the Member for North Antrim Mr McKay. They amounted largely to policy criticisms, particularly of the Minister for Communities.

Mr Ford: Will the Member give way?

Mr Stalford: I will, yes.

Mr Ford: I appreciate that you are the second one to say it, but I really think that we should give Philip McGuigan his name and not Daithí McKay's.

Mr Stalford: I beg your pardon. I apologise. Daithí McKay is now off to that happy land of being the commentator, where you get to talk about everything, do not actually make any decisions and get paid for it.

I listened to his comments and a lot of what he said amounted to effectively policy criticisms of the Minister for Communities. In particular, one of the issues that he cited was the funding of community halls. I would point out to Mr McKay — *[Interruption.]* That is twice. I would point out to Mr McGuigan that since the first cessation of IRA activity, the number of attacks upon Orange halls has skyrocketed.

Hatred for and directed at the Orange Institution and its members has increased. Therefore, when a hall applies for funding — a funding process in which the Minister had no hand in making the decisions about who gets the money — and demonstrates that they meet the set criteria, it is not for anyone to gainsay or deny them their funding, least of all because of the background they come from.

5.15 pm

Mr McGuigan: Will the Member give way?

Mr Stalford: Yes, I will.

Mr McGuigan: Does the Member accept that the Minister sets the criteria for the community hall fund and can skew the criteria in favour of one section of the community?

Mr Speaker: The Member has an extra minute.

Mr Stalford: I am grateful.

The Member talks about the criteria being skewed. Oddly enough, the Member was part of the Government — or his party was, until it decided to have a hissy fit and walk — when this programme was launched, and there was not one word of criticism. You did not say that the scheme was skewed and unfair when you were in government. I suspect that you are saying it now because we are in the teeth of an election. A lot of what has been said here —

Mr Speaker: Will the Member conclude his remarks?

Mr Stalford: — is because you are in the teeth of an election. I am absolutely up for scrutiny, openness and transparency — bring it on.

Mr Allister: Mr Ford rightly observed that, as this Assembly collapses, and it is not unrelated to the issue of ministerial accountability, it is ironic that we are discussing the total absence of any system to import accountability in respect of Ministers, and so it is. It is also fitting, because it is quite astounding that, after all the years of limping through devolution that we have had, we are still at the point of effectively having no mechanism to hold Ministers to account for their actions as Ministers. Yes, we have a code of conduct. Yes, there is a ministerial code. But there is no mechanism to investigate, in any independent sense, whether or not a Minister has fallen short of the standards thereby imposed, and that is deliberate.

Today, we see a deliberate intent to hold on to that. Mrs Cameron's speech was quite amazing. She told us that she believes in accountability, transparency and matters of openness, and then she berates the very modest suggestion that we should have some mechanism to investigate Ministers' alleged failures. For her to tell us that that is mischief-making is itself quite astounding.

Ordinary MLAs are subject to an investigative process through the commissioner. Yet Ministers, who make the real decisions in this House — who get into the sort of trouble that has landed us in this present situation — are immune from investigation. They are protected by a system that affords only the First Ministers together acting against their own, which is unheard of in this incestuous place, or 30 Members raising an issue that the DUP does not block by petition of concern, as it did in other cases. So, for all practical purposes, there is neither a means of investigation nor a means of holding to account Ministers in this House. Hence, to suggest we should extend the powers of the commissioner, who examines us as MLAs, to Ministers in their role as Ministers is not mischief-making. It is a very basic component of the start of accountability that anyone would reasonably expect. The fact that, at the moment, the primary party in the House is seeking to block, avoid and thwart that extension is a huge commentary on that party and, as someone said in the debate, an indication that the last couple of months have taught them nothing.

What Mr Agnew is asking for is the barest minimum of an investigative process that will not cost the House anything of significance because the apparatus already exists with the commissioner. Therefore, this is simply about extending his remit to Ministers who, until now, have been the untouchables in the House. We saw scandals, like how Mr McCausland conducted himself with Red Sky and elsewhere —

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

Mr Allister: — and we saw how his party surrounded him in the Committee to protect him.

Mr Beggs: Will the Member give way?

Mr Allister: Yes.

Mr Beggs: Does the Member agree that the importance of this issue is that it should also

bring in the accountability of SpAds? In the Red Sky affair, there was a recommendation that a full, formal disciplinary investigation should occur because there was sufficient evidence. The Minister refused to allow that to happen. Does he agree that it is important that the responsibility for SpAds be brought under scrutiny as well?

Mr Speaker: The Member has an extra minute.

Mr Allister: Thank you. I certainly do. Indeed, the Member will recall that, after the Red Sky debacle, I brought a second SpAd Bill to the House. One of the things it sought to do was to make the SpAds' code of conduct and measuring them against it subject to the Civil Service disciplinary procedures. Who voted that down? Sinn Féin, a party of suspension at that time —

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

Mr Allister: — which would not debate cancer or autism but returned to protect the vested interests of SpAds and to vote it down. That says it all, really.

Mr Agnew: I am delighted to make a winding-up speech on this debate, which has been the first-ever sole Green Party private Member's motion. Thanks to the election of my colleague, Clare Bailey, we have two Green MLAs, which has increased our ability to use the Assembly privileges to put such suggestions forward. As a result, Mr Speaker, as you know well from the many letters I have written to you in my continual lobbying, I think all Members should be represented on the Business Committee. I am delighted that is one of the areas of progress we have been able to make in the short life of this Assembly.

Mr Ford made reference to the "lucky dip", and how I was quite lucky to get this timing to bring forward the last private Member's motion. Whilst the timing was luck, I assure you that the selection of the motion was no accident. I think it is right that we conclude this short Assembly term by calling into question how we hold Ministers to account. The least we can do, on the other side of this election, is improve our accountability processes and take action to restore some public confidence, although this one measure will fall somewhat short of undoing the tremendous damage that has been done, whether it be through RHI, the lack of a Budget or the collapse of the Assembly itself.

I thank Members for contributing to the debate, particularly those who supported the motion.

One of the issues that came up was Sinn Féin's change of position and the differing narratives of Mr McGuigan and Mr Attwood. Mr McGuigan highlighted recent issues and drew attention to decisions of the Communities Minister that, I take from his contribution, he would call into question if there were a process for making a formal complaint against Ministers. He added that the conversations that I have had with the deputy First Minister had influenced Sinn Féin's position. I wish to take him at face value on that, because I would love to go to the electorate in North Down and say, "I can change Sinn Féin's policy. Vote for me", but it might be an over-claim. In all seriousness, I valued the input of the deputy First Minister on the issue. I wish him good health and a full recovery. He took the time, he was helpful and he responded to all my questions and queries.

Mr Attwood, of course, has a different take on the narrative of Sinn Féin and very much sees it as an opportunist position heading into the election. I am not going to make judgement. I welcome the support today. That support is on public record. Should I be re-elected to the House and should we get the institutions back up and running, I will bring the issue back and will look for the continuing support of Sinn Féin for legislation and actual change. I give Mr Attwood — he apologised for having to leave — the commitment that I certainly will hold Sinn Féin to its commitment of support.

Others have mentioned the position of Pam Cameron. I find it bizarre. When you use a term such as "mischief-making", it is kind of saying, "We object, but we have no reason to, so instead we throw a form of insult". In a previous debate, Mr Alex Attwood referred to fog being created, and this was a smokescreen. The DUP does not have good reason for opposing the motion. I was accused of mischief-making, and that is supposed to suffice.

The idea that this would somehow lead to greater bureaucracy stands in contrast to the evidence. Look at where Ministers have been complained about in the past. In the absence of a process, we had the Red Sky issue. We had a Committee inquiry into that involving 11 Committee members, all the Committee staff and numerous meetings and calling of witnesses. This process would involve one commissioner and one independent investigation, rather than a political investigation that, I have no doubt, some at the time called a witch-hunt, as is often said when people are

defending their Minister. We would have a much more streamlined process and take it out of the political debate and trial by media that I mentioned earlier. The claim that it would be more bureaucratic is spurious.

I give credit to Doug Beattie for the quote of the day: "more standards and less privilege". I could not agree more, particularly when we look at the issue of Ministers. We have not seen the standards that people expect. I used to be on the Standards and Privileges Committee. When MLAs breach standards, they are investigated and are held to those standards by the commissioner through an independent finding. Regardless of what the Assembly decides to do thereafter, it is for ever on public record that a Member has been found to have breached the code of conduct. We should expect the same standards of Ministers. They certainly have the privileges, and the two must go hand in hand.

In an intervention, Mr Beggs raised the issue of SpAds. It is a key question. Again, when I was a member of the Standards and Privileges Committee, we reviewed the code of conduct and looked at the issue of Members' staff. We said that Members were responsible for the actions of their staff, and the same standard should apply to Ministers and their SpAds. I see Ms Palmer nodding her head. We have seen the damage that the actions of SpAds can do. Someone has to be accountable for them, and I would argue that the Minister, as their employer, should be accountable.

5.30 pm

Mr Beggs: Will the Member give way?

Mr Agnew: I will indeed.

Mr Beggs: Will the Member acknowledge that it is even more important than that? When SpAds deal with senior civil servants, they are deemed to be acting on behalf of the Minister, so they have great authority and thus it is especially important that their behaviour is scrutinised.

Mr Agnew: I absolutely agree, Mr Beggs.

Another point I will make is about the idea of the distinction between the Minister and the Department. When I was drafting my private Member's Bill, I asked, "Should that say 'Minister' or 'Department'?". The legal advice that I was given was that they are one and the same. The same should be true of a SpAd. The Minister, the SpAd, the Department — they

are one entity. The Minister is responsible, and that is where the buck should stop.

Mr Ford highlighted the work that the Greens and the Alliance have been doing on openness and transparency in relation not just to this matter but to party donations. I deliberately left that point to the end, because I think that there is no better time to make these points. There is public distaste about the record of this Executive. There has been a lack of openness, transparency and accountability, and this measure is about introducing transparency, accountability and openness. There are other measures needed. This is but one measure, and transparency around political donations is another. My colleague Clare Bailey raised this today in relation to the RHI inquiry, but, across the board, we need to find out the relationship between those who fund the parties and the decisions that those parties make.

This is a modest proposal today. I welcome the support that there seems to be from around the House. I compel Members — sorry, I wish could compel Members. I urge Members to give it their full support and thank them for their contributions.

Question put and agreed to.

Resolved:

That this Assembly acknowledges that it is in the public interest for there to be openness, transparency and accountability in relation to the Northern Ireland Executive; recognises the important role that the Northern Ireland Assembly Commissioner for Standards plays in providing independent investigation of alleged breaches of the Assembly's Code of Conduct by Back-Bench Members; further recognises that the current lack of independent scrutiny of Executive Ministers benefits neither the public nor the Ministers themselves; and calls on the Executive Office to bring forward urgently legislation to expand the role of the Northern Ireland Assembly Commissioner for Standards to allow him to investigate alleged breaches of the ministerial code of conduct.

Mr Speaker: I ask Members to take their ease while we change the top Table.

(Madam Principal Deputy Speaker [Ms Ruane] in the Chair)

Motion made:

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

Adjournment

Broadband: Newry and Armagh

Madam Principal Deputy Speaker: In conjunction with the Business Committee, I have given leave to Danny Kennedy to raise the matter of broadband provision in Newry and Armagh. The proposer of the topic will have 15 minutes.

Mr Kennedy: Madam Principal Deputy Speaker, I thank you and the Business Committee for affording me the opportunity to debate the issue of broadband provision directly relating to my constituency of Newry and Armagh. I also place on record my good wishes to you as you leave the House, and I wish you well for the future. I sincerely hope that this is not the last time that I address the Chamber, but, as there are at least five others in the same position, I think it will be for the electorate to make those decisions.

I welcome the attendance of the Minister and his officials at the debate. It is the last debate of the current mandate, and I welcome the important fact that the very significant issue of broadband provision throughout the Newry and Armagh area is being afforded a hearing in the Chamber this evening.

I, with others, receive regular contact from my constituents on this issue. It is abundantly clear from the representations that I receive that the lack of broadband provision, particularly in rural areas, impacts in many ways on families and businesses that reside in various locations across the constituency. The Minister will know that I have raised this matter frequently with him and with previous Ministers. Indeed, I recently met officials from the Department for the Economy to discuss this very issue.

It is clear, however, that my constituents remain deeply frustrated by our Executive's failure to achieve swift progress in delivering an efficient and high-quality broadband service. There can be no doubt that a serious deficit exists in the quality of broadband offered to rural areas of my constituency. This situation is also prevalent in other rural areas of Northern Ireland. People in areas such as Lissummon, Ballygorman, Cladymilltown, Altnamackan, Loughgall, Mullaghglass and countless others,

unfortunately, all of which are located in my constituency, find themselves in a position currently where they are provided with little or no effective broadband provision. Whilst there has been an indication that some postcodes located in those areas will be included in future broadband improvement projects, the reality is that many families and business owners who reside in those areas have no confidence in the ability of the Executive or of BT, as the network supplier, to deliver on their promise to provide the necessary improvements required. For the avoidance of doubt, I should place on record that I am a former employee of BT.

I have met a number of community groups in my constituency regarding the problems that they experience with broadband provision. In one instance, over half the residents in the Lissummon/Ballygorman area, a strongly rural part of my constituency, find themselves in a position where they cannot receive a service of two megabytes per second, whilst over 90% are unable to get 10 megabytes per second. This is far from satisfactory, and it compares very unfavourably with UK and Northern Ireland comparable data.

There is clearly an urban/rural digital divide in the quality of broadband provision offered, but deep frustrations also exist regarding the lack of detailed information provided by the Government and BT regarding broadband improvement plans for rural areas. The lack of high-quality broadband, for instance, has an impact on the ability of many rural businesses to function efficiently, placing them clearly at a disadvantage to other competitors in their particular field. This undoubtedly places additional pressures on such business owners, discouraging them from remaining in their current rural locations.

Also, poor-quality broadband provision has a negative impact on the quality of life enjoyed by families who live in rural areas of my constituency. Students find themselves unable to complete homework or assignments because of insufficient broadband coverage, and they have to depend on alternatives in their schools and colleges, or on other facilities such as libraries or cafes, to access or download materials required to assist their studies. That means that they have to travel to those alternative locations.

Many utility suppliers ask for payment of bills online. Again, families in rural areas are hindered in completing such tasks as a consequence of poor access to broadband coverage. Even communicating with family and

friends who reside elsewhere in the world has proven difficult because of this situation.

I want to relay some of the stories and comments from those impacted most by this in rural parts throughout my constituency. I have quotes here from the business community:

"Impossible to complete business deals".

"Unable to upload presentations for customers to view — need to use hotels / coffee shops or send USB stick".

Some have even been timed out from completing government sites, which is bizarre and should not be the case. The comments on education are very similar:

"Homework cannot be done on time".

"We have children in the house that have not even been able to complete work for university assignments ... had to go to someone else's house".

On social engagement, people have reported:

"Problems in online banking, ordering prescriptions, paying car tax and MOT, accessing e-mails, communicating with friends".

One family said that they have:

"a son in Canada and mostly we can only talk on Skype — no picture."

Aligned to that are the costs. People have said:

"paying for a very poor to non existent service in a rural setting is very upsetting and infuriating."

Some people have expressed themselves tired of phoning BT to come and sort it out; others are concerned about having to change over to satellite broadband. Yes, alternatives are advocated — I have no doubt that the Minister will speak to those — but, in some cases, those have proven to be much more expensive, so we need to look at that. Realistically and properly, some people are asking:

"Why do I pay the same as someone with 20 Mbits per second"?

They are not getting anywhere near that service. People are asking why they are:

"paying the same prices as areas with much better broadband reception".

I could continue to detail many more circumstances, but I want other Members to contribute and to hear what the Minister has to say. I take this opportunity to make an impassioned plea to the Minister to pursue, within a quick time frame, the network improvements that are so clearly required. We are living in an age where the world is heavily dependent on digital services. Frankly, it is not acceptable that so many households in my constituency, and across Northern Ireland, find themselves at a clear disadvantage to others as a consequence of being unable to avail themselves of high-quality broadband provision. Unfortunately, the development of our broadband network in Northern Ireland appears to be well behind that in other parts of the United Kingdom, the Republic of Ireland, and parts of Europe.

I know the circumstances that we are in, but my hope is that departmental officials will continue to explore these issues and find solutions so that, at the earliest point, those solutions can be delivered to my constituency and to the people who have such frustration with the lack of service. The Department should give priority to improving our local network, within an urgent time frame, to ensure that we do not continue to fall behind others who are investing heavily in their respective networks. I am pleased to have had the opportunity to address the House on this important issue. I know that the Minister takes it seriously and that his officials are working on it. My hope and plea, on behalf of the many constituents all over my constituency of Newry and Armagh, is that better service is provided as quickly as possible.

Madam Principal Deputy Speaker: I would like to thank the Member for his nice comments and to put on record that I have really enjoyed working with him and with the rest of the team here.

5.45 pm

Mr Irwin: Madam Principal Deputy Speaker, I wish you well in your retirement.

The issue of poor fibre broadband speed in the Newry and Armagh constituency has been and continues to be a source of great concern for many dwellers. I am sure that other Newry and Armagh representatives in the Chamber this evening will agree that, collectively, we have made hundreds of direct enquiries to many bodies in order to try to improve the situation for

those with substandard access to broadband. Only a cursory glance at Members' questions to the Economy Minister is needed to see that it has been a very topical subject in recent times. In my case, such approaches have been the result of concerns raised by consumers in the constituency who remain dissatisfied with the roll-out of an adequate speed of fibre broadband in this largely rural region. The bottom line remains that, in most rural areas, fibre to a cabinet with copper from the cabinet to the home is completely inadequate over any reasonable distance and delivers a very slow speed, to the point at which Internet access is almost non-existent. This ineffective service means that, for families, businesses and anyone who relies heavily on the Internet, any online activity is extremely difficult and protracted. I have had many people contact me to state that, on countless occasions, when online for banking, shopping or business ordering, a programme crashes or takes so long to load that the process is unworkable. That situation needs to change.

In a large number of these situations, residents live within a stone's throw of a green fibre cabinet, but, because of the route of the overhead copper line, the signal that they receive has lost so much strength over the distance that they have very weak broadband speed. That is very frustrating for those in that position, which is representative of a significant number of constituents.

As our Economy Minister, Simon Hamilton, has stated on many occasions, the Department has pumped £64 million into encouraging private sector upgrades to broadband provision. Whilst that has increased provision, there remains a need to increase the speed and usability of the connection. Some 7,000 homes in Newry and Armagh have seen improvements. While that is welcome, the pace of technology and ever-growing reliance on the Internet mean that speed trumps everything. Without a superfast service, most of today's online applications and tools do not perform well enough to be used effortlessly.

I am aware of the commercial sensitivity with regard to BT and the issues that that presents, making it difficult for a devolved Government to demand change. Other options, however, are emerging, and technology is evolving rapidly. Recently, I found it useful to meet a local group that wants to replicate for their premises a model of fibre supply that has transformed Internet speeds in rural north-west England. Broadband for the Rural North (B4RN) is an independent, community-led social business. The outworking is an arrangement whereby

scores of individual rural homes and businesses have a fibre connection to their premises. This is installed underground and has delivered maximum broadband speed. I encourage Members to look at the project online to see how beneficial it has been to communities there. Locally, the Broadband for Northern Ireland (B4RNI) project wishes to pursue that model, and I am certainly keen that the Minister engage with the group to fully assess the opportunities from such a community-led programme and what it could achieve. I know that my local council is also taking a keen interest in the project and is working to assess how to make broadband improvements in focused areas in the borough. Fibre to premises remains the most reliable and cost-effective method for consumers, and the reluctance of BT to improve services for consumers cannot be allowed to hold up progress.

It is, of course, most unhelpful that the devolved institutions face a period of uncertainty, and the blame for that lies solely at the feet of Sinn Féin. However, it should not stop the Minister continuing to assess the issue of broadband and working to improve provision in Newry and Armagh.

Madam Principal Deputy Speaker: Members have eight minutes to speak.

Mr Boylan: A Phríomh-LeasCheann Comhairle, I wish you well in your retirement. I have had the privilege of working with you over the last 10 years in the Assembly.

I thank the Member for securing the debate. I say to the Minister that, over the last number of years, we have made progress on the matter. When you look around, you see a lot of new technologies. I want to refer to some people who have already contacted me. The Minister will agree about the key elements: working in partnership and public funds and the responsibility of ensuring that they are spent properly. Those are the key elements of my contribution today.

I know for a fact that, over the past number of years, the Assembly has given money to address the not spots across rural areas. I say that because I want to remind the Minister. When you hear stories like this, you think to yourself, "What exactly have we been trying to do to address the issues?". As recently as 20 January, residents across Armagh city received a letter stating that the superfast broadband team was "delighted" to tell them that superfast broadband was now available on their street. The team had checked the speed line, and

certain urban areas could get up to 79 megabytes. Urban settings have been availing themselves of quality broadband for a number of years, so this is no news to us. When we agreed on wanting to go forward to address the issue of broadband — Mr Kennedy has been here on a number of occasions, as has Mr Irwin — the whole idea of the schemes was that they were about rural broadband. I know that the Minister has taken a lot of questions in his time on the matter, and I want to talk to him about some of the issues that I have been dealing with. I want to read some things into the record, just to get a feel of the issues. To be fair to the Member who introduced the debate, he has had similar experiences to most Members in the Chamber.

I will read out this letter to one of my colleagues:

"Dear Mr Brady,

I hope you can help me. I am 15 years old, fourth year, and I have started to prepare for my GCSE exams."

This is 14 or 15 months ago, so the young lad is now 16 years of age:

"I need access to BT fibre-optic Internet to keep up with my studies, but BT refuses to connect my house, even though a new fibre-optic cabinet was installed earlier this year at the bottom of my lane, approximately 250 metres from my house."

That letter is from young Matthew Nugent, 58 Tievenamara Road, Keady, BT60 3JA. When his mother enquired on his behalf to BT and talked about an engineering solution, BT said that, if an engineer was asked, it would not be a difficulty. I know that we are working in partnership and that we have given money. In consultation processes with previous Ministers a number of years ago, we used postcodes to identify areas known to Members who have spoken in debates previously as not spots. I have said this on a number of occasions, including to this Minister, and I appreciate him coming to respond to the debate. It will be difficult to address the issue of fibre-optic broadband in all areas. Every Member here will agree that that is the solution that most people who contact us are crying out for.

The Department and BT are offering an alternative satellite solution, which I certainly appreciate. I could read out lists of names all day of people who have contacted me about broadband services and provision — the likes of young Matthew Nugent, Jacqueline

McCullough, Martina Gaffney of Tivnacree Road and all these people in rural areas — and I could read out lists of townlands and parishes as well.

We are giving money to BT, but I do not think it has been upfront on this matter. In saying that, I know that, by the end of 2017, we will get another report into where we are and where the new cabinets have been established. At that point, we will need to collate that information and find out where the gaps are in provision.

I will read out another example. It is from a Mrs Helen Hughes at 99b Armagh Road, Newtownhamilton, BT35 0HJ. Mrs Hughes had been having a lot of trouble getting connected to broadband. By way of a bit of background info, she is registered to go on to the Newtownhamilton line, and the box is 8 kilometres away. That does not give her access to suitable broadband. Openreach has been out to get her connected on three separate occasions. Each time the engineers called out, they advised her that she is better off getting connected to the Keady line, which is only 3 kilometres away. Still and all, she is 3 kilometres from the nearest line, but she would not get a connection. For some reason or other, unbeknownst to me, and no matter how many times you contact BT, she cannot be connected to that line.

Minister, I hope you take on board some of the comments today. You still have a number of weeks in office to discuss where the 2017 programme is and to update it. I would ask the question, and it is about a wee bit of common sense. It cannot be hard for this lady to be connected to the line. When we phone BT or have meetings with them and talk about an engineering solution, they say to us, "It is not a problem", but that is the end of the conversation. I want — I hope this is the case — the money we are giving to BT to be responsible, value for money and to provide a service, particularly to those rural people. That is the basis of why the Member brought the debate today. Like I said, there is no point coming to tell us that urban speeds are up; it is people in rural areas who are crying out to be connected.

Mr McNulty: Thank you, Madam Deputy Speaker. Like other Members, I wish you well as you start the next challenge of your life.

The great digital divide: my colleagues in local government and I get contacted about this on a daily basis, like other Members. It is fitting that, as we leave this place tonight and move into an election phase, we discuss this very important

issue, which impacts so many families, businesses and farmers across Newry and Armagh. I thank Mr Kennedy for bringing this issue before the House. I am sure that, like me, he is constantly inundated with calls and queries.

The rural/urban digital divide is growing wider and wider. Broadband, or, indeed, the lack of it, is becoming a crisis issue for so many in our rural communities. In the North, 8% of premises have less than a 10 megabits per second download speed. I know of many communities in Newry and Armagh where 90% of the premises have less than a 10 megabits per second download speed. The Department for the Economy is creating pockets of disadvantage that did not even exist 10 years ago. It is well for the Minister sitting up there in Strangford, where the download speeds are second only to those in Belfast. Broadband is not a luxury; it is a necessity for modern life. Young primary-school children and students at university need access to broadband. If a householder wants to do online shopping or banking or keep up to date with work, they need access to broadband. Indeed, the farmer who wants to complete his or her single farm payment application online needs access to broadband.

6.00 pm

Small businesses in rural communities are struggling to survive using current broadband download speeds. I know of one business near Madden in County Armagh that is competing on a global playing pitch, innovating beyond belief on an annual basis and growing its workforce, but is being held back by a lack of broadband provision. I have met many of these people. They are deeply frustrated, to the point at which they are fed up with announcement after announcement about investments in broadband, only to be told, "Oh, sorry, that doesn't impact on you".

I am talking about people on Ballyscandal Road or Battleford Road in Tullysaran; Mullan Road, Tynan; Slaterock Road, Granemore; Drumgreenagh Road, Madden; Tullyah Road, Beleeks; Dundrum Road, Tassagh; Tandragee Road, Portadown; Listrakelt Road, Derrynoose; Lake Road, Cullyhanna; Ballydogherty Road, Lissummon; Skeriff Road, Cullyhanna; Polkone Road and Glenmore Road, Aughanduff; and the Tullyherron Road, between Whitecross and Mountnorris. I can go on and on and on.

If this place is to mean anything — anything at all — to the people whom we represent, surely we can get pressure put on BT or central

government to sort this out once and for all. A scheme has been rolled out on the Carlingford peninsula — the wild and wonderful Carlingford peninsula — whereby fibre broadband has been delivered to the home. The premises there are all running on superfast broadband.

In the North, however, we do not do it right. We bring fibre to the cabinets, and then copper to the home. If you are over half a mile from the cabinet, forget about it. The greater the distance from the cabinet, the lower the speed. The South is leaving us behind. Why would a company that may be rurally oriented move north of the border?

Why should our rural communities pay the same BT bill as somebody who is getting superfast broadband download speeds when they are getting, say, only 0.5 megabits per second (Mbps)? Why, for two totally different services, should those two bills be the same?

I remember, as a child, Santa bringing me and my brothers and sisters a Spectrum 48K. The first game that we played on that Spectrum 48K was 'Horace Goes Skiing'. We used to load the game from a cassette tape, and the game loaded over three or four minutes. In my home on Aghmakane Road, the download speed is equivalent to loading 'Horace Goes Skiing'.

I am glad to have welcomed representatives here from several communities in Newry and Armagh who are totally frustrated about their situation. They surveyed their communities. In Lissummon, 60% of respondents cannot get 2 Mbps, and 90% cannot get 10 Mbps. Recent figures from Ofcom show that 8% of premises in NI cannot get 10 Mbps, and just 3% cannot get 2 Mbps, so they are well behind in Lissummon.

Not only is the urban/rural digital divide getting wider but we in Lissummon are falling behind our rural neighbours. These are reported individual impacts. These are real-life stories:

"I am no longer able to work from home, which puts pressure on family life and negatively impacts on my business."

"Broadband decisions by government and BT Openreach have created a new pocket of disadvantage in Lissummon."

"I have to sit several hours on the phone to BT, complaining about the connection, but nothing seems to work. As a consequence,

my clients' invoices, transactions and important emails are often delayed."

"It is impossible to complete business deals."

"Unable to upload presentations for customers to view. Need to use hotels/coffee shops or send a USB stick."

"I am timed-out from completing government sites."

It affects education:

"We have children in the house who have not been able to complete work for university assignments ... had to go to someone else's house."

"Homework cannot be done on time."

"Children have to use 4G on mobile devices to do homework."

It also affects people socially:

"I cannot buy anything online as it cuts out."

"Unable for multiple people to use internet at once."

"Problems in online banking, ordering prescriptions, paying car tax and MOT, accessing e-mails, communicating with friends."

A more serious problem is that when these people ask questions and try to find out when the provision will improve in their areas, they cannot get any answers. They cannot design for the future; they cannot plan for the future because nobody will give them any answers about when broadband will be delivered to their homes. Who will give them the answers? We have heard in recent election campaigns about people delivering broadband to Newry and Armagh. Where is the broadband that is being delivered to Newry and Armagh? Where is it? People are sick —

Madam Principal Deputy Speaker: Will the Member bring his remarks to a close?

Mr McNulty: We need the delivery of broadband to Newry and Armagh now.

Madam Principal Deputy Speaker: The Member's time is up. I call Jim Wells

Mr Wells: It is normal for the Father of the House to be the last Member to speak in the last debate on the last day. As one who is truly the Father of the House, unlike the imposter, the young Lord Morrow, it is the appropriate time for me to speak.

I was the last person in the Public Gallery when the Assembly fell in 1976, I was the last person speaking when the Assembly fell in 1986, I was the last person in the Chamber before it burned down in 1995 and I was frequently the last person speaking in various debates in the Assembly before it collapsed. Indeed, it led the honourable Member for Newry and Armagh to come out with the most wonderful one-liner that I have ever heard in the Chamber. After I had recounted the frequency with which I was the last person to speak, he stood up and said, "Would he reassure us that he was not the last passenger on the Titanic?" Well, I was not, although, at times, I feel like it.

It is appropriate that the issue of broadband is raised in this forum. Although I do not represent Newry and Armagh — I represent South Down along with you, Madam Principal Deputy Speaker — I have found that there is incredibly poor broadband, particularly in two areas. Those are the Dunmore Road area of Spa just south of Ballynahinch and what you would know as the Yellow Road area around Hilltown, Mayobridge and Rathfriland, where there is also a chronic under-provision of broadband.

I have frequently contacted BT about that problem. They have explained to me that there may only be six potential customers on the road and, with the cost of bringing the fibre-optic cable up that road being tens of thousands if not hundreds of thousands of pounds, they would not see any return on that investment. The problem is that, often, many of those roads have people on them who are businessmen and students, those who require broadband. The honourable Member for Newry and Armagh summed it up: in rural areas today, broadband has gone from being a luxury to an absolute necessity. As one who lived in an area of poor broadband coverage and who has now moved to one that has a very good connection, I can certainly understand the frustration felt by the Members present. Of course, I moved from a rural area to an urban area and in urban areas

of Northern Ireland there really is no problem at all.

Should we not be encouraging people not to commute or undertake needless journeys by working from home and using the connectivity that we now mostly enjoy in order to cut down the number of miles travelled and the congestion in our towns and cities? Of course, the problem is that this is simply not an option for the individuals concerned in many parts of Northern Ireland.

When I have raised this with BT, it has told me that there is satellite provision. I have to say that almost everybody whom I have dealt with as far as satellite provision is concerned has not been happy with the product. First, the cost can sometimes be considerably higher than that which is relevant to landline users. Secondly, there is often a limit on the amount of data that can be downloaded on a satellite system and, once you pass that threshold, the cost of downloading becomes horrendously expensive. Thirdly, for some reason, which I do not understand, the quality of the signal is always much poorer than that available from a landline broadband connection. Until the satellite system is up to the same standard as landlines, I do not think that that would be seen as an option for the people of rural areas in Northern Ireland. Broadband has become such an essential part of provision, in the same way as electricity, water etc, that our rural communities will be left behind if we cannot deal with the system.

I understand that funding is being provided by the Minister's Department to assist BT in carrying out extensions to its cabling in rural areas, but we still have a long way to go. Now, the adverts tell us that 88% of the population in Northern Ireland is serviced by high-speed broadband, or even higher. However, they do that on the basis of population rather than area, and that leaves large swathes of the countryside where provision is extremely slow, particularly in households where there may be three or four people who need to use broadband. Maybe the father is a businessman, architect or accountant who needs broadband in his office, and the older children in the house may need broadband for homework tasks. That puts further pressure on the very limited broadband width that is available. Therefore, I think it is highly appropriate; Mr Kennedy has indeed raised a very important issue.

I just wonder how long it will be before any of us are back in this Chamber to see what the results of this Adjournment debate are. It could

be weeks, months or years. I do not know. I have made this speech many times. Sometimes we have come back much more quickly than I expected. When I made this speech in 1986, it was 12 years before we were back — 26 June 1986 to 26 June 1998.

Madam Principal Deputy Speaker: I ask the Member to return to the topic.

Mr Wells: Yes, I will return to the topic of broadband. I really do hope that it is not 12 years before we are back to deal with this crucial issue, which rarely features in debate in this Chamber. I congratulate the honourable Member for Newry and Armagh, on the basis that he will not use the fact that he has raised this important issue in his election publications to garner votes from his constituents. Once again, it has been a privilege to be the last Member to speak on the last day as the bona fide, real father of the House.

Mr Hamilton (The Minister for the Economy): Principal Deputy Speaker, I join with others in wishing you well in your retirement.

I should like to begin by stressing, as Minister responsible for the Department for the Economy, that I fully recognise — sorry, it would be remiss of me not to congratulate the Member on securing tonight's debate. I fully recognise the importance of access to fast, dependable Internet connectivity in the world of business, as well as the growing reliance on online access for various educational and social needs. Broadband, as many Members have said, has quickly become an essential for everyday life. I am, of course, familiar with many of the issues, particularly with regard to broadband provision in rural areas, and tonight's debate has focused very much on them.

My Department is committed to working to deliver improvements to our telecoms connectivity. Over the last eight years, my Department has channelled some £64 million into a number of projects that have significantly raised the reach, speed and quality of broadband services across Northern Ireland. These initiatives have undoubtedly had a positive impact in the Newry and Armagh constituency. The figures provided by Ofcom in its recent 'Connected Nations' report show that Newry, Mourne and Down and Armagh, Banbridge and Craigavon council areas have superfast coverage of 72% and 79% of premises respectively. In addition, it is reported that 94% and 97% of premises respectively

have broadband coverage of greater than 2 megabits per second.

To set this in the wider context of our investment in improved services across Northern Ireland, my Department's broadband improvement project has already ensured that some 38,000 premises, largely in rural areas, have received access to a broadband service of at least 2 megabits per second, and that almost 25,000 premises can now access services of 30 megabits per second or better. BT reported that, at 21 June 2016, almost 7,000 premises across Newry and Armagh could access new broadband services delivered through this project.

While this is encouraging, I recognise that more can always be done to increase the coverage of faster broadband services in Newry and Armagh and other rural locations across Northern Ireland. For instance, under the broadband improvement contract, BT will reinvest certain revenues received when take-up exceeds specific thresholds. Using these funds, plans will be developed to further improve the coverage of faster broadband connectivity across our region. This amount is in the region of £1.67 million. In addition, residual funds of £1.56 million have been identified for reallocation, bringing the total further amount that can be used to improve broadband infrastructure to £3.2 million.

6.15 pm

In addition, my Department is managing a contract for the delivery of the superfast rollout programme, which, by 31 December, will provide access to superfast broadband with speeds of at least 24 megabits per second to a further 38,000 premises, both business and residential, across Northern Ireland, including in the Newry and Armagh constituency. Under those recent initiatives, work has led to broadband improvement work at 169 exchanges across Northern Ireland, many of which are in the Newry and Armagh constituency.

Members may be aware that Ofcom reports that 28% of rural and 1% of urban premises in Northern Ireland cannot achieve speeds of 10 megabits per second or better. That is largely due to Northern Ireland premises having some of the longest line lengths in the UK as a result of population spread. However, Ofcom does add that the deployment of my Department's superfast programme will change that landscape rapidly. It is anticipated that, by the time those projects have completed, some 87% of premises across Northern Ireland will have

access to superfast broadband services compared with 77% when the project began.

Alternative networks can also offer a viable option for the delivery of broadband services in the most difficult-to-reach and less densely populated areas. Over recent years, my Department has supported projects that have extended fixed wireless and satellite broadband networks across Northern Ireland. In January 2016, my Department launched a scheme that allows consumers with a broadband connection of less than two megabits per second to access a subsidy towards the cost of having a broadband service installed from a list of registered providers, subject to satisfying certain eligibility criteria. That includes wireless and satellite broadband suppliers. Details can be found on my Department's website.

It might be helpful to remind Members of the constraints within which any intervention by my Department has to operate. Telecommunications are a reserved matter, which means that my Department has only limited powers to intervene in a fully privatised and independently regulated market. Mr Kennedy's former employers took a bit of a bashing in this evening's debate, as they would have done, I dare say, had we been debating broadband services in any constituency. Frustrated though Members may be, I hope that they appreciate the limitations on me, as Minister, when we do not have full responsibility for telecommunications matters.

Additionally, initiatives have to be designed in a way that meets European Union state-aid rules, which require us to be technology-agnostic and any procurement to be open and competitive, with the overriding aim of ensuring value for money and delivering the maximum benefit for public funding.

Public funds can and will, therefore, and very much have been, invested in the development of telecommunications networks, but it is ultimately a business decision for providers to decide how, or if, they wish to participate in any scheme that is put forward. In that context, neither the Assembly nor I can direct or compel a network operator on where or when they should invest and what technology they should use. However, as I said, I fully appreciate the importance of, and am fully committed to, the improvement of provision in Northern Ireland, within the reality of budgetary and other constraints.

Mr Kennedy: I thank the Minister for giving way. I have listened intently to what he has said and understand completely that it is not a

devolved matter as such. Nevertheless, are there any ways in which we can improve that situation, even by making representations to, and getting acceptance from, the Westminster Government on the greater devolution of powers over such issues, particularly broadband and its provision in rural areas?

Mr Hamilton: I thank the Member for his intervention. There are some initiatives that I believe will help and act as a driver to improve broadband access. One such intervention is the broadband universal service obligation (USO), which is being taken forward by Her Majesty's Government. Through that, it is expected that, by 2020, everyone should have the legal right to request a broadband service of at least 10 megabits per second, subject to certain conditions. The Executive, in our draft Programme for Government, set a much higher target: to improve speeds to 30 megabits per second. However, the USO is, at least, a good initiative and puts a floor on service.

It is understood that the USO will be provided on the basis of a reasonable request from consumers, with services delivered using the most cost-effective technology available. Consumers may be expected to contribute to those costs, where they go beyond a reasonable threshold. Recent advice from Ofcom indicates that the USO is likely to include a range of technologies.

My Department is also currently reviewing what has been achieved to date and is considering what will need to be addressed after the current initiatives that I have talked about have been completed. While still at a very early stage, it is already apparent that, if the Department's ambitions with regard to improving Internet connectivity are to be realised, the cost, no matter what technology is deployed, is likely to require significant public-sector investment. Therefore, if my Department is to pursue further interventions, related budgetary decisions will need to be made.

The Chancellor, in his autumn statement, made some more funding available for telecommunications, and my Department is studying that and seeking to avail itself of that to the fullest possible extent. I think that my officials have also engaged with the 11 councils to provide information on what is already available and how it can be better utilised. Indeed, a meeting has taken place with councils that cover the Newry and Armagh constituency. I hope that that gives a view of what my Department is doing, specifically to benefit Newry and Armagh but also to improve broadband across Northern Ireland.

Before I conclude, in the time that I have left, I welcome the contribution of my colleague Mr Wells. Down through the years, Jim has regaled me with countless stories, so many that I have forgotten most of them. I do remember him many years ago telling me that he was the last Member to speak in the 1986 Assembly, and I hope that, as he said, as I am the last Member to speak in this Assembly — I can see that he is trying to beat me here —

Mr Wells: Will the Minister give way?

Mr Hamilton: Very quickly.

Mr Wells: He has reminded me of that. Of course, I would not necessarily be the last Member to speak on the last day of the Assembly because he, as Minister, of course has that position. It would be remiss of me at this point if I did not pay tribute to the outgoing Speaker, Mr Newton, who I think has served the Assembly very well in very difficult situations and to the outgoing Principal Deputy Speaker, Ms Ruane, who will return and who is not going off into the jungle forever. She will return either at Wimbledon or in some other Chamber, maybe Leinster House. I also pay tribute to the two outgoing Deputy Speakers, Mr Beggs and, of course, the honourable Member for Mid Ulster.

Madam Principal Deputy Speaker: Time is up.

Mr Hamilton: Mr Wells has been the last Member to speak.

Madam Principal Deputy Speaker: Actually, I am going to be the last Member to speak. Buíochas do gach duine. You have been very cineálta, kind, and thanks to everyone. I congratulate Jim Wells on being the last Member to speak. We are the last eight MLAs standing, and I am glad that Emma Little Pengelly came in, otherwise the gender balance would not have been too good. I thank Ciara and her team at the top Table, who have done such amazing work. I thank the officials, who have been here week in and week out, and also our security people, who have been very good to all of us and work long hours. I thank all of them. I will miss you. Jim Wells seems to know where I am going. I do not know where I am going, but I will miss you.

Mr Wells: I know where you are going.

Madam Principal Deputy Speaker: I will particularly miss you, Jim, but I am sure that we

will meet each other on the hustings. I wish you all the best, every single one of you. I can honestly say that it has been a pleasure working with every single party and individual in the Chamber. Last but not least, I thank the Member who brought this debate, Danny Kennedy, who has been a tremendous colleague in the Speaker team. I also thank Robin Newton and Patsy McGlone. Go raibh míle maith agaibh.

Adjourned at 6.23 pm.

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